

FORUM

ON CORRECTIONS RESEARCH

January 2000, Volume 12, Number 1

Featured issues

Aboriginal People in Corrections

Perspectives

Restorative
justice

Interventions



Correctional Service
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FORUM ON CORRECTIONS RESEARCH is published three times a year in both English and French for the staff and management of the Correctional Service of Canada and the international corrections community.

FORUM reviews applied research related to corrections policy, programming and management issues. It also features original articles contributed by staff of the Correctional Service of Canada and other international researchers and practitioners.

FORUM is prepared and published by the Research Branch of the Correctional Service of Canada.

FORUM invites contributions to any section of the magazine from researchers in the field. Please send your contributions to

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Typesetting and Layout: Acart
Communications

Printing: National Printers

Sections of *FORUM on Corrections Research* without acknowledgement of authorship have been researched and written by the staff of the Research Branch, Correctional Service of Canada.

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FORUM strives to present a variety opinions on, and approaches to, current issues in corrections.

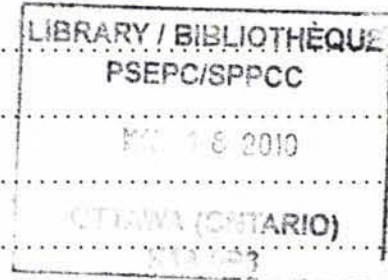
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FORUM

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Articles may be submitted in English or French.

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Articles should be written in plain language. Complicated research and statistical terms should be avoided. However, if they are unavoidable, a clear explanation of the meaning of the term should be provided. FORUM reaches about 6,000 individuals in more than 35 countries, including academics, the public, journalists, corrections staff (from front-line staff to senior managers) and members of the judiciary. Our goal is to present reliable research to a **lay audience**.

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Ideally, articles should be 1,000 to 1,500 words in length (six double-spaced pages). Feature articles must be no longer than 2,000 words.

Figures and Tables

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References

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All articles are edited in two stages. First, articles are edited for content and style, then they are checked for grammar and readability.

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Enhancing the role of Aboriginal communities in corrections

by *Gina Wilson*¹

Director General, Aboriginal Issues, Correctional Service of Canada

The Supreme Court has recently joined the Royal Commission on Aboriginal Peoples and the Auditor General in a call to stop filling Canadian prisons with Aboriginal peoples. They have called the over-representation of Aboriginal peoples in federal and provincial prisons a national disgrace.

The Commissioner of Correctional Service Canada, Ole Ingstrup, has consistently repeated that there are far too many First Nation, Inuit and Metis offenders in the Canadian federal correctional system. While forming only 3% of the general Canadian population, Aboriginal offenders make up 17% of federal penitentiary inmates. This is a doubling of the Aboriginal federal inmate population since 1987, when the proportion was 8.8%. The situation is even worse in some provincial institutions. While Aboriginal people are over-represented in federal corrections nationally, the numbers reach critical levels in Manitoba, Saskatchewan and Alberta, where Aboriginal people make up more than 60% of the inmate population in some penitentiaries. In Saskatchewan, for example, Aboriginal people are incarcerated at a rate of 35 times higher than the mainstream population. What is even more alarming, is that estimates forecast that the Aboriginal offender population in Canada and in federal corrections will grow.

The correctional systems of Canada cannot stem the tide of Aboriginal incarceration alone, but must work with other departments, agencies and jurisdictions to develop strategies and alternatives. However, it is corrections that have the task of trying to find ways to safely and successfully reintegrate the growing numbers of Aboriginal offenders into the community once they have entered the federal correctional system.

For several years now, the Correctional Service of Canada (CSC) has developed strong working relationships with First Nation Elders who provide spirituality, counseling and the connection back to an Aboriginal identity for Aboriginal offenders. Native Liaison Officers have been providing a bridge for a better understanding of the cultures. Federal institutions are introducing Aboriginal-focussed healing programs and curriculum. Many Aboriginal offenders who have encountered the traditional teachings indicate that serving federal time has often been their introduction to culturally appropriate programming and spirituality.

More recently, CSC has worked with First Nation communities to develop Healing Lodges and Aboriginal Corrections Transfer agreements in various parts of the country. The Service has worked with the Samson Cree First Nation in establishing Pe Sakastew Centre, a forty-bed facility for minimum-security Aboriginal offenders and those on conditional release. The Ochimaw Ohci Healing Lodge in the Nikaneet First Nation is a facility designed and programmed to meet the needs of Aboriginal women offenders. The Elbow Lake Healing Village, near the Chehalis nation in British Columbia is a minimum-security facility that is in a conversion stage to an all-Aboriginal program.

The Solicitor General, Lawrence MacAuley has recently stated that he is determined to tackle the challenges of the over-representation of Aboriginal peoples in corrections and that a key element of the strategy will be to create new healing lodges that are designed in consultation with and for Aboriginal peoples. The reintegration processes (within and outside the institution boundaries) for all Aboriginal offenders will be administered and operated by Aboriginal communities. CSC has now started working with the Beardy's Okemasis First Nation in Saskatchewan and the O-Chi-Chak-O-Sipi (Crane River) First Nation in Manitoba on their Healing Lodge initiatives.

The Solicitor General has also taken a leadership role in establishing agreements with the Alexis First Nation in Alberta and the Native Counseling Services of Alberta, utilizing the Stan Daniels Healing Centre as the medium for the transfer of correctional services to these Aboriginal communities, through Section 81(3) of the Corrections and Conditional Release Act (CCRA). This is in addition to the agreement that transferred correctional responsibilities to the (Saskatchewan) Prince Albert Grand Council (PAGC), through the P.A.G.C. Spiritual Healing Lodge in Wahpeton, Saskatchewan.

Section 84 of the CCRA provides for Aboriginal communities to become involved in the development of an Aboriginal offender's conditional release plan. Since the introduction of the policy to implement Aboriginal Parole Supervision agreements in August of 1998, 80 (eighty) community-based release arrangements have been finalized and these Aboriginal offenders are currently serving the

completion of their sentence in an Aboriginal community. The casework is currently being prepared for several more Aboriginal offenders to be released into their home or adoptive communities.

The focus for corrections now is to continue to look towards the community and achieve a better balance of offenders in federal institutions and in society. This may be done through a facility or non-facility based project. This way, offenders who want to continue their healing journey can find the tools and resources to work within an Aboriginal context and environment in their own communities.

The Service has greatly benefited from the work of the Elders and Aboriginal people whose services within the institutional walls are laying the groundwork for positive changes in corrections. There is also a growing recognition in CSC that the strength found within Aboriginal communities is the source and key element for the successful reintegration of Aboriginal offenders. The Healing Lodges provide a good example of the successes of this approach. A recent follow-up of the 412 offenders admitted to three CSC/Aboriginal Healing Lodges revealed that about 70% of the Aboriginal offenders completed the program. From this group, 6% have been returned to custody, in contrast to the national recidivism rate which was 11% in 1997/98. The relatively low recidivism rate among Aboriginal Healing Lodge participants provides an early indication of it having a positive impact.

The trend towards Aboriginal peoples developing community correctional models, and working with the Service is just beginning to gain momentum. Aboriginal communities have now started to come forth with initiatives to take over the care and custody of their peoples and offer services that are more consistent with community-based, culturally-specific methods of healing and balance. Aboriginal communities are indicating that they can do a better job at healing Aboriginal offenders than the traditional prison system will. What is most encouraging is that while these programs are operational, Aboriginal offender program participation and completion rates are increasing each year. This is no surprise for Aboriginal communities who have been involved in the restructuring and administration of similar programs in other institutions such as education, health and policing.

Aboriginal peoples are finding community correctional methods that are very different from mainstream corrections. These new approaches incorporate a shift in the correctional paradigm that include concepts such as healing, reconciliation, spirituality, respect, accountability, balance and restoration. Such alternatives to incarceration and culturally specific parole supervision activities are very important steps for federal corrections. The establishment and current credibility of the Restorative Justice models in corrections support the premise that perhaps a concerted strategy is necessary throughout the whole criminal justice system. Further community developments may also lead to the establishment of alternative sentencing and prevention options.

In addition to the initiatives to develop Aboriginal community correctional models, a National strategy was developed to address the need for increased Aboriginal programming in federal institutions. A National Workshop held in October, 1998 launched a process for Strengthened Aboriginal Programming in CSC. An international symposium was held in March, 1999 to share programming approaches with other countries encountering Indigenous peoples in their correctional systems.

The development of Aboriginal employment strategies is underway with recruitment and training as high priorities. The Service is actively seeking interested candidates for the positions of correctional officers, as well as other positions, such as parole officers and managers. Strategies have been put in place to remove obstacles to hiring Aboriginal peoples, and targets have been established for the recruitment and retention of Aboriginal peoples in the Correctional Service of Canada. As well, CSC is also working with other federal departments, provincial agencies and international contacts to further these objectives and developments.

With culturally-appropriate programs, a greater role of the Aboriginal community in corrections, and with more Aboriginal people employed by CSC, it is expected that the reintegration potential for Aboriginal offenders will be increased, enhancing the opportunities for Aboriginal offenders to be safely reintegrated into their communities. ■

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Improving partnerships with Aboriginal communities

by Neil Bennet¹

Strategic Planning, Correctional Service of Canada

While Aboriginal peoples make up only 3 percent of Canada's population, they represent 17 percent of Canada's federal inmate population. Although these numbers raise serious concerns, they represent only the tip of the iceberg, as Aboriginal peoples are over-represented across all facets of the criminal justice system.

Many have characterized the present relationship between Aboriginal peoples and the justice system as trans-contextual. That is, "a problematic relationship between rubrics emerging from one culture and practices met in another."² The essence of the problem is that the Aboriginal peoples of Canada do not view justice in the same manner as do the Euro-Canadian colonizers. They view the current justice system as an alien system that has been imposed upon them by a dominant society.

Aboriginal peoples have long asserted that there is more than one effective system of justice for a community. Traditional Aboriginal justice practices are based on the philosophy that the entire community should address problems through the resolution of disputes, the healing of wounds and the restoration of social harmony.

In 1991, the Royal Commission on Aboriginal Peoples was established to address this and other issues facing Aboriginal peoples in Canada. The Commission concluded that Aboriginal peoples and communities should be given the resources that would provide them with the opportunity for self-fulfillment as individuals and as a First Nation. The Commission placed emphasis on the need for the development of skills in a full range of technical, commercial and professional fields. The Commission's five-volume report contained hundreds of recommendations touching on virtually every aspect of the lives of Aboriginal peoples in Canada. What this added up to was a comprehensive agenda and commitment for change that would benefit all Aboriginal people.

In response to recommendations of the Royal Commission, the federal government designed and launched the 'Gathering Strength' initiative in 1998. In essence, the Gathering Strength initiative was an action plan designed to renew the relationship

between the federal government and the Aboriginal people of Canada. The plan was built on the principles of mutual respect, mutual recognition, mutual responsibility and sharing. The report was to serve as a catalyst and an inspiration for the federal government to set a new course in its policies for Aboriginal people.

In compliance with the Royal Commission's recommendations and the principles set out in the federal government's 'Gathering Strength' initiative, the Correctional Service of Canada (CSC) reviewed its mandate to provide services for Aboriginal offenders under the Corrections and Conditional Release Act (CCRA),³ sections 79 to 84, inclusive. These clauses allow for Aboriginal inmates to benefit from the positive spiritual and healing power of their culture and also to invite Aboriginal communities and Elders to play a more active role as service providers and advisors on both policy formulation and policy implementation.

The Service, under the umbrella of a renewed partnership, examined ways to expand its services under the provisions of Section 81 and Section 84 of the CCRA. These sections focus on the release of Aboriginal offenders to Aboriginal communities.

Section 81 states that:

- (1) *The Minister, or person authorized by the Minister, may enter into an agreement with an Aboriginal community for the provision of correctional services to Aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.*
- (2) *Notwithstanding subsection (1), an agreement entered into under that subsection may provide for the provision of services to a non-Aboriginal offender.*
- (3) *In accordance with any agreement entered into under subsection (1), the Commissioner may transfer an Aboriginal offender to the care and custody of an Aboriginal community, with the consent of the Aboriginal offender and of the Aboriginal community.*

Section 84 states that:

Where an inmate who is applying for parole has expressed an interest in being released to an Aboriginal community, the service shall, if the inmate consents, give the Aboriginal community

- (a) *adequate notice of the inmate's parole application; and*
- (b) *an opportunity to propose a plan for the inmate's release to, and integration into, the Aboriginal community.*

Section 84.1 states that:

Where an offender who is required to be supervised by a long-term supervision order has expressed an interest in being supervised in an Aboriginal community, the Service shall, if the offender consents, give the Aboriginal community

- (a) *adequate notice of the order; and*
- (b) *an opportunity to propose a plan for the offender's release on supervision, and integration, into the Aboriginal community.*

The Service's commitment in revitalizing and enhancing its partnership with Aboriginal communities is clearly reiterated in two of CSC's nine corporate objectives:

Corporate Objective #3

Significantly increase the number of Aboriginal offenders safely and successfully reintegrated.

Corporate Objective #7

Expand partnerships and promote consultations as a means to achieve our objectives more effectively and influence the development of, and public support for, criminal justice policy.

Over the past 5 years CSC has embarked on a new path in Aboriginal corrections. The creation of two new healing lodges for Aboriginal offenders in the Prairie region is seen as cutting edge in corrections and has brought Canada much international acclaim. The objective of these facilities is to assist

in the successful reintegration of Aboriginal offenders through holistic and culturally sensitive programming. The facility is meant to create a less threatening environment than those inmates are used to serving time in. While these facilities are still run and administered by CSC, they are designated as Aboriginal facilities and focus solely on the reintegration of Aboriginal offenders. To help achieve these ends, the staff of the facilities is mostly Aboriginal.

Even more remarkable has been new arrangements reached with Aboriginal communities under section 84 of the CCRA, which allow CSC to transfer Aboriginal offenders to communities for supervision. These progressive arrangements encourage Aboriginal communities to take direct responsibility for their own peoples. In turn, this will also allow the community to play a greater role in the rehabilitation of Aboriginal offenders.

Underlying the community corrections movement has been an attempt to reduce the over-reliance on the use of incarceration by providing less serious offenders with community program alternatives. Supporters of community corrections maintain that these programs are more humane, more cost effective and generally more successful than traditional incarceration. CSC has begun negotiation with several Aboriginal communities to facilitate both types of these arrangements.

For its part CSC must continue to educate Aboriginal communities on their options concerning sections 81 and 84 of the CCRA as well as work with Aboriginal communities to build the proper infrastructure they require for the care and custody of offenders. ■

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² Roger McDonnell, "Contextualizing the Investigation of Customary Law in Contemporary Communities", (The Canadian Journal of Criminology), July (1992) p. 299. Vol. 34, No. 3-4.

³ Corrections and Conditional Release Act, RSC, 1992 C. 20.

Aboriginal inmates: Demographic trends and projections

by Roger E. Boe¹

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Background

“Aboriginal people have been a concern of the Ministry of the Solicitor General of Canada since the early 1970s. Although they comprise 2.5 percent of Canada’s population, approximately 9 percent of federally incarcerated inmates are Aboriginal people.” (Aboriginal Task Force, 1989).²

These words were written in 1989 but are essentially as true today. Nearly a decade later, a Statistics Canada inmate snapshot found Aboriginal people to be even more over-represented in correctional institutions. In October 1996, a snapshot survey of all adult correctional facilities in Canada found that Aboriginal inmates represent about 14% of inmates incarcerated in Federal institutions and about 17% of the inmates incarcerated in Provincial/Territorial adult correctional institutions.³ By January 1999, the proportion had reached 17.5% of all federal inmates (see Table 1).

At the time of the 1996 Census of Canada, Aboriginal peoples were found to represent fewer than 3% of the general population. Therefore, the Aboriginal over-representation in the adult inmate population has been growing faster than the Aboriginal proportion of the general population. By 1996, Aboriginal peoples were about 5 to 6 times more likely to be incarcerated than their distribution in the population would lead us to predict, and this ratio was up from about 3.6 times in 1989.

Current demographic trends suggest that continued over-representation is likely unless there are major changes in the amount or way that Aboriginal people interact with the criminal justice system. This paper briefly reviews some of these demographic and criminal justice trends.

The Aboriginal population in the 1996 Census

Aboriginal peoples are classified in the 1996 Census by self-identification with any of the three North American Indian, Metis or Inuit population groups. Aboriginal respondents numbered about 799,015 persons in 1996. As reported in the Census, about two-thirds of the Aboriginal population or 554,000 people were North American Indian, one-quarter or 210,000 were Métis, and one in twenty, or 41,000 were Inuit.⁴

Nationally, Aboriginal respondents represented about 3% of the entire Canadian population. However, as indicated in Table 1, this population was not evenly distributed, with generally quite low Aboriginal population representation in the eastern part of the country (e.g., just 0.7% in PEI) and much higher levels in the West (e.g., rising to 62% representation for the Northwest Territories).

The Aboriginal population is much younger than the general population

The average age of the Aboriginal population in 1996 was 25.5 years, 10 years younger than the average age in the general population. Children under 15 accounted for 35% of all Aboriginal peoples, compared with only 20% in the total population. The proportion of young people aged 15-24 (18%) was also greater among the Aboriginal population than in the total population (13%).

Moreover, there were 491 Aboriginal children under age five for every 1,000 Aboriginal women of childbearing age in 1996, which is about 70% higher than the ratio for the general population.

Aboriginal population will grow rapidly

Given the number of young children, and the much higher birthrate, large increases are predicted to occur in the next decade in the Aboriginal population ages 15-24. In 1996, there were about 144,000 in this age group and this is projected by Statistics Canada to increase to 181,000 by 2006 (an increase of 26%).

The associated increase in the number of Aboriginal women of childbearing age will result in continued large numbers of Aboriginal children being born.

Similarly, over the intervening decade other segments of the Aboriginal population are projected to increase significantly. Those aged 35-54 are expected to grow from 173,000 to 244,000, a 41% increase by 2006.

Urban location is a factor

Not only is the Aboriginal population younger, and growing faster, but there appears to be a growing concentration of this population in the core of the larger cities (especially throughout the West). This

urban movement may greatly increase the risk of contact with the criminal justice system.

In 1992, Carol LaPrairie examined the demographic characteristics of Aboriginal inmates in correctional institutions.⁵ Her research identified Aboriginal groups residing in the inner cores of the large cities as the most vulnerable to the commission of crime and criminal justice processing.

Registered Indians from the inner core of the large western cities were found to be particularly at risk, as were Aboriginal offenders who commit offences off-reserve. An additional risk factor was that these Aboriginal offenders were generally very low on all socio-economic indicators, placing them disproportionately in the "have-not" social category.

Aboriginal Family characteristics

It is not clear whether urban migration causes or reflects a continuation of widespread childhood deprivation. In 1996, Johnston interviewed a 10% sample of federal male Aboriginal offenders, and inquired into their childhood background. He found that early drug (60%) and alcohol abuse (58%) were commonplace characteristics among these inmates, as were childhood behavioral problems (57%).

Other frequently noted occurrences were childhood physical (45%) and sexual (21%) abuse, as well as severe poverty (35%) and parental absence (41%). Suicide was attempted by 21% of these offenders. The male Aboriginal inmates in this study could be characterized as a very high-needs population, that all share a similar deprived background.⁶

Aboriginal over-representation is pervasive

The over-representation of Aboriginal peoples in Canada's adult prisons and penitentiary system is pervasiveness as demonstrated by the recently published data from the "one-day snapshot" of Canada's prison population.⁷

Among the provinces, the proportion of Aboriginal inmates was found to be much higher as you move from east to west (see Table 1). The proportion of Aboriginal people in the population also increased as we move from east to west, but nowhere near as rapidly.

Within the federal system, Aboriginal inmate representation ranged from about 4% in Quebec Region to just over 44% in the Prairies Region (see Table 1). Aboriginals are over-represented in every federal region.

Table 1

Representation of Aboriginal People in Canada (Census 1996) and of Federal Inmates within CSC's Incarcerated Population						
Region or Province	Total Population 1996 Census	Total Aboriginal Population	Aboriginal as % of Total	Incarcerated Offenders — Total	Aboriginal Inmates — Est.*	Aboriginal as % of Incarcerated
NFLD	547,160	14,205	2.6%	—	—	—
PEI	132,855	950	0.7%	—	—	—
NS	899,970	12,380	1.4%	—	—	—
NB	729,630	10,250	1.4%	—	—	—
ATLANTIC	2,309,615	37,785	1.6%	1,278	91	7.1%
QUEBEC	7,045,080	71,415	1.0%	3,378	138	4.1%
ONTARIO	10,642,790	141,525	1.3%	3,462	267	7.7%
MAN	1,100,295	128,685	11.7%	—	—	—
SASK	976,615	111,245	11.4%	—	—	—
ALTA	2,669,195	122,840	4.6%	—	—	—
NWT	64,120	39,690	61.9%	—	—	—
PRAIRIE	4,810,225	402,460	8.4%	3,322	1470	44.3%
BC	3,689,755	139,655	3.8%	—	—	—
YUK	30,655	6,175	20.1%	—	—	—
PACIFIC	3,720,410	145,830	3.9%	1,775	348	19.6%
NATIONAL	28,528,120	799,015	2.8%	13,215	2,314	17.5%

Source: Statistics Canada, 1996 Census of Canada; "Total population by Aboriginal group, 1996 Census". Note that the Census did not include the population for the yet-to-be-formed territory of Nunavut.

Source: OMS/EIS (1999-01-10). * Classification is by self-reports and other intake documentation.

Table 2

Adult Corrections Snapshot, October 5, 1996

Jurisdiction	Aboriginals as % of prison inmates	Aboriginals as % of adult population
NFLD	12	2
PEI	2	1
NS	5	1
NB	5	1
QUE	3	1
ONT	9	1
MAN	61	9
SASK	76	8
ALTA	34	4
BC	17	3
NWT	93	54
YUK	56	18
FEDERAL (CSC)	14	3
NATIONAL TOTAL	17	3

Source: CCJS Juristat: "A One-Day Snapshot of Inmates in Canada's Adult Correctional Facilities". Vol. 18, No. 8, June 1998.

Aboriginal inmate admissions have grown significantly

As Table 3 shows, the largest increase in Aboriginal admissions was in the Western provinces and in the Territories. Overall, while Aboriginal admissions were not becoming a larger proportion of the total Provincial/Territorial annual admissions between 1980/81 and 1997/98, the federal proportion did increase, from 10 to 17% during this period. All three of the Prairie provinces, among the Provincial/Territorial jurisdictions, witnessed gains of more than 10 percentage points over this period.

Summary

Based on past trends, the problem of Aboriginal over-representation in correctional institutions and the criminal justice system seems unlikely to

Table 3

Aboriginals as Proportion of Sentenced Admissions to Federal and Provincial/Territorial Custody

Jurisdiction	% of Admissions 1980/81	% of Admissions 1990/91	% of Admissions 1997/98	Change 1980/81 to 1997/98
NFLD	3	3	7	+4 points
PEI	5	4	3	-2
NS	4	3	4	—
NB	3	5	4	+1
QUE	1	2	1	—
ONT	9	8	9	—
MAN	50	49	61	+11
SASK	62	68	72	+10
ALTA	26	34	39	+13
BC	18	18	16	-2
NWT	84	91	90	+6
YUK	56	63	77	+21
National	15	19	15	—
Federal (CSC)	10	12	17	+7

disappear of its own accord. Aboriginal peoples are significantly over-represented among the prison and penitentiary populations of Canada, and this has generally been increasing. It is especially problematic in western Canada and the Territories.

Some of the reasons for this include the increasing growth rate of the Aboriginal youth population relative to the overall Aboriginal population. As well, the Aboriginal population is also growing in the larger urban cores and off reserve. These two issues appear to increase Aboriginal vulnerability to coming into contact with the criminal justice system. Therefore, there will continue to be greater risks for the incarceration of Aboriginal people unless ways and means are developed to lessen their contact with the criminal justice system. ■

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² Task Force on Aboriginal Peoples in Federal Corrections: Final Report, Solicitor General Canada, 1989. Page 5.

³ CCJS Juristat: *Female Inmates, Aboriginal Inmates, and Inmates Serving Life Sentences: A One-Day Snapshot*. Statistics Canada, Vol. 19, No. 5, April, 1999.

⁴ These sub-totals also exceed the total Aboriginal population since a small number, about 6,400 reported that they considered themselves as members of more than one Aboriginal group. See Statistics Canada, *The Daily*, Tuesday, January 13, 1998. 1996 Census: Aboriginal Data.

⁵ See for example, Carole LaPrairie: "Dimensions of Aboriginal Over-Representation in Correctional Institutions and Implications for Crime Prevention." Solicitor General of Canada, 1992.

⁶ Joseph C. Johnston, *Aboriginal Offender Survey: Case Files and Interview Sample*. Research Branch, Correctional Service of Canada, September 1997, Report No. R-61. Note that Johnston had earlier found very similar characteristics for northern Aboriginal inmates: *Northern Aboriginal Offenders in Federal Custody: A Profile*, Research Branch, Correctional Service of Canada, September 1994, Report No. R-36.

⁷ CCJS Juristat: *A One-Day Snapshot of Inmates in Canada's Adult Correctional Facilities*. Statistics Canada, 1998. Vol. 18, No. 8.

Aboriginal offenders in federal corrections: A profile

by Larry Motiuk¹ and Mark Nafekh

Research Branch, Correctional Service of Canada

This article presents a comparison between North American (NA) Indian, Metis and Inuit/Innu offenders by institutional and conditional release status, admissions and releases, criminal histories, and identified needs at admission as well as on conditional release. Additional comparisons are made between the Aboriginal groupings and non-Aboriginal offenders on type of offence and sentence lengths.

Comprehensive information was obtained for profiling the federal Aboriginal offender population² through Correctional Service of Canada's Offender Management System (OMS), Offender Intake Assessment (OIA) process,³ and Community Intervention Scale (CIS).⁴

National and regional distribution

A December 31, 1998 review of the Correctional Service of Canada's OMS identified 3,107 (or 14%) Aboriginal offenders under federal jurisdiction. More specifically, 2,183 (or 9.9%) were NA Indian offenders, 747 (or 3.4%) Metis offenders, and 177 (or 0.8%) Inuit/Innu offenders.

The Service's Prairie region accounts for the most Aboriginal offenders, being responsible for almost two-thirds of the Aboriginal offender population. There are more Aboriginal offenders in the Prairie and Pacific regions relative to their proportion of all federal offenders.

Institutional population (stock)

The end-of-1998 review also determined that there were 2,105 (or 16.8%) Aboriginal offenders in federal institutions. More specifically, 1,468 (or 11.7%) NA Indian offenders, 514 (or 4.1%) Metis offenders, and 123 (or 1.0%) Inuit/Innu offenders. It is notable that in relation to the proportion of incarcerated offenders, there are more Aboriginal offenders in the Prairie and Pacific regions relative to all federal offenders.

About one-fifth of federally incarcerated Aboriginal offenders were held in maximum-security institutions, slightly more than two-thirds were in medium-security institutions and the remainder were in minimum-security institutions.

Conditional release population (stock)

As well, this review determined that there were 997 (or 10.4%) Aboriginal offenders on conditional release. More specifically, 712 (or 7.5%) NA Indian offenders, 231 (or 2.4%) Metis offenders and 54 (or 0.6%) Inuit/Innu offenders. Again, an examination of each region's proportion of offenders on conditional release revealed more Aboriginal offenders in the Prairie and Pacific regions relative to their proportion of all federal offenders.

Consistent with the general federal offender population, Aboriginal offenders were not evenly distributed across three types of conditional release — day parole, full parole and statutory release. In contrast, one-half of Aboriginal offenders were on statutory release, one-third on full parole and one-sixth on day parole.

Aboriginal offender admissions (flow)

The absolute number of Aboriginal offenders in federal institutions increased by 6.7% over the 1998 calendar year (see Table 1). The Atlantic and Pacific regions experienced decreases in the absolute number of Aboriginal offenders (9.2% and 8.0% respectively). The Quebec, Ontario and Prairie regions showed increases in Aboriginal offenders; the Ontario region had the largest increase in Aboriginal offenders (56.5%) in federal custody.

When you compare regional "flow-to-stock ratios", the Quebec region retained a greater number of Aboriginal offenders in federal custody relative to the other regions. Both the Atlantic and Prairie regions retained the least numbers of Aboriginal offenders relative to the other regions.

Table 1

**Regional Distribution of the Federal Aboriginal Offender
Institutional Population and Admissions (1997-1998)**

Region	International Population 1997 [stock]	Admissions 1998 [flow]	International Population 1998 [stock]	Flow-to-stock Ratio	Growth
Atlantic					
NA Indian	55	36	56	1: 1.56	+1.8
Metis	2	1	4	1: 4.00	+100.0
Inuit/Innu	30	12	19	1: 1.58	-37.0
Quebec					
NA Indian	89	41	85	1: 2.07	-4.5
Metis	24	13	38	1: 2.92	+58.3
Inuit/Innu	16	10	14	1: 1.40	-12.5
Ontario					
NA Indian	160	127	254	1: 2.00	+58.8
Metis	8	5	10	1: 1.46	+25.0
Inuit/Innu	2	3	2	1: 0.67	0.0
Prairie					
NA Indian	822	580	847	1: 1.46	+3.0
Metis	349	285	371	1: 1.30	+6.3
Inuit/Innu	68	48	86	1: 1.79	+26.5
Pacific					
NA Indian	251	112	226	1: 2.02	-10.0
Metis	93	38	91	1: 2.39	-2.2
Inuit/Innu	3	2	2	1: 1.00	-33.3
Total					
NA Indian	1,377	896	1,468	1: 1.63	+6.6
Metis	476	342	514	1: 1.50	+7.9
Inuit/Innu	119	75	123	1: 1.64	+3.4

Aboriginal offender releases (flow)

The number of Aboriginal offenders supervised under some form of conditional release increased by 10.4% over the 1998 calendar year (see Table 2). Note that we removed from the release figures any offender who was at the end of their sentence. For example, nearly 185 Aboriginal offender releases were at the end of their sentence.

Regionally, the Quebec region has experienced the most growth in the number of Aboriginal offenders under community supervision, with an increase of 34%. However, an examination of the regional flow-to-stock ratios reveals that the Atlantic region experienced the lowest retention in Aboriginal offenders under community supervision during 1998 relative to the number of community supervision releases.

Table 2

Regional Distribution of the Federal Aboriginal Offender Conditional Release Population and Releases (1997-1998)					
Region	Cond. Rel. Population 1997 [stock]	Releases 1998 [flow]	Cond. Rel. Population 1998 [stock]	Flow-to-stock Ratio	Growth
Atlantic					
NA Indian	17	25	19	1: 0.76	+11.8
Metis	0	1	1	1: 1.00	+100.0
Inuit/Innu	6	12	10	1: 0.83	+66.7
Quebec					
NA Indian	34	41	44	1: 1.07	+29.4
Metis	10	16	14	1: 0.88	+40.0
Inuit/Innu	3	6	5	1: 0.83	+66.7
Ontario					
NA Indian	84	102	111	1: 1.09	+32.0
Metis	5	5	3	1: 0.60	-40.0
Inuit/Innu	1	1	1	1: 1.00	0.0
Prairie					
NA Indian	381	411	408	1: 0.99	+7.1
Metis	167	185	176	1: 0.95	+5.4
Inuit/Innu	38	34	35	1: 1.03	-7.9
Pacific					
NA Indian	119	121	133	1: 1.10	+11.8
Metis	42	45	39	1: 0.87	-7.1
Inuit/Innu	1	2	3	1: 1.50	+200.0
Total					
NA Indian	635	699	715	1: 1.02	+12.6
Metis	224	242	233	1: 0.92	+4.0
Inuit/Innu	49	55	54	1: 0.98	+10.2

Sentence length

The average sentence length (in 1998) for newly admitted Aboriginal offenders was about 3.6 years (lifers and revoked cases removed). When comparing this figure to the average sentence length of non-Aboriginal offenders admitted to federal custody, it was almost two months shorter (see Table 3).

As expected, the average sentence length in 1998 for Aboriginal offender and non-Aboriginal categories released under supervision was lower than for their counterparts at admission. It is also not surprising that the average sentence lengths of incarcerated Aboriginal offenders were found to be higher than for either the admission or conditional release populations.

Of special note, the average sentence length of Aboriginal offenders was found to be shorter than the length of non-Aboriginal offenders at admission and release, in institutions and on conditional release.

Table 3

Average sentence lengths (years) across Aboriginal and Non-Aboriginal groupings				
Population	NA Indian	Metis	Inuit/ Innu	Non- Aboriginal
Admissions	3.57	3.24	3.92	3.72
Releases	3.94	4.11	4.12	4.41
Institutional	5.06	5.16	4.95	5.75
Conditional release	4.07	4.43	4.28	5.47

Major offence categories

To examine differences in four major offence categories (homicide, sex, robbery and drug) across the selected Aboriginal and non-Aboriginal groupings, we separated the end-of-December 1998 institutional (stock) and conditional release (stock) populations (see Table 4).

We can see from Table 4 that NA Indian offenders (11.6%) in federal prison are over-represented by homicide (12.9%) and sex offenders (15.7%) and under-represented by robbery (9.8%) and drug (6.1%) offenders. A similar result was found for the conditional release population. In contrast, Metis offenders (4.2%) in institutions are under-represented by homicide (3.8%), sex (3.6%), robbery (4.0%) and drug (3.5%) offenders. Inuit/Innu offenders (1%) in federal prison and on conditional release are over-represented by sex offenders (3.4% respectively).

Table 4

Main offence categories across Aboriginal and Non-Aboriginal groupings				
Population	NA Indian	Metis	Inuit/Innu	Non-Aboriginal
Institutional	11.6%	4.2%	1.0%	83.2%
Homicide ^{ns}	12.9%	3.8%	0.7%	86.6%
Sex ^{***}	15.7%	3.6%	3.4%	77.3%
Robbery ^{***}	9.8%	4.0%	0.2%	86.1%
Drug ^{***}	6.1%	3.5%	0.2%	90.0%
Conditional Release	7.3%	2.5%	0.6%	89.6%
Homicide ^{***}	13.4%	2.6%	0.4%	83.6%
Sex ^{***}	13.2%	3.9%	3.4%	79.6%
Robbery ^{***}	6.7%	3.6%	0.2%	89.5%
Drug ^{ns}	4.7%	2.6%	0.2%	92.5%

*** = The difference is statistically significant $p < .001$; ** = $p < .01$;
^{ns} = non-significant.

Profiling Aboriginal male and female offenders

The Correctional Service of Canada's Offender Intake Assessment (OIA) process collects and stores information on each federal offender's criminal and mental health background, social situation and education, factors relevant to determining criminal risk (such as number/variety of convictions and

previous exposure/response to youth and adult corrections) and factors relevant to identifying offender needs (such as employment history, family backgrounds, criminal associations, addictions, attitudes). While the results help determine institutional placement and correctional plans, a distribution of selected *criminal history* and *case need* variables can result in a comprehensive profile of the federal offender population.

In November 1994, the OIA process was implemented Service-wide. Four years later we extracted case-specific information on available OIAs contained in OMS. To facilitate comparative analyses we focused on male and female offenders who had full OIAs and were under federal supervision on December 31, 1998. Note that these results are generalized to a recent admission population (within the last four years).

Criminal history

As mentioned, the OIA process collects extensive information on each federal offender's criminal history record. In Table 5, we present comparative statistics on selected criminal history variables for Aboriginal male and female federal offenders across the selected Aboriginal groupings.

We found a highly significant difference across the Aboriginal groupings in relation to young offender (under 18) history. Metis offenders in federal prisons were more likely to have had previous offences, community supervision, open and secure custody as young offenders than their NA Indian and Inuit/Innu counterparts.

Needs at admission

Among male Aboriginal offenders at admission there appear to be statistically meaningful differences between NA Indian, Metis and Inuit/Innu offenders in relation to the marital/family and personal/emotional orientation need areas (see Table 6). For female offenders there were no statistically meaningful differences between the various Aboriginal groupings and need areas. In Table 6, we can see that Aboriginal offenders in each grouping are most needy in the areas of substance abuse and personal/emotional orientation.

Table 5

Criminal histories across Aboriginal groupings						
Variable	NA Indian		Metis		Innuit/Innu	
	Male (1,471)	Female (71)	Male (501)	Female (22)	Male (145)	Female (3)
Young offender history						
Previous offences ^{***/ns}	57.9%	43.7%	61.6%	45.5%	43.2%	33.3%
Community supervision ^{***/ns}	46.4%	24.6%	49.9%	33.3%	34.0%	33.3%
Open custody ^{***/ns}	33.5%	19.1%	38.4%	23.8%	20.4%	0.0%
Secure custody ^{***/ns}	34.8%	16.2%	40.3%	9.5%	19.7%	0.0%
Adult offender history						
Previous offences ^{ns/ns}	89.9%	83.6%	88.6%	86.4%	68.7%	67.7%
Community supervision ^{ns/ns}	77.2%	68.1%	77.6%	63.6%	54.5%	33.3%
Provincial term(s) ^{ns/ns}	80.6%	65.3%	81.8%	63.6%	51.5%	0.0%
Federal term(s) ^{ns/ns}	27.7%	13.9%	31.9%	13.6%	30.6%	0.0%

Note: statistical significance male/female
 *** = The difference is statistically significant $p < .001$; ** $p < .01$; ns = not significant.

Table 6

Identified needs at admission						
Variable	NA Indian		Metis		Innuit/Innu	
	Male (1,389)	Female (43)	Male (488)	Female (11)	Male (121)	Female (1)
Employment ^{ns/ns}	76.6%	95.6%	75.4%	84.6%	66.9%	n/a
Marital/family ^{***/ns}	62.8%	82.2%	54.3%	92.3%	76.9%	n/a
Associates ^{ns/ns}	65.9%	75.6%	69.5%	69.2%	62.0%	n/a
Substance abuse ^{ns/ns}	92.7%	95.6%	90.8%	100.0%	92.6%	n/a
Community functioning ^{ns/ns}	52.0%	62.2%	49.8%	61.5%	59.5%	n/a
Personal/emotional ^{*/ns}	95.7%	95.6%	93.0%	100.0%	98.4%	n/a
Attitude ^{ns/ns}	57.4%	33.3%	55.7%	30.8%	58.7%	n/a

Note: statistical significance male/female.
 *** = The difference is statistically significant $p < .001$; ** $p < .01$; ns = not significant.

Needs on conditional release

The Service has an automated means of monitoring offender risk/needs levels in the community. OMS currently contains the overall risk/need and identified need levels gathered since implementation of the *Community Risk/Needs Management Scale* (now known as the *Community Intervention Scale*). This information can be retrieved at any time to provide caseload snapshots.

A national overview of seven separate identified needs (ratings of "some need for improvement" or "considerable need for improvement") in the conditional release population shows there is some variation across these need areas between Aboriginal groupings and gender specific offender categorizations (see Table 7).

Among male and female Aboriginal offenders there were no statistically meaningful differences between the various groupings and need areas. In Table 7, we also see that Aboriginal offenders on conditional release are most needy in the area of personal/emotional orientation.

Table 7

Identified needs on conditional release

Variable	NA Indian		Metis		Innuit/Innu	
	Male (592)	Female (33)	Male (203)	Female (12)	Male (49)	Female (3)
Employment ^{ns/ns}	48.7%	42.4%	47.8%	25.0%	34.7%	33.3%
Marital/family ^{ns/ns}	41.2%	50.0%	40.2%	58.3%	30.6%	33.3%
Associates ^{ns/ns}	39.7%	41.2%	39.9%	33.3%	28.6%	33.3%
Substance abuse ^{ns/ns}	34.8%	32.4%	34.5%	41.7%	26.5%	66.7%
Community functioning ^{ns/ns}	24.1%	29.4%	27.9%	25.0%	18.4%	33.3%
Personal/emotional ^{ns/ns}	60.1%	73.5%	56.7%	66.7%	42.9%	66.7%
Attitude ^{ns/ns}	14.7%	8.8%	17.2%	0.0%	14.3%	0.0%

Note: statistical significance male/female, ns = not significant.

Discussion

The Service's capacity to produce meaningful and accurate profiles of selected characteristics can be used to raise awareness about composition of the federal Aboriginal offender population. If it serves to yield anything, it tells us we are managing a more culturally diverse federal offender population than before.

In federal corrections, Aboriginal offenders are accumulating at an increased rate in institutions and on conditional release irrespective of having slightly

shorter sentences. As a group, Aboriginal offenders are likely to have been convicted of a serious offence, have had extensive involvement with the criminal justice system as a youth/adult and possess some unique criminogenic needs at admission and on conditional release. These findings suggest offering specialized programs and services to Aboriginal offenders. Hence, careful attention should be paid to these individuals during the reintegration process. ■

¹ 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.

² L.L. Motiuk and R. Belcourt, "Profiling federal offenders with violent offences" *Forum on Corrections Research*, 9, 2 (1997): 8-13.

³ L.L. Motiuk, "Classification for correctional programming: The Offender Intake Assessment (OIA) process" *Forum on Corrections Research*, 9, 1 (1997): 18-22.

⁴ L.L. Motiuk, "The Community Risk/Needs Management Scale: An effective supervision tool" *Forum on Corrections Research*, 9, 1 (1997): 8-12.

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Fetal Alcohol Syndrome: Understanding its impact

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This article is based on an extensive earlier review of the literature on Fetal Alcohol Syndrome from the perspective of the implications this condition might have for the criminal justice system and for the Correctional Service of Canada.³

Damage resulting from alcohol to the fetus has been observed since biblical times, yet not until 1973 was it formally recognized as Fetal Alcohol Syndrome (FAS).⁴ Diagnosis of FAS requires a positive history of maternal alcohol consumption during pregnancy, as well as three criteria including *prenatal and/or postnatal growth delay, characteristic cranio-facial anomalies, and central nervous system impairments.*

An accumulation of research has also indicated more subtle forms of FAS that have been termed Fetal Alcohol Effects (FAE)⁵ which often have two but not three of the formal features of FAS. In both FAS and FAE the damage to the brain is permanent and produces a number of primary and secondary disabilities as the child matures.⁶ At this point in time there are problems with diagnosing FAS/FAE in children, but with awareness on the part of health professionals and advances in knowledge and techniques, progress continues to be made. Aside from prevention, then, the goal of intervention would be to manage the behavioral consequences of FAS/FAE that emerge at different points in the lifespan such that the person's adaptive functioning is maximized.

In addition to alcohol consumption and patterns of drinking alcohol by mothers, it should be recognized that there are a number of other situational and social maternal risk factors that are related to FAS/FAE such as socioeconomic status, multiple drug use, and poor health.

Infants with FAS/FAE display, to varying degrees, primary disabilities such as irritability, jitteriness, tremors, weak suck, problems with sleeping and eating, failure to thrive, delayed development, poor motor control and poor habituation. In the preschool years, problems such as hyperactivity, attention problems, perceptual difficulties, language problems and poor motor coordination are common. Once a child with FAS/FAE reaches school age the primary disabilities are hyperactivity, attention deficits,

learning disabilities, arithmetic difficulties, cognitive deficits, language problems and poor impulse control.

In adolescence and adulthood the primary difficulties are memory impairments, problems with judgment and abstract reasoning and poor adaptive functioning. These difficulties get translated into secondary disabilities that include being easily victimized, unfocused and distractable, difficulty handling money, problems learning from experience, trouble understanding consequences and perceiving social cues, poor frustration tolerance, inappropriate sexual behaviors, substance abuse, mental health problems and a high incidence of trouble with the law.

Common risk factors, which may increase the number of secondary disabilities, include poor home environment, abuse and neglect, and familial upheaval. Common protective factors that may reduce the number of secondary disabilities are a stable and supportive home environment and not being a victim of violence.

There is a considerable association between FAS/FAE, attention deficit disorder with or without hyperactivity, conduct disorder and *delinquency and crime.* The predictors that appear to be common to both individuals with FAS/FAE and individuals who become delinquent are hyperactivity, impulsivity, attention deficit disorder, low intelligence, poor school achievement, antisocial behaviour and poor parental child-rearing.

We are only now learning about adults with FAS/FAE and know little about how to treat their multiple problems and nothing about their response to treatment efforts. We do know that many will come into contact with the criminal justice system and Canada's correctional services. A primary requirement is to identify these individuals in order that researchers can assist in the identification of their treatment needs, as well as contribute to the design and evaluation of correctional programs that will consider the particular cognitive and behavioral deficits of these individuals.

The present estimate of the world-wide incidence of FAS is approximately 1.0 cases per 1000.⁷ Similarly, the American incidence of FAS is estimated to be

between 1-2 cases per 1000.⁸ There is no national data for Canadian estimates of FAS, although tens of thousands of adults are estimated to have the full or partial syndrome.⁹ For women who have already had one child with FAS, their risk of reoccurrence is very high with an incidence estimate of 771 out of 1000.¹⁰

The first report in Canada estimating the incidence of FAS for an entire province was conducted in Saskatchewan and published in 1996.¹¹ All cases that were born in Saskatchewan prior to January 1st, 1993 were studied. In total, 207 cases of FAS were identified in this study with 86% of these cases being of Aboriginal descent. The authors additionally concluded that due to the likelihood of the number of cases being under-diagnosed throughout the province, that their incidence statistics were underestimated. Virtually all epidemiological studies have concluded that FAE have an incidence of 3 to 4 times higher than FAS.¹² However, because FAE are less likely to be consistently diagnosed or to be observed by a health care professional, they continue to be under detected.

An accumulation of research has indicated that the incidence of FAS differs across Canada and the United States with some areas having much higher rates than others. These differences seem to lie within different Aboriginal cultural groups whose incidence of FAS/FAE has been documented to be as much as ten times higher than general population estimates.¹³

FAS among Aboriginal populations in Canada is a major concern. Bray and Anderson's review of the epidemiology of FAS among Canadian Aboriginal peoples illustrates high incidence rates through several studies.¹⁴ Sandor's study of 76 patients (69 of which were Aboriginal ancestry) in the Yukon Territory and British Columbia indicated a 10.9 to 1 ratio of Aboriginals with FAS to Caucasians.¹⁵ A further study by Asante and Nelms-Matzke (1985), cited by Bray and Anderson, looked at 586 subjects in 36 Aboriginal communities in the Yukon Territory and British Columbia and found that the combined prevalence of FAS and FAE was 46 cases out of 1000 in the Yukon, and 25 cases out of 1000 in British Columbia. The prevalence rates for non-Aboriginals in this area were 0.4 cases per 1000. The highest prevalence of FAS/FAE was reported in a study of 116 Aboriginal people from a British Columbia reserve. The prevalence among Aboriginals in this village was 190 cases per 1000.¹⁶ In addition to these high rates of FAS (reported here), Burd and Moffat's review of FAS in North American Indians and Canadian Aboriginals also points to high prevalence and incidence rates in Alaska (2.7 per 1000 cases),

Northern British Columbia (10.3 per 1000 cases), North Dakota (3.1 cases per 1000) and South Dakota (3.9 per 1000 cases).¹⁷ These authors note that among the ten studies they reviewed (including those reviewed by Bray and Anderson, 1989), consistent FAS criteria were used to determine central nervous system (CNS) dysfunction, growth impairment, facial features and maternal alcohol consumption during pregnancy. They also point out that notwithstanding the high prevalence observed, this may still underestimate FAS in these populations as none of the ten studies examined all children in these populations who may have had FAS.

As North American Aboriginals constitute culturally diverse groups, it is difficult to classify them together even though many appear to have much higher rates of FAS/FAE than found anywhere else. For example, within Aboriginal subcultures there are substantial differences among cultural tribes in social, geographical and economic circumstances and in cultural attitudes toward drinking. The research suggests that risk of FAS would be better correlated with drinking styles of each cultural group than overall alcohol consumption levels.

The research suggests that Aboriginal subcultures also tend to have young populations where child bearing begins earlier and ends later. Furthermore, in addition to cultural attitudes to alcohol, styles of drinking, and longer child bearing span, Aboriginal communities often lack rehabilitation programs for women, which may compound high rates of FAS. A lack of knowledge of FAS among Aboriginal peoples may be another contributing risk factor.

Researchers interviewed 123 Canadian Aboriginal women in Victoria and Vancouver and observed that virtually all (96%) were aware of the danger of drinking alcohol during pregnancy, that most women (85%) believed that there was no safe amount of drinking during pregnancy, and that 40% of women knew someone with FAS.¹⁸ However, though the majority had heard of FAS, gaps existed in their knowledge of its causation, characteristics, and implications.

There is much to learn about which factors are specifically responsible for placing Aboriginal women at risk for producing FAS/FAE children. The lack of published research in Canada on the incidence of FAS/FAE in both Aboriginal and non-Aboriginal populations make it difficult to compare these groups or to draw confident conclusions. Also, comparisons are further complicated because non-Aboriginal studies have been conducted in clinical and urban settings, whereas Aboriginals have been studied in small communities and reservations.

Despite these inconsistencies between studies, there does appear to be greater problems of FAS/FAE for certain Aboriginal populations.

As we learn more about adolescents and young adults with FAS/FAE, it is clear that without effective early intervention, they experience a high incidence of trouble with the law. Given that Aboriginal offenders are considerably over-represented in the federal justice system, the question arises as to whether one of the contributing factors is the high rate of FAS/FAE experienced by our Aboriginal population.

Fetal Alcohol Syndrome is a complex and multi-determined problem that presents a number of challenges to researchers, to medical professionals, and to society as a whole. Although many questions pertaining to FAS and FAE are being answered through the continuous accumulation of research that is taking place both in North America and in Europe, there remain substantial gaps in current knowledge of FAS and related issues. Future efforts must attempt to establish more objective and reliable diagnostic measures and assessment techniques for FAS and particularly for FAE. Additional research is also needed to address the current inadequate knowledge of the prevalence and incidence rates of FAS and FAE in Canada. Another priority for researchers and clinicians should be to investigate patterns in alcohol consumption and drinking styles of Canadian Aboriginal women of childbearing age.

These challenges are not easy ones to overcome, but it is crucial to seriously confront these issues if there is to be advancement in attaining a more complete, comprehensive and accurate understanding of FAS/FAE. Such an understanding is critical to formulate prevention and intervention efforts.

Given the available statistics and the overview presented in this paper, particularly with respect to Aboriginal populations, early intervention is called for as a preventative measure. The consequences of FAS/FAE and its impact on the criminal justice system require an investment of research and operational resources to ensure that those individuals who come in contact with correctional services or other social service agencies receive the help they require to maximize their chances of living a healthy, stable and crime free-lifestyle.

With this in mind, a multi-year workplan has been developed with four main goals. Firstly, to facilitate interagency co-operation in order to take advantage of existing liaisons and resources for FAS research and service delivery. Secondly, to conduct research in the development and validation of screening and assessment instruments for adult offenders with FAS/FAE. Thirdly, to investigate prevalence rates of FAS/FAE in correctional samples. Finally, to consider the adaptation or development of new programs to be responsive to the needs of these offenders. ■

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Maori and the New Zealand corrections system

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This article examines issues related to Maori (*the indigenous people of New Zealand*) and the New Zealand corrections system. The article discusses issues such as the high rates of offending and re-offending by Maori, the socio-economic characteristics of Maori and efforts at reducing Maori offending. Other issues include special Maori rehabilitation programmes, using Maori providers to develop and deliver offender programmes, gang affiliations, and Maori prison and bicultural therapy.

Introduction

While the people of Maori descent constitute only 6% (full Maori) and 13% (part Maori) of the New Zealand population, they are over-represented in the criminal justice system.² They constitute almost 50% of prison musters and a substantial proportion of offenders serving community-based sentences. They are also more involved in violent crimes including murder, aggravated robbery, and serious assaults, especially domestic violence.

Socio-economic status

That Maori have a lower socio-economic status than non-Maori is not in question.³ Te Puni Kokiri (Ministry of Maori Development) wrote: "There is no denying that Maori experience poorer educational outcomes, higher unemployment, lower income levels, lower rates of home ownership and poorer health than non-Maori".⁴

The disparities between Maori and non-Maori are increasing; for example, the disparity in early childhood education participation rates increased from 11.7 percentage points in 1991 to 23.0 in 1997. Te Puni Kokiri (1999) also reported a wide gap between Maori and non-Maori secondary school enrollment rates. Of all university graduates in New Zealand in 1996, only 7.7% were of Maori descent, a slight increase from the 1990 percentage of 3.4%.

Maori have a lower labour force participation rate, higher unemployment and lower income. In 1992, 15.1% of the Maori labour force was long-term unemployed compared with 3.9% of the non-Maori population. In 1987 the non-Maori average yearly household income was \$5,500 higher than that of Maori and this increased to \$10,000 by 1997.⁵

The research strongly suggests that similar to most other indigenous groups, Maori have a lower life expectancy, lower morbidity status, and higher mortality rates than non-Maori.⁶ During 1990-92, the life expectancy at birth for Maori males was 68 years as compared with 73 years for non-Maori males, and 73.4 years for Maori females compared with 79.2 years for non-Maori females.

There is a growing body of research evidence on the relationships between socio-economic status and criminal activity. Even though the exact link is complex and difficult to measure, there is a synthesis of evidence that links high recidivism to poor social backgrounds.⁷

Reducing offending by Maori

The government of New Zealand initiated a major project involving all the justice sector agencies to address re-offending by the Maori. The current debate on Maori and the corrections system focuses on improving their socio-economic status, rehabilitation, using Maori providers, implementing culturally appropriate programmes, and employing more Maori staff in the criminal justice system. The "Reducing Offending by Maori Project" brings together all Justice sector agencies in a collaborative attempt to address issues related to Maori offending.

Improving the socio-economic status of Maori

There are initiatives to address the poor socio-economic status of Maori in areas such as education, employment, incomes and health. Te Puni Kokiri has been given more powers and funding to monitor the performance of government agencies in meeting the needs of the Maori population. Commissions have been established to attend to Maori language, media broadcasting, education and economic development issues. Despite this, the general Maori population continues to lag behind non-Maori and more effort is needed to close this disparity.

Rehabilitating Maori offenders in prison

Although many programmes are being delivered within prisons to reduce re-offending by the Maori people, the contentious issue is whether the

programmes for Maori should be developed and delivered by Maori providers. While there is no official policy on this complex and sensitive subject, Maori offenders can access programmes delivered by both Maori and non-Maori providers. These programmes include Maori specific programmes such as "Mahi Tahī", violence prevention, sex offender programmes, cognitive skills or straight thinking, as it is known in New Zealand, and tattoo removal initiatives. The Mahi Tahī programme, along with other Maori programmes, concentrates on Maori aspirations, culture and language to instill discipline and acceptable behaviour among Maori offenders.

The Department of Corrections has recently introduced an inmate employment policy that allows inmates to gain skills and work experience by working in approved establishments outside the prison environment. In support of this initiative, the Department of Corrections is also implementing a major initiative that will provide offenders with the opportunity to remove visible tattoos, especially Maori inmates whose tattoos signify tribal or gang affiliations. These tattoos adversely affect their employability. Other initiatives include prominent actors using theatre, Maori poetry, crafts and arts that promote Maori culture and help to build the self-esteem of Maori offenders.

Rehabilitating Maori offenders in the community

Many rehabilitation initiatives are being implemented within the community to assist in reducing Maori offending. The Department of Corrections' Community Probation Service is contracting services from Maori organisations, and provides training to those organisations to improve service delivery to Maori offenders.⁸

In 1995, the Department introduced a three year pilot rehabilitation programme called the Habilitation Centres Pilot Programme. Two of the four operating centres are specifically set up for Maori offenders, and use Maori language, norms, ancestry, beliefs and cultural practices to address offending behaviour. The two other habilitation centres continue to improve the Maori components of their programmes, even though they are generic centres.⁹

Other issues

There are many issues that are impacting on developing equitable rehabilitation programs for Maori offenders. A major concern for the justice and corrections systems is the high level of gang

affiliation within the Maori population. Gangs control a lot of the criminal activity in New Zealand and the majority of Maori offenders belong to gangs, especially the powerful Mogrel Mob and Black Power gangs. The question of how to halt gangs recruiting Maori for criminal activity is an ongoing debate.

The desire of Maori is a contentious issue and subject of ongoing debate. Iwi (*Maori tribes*) want to establish Maori operated prisons for Maori inmates. The Department of Corrections has responded by piloting Maori specific prison units for Maori offenders.¹⁰ An evaluation of the Maori Focus Unit at Hawkes Bay Prison indicated benefits in having a Maori specific unit within the general prison environment.

Marae Justice

Marae is a spiritual meeting place for the Maori people, where their elders and individuals meet for funerals, and to discuss Maori issues in a spiritual and culturally appropriate manner. Another focal point in the debate is the suggestion that Maori offenders be subjected to *Marae justice* instead of the traditional criminal justice system. Even though *Marae justice* has not been officially enshrined in New Zealand's criminal justice system, some Iwi have been allowed to use it in certain circumstances.

A case in point was the use of *Marae justice* to deal with a person accused of stealing \$8000 from a Taranaki tribe's fund. The accused was forced to resign from the South Taranaki Working Party, make full reparation and offer an apology and assurance not to re-offend.¹¹ There is belief among the Iwi that their justice process has the potential to reduce recidivism among Maori offenders because it uses Maori cultural norms, beliefs, and practices to administer justice. The legitimacy of *Marae justice* is subject to continuous debate, within and outside government circles.

Other salient issues are the lack of an adequate number of Maori professionals in the criminal justice system, which presupposes a need to train non-Maori staff in cultural sensitivity. The Department of Corrections has recently introduced "Bicultural therapy", which involves using Maori norms, culture and practices and their inherent advantages together with the prevailing western practices to address the causes of their offending and re-offending.¹² Progress has been slow, but, recognition of the Maori population as a specific culture with specific needs, particularly in the field of corrections, is encouraging. ■

- ¹ P.O. Box 117, Wellington, New Zealand.
- ² D.A. Yeboah, *National Report on the Evaluation of the Habilitation Centres Pilot Programme*. (Wellington, Department of Corrections, New Zealand, 1999).
- ³ D.A. Yeboah, *Problems of Indigenous Health Research: Issues for Australia*, *Australian Journal of Social Research*, 1, 1 (1995): 3-19.
- ⁴ Te Puni Kokiri, *Progress Towards Closing the Social and Economic Gap Between Maori and Non-Maori*. Wellington, Te Puni Kokiri (1999:1).
- ⁵ Te Puni Kokiri (1999:18).
- ⁶ D.A. Yeboah (1995).
- ⁷ R. Broadhurst, *Evaluating Imprisonment and People: Survival rates or Failure Rates*. Paper presented at the Conference of Australian Institute of Criminology, Canberra, Australia (1991), and see K. McLaren, *Reducing Re-offending: What Works Now*. Wellington, Department of Corrections (1992) and L. Motiuk (1995): *Using Familiar factors to Assess Offenders Risks and Need*. *Forum on Corrections Research*, 7, 2 (1995): 19-22.
- ⁸ Department of Corrections, *Corrections News*. (Wellington, Department of Corrections, 1997). See also, *Report prepared for the Asian and Pacific Conference of Correctional Administrators*, Vancouver, British Columbia (Wellington, Department of Corrections, 1998).
- ⁹ D.A. Yeboah (1995).
- ¹⁰ *Corrections News*. (Wellington, Department of Corrections, 1999).
- ¹¹ Wellington Newspapers Ltd: *Evening Post Issue*, October 28, 1999.
- ¹² G. McFarlane-Nathan, *Cognitive Behaviour Therapy and the Maori Client*. Paper presented at the Psychological Service Annual Conference, Christchurch, New Zealand (1994).

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First Nations policing in Ontario

by R.C. George¹

Inspector, Aboriginal Liaison — Operations

Office of the Deputy Commissioner — Operations, Ontario Provincial Police

The Ontario Provincial Police (OPP) is committed to engaging organizational resources to develop appropriate levels of understanding in the area of Aboriginal issues. The ultimate goal is to enhance service delivery and assist First Nations in the development of their local police services. The following is a description of the more salient initiatives the OPP is involved in with respect to Aboriginal peoples and service delivery.

History of First Nations Policing Agreements

In response to a need for an improved policing service to First Nations communities, an Ontario task force on policing was established in 1972. Subsequent to a comprehensive review, a federal-provincial-First Nations tripartite policing agreement was reached in 1975. The agreement specifically delegated the responsibility of the administration of that agreement, then known as the Indian Constable Program, to the Ontario Provincial Police. The First Nations and Municipal Policing Bureau (FNMPB) of the OPP currently manage this responsibility.

Self-government initiatives of the 1980's, bolstered by the Constitution Act of 1982, led to the Ontario First Nations Policing Agreement (OFNPA) of 1991. This tripartite arrangement embodies the agreed upon terms negotiated by representatives of the Provincial Territorial Organizations (PTO) and independent Indian Bands that represent First Nations in Ontario with the Federal and Provincial governments. In addition to the many terms of the agreement, a provision was established whereby the participating 87 First Nations communities could negotiate a transfer of policing responsibilities to autonomous First Nation police services.

Since 1991, fifty-five First Nation communities have negotiated and implemented a total of seven self-policing arrangements. These arrangements include the Anishinabek, Nishnawbe-Aski, and United Chiefs and Council of Manitoulin (UCCM) regional police services, and single community police services in Akwesasne, Lac Seul, Six Nations and Wikwemikong. Amongst others requests, two PTOs, Grand Council Treaty #3 and the Association of Iroquois and Allied Indians have made formal requests to enter into self-policing negotiations.

The benefits of the Ontario First Nations Policing Agreement have been enormous, however, not all has gone well. Currently, there does not exist a signed document that reflects the contemporary wishes of all parties. The last signed agreement expired on March 31, 1996. Negotiations have subsequently been slow and frustrating for all parties. First Nations' negotiators maintain their request for governments to provide additional funding to enhance the overall program and increase the First Nation Constable complement appropriately. As an interim measure they have asked for an overall complement increase of 19 officers. To date the parties have developed a framework for a future agreement, however, final seal and approval may not be realized for some time.

First Nations Constables

The Ontario Police Services Act provides that the Commissioner of the Ontario Provincial Police can appoint First Nations Constables (FNC) for the purpose of servicing First Nations communities. Currently, there are approximately 310 FNCs' in the province of Ontario, 83 of whom continue to be administered by the First Nations and Municipal Policing Bureau of the OPP pursuant to the terms of the Ontario First Nations Policing Agreement. The majority of officers are administered by and are accountable to the terms of the seven self-policing agreements mentioned earlier.

First Nations Policing Section

The administrative First Nations Policing Section (FNPS) operates within the organizational parameters of the First Nations and Municipal Policing Bureau of the OPP at General Headquarters in Orillia, Ontario. In partnership with First Nations communities, and consistent with their aspirations, negotiated policing agreements and protocols, the First Nations Policing Section is committed to facilitating a smooth transition of services to self-policing. The section consists of one Inspector (manager) and four Sergeants. The sergeants are assigned on a full-time basis to coordinate one of the following: budget and equipment, community initiatives, liaison officers, and training and human

resources. Other responsibilities of the First Nations Policing Section include: administration of payroll and benefits for First Nations Constables, civilian support staff and OPP officers, providing culturally sensitive training to First Nations Constables, equipment and vehicle procurement, interaction with field liaison officers to ensure that service delivery to First Nations communities is optimal, maintaining a liaison with First Nations Chiefs of Police, and reporting to the Ontario First Nations Police Commission. To date, the transition of services to Aboriginal self-policing appears to be progressing exceedingly well with the support of the above-mentioned services.

Aboriginal Operations Liaison

Since 1975 the OPP has maintained administrative liaison services with the First Nations Policing Section. In 1995, Inspector Jim Potts was appointed full-time to an operational role in First Nations Policing Section, accountable directly to the Deputy Commissioner — Operations. In 1998 Inspector Ronald George was appointed to a similar role. Together, they maintain ongoing contact with the Aboriginal community across the province, in addition to providing support to the Commissioners' Select Liaison Council on Aboriginal Affairs (CSLCAA) and keep watching for developing Aboriginal matters relevant to policing services.

Both Potts and George recognized the need for development in the area of educating police personnel with respect to Aboriginal issues. Accordingly, they take every opportunity to provide lectures on Aboriginal history, culture and social issues. In so doing, they meet the needs associated with the belief that enhanced service delivery is necessarily associated with increased understanding of complex social and cultural Aboriginal issues.

The Commissioners' Select Liaison Council on Aboriginal Affairs

In 1996, OPP Commissioner, Thomas B. O'Grady (retired) and Deputy-Commissioner Z. Zacardelli, Royal Canadian Mounted Police (RCMP), "O" Division,² jointly established the Commissioners' Select Liaison Council on Aboriginal Affairs. The creation of this council of respected Aboriginal people from across the province followed an acknowledgement by both O'Grady and Zacardelli that well informed Aboriginal people could provide them with invaluable insights and advice. The Aboriginal council is comprised of one representative from the Oneida of the Iroquois Nation, Serpent River First Nation, Nishnawbae-Aski Nation, and one Elder of Grand Council Treaty #3. Gwen Boniface,

the current OPP Commissioner, maintains the council as an advisory body that meets with her on a regular basis.

The Western Region First Nation Strategy

While the OPP considers future means of enhancing service delivery to Aboriginal people in Ontario, a number of more localized strategies are being developed and employed within the organization. Clearly, there are many local initiatives being engaged in the different regions under OPP jurisdiction, however, one in particular has caught the attention of regional commanders and managers.

The Western Region First Nation Strategy Committee was created by the Western Region Commander of the day in 1997 (now Commissioner Gwen Boniface). The impetus for the creation of this committee was a perceived need to enhance the regional service being delivered to Aboriginal people. Certain assumptions were quickly made:

- service needed to be improved,
- all Aboriginal people in the region were the potential subjects of OPP service delivery,
- as a matter of internal development, participating OPP members would have to review the issues and develop appropriate strategies themselves.

The members of this committee are committed to meeting on a monthly basis to discuss relevant issues and planning. Subsequent to defining terms of reference, the committee decided to take the meetings to regional First Nation communities. The primary goal of this development was to demonstrate to the communities that Aboriginal issues are a priority for the OPP, and to facilitate learning by giving the officers an opportunity to see and experience firsthand the Aboriginal community.

Early in the deliberations the committee unanimously agreed that a need to increase the level of understanding of Aboriginal issues by police officers existed, in this case frontline members of the OPP. The committee struck a sub-committee to examine local training options. Subsequent to a recommendation of the sub-committee, the group designed a strategy to hold several one-day seminars regarding Aboriginal issues. These sessions are constructed so those attending officers hear a three and one-half hour morning presentation on a variety of Aboriginal issues. In the afternoon session identified members of the local Aboriginal community speak to the officers about issues that specifically concern that community. The idea is that the morning presentation helps the officers to understand the information received in the

afternoon. Equally important however, is that the officers are developing linkages, which will begin or add to the process of developing relationships which will improve their abilities to deliver service. These sessions seem to be doing very well, and are generally received positively by the First Nations.

The Future

In summary, times are changing and efforts on the part of the OPP to improve service delivery to Aboriginal people will reflect a commitment to stay current with the rapidly developing issues. The initiatives undertaken by the OPP outlined in this article are but a small attempt to improve

understanding in this area. The question is, does education improve the relationship between service provider and recipient? Furthermore, does an agent of service delivery who lacks understanding of a racial group more often exhibit racist behaviour toward that group? If the answers to these questions are yes, then the opposite is also true, that when knowledge increases, the number of incidents characterized by racism will diminish. Accordingly, the pursuit of education and the resulting elements of understanding and improved service delivery to the Ontario Aboriginal community is a reasonable goal for all police service organizations.

¹ 777 Memorial Avenue, Orillia, Ontario, L3V 7V3.

² "O" Division encompasses all of the Province of Ontario with the exception of the National Capital Region (Ottawa). The RCMP policing responsibilities in "O" Division addresses only Federal Statutes.

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Aboriginal federal offender surveys: A synopsis

by Joseph C. Johnston¹

Research Branch, Correctional Service of Canada

This article presents findings from two studies of male Aboriginal offenders serving federal sentences in correctional institutions. The first study (1994)² profiled approximately half of the Northern Aboriginal offenders under federal jurisdiction who were incarcerated in the Prairie region and the Northwest Territories. The second study (1997) was of a selected sample of Aboriginal offenders in federal institutions.³ Both studies used similar data: the Royal Canadian Mounted Police criminal conviction records; case file reviews; and face-to-face interviews. This article highlights some of the differences and similarities between the two samples.⁴

Aboriginal group and first language

The Northern Aboriginal sample (1994) was comprised of Inuit offenders (56.3%), Metis (14.1%), Dene (9.4%), Chippewan (4.7%), Gwich'in (3.1%), and others/mixed (12.5%). Just over 40 percent of the sample reported Inuktituk as their first language, while 39% reported English as their first language. No Northern Aboriginal offender reported French as either his first or second language.

Aboriginal Offenders in the 1997 study were divided into groups by their first language. The first language of the majority (48%) was English. Of those who identified an Aboriginal language as their first language, 28% spoke Cree, followed by Inuktitut/ Other Northern/Inuit (16%), Ojibway (14%), and Iroquois/Mohawk (7%). About 9% of the 1997 study reported French as their first language.

Criminal history

The overall conviction pattern for the 1997 Aboriginal sample was characterized by property offences, such as break and enter, theft and possession of stolen property. About three in ten (31%) of the Aboriginal offenders were incarcerated for homicide convictions; 68% had convictions for assault charges, and 36% were incarcerated for sex-related offences.

Violent offences such as assault, both sexual and non-sexual, were identified in the criminal conviction histories of the 1994 Northern Aboriginal sample. More than half have had at least one conviction for a sexual offence, while just over 40% have at least three convictions for assault charges.

Childhood background

From the offenders' case files, information was gathered on individual childhood histories. Both study samples had similar experiences during childhood (see Table 1), such as alcohol and drug abuse, parental absence, poverty, and behavioural problems. Physical and sexual abuse was found in the childhood background of both samples. A significant percentage of both samples were not raised by their families. Almost 11% of the 1994 sample were raised in group/foster homes. In the 1997 sample, 28% were raised as a ward of the community, while 15% were sent to residential school. Suicide and/or self-injury had been attempted by 21% of the 1997 sample.

Education and employment

Almost two-thirds of the 1997 sample had difficulties in the need areas of employment (63%) and more than half (54%) had educational needs, as determined from case file reviews. Almost 60% of the 1994 sample had less than a grade 10 education. Most respondents reported employment activity as semi-skilled (47%) or traditional (10%). Almost 30% reported unstable employment activity. It would appear that the employment needs of this sample are high, as very few of the study participants reported skilled, full-time employment activity prior to incarceration.

Programming and attitudes toward institutional staff

Programming

Appropriate Aboriginal programming was not readily available to the 1994 sample at the time of the study, for one of two reasons. In the first instance, no Aboriginal-specific programming was offered at one particular correctional institution. In the second instance, where Aboriginal-specific programming was offered, it focused more on Native cultures from the south, rather than on Northern Native cultures. Some of the Inuit in the study specifically noted that the cultural differences between themselves and the more southern groups such as the Cree, are quite significant. Regardless of the limitations of relevant programs, the majority of the sample (52%) held a

positive attitude toward institutional programming. At the time of the study, 22% of the sample were involved in vocational programs, 16% were involved in substance abuse programs, and 11% were involved in education programs.

As for the 1997 sample, Native-oriented programming was felt to be more effective, and was participated in with a more positive attitude than non-Aboriginal programming. The programs with the highest participation rates were substance abuse (59%), personal/emotional (43%), educational (36%), employment (28%), and criminal attitudes (22%). It is interesting to note that the substance abuse and the personal/emotional programs were Native-specific programs. This study also queried the sample as to which program they felt was the most effective. Of those who provided an answer to this question, 11% felt that the Native substance abuse programs were the most effective programs, while 8% felt that both Northern Talking Circles and Sweat Lodges were the most effective.

Attitudes toward institutional staff

Nearly all the 1994 sample reported fair and equal treatment from institution staff, but at the same time, felt that the staff were not responsive to their needs, nor knowledgeable about their culture.

From the 1997 interview data, it became clear that there exists a significant apprehension on the part of Aboriginal offenders to deal directly with Correctional staff. While this may be true to an extent of all offenders in custody, Aboriginal offenders seemed quite firm in the belief that the persons whom they are most trusting of are other Natives, and especially spiritual leaders and Elders.

Spirituality and lifestyle

Lifestyle

Many of those sampled in 1994 practiced one or more aspects of a traditional Northern Aboriginal lifestyle prior to incarceration. Almost 38% of the sample rotated their lifestyles with the seasons between living on the land and living in town and only 5% lived exclusively on the land year-round.⁵ Seventy-five percent took part in traditional activities (e.g., craftwork, special Aboriginal ceremonies). For those incarcerated far from their community, especially for those who subsisted largely from wildlife harvested by themselves, the prison environment was experienced as alien. Many things considered commonplace by non-Northerners, such as the weather, processed foods, and the like, exposed many Aboriginal Northerners to additional cultural shock over and above the experience of incarceration.

Spirituality

By their own account, it was established that the 1997 sample constituted a highly spiritual group, placing a high value on their traditions and culture. Almost 50% of the sample considered themselves to be very spiritual, while 21% considered themselves to be spiritual. There was also a high degree of participation in, and the desire for more Native cultural activities. Concern was also voiced regarding the tribal affiliation of the various Elders or spiritual leaders when the Elder is of a culture different than their own.

Conclusion

In these two studies, several themes were apparent. First, it is clear that the overall incarcerated Aboriginal population constitutes a high needs group. Also, this is a group that largely shares a background of physical or sexual abuse, early drug and alcohol use, emotional problems, poor parenting and high educational and employment needs.

Another relevant theme identifies and characterizes the Aboriginal offenders' spirituality, cultural life and lifestyle. The 1994 and 1997 studies indicate that Aboriginal offenders participated in various aspects of what is called a "traditional" way of life, which is fundamental to the Aboriginal society as a whole.

Although the two samples differed in their feelings toward institutional staff, the 1994 sample indicated more positive feelings toward staff than the 1997 sample. The 1994 sample also felt much more isolated from their land and culture as a result of incarceration.

The Aboriginal offender population presents a special set of challenges to corrections, such as language, culture and programming needs that is relevant in providing culturally appropriate interventions. ■

Table 1

Childhood Background Information		
Background Information	1994 sample (percentage)	1997 sample (percentage)
Alcohol abuse	84.4	57.9
Drug abuse	50.0	60.4
Physical abuse	50.0	45.2
Parental absence	35.9	41.4
Poverty	35.9	35.3
Behavioural problems	65.6	57.1
Learning problems	15.6	36.9

- ¹ Please forward all inquiries concerning this article to the Research Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.
- ² Correctional Service of Canada, *Northern Aboriginal Offenders in Federal Custody: A Profile*. Research Report No. 36 (Ottawa, ON: 1994).
- ³ Correctional Service of Canada, *Aboriginal offender survey: Case file and interview sample*. Research Report No. 61 (Ottawa, ON: 1997).

- ⁴ Direct comparisons between the two studies should be made with caution, as different questions were asked in each survey. In many instances, many study participants failed or refused to provide an answer to a specific question.
- ⁵ Living on the land refers to a lifestyle characterized by camp living, acquiring sustenance through hunting/fishing/trapping, and so forth.

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Restorative justice in Canada

by *The Honourable E.D. Bayda*¹
Chief Justice of Saskatchewan

This article [with minor revisions] was prepared from a speech given by the author at the Commissioner's Forum (Correctional Service of Canada), Hobbema, Alberta, May 5-6, 1999.

I first used that term (Restorative Justice) in a judgement in August, 1995. I think I was one of the first or perhaps the first appellate judge in Canada to do so. On the Provincial Court level, there were any number of judges long before 1995 who were staunch proponents of the concept of restorative justice.

It has been something of a struggle in the judicial world to have the restorative justice approach recognized and accepted as a legitimate, let alone the principal approach to achieve fairness and dignity for all citizens and at the same time, protection for our society — all via the criminal justice system.

On April 23, 1999, the Supreme Court of Canada in a unanimous judgement in *Gladue*² affixed its imprimatur to the concept of restorative justice. The struggle for recognition — I emphasize for “recognition” — has been won. That's the first step.

From the judicial perspective there are at least three other major steps which need to be taken before one can say with some confidence that the notions of restorative justice have taken hold.

All of these steps derive in part from section 718.2(e) of the *Criminal Code*.

718.2 A court that imposes a sentence shall also take into consideration the following principles:

- (e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

This section was pivotal to the *Gladue* decision. The reasons for judgement in that case were written in the context of a fit sentence for an Aboriginal offender.

Given that fact, the further fact that I am a Saskatchewan judge where 72% of our provincial correctional inmates are Aboriginal and the fact

that within our criminal justice system it was the Aboriginal people who introduced and nurtured the notion of restorative justice, I feel most comfortable talking about restorative justice in the context of the Aboriginal offender.

It is important to remember that restorative justice is applicable not only to Aboriginal offenders, but can be adopted and equally administered to non-Aboriginal offenders by making appropriate changes to the requisite details. I think the Court in *Gladue* makes this reasonably clear.

To return to the reasons for judgement in *Gladue*, after quoting from Michael Jackson's work “Locking up Natives in Canada”, and from the Royal Commission on Aboriginal People and from Aboriginal Justice Inquiry in Manitoba, the Supreme Court said this:

These findings cry out for recognition of the magnitude and gravity of the problem, and for responses to alleviate it. The figures are stark and reflect what may fairly be termed a crisis in the Canadian criminal justice system. The drastic over-representation of aboriginal peoples within both the Canadian prison population and the criminal justice system reveals a sad and pressing social problem. It is reasonable to assume that Parliament, in singling out Aboriginal offenders for distinct sentencing treatment in s. 718.2(e), intended to attempt to redress this social problem to some degree. The provision may properly be seen as Parliament's direction to members of the judiciary to inquire into the causes of the problem and to endeavour to remedy it, to the extent that a remedy is possible through the sentencing process.

In paragraph 82, the Court said: “There is no discretion as to whether to consider the unique situation of the Aboriginal offender; the only discretion concerns the determination of a just and appropriate sentence.”

What does that mean for judges sentencing Aboriginal offenders? It is clear beyond a shadow of a doubt that now a sentencing judge cannot circumvent taking into account an offender's Aboriginal ancestry when fashioning a just and fit sentence

unless of course the offender waives that right. One of the first things a judge will have to establish is whether the offender before him or her is an Aboriginal person. Sometimes that is easy to do, sometimes it is not.

If the offender is Aboriginal, the judge will have to determine the unique circumstances that have played a part in bringing this offender before the courts. Where the offender is unrepresented, and this is often the case, the judge will have to talk to the offender, and ask the right questions. That means judges will need to learn to speak to Aboriginal offenders. It is not enough to know the language. One has to learn what questions to ask and how to ask them.

A Native Elder once sat with a judge on the bench at the sentencing hearing of a young Aboriginal offender convicted of a serious crime. The judge asked the usual questions about the young man's schooling, whether he used drugs, who his friends were, his job, if any — the sort of questions judges normally ask at these hearings. The Native Elder was silent through all this and then asked one incisive question: "How is your mother's health these days?" The kid's mother was not well. As a result the home was in turmoil. The kid was acting out.

So the first step is for the judges to learn to speak to Aboriginal offenders on their wavelength — not the judge's. Many judges will have a great deal of difficulty getting on that wavelength. The cultural communication divide must be bridged.

The second step is, now that the concept of restorative justice is judicially recognized and accepted, how do I, the sentencing judge, implement it? What tools do I have? Before restorative justice, my biggest tool was jail. But now parliament and the Supreme Court of Canada have spoken and said, 'jail is no longer your biggest tool.' You must change your focus. You can send offenders to jail, not as a matter of course, but only if it is absolutely necessary. What are my new tools?

Quite frankly, I don't know. No one has told me in cold, hard, specific terms what those tools are. Oh yes, those you ask use generic terms like "community based sanctions", "community based programs". I reply: Point to the community. Point to the sanction, point to the program. Let me digress briefly and talk about "community". Community at one time was relatively easy to pinpoint. When people, including the Aboriginal people, lived in small groupings, the term characterised a typical grouping that featured a dense network of personal relationships based heavily on kinship and on the direct, face to face contact that occurs in a small closed village. A German sociologist, Ferdinand Tönnies, had a

word for this "Gemeinschaft".³ (We still have that today in some of our northern Aboriginal villages in Saskatchewan. We have it amongst our Hutterite and Amish people in large measure as well.) Norms were largely unwritten and individuals were bound to one another in a web of mutual interdependence that touched all aspects of life, from family, to work, to their few leisure activities.

Then the industrial revolution came along. We had a shift to what Tönnies, the sociologist, labelled "Gesellschaft". This concept involved groupings of people who lived according to a framework of laws and other formal regulations that characterised large industrial societies. Social relationships were more formalized and impersonal: individuals did not depend on one another nearly to the same extent and people were somehow less morally obligated to one another.⁴

Now the information age is here. And since the 1960s we have been slowly moving out of this "Gesellschaft" mould. We are evolving into something different. The impact on social values is proving to be, quite frankly, great. Where we are going to end up is difficult to predict. However, the following may cast some light on this new shift:

... "people continue to share norms and values in ways that constitute social capital, and they join groups and organizations in ever larger numbers. But the groups have shifted dramatically in kind. The authority of most large organizations has declined, and the importance in people's lives of a host of smaller associations has grown. Rather than taking pride in being a member of a powerful labor federation or working for a large corporation, or in having served in the military, people identify socially with a local aerobics class, a New Age sect, a co-dependent support group, or an Internet chat room. Rather than seeking authoritative values in a church that once shaped the society's culture, people are picking and choosing their values on an individual basis, in ways that link them with smaller communities of like-minded folk.

The shift to smaller-radius groups is mirrored politically in the almost universal rise of interest groups at the expense of broad-based political parties".⁵

So today, how does a judge or anyone in the criminal justice system identify or define "community" in the phrase "community based sanction" or "community based program?" Frankly I don't know. Let us say tomorrow morning I have before me a 19 year old urban Aboriginal offender convicted of breaking and entering a commercial establishment and

committing theft. His record shows three previous B & E convictions as well as convictions for assault, impaired driving and breach of probation. It is clear to me from the pre-sentence report that the young man has no material assets and never has had any. His parents whom he hardly sees have no material assets to speak of and have never had any. He has little or no self-worth. The terms "honour" and "dignity" somehow seem out of place when applied to him as a possessor of those qualities. His life has been rudderless and totally lacking in motivation. Violence, confrontation and alcohol predominated in his early and later life. He is unemployed and uneducated. His chances of obtaining employment are, frankly speaking, nil or approaching nil. His previous sentences consisted of probation orders and terms of imprisonment. I think I have given sufficient details for you to draw in your own minds a profile of this offender. The Crown's position is that he has been dealt with quite leniently in the past and has not responded. He is a repeat offender and must be sent to jail if he is to learn his lesson and the public is to be adequately protected.

The Supreme Court of Canada and Parliament have now in effect said to me — "you should try and keep him out of jail". What do I do with him? I suppose I can give him a term of imprisonment of two years less one day and direct that the sentence be served in the community.

I then have to impose some conditions. So I direct that he abstain from alcohol and drugs and that he report regularly to a probation officer and do what the probation officer directs. I can direct some community service. That's about where my options end unless I want to impose electronic monitoring. I suggest to you all that is rather meaningless when it comes to an Aboriginal offender. There is nothing in an order of that kind that addresses the offender's Aboriginalness.

Quite frankly, there are very few or no programs out there designed by and intended for implementation by the Aboriginal community or a segment of that community. Yes we do hold the odd sentencing or healing circle, but that takes care of only a small proportion of the Aboriginal offenders appearing daily before the Courts.

Healing circles take a long time — often a day, sometimes two. They involve a segment of the community in a very intimate way and that is a big plus, but some communities, participating in healing circles, are getting burnt out. There are not enough willing and able participants to go around. Healing circles are a partial answer, but far from a complete answer.

There are Elders out there who could be a great beneficial influence on offenders living in the community. Interestingly, many of these Elders need the kind of assistance that many older people normally do. In a sense, Elders and offenders are a natural fit. But there are no programs or very few to connect the two, to monitor the relationship and to do whatever is necessary if the relationship does not work.

Creativity and resources — human and financial — are in great demand in this whole area of community based programs and sanctions. There has to be a serious look taken at re-allocating the money that is normally spent per year (\$52,000) on housing an offender in an institution, to spending it on restoring the offender to society by a process that keeps him outside the institution while the restoration is taking place.

Perhaps that Elder is entitled to some emolument. Perhaps that offender is entitled to have his board and room paid while he lives with the Elder. The state is paying for his board and room while he is in jail getting rehabilitated. Is it therefore so radical for the state to be paying his board and room while he is living with the Elder getting rehabilitated?

Engaging Elders will help to alleviate the problem but will hardly solve it. I heard an interesting statistic the other day. Only about 25% of the Aboriginal offenders show any interest in restorative measures with an Aboriginal component to them. What are we going to do with the other 75%?

It is important that all schemes for rehabilitation in the community and for healing the breached relationship be carefully and well planned. They are not to bear the appearance of a gimmick.

In the spirit of restorative justice, I ask should communities not have community centres, places at which offenders in need of instruction or support would be obliged to attend, either during the day or evening and during weekends if necessary? These centres would not eliminate jails but could go a long way towards diminishing their size. A corollary question is: should we not be building and staffing community centres instead of jails?

In the same spirit should not there be in place a scheme where certain offenders on probation are required to see and spend time with their probation officer every day instead of once a week, or once a month, or once every three or six months? In other words, instead of providing more correctional officers should we not be providing more probation officials?

These notions are all very much in an incipient, inchoate state in my mind. They need thinking through and crystallization. Judges will need much help from many quarters. This is true not just in respect of sentencing Aboriginal offenders but sentencing all offenders. Both Crown and defence counsel will need to change their focus when it comes to making sentencing submissions.

If the focus for serving a sentence is going to change from jail to the community, then perhaps Corrections Canada and the provincial corrections authorities will need to change their main focus from jail to the community.

Perhaps Corrections Canada should become the catalyst in creating community based programs. I realize that for a community based program to be successful, it must be the community's program and not Corrections Canada's, but before a program is put in place there must be a catalyst. That may be where Corrections Canada comes in.

If judges are going to have to look for the causes behind a criminal offence taking place, establishing why an offender ends up in court, and tailoring the sentence accordingly, then it won't be too long before there will occur a blurring between institutional sentences and non-institutional sentences. For example, if as a judge I conclude that an offender committed a crime because of long festering, pent up anger, and the best "cure" for him and the best protection for society is a series of programs designed to rid him of that anger, does it really matter where that series of programs is administered? It could be in a jail setting, a hospital setting or some other type of setting. What is important is administering those programs and having this offender exposed to them. It is not important where.

I understand some 20% of incarcerated offenders have mental disorders. We used to have what we called mental institutions or insane asylums. We decided that institutions were not the right place for these people so we closed them and put these

people out into "the community". What was the consequence? We criminalized many of the acts of the mentally disordered. We have put many of the mentally disordered back into institutions. But we have required them to first jump through the hoop of a criminal court case. If a judge establishes that the cause of a criminal offence was really a mentally disordered mind then the sentence should reflect that.

Someone is going to have to put together programs to be administered outside a correctional facility setting. I repeat a catalyst is in great demand.

If Corrections Canada takes the lead, the provincial counterparts will soon fall into line. Indeed I would not be too surprised if in the not too distant future another blurring will occur. I have in mind this notion of provincial time and federal time (two years less a day and two years plus.) If the trend is what I think it is there will be no practical need for the current distinction.

Let me move briefly to the last step that has to be taken.

All of this thinking still has to be sold to the politicians and the public. The public's psyche continues in the retributive mood as opposed to the restorative mood. Politicians, of course, pander to the public. Until the public is sold, many judges will have difficulty buying into the notion of sentences being served in the community — the notion of restorative justice. Judges will continue to sentence in a manner that they feel will not undermine the public's confidence in the administration of justice. Translated, that means they will continue sentencing offenders to jail if they (i.e. the judges) perceive that that is what the public wants.

These are three big hurdles from the judicial perspective. There are, no doubt, many more. Overcoming these three hurdles however will break the back of our traditional approach that jail is something akin to a magic bullet for all of our difficulties in the criminal justice system. ■

¹ Chief Justice of Saskatchewan, 2425 Victoria Avenue, Regina, Saskatchewan, S4P 3V7 Speech From Commissioner's Forum, Hobbema, Alberta, May 5-6, 1999.

² R. v. Gladue, [1999] 1 S.C.R.688.

³ Francis Fukuyama, "The Great Disruption: Human Nature and the Reconstitution of Social Order", *The Atlantic Monthly*, May 1999, p. 55.

⁴ Fukuyama, "The Great Disruption: Human Nature and the Reconstruction of Social Order". p. 56.

⁵ Fukuyama, "The Great Disruption: Human Nature and the Reconstruction of Social Order". p. 71.

Understanding restorative justice practice within the Aboriginal context

by *Melanie Achtenberg*¹

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Restorative Justice practices are becoming increasingly more popular as the guideposts to effective corrections policy, both inside prisons and within the wider community. Restorative Justice philosophy is based on the traditional practices of Indigenous Cultures around the world. It is founded on the belief that criminal behaviour is primarily caused by the alienation of certain members from society at large. Although it is the responsibility of every individual to make positive choices for their life, regardless of personal circumstances, Restorative Justice principles are based on the understanding of compassion, that no one is an island, and that everyone is an equal member of society and has a contribution to make to the greater good. Therefore, when a person becomes alienated or disconnected from that society, it is the responsibility of everyone in that society to bring the person back into a harmonious relationship with him/her "self", as well as with the rest of the community. This may mean that the society itself needs to take a long hard look at its own practices and systems which may be "contributing factors" to the person's alienation from it. The society may need to heal itself. The Gladue decision, which is based on section 718.2 of the *Criminal Code of Canada*, is a cornerstone for building Restorative Justice practices in Canada, and opens the door for the creation of alternative sentencing.

When imposing a sentence, Section 718.2 of the *Criminal Code of Canada* requires a court to consider the following principle: that

- "e) all available sanctions other than imprisonment that are reasonable in the circumstances, should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders".²

In lay person's terms, this means that incarceration or imprisonment is to be used only as a last resort for all Canadian offenders who come before a court, and in particular, for Aboriginal offenders. This section of the *Criminal Code* is significant because our prisons are currently overpopulated with Aboriginal offenders, — especially in the Western provinces, where in many instances, 60–80 % of the prison population is comprised of Aboriginal offenders.

"Although Aboriginal persons represent about 3% of the adult population in Canada, they represent 15% of provincial admissions to custody. Attempts to reduce the number of Aboriginal admissions at the federal level seem to have failed. In fact, the percentage of federal admissions that are Aboriginal continues to increase: it was 11% in 1991-1992, 15% in 1996-97 and 17% last year. Whether this is a problem for judges to resolve, as the much-criticized recent Supreme Court judgement suggests, is another question entirely."³

This over-representation of Aboriginal people in the correctional system is due in part to the historical relationship of Aboriginal people with Canada:

"In *Bridging the Cultural Divide*, p. 309, the Royal Commission on Aboriginal Peoples listed as its first "Major Findings and Conclusions" the following statement, "The Canadian criminal justice system has failed the Aboriginal peoples of Canada — First Nations, Inuit and Metis people, on-reserve and off-reserve, urban and rural — in all territorial and governmental jurisdictions. The principal reason for this crushing failure is the fundamentally different world views of Aboriginal and non-Aboriginal people with respect to such elemental issues as the substantive content of justice and the process of achieving justice."

"Far from being a Canadian anomaly, these conclusions are global. The failure of an imposed foreign criminal jurisdiction system over Indigenous nations has haunted each British colony's legal system. In recent decades, every Commonwealth country that has studied the problem has reached a similar conclusion: the British legal system is not succeeding with Aboriginal peoples. The failure is a function of relationships of force rather than justice."⁴

Therefore, it is imperative to change the dynamics of corrections from one of force, domination and control to more restorative methods for implementing accountability and a correctional plan that ensures lower incarceration rates and improved community dynamics. In correctional jargon, we talk about

providing “dynamic security” in our institutions, and most of those who work directly with offenders know that dynamic security is best created by building a rapport with an offender. Dynamic security is the use of relationships to build more secure prison environments. This concept, when extended to the community context, becomes what is also known as Restorative Justice practice.

Current trends in sentencing demonstrate a willingness to create options to incarceration, because prisons are expensive and overcrowded, and in the long term, everyone realizes today, that offenders will eventually return to their original communities — be they urban, rural, or remote locations. Ensuring that offenders return with a more positive state of mind rather than reinforced criminal ideals, is the responsibility of everyone. When creating a dynamic of respect and restoration, all community members are an integral part of the process from establishing sentencing alternatives to working directly with offenders to assist them on their healing path. Providing dynamic security in all situations becomes the overall goal for creating a corrections model that will help everyone involved take responsibility for the security of their environment, thereby reducing the repetition of criminogenic behaviour in the future. *How we do this — both in the community and within the prison walls, is the subject for the rest of this article.*

Thus, “the Gladue decision clearly endorsed the notion of restorative justice and a sentencing regime which pays fidelity to “healing” as a normative value. Healing is an Aboriginal justice principle which is slowly becoming merged into Canadian criminal law through the practice of circle sentencing and community based diversion programs.”⁵

The Gladue decision acknowledges that the underlying roots of discrimination must be addressed if we are to lower the over-representation of Aboriginal people within the correctional justice system. It also focuses on the overutilization of prisons as a sentencing tool for all Canadians, and requires that in future, judges consider prison sentences only as a last resort. Therefore, the Supreme Court decision on the *R. v Gladue* case is an historical achievement for all Canadians.

This decision opens the door for the use of sentencing alternatives. Restorative Justice practices within the Aboriginal context provide sentencing alternatives such as the use of Section 81 and Section 84 of the Corrections and Conditional Release Act (CCRA). As communities in both urban and reserve settings become aware of how these regulations can be implemented, sentencing alternatives will evolve.

Judges need to know that the facilities for best practices are in place before they can provide sentencing which is innovative and restorative.

Briefly, Section 81 (CCRA) provides General Custody Agreements for the transfer of an Aboriginal offender to an Aboriginal community in a non-institutional setting with supervision, treatment and programming provided under 24 hour supervision of community members. Three other types of arrangements are also possible under Section 81 to facilitate the transfer of an Aboriginal offender to a spiritual or Healing Lodge, or other treatment facility in an urban setting.

Section 84 (CCRA) provides Aboriginal communities with the opportunity to participate in an offender’s release plan from a penal institution. The release plan must address the concerns and needs of the community as well as those of the offender. Successful reintegration becomes part of the overall healing path for all involved: the community, the offender and the victim.

Restorative Justice practices look for ways to enable offenders to take responsibility for the harm they’ve done, and to correct their behaviour on a deeper and more meaningful level. It is based on the belief that offending is not the “decision of choice” if one is meaningfully connected to the society in which one lives. Therefore Restorative Justice and the Gladue decision is a way of creating a criminal justice system that restores the offender to himself, and thereby empowers him/her to make better choices in the future. In this way we are creating a dynamic within the society that restores the health of individuals while maintaining law and order, for the security of the community.

This change in the philosophy can also be seen inside the prisons where Aboriginal specific training programs are being developed and delivered to Aboriginal offenders. Elders and Native Liaison Workers provide healing circles, counselling, and personal growth opportunities which assist offenders to change their lifestyle once they are on parole. Likewise the prison culture itself is changing as Elders and Native Liaison Workers work with other prison staff to create more peaceful solutions to prison conflicts and develop innovative options for the practice of Restorative Justice.

As we all learn how to work together to create a leadership culture of respect, accountability, and trust, I am hopeful that the future of effective corrections will be based on restoring human relationships for the benefit of all people on the Circle of Life. ■

- ¹ 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.
- ² *Pocket Criminal Code*, (Scarborough, ON: Carswell and Thomson, 1999): 490.
- ³ Julian V. Roberts, "Recent Correctional Trends", SENTENCING MATTERS; Newsletter 3:1 Autumn 1999. (865 Richmond Square, Montreal, QC, H3J 1V8).
- ⁴ James (Sa'ke'j) Youngblood Henderson, *Changing Punishment at the Turn of the Century: Finding Common Ground*; "Changing Punishment

- for Aboriginal Peoples of Canada", Canadian Institute for the Administration of Justice Conference, Saskatoon, (September 1999) 2. Also see, Canada, *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (Ottawa, ON: Minister of Supply and Services Canada, 1996) 309.
- ⁵ Judge M.E. Turpel-Lafond, *Changing Punishment at the Turn of the Century. Finding Common Ground*, "Sentencing within a Restorative Justice Paradigm. Procedural Implications of R. v. Gladue. (1999) 2.

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RCMP's restorative justice initiative

by Jharna Chatterjee¹

Community, Contract, and Aboriginal Policing Services
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The Royal Canadian Mounted Police (RCMP) has chosen Community Justice Forum (CJF) as a discretionary option for performing policing duties toward achieving *restorative justice*. The concept of "*restorative justice*", which includes other implementation methods such as circle sentencing and victim-offender mediation, can be described as an approach that involves all stakeholders in a constructive discussion to minimize the harm caused by an offending action. The outcomes it seeks are: restoring harmony in the community by undoing or reducing both material and psychological damages to the victim(s) and re-integration of offenders by their taking active responsibility for causing harm, and accountability to the victim and the community. The proponents of *restorative justice* proclaim this approach to be more fair, satisfying, efficient and effective than the conventional, court-based, adversarial approach to justice.

Research clearly states that the rate of incarceration of Aboriginal peoples in Canada is at least four times the national average and increasing (to eight).² In introducing 'Aboriginal Legal Issues', Borrows and Rotman commented, "The over-representation of Aboriginal people in federal, provincial and territorial court systems and prisons casts a long shadow over Canada's claim to be a just society."³

In adopting the philosophy of *restorative justice*, the RCMP took the initiative to implement this approach through the CJF. The initiative has expanded across the country through three "Train the Trainers" workshops, conducted by the RCMP in January, 1997. The trainee-trainers were carefully selected from within and outside the RCMP, and included members of other police forces, educators, social workers and volunteers.

It is important to note that the *restorative justice* approach is entirely consistent with the principles of community policing which the RCMP adopted in 1989 as its model of service delivery. The essence of community policing is a more inclusive, collaborative and pro-active way of making Canadian communities safer. Community policing strives to prevent crime and address public concerns through establishing a partnership between the police and the communities, thereby empowering

the latter to identify problems and to solve them, with police officers facilitating the process and offering assistance as required.

Restorative justice, similarly, seeks to prevent crimes by initiating an effective interaction among the key people that aims to heal the offender, the victim and their community. It empowers the community by giving it the ownership of designated offences, and allows the community, assisted by trained facilitators, to take responsibility for dealing with those offences. It is one of the tools with which community policing can be best practiced, the reason for the RCMP's choice of the term 'CJF', emphasizing police-community partnership.

Implementing *restorative justice* through CJFs involves a departure from the reactive role of the police being responsible for the short-term goal of "arresting" and "charging" the offender to that of a discretionary power of attempting to heal communities and meeting the needs of the direct victims (*not* the symbolic victim, i.e., the State).

In March of 1999, the RCMP completed an evaluation of its restorative justice initiative. The first part of the research project examined the effectiveness of the three training workshops. The second part compared the perceptions of CJF participants with the theoretical claims. The results follow.

Effectiveness of the Training Workshops (based on data collected up to October, 1998).

- Seventeen hundred individuals across Canada were trained to conduct CJF sessions.
- Sixty-seven workshops were held in 48 geographical locations across Canada.
- RCMP collaborated with at least 29 organizations and numerous communities for training activities.
- Ninety-three percent of respondents trained as facilitators who were contacted, believed that the CJF would be highly effective in improving the Canadian Justice System.
- Seventy-three percent of respondents trained as trainers believed in their own competence as trainers.

- Most facilitator respondents felt they had supervisory/organizational support.
- Thirty different types of offences were reported by the facilitators who had actually conducted CJFs. Offences dealt with by the CJFs were most frequently for theft (26%) and assault (21%). The next few major categories were Public Mischief (7%), Drugs (6%), Property damage (5%), Break & Enter (5%), Sexual Abuse (4%) and Harassment or bullying (4%). Some cases involved multiple offences, for example, Break and Enter and Theft, Theft and Fraud, or Break and Enter, Property Damage and Public Mischief. CJFs were held for fraud (2%), arson (2%), assault with a weapon (2%), loitering (.4%), trespassing, impaired driving, obscene phone calls, breach of probation (.4%) and illegal possession of alcohol. CJFs also resolved offences such as threats and intimidation, verbal abuse and dangerous operation of a vehicle.
- Seventy-nine percent of active facilitators reported dealing with offenders who were 19 years old and under. The most frequently reported age range for offenders participating in CJFs was 14 to 16 years (38%), and 15% were between 17 and 19 years old. There were 6 cases (2%) where the offender was over 50 years of age and 18 cases (7%) where the offenders were 11 years old or less.

CJF Participants' Views

The responses collected from a total of 364 CJF participants⁴ showed that the mean ratings for *overall satisfaction* as well as *levels of satisfaction with procedural and outcome fairness* were high. Ninety-nine percent of all participants expressed at least moderate overall satisfaction, over eighty-seven percent were quite or very satisfied. Eighty-nine percent of offenders and 87% of victims reported feeling quite or very much satisfied with their CJF experience. Ninety-five percent of all participants (inclusive of 100% of victims) perceived the CJF *process* to be very or quite fair. The majority of participants had voluntarily participated in CJFs (100% of offenders and victims' supporters (family or friends), over 95% of victims and offenders' supporters). Results for *satisfaction with agreement/outcome* were also consistently high: 89% of all participants felt that the *agreement* was quite or very fair and most acknowledged having a chance to provide input into it with no perceived pressure. Ninety-five percent of victims and 79% of offenders rated the fairness of the *agreement* as quite or very fair.

These results are significant, particularly in view of victims who often report feeling frustrated with both the *process* and the *outcome* of the traditional court

system. Also, the majority of participants — 88% of the offenders, 94% of the victims, 95% of offenders' supporters and 88% of victims' supporters, stated that they would choose CJFs over the court if they had to do it all over again.

Ninety-eight percent of offenders indicated that CJFs helped them in understanding the consequences of their actions and in their willingness to take responsibility for the same. About 97% of their supporters and everyone in the categories of victims and their supporters indicated believing that the offenders understood and were taking some responsibility for their offences and resulting consequences. Eighty-five percent of interviewees stated that the offenders had actually complied with the CJF agreement, with other cases still on-going. In order to comply with the agreement, both offenders and their supporters strongly indicated that support for the offender in complying with the agreement was likely to be available.

Over 90% of victims who answered the questionnaire reported being quite or very willing to give the offender a second chance. In fact, some of the victims indicated this to be the reason for their participation in the CJFs. Supporters of both victims and offenders also expressed their willingness to give the offenders a second chance. Following CJF participation, 97% of questionnaire respondents reported somewhat or higher regained sense of control over what happens in their community. Eighty-eight percent of interviewed victims reported that the CJFs helped quite a bit or very much with their psychological healing.

Restorative justice theorists proclaim that the process helps to restore harmony to the community when all participants attain a sense of justice. In this study, the mean response to the question 'Was justice done?' received a rating of 4.2 when the highest possible rating was 5 for the total group of participants, with 96% of all participants endorsing at least a moderate rating. Also, both victims' and offenders' supporters indicated that harmony was restored. The CJFs took place within 1 to 20 weeks (average 5.0 weeks) after the offending incidents occurred; thus justice was neither delayed nor denied. Responses showed that offenders themselves and their supporters believed that re-offending was unlikely, although victims' supporters were less convinced.

Overall, results of the present study provided strong support for the *restorative justice* philosophy. The internal consistency of the results, and the similarity of the present findings with the available research literature including studies that involved controlled

experiments also seem to lend additional validity to these findings. Furthermore, the results showed that the *restorative justice* initiative, first implemented as an extension of the Aboriginal Justice Strategy, has

expanded far beyond the Aboriginal communities into the mainstream, and well-informed communities are usually receptive to it. ■

¹ Please address all inquiries concerning this article to Jharna Chatterjee, Ph.D., Research and Evaluation Branch, Royal Canadian Mounted Police, Room B538, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.

² Micheline Reed and Julian Roberts, *Adult Correctional Services in Canada, 1997-98*. Juristat: Canadian Centre for Justice Statistics, Catalogue no. 85-002-XPE, 19, 4.

³ John Borrows and Leonard Rotman, *Aboriginal Legal Issues: Cases, Materials & Commentary*. (Toronto, ON: Butterworths, 1998): 684.

⁴ Since the questionnaire was revised over time to be shorter and to contain less number of questions, the 'n' may vary.

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Elder/Healer: The elements of promise

by Joseph E. Couture¹

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The presence of Elders and Native Liaison Workers (NLW) in federal correctional institutions dates back approximately twenty years. General institutional opinion tends to vary regarding the validity, usefulness and potential of Elders and NLWs in Aboriginal correctional programming. The opinion of Elders and other Aboriginal workers of their work and role within federal corrections, however, is more positive. This article will outline the orientation and strategy of the Elders who work in Correctional Service Canada (CSC) institutions in the Prairie region. This article is based on an unpublished document written by Joseph E. Couture entitled *Aboriginal Offenders and Programs that Work. Elements of Promise.*

Correctional Service Canada continues to develop strategies for culturally appropriate service and care for the Aboriginal offenders under its jurisdiction. In particular, through the improvement of needs assessment and program provision by Elders and NLWs, CSC is attempting to foster the positive influence of traditional healing attitude and approaches to Aboriginal inmate need(s).

"An Elder is any person recognized by an Aboriginal community as having knowledge and understanding of the traditional culture of the community, including the physical manifestations of the culture of the people and their spiritual and social traditions. Knowledge and wisdom, coupled with the recognition and respect of the people of the community, are the essential defining characteristics of an Elder. Some Elders may have additional attributes, such as those of traditional healer. Elders may be identified as such, only by Aboriginal Communities".²

The Native liaison worker provides a support role to Elders, and assists in providing leadership, teaching, cultural awareness, counseling and general service to Aboriginal offenders.

History and Tradition

Contemporary Aboriginal understanding of traditional views and approaches is driven by a keen sense of cultural history and current conditions. Canadian Aboriginal history is embodied in and expressed through Elders in the form of Oral Tradition. Oral Tradition hinges primarily on learning-by-doing modalities for acquisition of knowledge and development of skills. Oral Tradition embraces all areas of living life.

Aboriginal tradition mirrors a salutary humanism and humaneness, a forever expanding awareness of all that is. It is the source of criteria and standards, and expresses the characteristic features of healing processes and meanings. Tradition proposes an operational, balanced model, anchored in historically shaped, cultural priorities. It deliberately addresses strengths, as well as weaknesses and outright dysfunction. Elders in light of Tradition explain Aboriginal behaviour and attitudes. History and tradition provide the fundamental backdrop of Elder intervention.

A Holistic Approach

Traditional healing strategy is literally holistic; that is, it confronts simultaneously all dimensions of the individual. It is holistic in that it avoids exclusive reliance on verbal mediation and didactic method — notwithstanding a predilection for and importance of story-telling; preferring rather to engage the client in multi-experiencing, e.g., through listening, hearing, seeing, touching, feeling, thinking, speaking, singing, dancing, praying, fasting, etc.

Healer diagnosis and prescription encompasses a person's uniqueness and mystery within an ancient, enduring, unfolding and evolving matrix. In other words, traditional approaches are full-bodied and inclusive. They address what may seem to be fragments of a broken life, bringing together bits and pieces of self-knowledge into a meaningful whole, thereby instilling a fresh sense of identity and direction.

The basic concepts, which derive directly and clearly from traditional healing principles, include notions of connection and mutuality. These concepts are deemed as crucial variables in the formation of individual and collective socio-centric identity, experienced and understood as inseparable from personal and social responsibility.

Diagnosis

Diagnosis brings an inmate towards and into problems of social restructuring, cognitive distortion and manipulation, angers and hurts, and towards examining and changing the anti-socializing influences of family, associates, community, and prison culture.

Whether by Aboriginal or non-Aboriginal staff, the challenge of behavioural identification and description and of program prescription stands at several junctions in the criminal justice system. It is a standing challenge because mis-labeling can and does occur at each juncture, most likely due to a tendency to misconstrue. This does seem attributable to a lack of knowledge of the profound shaping influence of culture. Understandably, intervenors can and do misconstrue Aboriginal behaviours, attributing inappropriate meanings to these with discouraging, dire, if not tragic consequences for an individual inmate.

Cultural Competence

Broad behavioural and attitudinal differences exist between and within each of the Native groupings across the country, influenced by outcomes over time of such elements as geographic separation, languages, regional and local histories, and impacts of contact with Europeans.

Cultural competence, as a core component of general clinical competence, is warranted in Canada. Inter-cultural competence is expressed through a style of service delivery that is perceived by the consumer client and community as credible and giving, effective and trustworthy. Community insight, expectation, and influence are essential to the Native-related assessment enterprise. Service can be provided in keeping with traditional core cultural standards.

Programs

Characteristically, culture-based programs comprise those that are exclusively delivered by traditional people. Learning activities pivot on teachings and ceremonies which feature a range of Circles, e.g., Talking/Healing Circles (including one-on-one counseling), Smudging, Pipe, Sweat Lodge, Fasts, Sun Dance, Elder-assisted parole hearings, and community-based hearings. The greatest part of a given Elder's time is given to encounter the offender

in an informal setting, in order to spark motivation, to foster enlightenment, to nudge the individual into a "response-able" self-help mode.

Usually the Healer's immediate concern is both to establish a trusting relationship and to explore identity needs. In doing so, in due time specific needs are identified and dealt with. A Healer has the capacity to customize traditional activity, to zero in on individual need. A deep-rooted optimism and long-established attitude and approach to the healing of mistakes (not crimes), prevails overall.

Traditional "measurement" of behaviour and attitude rides on honed skills of observation, of "listening" and "seeing" the needs of the client and of "tuning in" through a combination of experience and trained intuition. Many regard these as subjective, i.e., non-objective measurement techniques. Nonetheless, years of apprenticeship are necessary to acquire and sharpen these skills. While formal, mainstream certification is not involved, reputation in the eyes of one's home community, based on close scrutiny of ability and of the degree to which one is "walking the talk" are essential.

Problems of criteria and standards relative to traditional measurement activities must be addressed. Accreditation standards which CSC is bringing to bear on program quality will hopefully be sufficiently flexible to expand its views to accommodate the richness and stringent demands of traditional ways and values.

The possibilities of innovation also remain untapped. Healers are often underutilized in terms of their skills and the necessary time required of them to provide their services. Healers are reluctant to assure the "right" time and space in an institution to engage themselves fully in their healing requirements as this can inhibit their creativity in an institutional environment. Traditional approaches hold promise of cost-benefits through days saved, as a function of Native healing processes. ■

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² Commissioner's Directive Aboriginal Programming, Definition 2.

The role of traditional healers in the treatment of Aboriginal sexual offenders

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Within Correctional Service of Canada (CSC) there has been a growing commitment to provide culturally relevant interventions in the effort to address criminogenic factors among Aboriginal offenders. Some meaningful advances in culturally appropriate programming have occurred within sexual offender treatment programs. There have been various accounts of the integration of traditional helpers and healing into sexual offender programs in an attempt to enhance the efficacy of treatment for Aboriginal inmates.²

Intuitively, there is much appeal in responding to the cultural perspectives and needs of Aboriginal sexual offenders who wish to pursue traditional healing. As with other correctional programs, there has been an interest in evaluating this approach. There is a need to better understand the way in which spiritual helpers and traditional healing address offender risk and need, and to determine the relevance of these interventions.³ The intrigue in examining this area is further enhanced by the mystique surrounding the general lack of familiarity with traditional healing.

In response to the interest in understanding and evaluating the role of Elders and traditional healing in the provision of Aboriginal sexual offender treatment, a qualitative research project was undertaken.⁴ In this study 11 traditional helpers (spiritual Elders, Healers, Pipe Carriers and Aboriginal Program Providers), eight sexual offender treatment providers (psychologists, therapists) and 12 Aboriginal male inmates attending Aboriginal sexual offender treatment programs participated in structured interviews which were audio-taped and then transcribed. In addition, participant-observation was included in the research design. Group therapy sessions, Sharing Circles, drumming circles and ceremonial activities such as Sweat Lodge and Pipe Ceremonies were attended, and observations were integrated into the analysis. The research was conducted at eight institutional and community sites across the Prairie Region provinces.

Consistent with the qualitative research methodology described by Morgan,⁵ interview transcripts and participant-observer notes were reviewed during which there was a "process of discovery" identifying key themes. The data reported consisted of the summaries of the comments made by the research

participants and of direct quotations illustrating the major points. This approach was chosen as it is consistent with and affirms the oral and experiential nature of instruction in traditional Aboriginal cultures.⁶ Considerable care and attention were given to the process of gathering the data; consideration and respect were given to the spiritual nature of traditional healing. The culturally sensitive research methods are detailed in the methodology section of this study.

Five of the primary areas of interest and investigation included in this study were:

1. Elders' attitudes towards and understanding of sexual offenders.
2. The role of Elders in sexual offender treatment.
3. The working relationship between Elders and clinicians.
4. The traditional approaches employed in the healing of sexual offenders.
5. Elders' views on the assessment of sexual offenders.

In this paper, highlights of each of these areas will be presented along with some example illustrations of comments provided by the research participants.

Elders' Attitudes Towards and Understanding of Sexual Offenders

All Elders interviewed described feeling comfortable in their role of providing healing to Aboriginal sexual offenders. This level of comfort was strongly linked to the Elders' perception that the men they work with are people *first*, and men who have committed a crime *second*. The non-judgmental attitudes of Elders proved to be a core element in both their philosophical and therapeutic approach to healing.

"I'm not here to judge them and criticize them for what they did. It's not my place. Us Indian people are not like that. We try to help and heal a person, not look at them for the mistake they do." (Elder)

"If you are on a spiritual journey you are supposed to help people, not label them." (Elder)

The practice of non-judgement was most often explained to be rooted in spiritual belief, and the therapeutic benefits were apparent. Many offenders described the experience of feeling accepted and not judged as healing and as inspiring hope and a sense of self-worth. It was interesting to note that therapists who demonstrated a similar attitude received an equally strong and positive response from offenders.

While Elders described a non-judgmental approach, they certainly did not minimize the seriousness of sexual offending and identified these offenders as unhealthy individuals. Elders offered a range of conceptualizations about what factors would contribute to inappropriate sexual behaviour; in almost all cases, however, they viewed offending to be the result of a wound or trauma suffered by the sexual offender. Among the most consistently identified contributing factors where the affects of colonization, community trauma, childhood trauma, substance abuse, the loss of traditional teachings related to healthy sexuality and the absence of healthy role models.

"I think of the residential school and that whole cycle that was created from there, the children being sexually abused and of course the anger and the pain. They are now in that cycle [those] who are committing these crimes." (Elder)

"In Native communities, there is so much alcohol, so much alcohol abuse that a lot of things happen. People see this all their lives, since they were kids, so it becomes a way of life ... everything is taken for granted, even the [sexual] abuse and the disrespect for women. A lot of times nothing is said because of the shame of it. Once they start getting away with it they don't care any more until they're caught." (Elder)

Elders had a very optimistic attitude about treatment/healing. They consistently related that almost all people are capable of healing and that sexual offenders were no more limited in their potential to heal than any other person who has committed a crime or has found themselves to be unhealthy.

The Role of Elders in Sexual Offender Treatment

In considering the role of Elders in the treatment of sexual offenders, we examined which elements of programming Elders participated in, and the differing perceptions and expectations of Elders and therapists regarding the role of Elders in the treatment/healing process.

Elders provided a variety of services depending on the programs they worked in. Among the most common were: the provision of ceremonies, individual counselling, co-facilitating sexual

offender specific treatment groups and traditional Sharing Circles, and participating in the planning process of community reintegration.

There was a difference between how Elders and therapists perceived the role of the Elder in the treatment process. For the most part, therapists viewed Elders as primarily providing cultural education, providing a cultural context for treatment, conducting traditional ceremonies and acting as a consultant and community liaison. Most therapists identified the Elders' role in sexual offender specific treatment as secondary; some endorsed a place for Elders as group co-facilitators.

Few therapists viewed the Elders healing practices as comparable with contemporary sexual offender treatment strategies. Rather, they seemed to see the Elder's role in healing as more specifically related to cultural identity. Although therapists did identify the provision of traditional ceremonies as an important contribution to the healing process, these ceremonies were not always understood as intrinsically therapeutic by clinicians.

In contrast, Elders viewed themselves as healers whose primary responsibility was facilitating the process of change, growth and the restoration of balance and harmony within the individual. As one Elder simply stated, "I am an Elder — I do healing." While providing cultural teachings and strengthening cultural identity were part of what they did, these aspects of their role were subsumed under healing.

Consistent with the therapists' view that sexual offender treatment was a secondary function for Elders, Elders saw themselves as holistic healers first, and as employed for sexual offender treatment second. Elders were less likely to view their role as 'teaching' or 'counselling' about sexual offender specific issues, instead they focused their attention on healing and bringing into balance the offender's mental, spiritual, emotional and physical domains. In contrast to the perception of therapists, Elders offered that the traditional healing they provide fully addresses the offenders' overall needs, both general and offence specific. As one Elder commented, "healing touches everything".

The Working Relationship between Elders and Clinicians

Clinicians and Elders involved in successful programs and the delivery teams were all aware of the importance of good communication and co-operation. In fact, those who maintained positive working relationships asserted that having a co-operative team is as critical to program success as the program approach itself.

"The core issue is how good the basic relationships are working. If those are working and there's a good connection, then the rest of it somehow manages to fall into place. Where there's openness, there's all kinds of potential." (Sexual Offender Therapist)

Therapists and Elders stated that positive relationships are mutually beneficial in that there is reciprocal learning and ultimately a better ability to respond to the needs of the men in treatment. In these working relationships, sexual offender treatment providers were more likely to seek out the Elders for consultation. Elders seemed more comfortable being approached than initiating meetings. Therapists and Elders described deliberating on a range of topics including: treatment planning, 'trouble shooting' (e.g., difficult case consultation, crisis intervention), cultural issues relevant to the treatment process, evaluating treatment/healing gains, release planning and developing community contacts.

Not all therapists and Elders were able to maintain ideal working relationships. This was the result of a variety of factors. At times these difficult relationships were related to the less than ideal organization of the contemporary and traditional program components, the lack of understanding among clinicians about Aboriginal culture and approaches, or the limited appreciation of Elders for sexual offender treatment strategies. Most often, however, it was apparent that difficult relationships had their origin in personality conflicts between individuals rather than as a result of any actual cultural conflict.

Traditional Approaches Employed in the Healing of Sexual Offenders

Understanding the traditional approaches to sexual offender treatment and identifying the common traditional practices being used are important for internal and comparative evaluations of Aboriginal sexual offender programs and to better facilitate Aboriginal content.

The most distinct element of Aboriginal healing is its use of and orientation in traditional spirituality. When asked about the style and primary focus of traditional healing, all Elders interviewed asserted that spiritual health and healing were central. Not only did Elders maintain that spiritual health was intrinsic to sexual offender healing, but they indicated that spirituality formed the basis for all their interactions and philosophies regardless of the client or program they were working with.

"... there is no other way for us to address these problems than to go back to the principles, values, and the beliefs that our Elders have had, that our spiritual people have had. There is no other way for us to become well." (Elder)

"We try to help these offenders... change their behaviour, their thinking and their lifestyle to one that is more positive and pro-social. We believe this can happen ... through healing, healing the spirit." (Elder)

Elders maintained that an individual could not effectively heal their problems as a sexual offender, or otherwise, if they were not also addressing their spiritual needs.

Elders were asked to discuss and identify the central goals of traditional approaches to healing and the treatment of sexual offenders. Although there were a range of responses, the following themes were consistently emphasized as central goals of the traditional approaches of Elders:

- the importance of holistic wellness
- the development of identity
- the need to learn and maintain traditional culture
- empowerment of the individual
- the establishment of hope and positive attitudes
- fostering the capacity to disclose with honesty and accountability
- developing the ability to cultivate and maintain healthy relationships
- combating the effects of racism
- education on healthy sexuality
- the importance of forgiveness
- risk management
- release planning and preparation

In addition to common goals in traditional programs, there was also an emphasis placed on the delivery style, which all Elders saw as intrinsic to their work. The approach of Elders was based on establishing trust, demonstrating respect for the offenders as individuals, identifying with the offenders, and interacting with offenders with a sense of personal informality that transcended the institutional protocols ordinarily experienced by these men. Although Elders tended to be much more passive in their delivery of material, they consistently demonstrated a willingness to empathize and identify with offenders and their personal histories.

The Elders involved in Aboriginal sexual offender programming used a variety of traditional healing techniques, such as Sweat Lodge ceremonies, Sharing Circles and Pipe Ceremonies. These ceremonies are often performed in a way that highlights or addresses sexual offender specific issues and needs. The range of ceremonies used depends on the individual Elder or Healer. Challenges and experiences in conducting ceremonies within sexual offender treatment programs, particularly in correctional institutions, are discussed and shared among the Elders.

In addition to ceremonies, traditional teachings and herbal medicines are an important and common part of the healing process. Details about the type and range of teachings Elders used in working with sexual offenders, both general and sexual offender specific, and the use of medicines are discussed in the study.

Elders' Views on the Assessment of Sexual Offenders

Since Elders play a central role in Aboriginal sexual offender programs, it is important to clarify their role in the offender assessment process. Areas of interest and examination have included investigating the willingness of Elders to be part of the evaluation process of men who attend traditional healing and the criteria on which Elders base their evaluations about progress or lack of progress in healing.

It was not uncommon to hear therapists speak with uncertainty about the Elder's desire to be involved in offender evaluations. There was a sense that Elders were unwilling or uncomfortable with the process. While these speculations may have been based on actual experience, most Elders indicated a general willingness to provide information for and be involved in the assessment process. Overall, Elders presented a wide range of views and cultural perspectives on the area of offender evaluation.

Elders indicated the need to approach their involvement in assessment with care because of the importance they place on confidentiality in the healing process, their recognition of the sensitivity of the information shared with them, and their desire to maintain a trusting and supportive relationship with the persons they are working with. As trust in the healing relationship and respect for the offenders' privacy were paramount, most Elders stated that they required the consent of the men they worked with in order to share information about their healing process and progress. This was particularly stressed in regards to providing

any information obtained during the offenders' participation in a ceremony.

An area of concern identified among clinicians was a tendency for Elders to focus only on the positive aspects of an offender's participation in programming, without identifying any concerns or outstanding problem areas that may be present. There was an impression that therapists are, at times, concerned about whether the Elders are providing a balanced picture of the progress of individuals. Elders also identified this as a problematic area. A common Aboriginal belief, particularly asserted by Elders, is the inappropriateness of speaking negatively about people. Some Elders struggled with this issue. While Elders were open about the restrictions they felt due to the differences in cultural philosophies, there was still a willingness to co-operate and many of the Elders saw the need to find a balance between the perspectives.

When asked specifically about commenting on risk and whether they felt comfortable evaluating an offender's risk, Elders tended to relate that they did not have a good understanding of what is involved in a risk assessment or how therapists go about evaluating risk. In fact, for the most part, Elders believed that when they were being asked about risk they thought they were being asked a 'yes' or 'no' style question. As a result, they generally felt reluctant to comment on risk. All Elders stated that although they believe an offender can heal and change, they rarely felt they could state that an individual was "100% better" or would "never" re-offend.

"Well, it's difficult, hard to say, no matter how many teachings and Sweat Lodges, you bring to these men, I couldn't rightfully tell a psychologist or anybody for that matter ... he'll never re-offend again because I doctored him and done this and that, no." (Elder)

There has been little understanding and much uncertainty regarding how Elders evaluate the progress of an individual participating in the healing process. An effort was made to have Elders identify what they believe to be the markers of change and progress and what factors they look for when evaluating where an individual is at in their healing journey. Elders identified a number of primary themes and areas as relevant indicators of healing gains. It was interesting to note that among the range of factors and indicators that Elders used to evaluate change in offenders, the most common ones find obvious and meaningful associations with contemporary indicators in evaluation.

In describing how they determine change and progress, the Elders related using intuitive perception and described themselves as having an ability to "see" or "feel" change. When asked for specific indicators of change, the Elders described looking for movement in the following areas:

- an individual's style of presentation over time
- increased openness to treatment/healing
- increased level of trust
- increased level of honesty and accountability
- an open expression of emotions
- an increased level of hope
- increased self-knowledge and confidence
- increased cultural pride
- the experience of comfort with self and identity
- the experience of remorse and empathy
- the formation of healthy relationships

The consideration of ceremonial behaviour in offender evaluation was another interesting area. Although Elders indicated that an offender's response to ceremonies could provide a sense of their progress and healing gains, they also offered that ceremonial behaviour could be misleading. As a result, involvement in ceremony needed to be interpreted carefully to determine the genuineness of participation and change. For the most part, however, Elders stated that they felt confident in being able to identify when offenders were not being genuine in their attitudes and behaviours within ceremony.

Conclusions

The final three areas addressed in the study explore the strengths and challenges of traditional healing in Aboriginal sexual offender treatment, the success of and need for traditional approaches, and recommendations for future program development.

Much strength was attributed to the involvement of traditional healing in sexual offender treatment programs. Among the most important and commonly noted were that Elders and traditional healing approaches facilitated an increased comfort with and openness to the treatment model, a strengthening of personal identity among offenders, and the development of a sense of community. As well, the holistic dynamics and the affects of ceremony in the work of Elders were identified as strongly associated with the overall growth and change in offenders.

The primary challenges identified in integrating contemporary sexual offender treatment and traditional healing were in the areas of cross cultural and professional education and training.

It was noted that non-Aboriginal staff required a greater awareness of Aboriginal culture and healing, and Elders and other traditional helpers required more specific training on sexual offender assessment and treatment.

All of the individuals interviewed including administrators, psychologists, therapists, Elders and healers indicated support for an Aboriginal sexual offender treatment/healing process. As well, all of the Aboriginal offenders interviewed indicated some measure of direct gain as a result of being involved in traditional healing approaches. ■

- ¹ 203-138 Avenue East, Winnipeg, Manitoba, R3C 0A1. Copies of this study may be obtained by writing to: Aboriginal Corrections Policy Unit, Solicitor General Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8.
- ² L. Ellerby, Community based treatment of Aboriginal sex offenders: Facing realities and exploring possibilities, *Forum on Corrections Research*, 6, 3 (1994): 23-25; see also L. Ellerby and J. Stonechild, Blending the traditional with the contemporary in the treatment of Aboriginal sexual offenders: A Canadian experience. In W. Marshall, Y. Fernandez, S. Hudson, T. Ward, (Eds.) *Sourcebook of treatment programs for sexual offenders*, (New York: Plenum Press, 1998: 399-415); and see L. Ellerby, J. Bedard and C. Chartrand, *Holism, wellness and spirituality: Moving from relapse prevention to healing*. In D.R. Laws, S.M. Hudson and T. Ward (Eds.), *Remaking relapse prevention with sex offenders: A sourcebook*. (Newbury Park CA: Sage Publications, In Press), and see S. Williams, S. Vallee and B. Staubli, *Aboriginal Sexual offenders: Melding Spiritual Healing with Cognitive-Behavioural Treatment*

(Ottawa, ON: Correctional Service Canada, 1997); and see M. Wyse and K. Thomasson, A perspective on sexual offender treatment for Native Americans. In A.D. Lewis (Ed.), *Cultural diversity in sexual abuser treatment: Issues and approaches*. (Brandon, Vermont: Safer Society Press, 1999).

- ³ C. LaPrairie, *A state of Aboriginal corrections*. (Ottawa, ON: Ministry of the Solicitor General (1996); also see Ellerby and Stonechild (1998).
- ⁴ L. Ellerby and J. Ellerby, *Understanding and evaluating the role of Elders and traditional healing in sex offender treatment for Aboriginal offenders*. Aboriginal Peoples Collection, Aboriginal Corrections Policy Unit. (Ottawa, ON: Solicitor General of Canada, 1998).
- ⁵ D.L. Morgan, *Focus groups as qualitative research*. (Newbury Park, CA: Sage Publications, 1988).
- ⁶ P.V. Beck, A.L. Walters and N. Francisco, *The sacred: Ways of knowledge, sources of life*. Tsaille, Az: Navajo Community College Press (1996); and see V. Deloria, *God is red*. New York: Delta Books (1993).

Programs for Aboriginal offenders: A national survey

by Nicola Epprecht¹

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Following meetings by the Federal, Provincial and Territorial Justice Ministers and the Heads of Corrections, the issue of growth in the prison population was identified and specific recommendations were made to address this concern. In particular, they raised the need for a compendium of “what works” in offender programming as one option to address this issue. The Research Branch of the Correctional Service of Canada (CSC) was given the task of compiling an inventory of all adult and youth institutional and community programming in federal and provincial/territorial correctional jurisdictions. A program is defined as ‘any intervention that is systematically applied to offenders with the expectation that it will result in reduced recidivism’. In other words, programs target needs that are linked to criminal behaviour by an offender.

Overview

All correctional jurisdictions were asked to complete a Treatment Survey or a Best Practices Survey for each correctional program that fit the above description of a program. As of the end of November, 1999, five hundred and eighty-six (586) surveys from ten (10) jurisdictions² have been received. Both surveys asked what percentage of offenders who completed the program were Aboriginal. In the case where one hundred per cent of program completers were Aboriginal, or it was explicitly stated elsewhere (such as the title of the program) that the program was Aboriginal specific (see Table 1), the program was designated an Aboriginal offender program. In addition, nine of the ten jurisdictions indicated that Aboriginal offenders participated in some or all of their non-Aboriginal specific correctional programs.³

Federal Programs

Within the Correctional Service of Canada, surveys were submitted for thirteen Aboriginal specific programs. All are institutional programs and the majority (11) are offered in the Prairie region. The Society of Aboriginal Addictions Recovery (SOAR or SOAAR) program, the Aboriginal Alpine Wellness Program, and the Aboriginal Healing Program were nominated as Best Practices. SOAR targets substance abusers, and the Aboriginal Alpine Wellness Program and the Aboriginal Healing Program target sex offenders. The remaining programs target either substance abusers or all

offenders. Some of the programs directed toward all Aboriginal offenders focus on issues such as childhood trauma, childhood histories of residential schools, foster homes and/or boarding schools, cultural issues and traditions, and spirituality.

Data for the non-Aboriginal programs with Aboriginal participants and community programs were unavailable at the time of publication.

Provincial Programs

Aboriginal Specific Programs

Newfoundland, Manitoba and Saskatchewan are the three provincial jurisdictions that submitted information on Aboriginal specific programming. Aboriginal programs in Newfoundland are offered at the Labrador Correctional Centre and target sex offenders and male batterers. Manitoba submitted Best Practices surveys for four Aboriginal programs and one Treatment Survey for an Aboriginal Program. One of the Best Practices was an institutional program, two were community programs and one program was offered in both an institution and in the community. The Aboriginal Treatment Survey was a community program. These programs targeted gang members, perpetrators of domestic violence and mentally disordered offenders. The Aboriginal specific programs in Saskatchewan include a Children’s Visiting Program for Aboriginal mothers, a community Anger Management program and a Life Skills program.

Programs with Aboriginal Participants

Aboriginal offenders participate in three young offender programs offered at the Newfoundland and Labrador Youth Centre (Substance Abuse, Healthy Lifestyles, and Life Skills). At the adult offender level, Aboriginals participated in four community programs. These are: Foundation Group — Criminal Behaviour Awareness; Substance Abuse; Anger Management, and; Intermittent Sentence Workshop. None of these programs were nominated as a Best Practice.

On Prince Edward Island, Aboriginal offenders participated in two programs offered at the Provincial Correctional Centre in Miltonvale (Substance Abuse and Anger Management).

The province submitted the adult Probation Services as a community correctional program. Probation Services had Aboriginal participants. The Community Youth Worker Program and the Alternative Residential Placement Program for young offenders had a small percentage of Aboriginal youth in each program. All of the community programs were submitted as Best Practices.

New Brunswick reported that two per cent of participants in six adult community programs were Aboriginal. These community programs are offered in all five regions of New Brunswick. The community programs are: Anger Management; Community Sex Offender Program; Risk Reduction; Substance Abuse; Partner Abuse, and; Intensive Rehabilitation.

Ontario reported 14 institutional programs with Aboriginal participants. The two programs with Aboriginal participants at the Vanier Centre for Women are Winners Problem Solving and Emotional Control Training. Regarding male Aboriginal

offenders, the Guelph Correctional Centre submitted information on ten programs with Aboriginal participants, while both the Rideau Treatment Centre and the Ontario Correctional Institute Offender Treatment Programme reported that approximately ten per cent of their program participants were Aboriginal. Winners Problem Solving and Rideau Treatment Centre were submitted as Best Practices.

Manitoba submitted nine Best Practices Surveys for programs with Aboriginal offenders, of which four are community programs and one is a young offender program. Manitoba also submitted thirty Treatment Surveys for programs with Aboriginal offenders include 13 community programs and five young offender programs.

Saskatchewan had Aboriginal participants in thirty programs. Fifteen of the programs are delivered in the community and 15 are delivered in institutions. None of these programs were nominated as a Best Practice.

Table 1

Aboriginal Specific Programs in Canada

Name	Location	Description
Society of Aboriginal Addictions Recovery (SOAR)	CSC – Atlantic	Substance abuse treatment with a Native Spirituality component.
Society of Aboriginal Addictions Recovery (SOAR)	CSC – Quebec	Accredited program that has been adapted for the clientele (Special Holding Unit). Substance abuse treatment with a Native Spirituality component.
Aboriginal Alpine Wellness Program	CSC – Prairies	Targets sex offenders, specifically perpetrators of incest.
Aboriginal Healing Program	CSC – Prairies	Targets sex offenders. Added features: Native Spiritual and Cultural elements.
Cultural Awareness	CSC – Prairies	Pre-treatment program for all offenders.
First Nations Culture Program	CSC – Prairies	Targets all offenders.
Pathfinding Program	CSC – Prairies	Targets all offenders.
Pre-treatment/Treatment Readiness	CSC – Prairies	Targets substance abusers.
Sacred Circle	CSC – Prairies	Targets substance abuse and Aboriginal culture/spirituality.
Society of Aboriginal Addictions Recovery/ All Nations Addiction Program (SOAR/ANAP)	CSC – Prairies	Substance abuse treatment with a Native Spirituality component.
Society of Aboriginal Addictions Recovery (SOAR)	CSC – Prairies	Substance abuse treatment with a Native Spirituality component.
Wa Wa Ee	CSC – Prairies	Targets any offender with unresolved childhood trauma.
Who Span Gan	CSC – Prairies	Targets all offenders.
Male Batterers Group	Newfoundland	Targets perpetrators of domestic violence.
Sex Offender Level 1	Newfoundland	Targets sex offenders.
Domestic Violence Program	Manitoba	Targets perpetrators of domestic violence.
Gang Intervention Program	Manitoba	Targets gang members and violent offenders.
Making a Difference	Manitoba	Targets mentally disordered offenders
Medicine Wheel Teachings	Manitoba	Targets perpetrators of domestic violence.
Medicine Wheel Teachings	Manitoba	Targets perpetrators of domestic violence.
Meyoyawin Circle Project	Saskatchewan	Targets Aboriginal mothers.
Pluming of the Eagle	Saskatchewan	Targets the development of life skills.
Self Discovery Program	Saskatchewan	Targets violent offenders and issues of anger management.

In British Columbia, Aboriginal offenders participated in two youth correctional programs. The Boulder Bay Youth Program is delivered in the institution (a wilderness camp) to violent and chronic young offenders. The Exodus Substance Abuse Program is a community program delivered in the Langley area.

The Yukon has Aboriginal participants in five of its programs, all of which are institutionally-based. The only program for young offenders, the Youth Sex Offender Treatment Program, is offered in the community as well as in the institution. The adult programs are Substance Abuse Education/Driving Without Impairment (Teslin Correctional Centre); Cognitive Skills (Whitehorse Correctional Centre); Anger and Emotions Management (Whitehorse Correctional Centre), and; Offender Substance Abuse Pre-Release Program (OSAP or OSAPP) (Whitehorse Correctional Centre). The Youth Sex Offender Program and the Substance Abuse Education/Driving Without Impairment Program were submitted as Best Practices.

With the exception of Manitoba, Saskatchewan and the Yukon, the percentage of Aboriginal participants

in correctional programs was relatively low: twenty-five per cent or less.

Discussion

Thus far, a total of 23 Aboriginal specific programs have been identified (13 federal programs and 10 provincial programs) in the national survey. The preliminary results of the Compendium of Effective Correctional Programs indicate that those provincial jurisdictions where Aboriginal offenders are most over-represented in the correctional system are offering Aboriginal specific programming. At the federal level, the bulk of Aboriginal programming is also offered in the Prairies. Future analyses of correctional program information gathered for the Compendium will provide insight into the extent to which correctional agencies are providing Aboriginal specific programs in their respective jurisdictions. What can be concluded at this point, however, is that Aboriginal programs have been developed and implemented across Canada that hopefully speak to the Aboriginal offender and their respective community. ■

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² At the time of publication, Nova Scotia, Quebec and Alberta had not submitted any correctional programming data.

³ Certain data for the tenth jurisdiction, the Northwest Territories, were unavailable at the time of publication. In addition, certain data were unavailable for some programs in some jurisdictions at the time of publication.

What's new?.....

The Federal Solicitor General Lawrence MacAulay announced the establishment of an Addictions Research Division on November 26th, 1999. This separate, dedicated research facility will be located in Montague, Prince Edward Island. The Addictions Research Division is being established to encourage and stimulate addiction research in criminal justice and to develop a co-ordinated program of applied research activity across jurisdictions. It will be part of the Research Branch of the Correctional Service of Canada.

Okimaw Ohci Healing Lodge: A federally sentenced women's initiative

by Norma Green¹

Okimaw Ohci Healing Lodge, Correctional Service of Canada

Okimaw Ohci (Thunder Hills) Healing Lodge (OOHL) is a thirty-bed healing lodge for federally sentenced Aboriginal women, located in the Cypress Hills, Saskatchewan. This facility has been in operation since October, 1995.

Background

The Federally Sentenced Women's Task Force report, "Creating Choices," recommended that five women's regional facilities be built including the Okimaw Ohci Healing Lodge.

"Creating Choices" reinforces the findings of previous studies. It states that due to the small number of federally sentenced women (FSW), there are several issues that have placed this population at a disadvantage compared to men under a federal sentence:

- The geographical dislocation of many women from their families, cultures, and communities.
- The security over-classification of some women and the associated lack of significant opportunity for movement to other institutions or lower security facilities/community facilities.
- The lack of appropriate women-centered programs, services, and assessment tools, particularly for the federally sentenced women serving their sentences in provincial facilities.

Research² has demonstrated that Aboriginal offenders (men and women) are granted release at a lower rate than non-Aboriginal people. Aboriginal federally sentenced women also have experienced higher rates of physical and sexual abuse compared to non-Aboriginal federally sentenced women. Substance abuse, primarily alcohol, is another key factor involved in their offense history and is much more pervasive than in the Caucasian offender population.³

The Royal Commission on Aboriginal People reported that 95% of the male Aboriginal offenders in the Saskatchewan Penitentiary have been adopted, removed or displaced from their homes. Reports have shown that many Aboriginal people have been emotionally, physically and/or sexually abused in their childhood and youth. The Correctional Service of Canada (CSC) has built five regional facilities in the past five years. These

facilities for federally sentenced women are presently operating in Alberta, Ontario, Quebec, Nova Scotia and the Okimaw Ohci Healing Lodge in Saskatchewan. "Creating Choices" recommended that a healing lodge be built in the Prairie region, as a high number of Aboriginal federally sentenced women are from this region.

Planning of the Healing Lodge

The development of the Okimaw Ohci Healing Lodge was the result of a shared responsibility and partnership between CSC and Aboriginal people to ensure that it met the cultural and spiritual needs of federally sentenced Aboriginal women. The lodge is built to house up to thirty federally sentenced Aboriginal females and up to ten children under the age of four.

The Planning Circle (who is responsible for the planning of the Lodge) represented the communities of Maple Creek, Nekaneet, women's and Aboriginal organizations, and CSC. Elders from various First Nations played an important part of the planning group. There were additional consultations with female inmates from various institutions to ensure that programs, services and resources would be adequate as well as needs/risk oriented.

The Planning Circle assisted in the development of the architectural design, job descriptions, staff selection process, and the staff development-training plan. The holistic healing strategy is the focus of the Lodge and the planning committee designed this with special care. On conclusion of the planning process, a smaller Circle called *Kekunwemkonawuk* (Keepers of the Healing Lodge Vision) replaced the Planning Circle. This committee meets regularly to monitor, provide support and guidance to the Kikawinaw in the operation of the Lodge. Several Planning Circle members are a part of *Kekunwemkonawuk* to ensure that there is continuity in the operation of the Lodge.

Programs

All activities and programs are guided by the concept of Aboriginal healing. Healing is a lifelong process and the premise is that residents will start their road to healing at the Lodge, and will continue when they leave. Living without the pain of the

effects of physical and sexual abuse, freedom from substance abuse through reconnection with Aboriginal culture, language and spirituality continues on a daily basis at the Healing Lodge. Core programs recommended under the Corrections and Condition Release Act, such as Substance Abuse Prevention, Living without Violence, Cognitive Living Skills, Literacy and Education are offered at the Healing Lodge, but they are presented in a culturally and gender sensitive manner. An Elder is usually part of the program.

Native studies are taught where the positive history of First Nations is of paramount importance. This concept strengthens the positive role that the Aboriginal people have played in our history. The residents regain pride in their race, increase their self-esteem and well-being.

Cultural activities include beadwork, sewing, drumming and singing. Many of the residents make star blankets, moccasins, dream-catchers, ribbon shirts and dresses which are sold to the public. Round dances are held once a month. The residents are responsible for the planning of these events. Members of the Nekaneet and Maple Creek communities participate in these events.

Mother and Child Program

This program became a full-time program in August, 1997. The children live with their mothers and go to the Day Care Centre during the day, while the mother participates in programs. Children are an important part of the lives of Aboriginal and First Nations people. Children are considered close to the "Creator", and are special to Aboriginal families and communities. Therefore, having their children on site is important for offenders, and staff. The children bring joy, hope and anticipation to everyone.

Elder Services

Elder services are available on a 24-hour basis, providing support, guidance, inspiration and hope to the residents and staff. If a crisis occurs at any time of the day or night the Elders are available to assist. The Elders provide traditional and contemporary teachings to both residents and staff. Elders' teachings are held twice weekly. Oral teachings could include the spiritual purposes for fasts, feasts and sundances, as well as the importance of family, communities, and respect.

Mental Health Services

The institution has made provisions for the services of a psychologist who is available to the women offenders two weeks out of each month. The

psychologist is responsible for counseling and completing psychological assessments as the need arises. One-to-one counseling services fills the need for women to discuss their past abuse.

Counseling services, spiritual healing and program involvement is all part of the holistic healing of the residents. This integrated service has prevented major crisis situations from occurring when residents tend to self injure. There has not been a major incident at the Lodge.

Mediation/Conflict Resolution Circles

The residents at the Healing Lodge continue to face challenges, frustrations and anger in their daily lives. Spiritual Circles are held in the Spiritual Lodge every morning. Generally, everyone shares feelings of joy, pain, frustration and hope in the Lodge. It is a safe place to talk about how you feel as all the discussions that are held there are in confidence. Anything that is said there must stay there. It is a place to learn patience and self control and to respect what others say.

Mediation and conflict circles are a daily part of life at the Lodge. If two residents who are roommates are not getting along, they are brought to a talking circle with an Elder present. Often, there is more than one resolution circle to deal with the issue. However, it does get resolved. The concept is that the resident will learn to deal with conflict and frustrations in a respectful manner in a safe environment. This will prepare them for the outside world where there will always be conflicts and frustrations to deal with.

For example, two residents were involved in a minor altercation, as they were both angry with one other. Both residents were interviewed to get all the facts and then brought together to discuss the problem. The situation was resolved after two meetings with both parties agreeing to clean the Administration Building for two weeks. They had to work together to plan what each had to do. The result was that they learned to talk, plan and complete the duties that were expected of them. They became good friends and supportive of each other. They each stated that they had learned to deal with conflict and that if it had been done any other way, they would not have had the experience of working a problem out.

Talking and spiritual circles provide a safe and supportive avenue to deal with all issues. It breaks down the hierarchy that is often perceived of staff. In a circle everyone is equal and all the information that is shared is a learning experience. Generally, everyone learns from listening to one another. Everyone learns to speak honestly and openly about

life, family, experiences and feelings. Everyone feels that they have been heard, as they are not interrupted. The goal is in having talking circles become a part of a practice that can be taken into the outside world when the resident leaves. There is a great emphasis put on respect, in that we should treat others as we want to be treated.

Is the Initiative Working?

"Creating Choices" emphasized a vision for change, as set out by the following principles:

- a safe place for Aboriginal women prisoners;
- a caring attitude towards self, family and community;
- a belief in individualized client-specific planning;
- an understanding of the transitory aspects of Aboriginal life;

- an appreciation of the healing role of children who are closer to the spirit world;
- pride in surviving difficult backgrounds and personal experiences.

The Okimaw Ohci Healing Lodge has been in operation for almost four years. The staff at the Lodge makes every effort to follow the principles as outlined by "Creating Choices". We provide a safe and supportive environment and treat the women with respect. We encourage the residents to take control of their lives. Children living at the Lodge contribute to a positive and happy environment. Community members continue to support the Lodge. The residents bring their personal experiences and others learn from these experiences. The Elders share their knowledge. Of the 50 women released to date, six have re-offended. ■

¹ PO Box 1929, Maple Creek, Saskatchewan, S0N 1N0.

² *Corrections and Conditional Release Statistical Overview*, Table D2, p. 56, (Ottawa, ON: Solicitor General Canada, November, 1999).

³ See L.L. Motiuk and M. Nafekh, Aboriginal offenders in corrections: A profile (this issue).

Let's Talk

Let's Talk is a magazine published by the Communications and Consultation Sector of the Correctional Service of Canada.

Let's Talk welcomes letters to the editor, suggestions for articles and contributions from readers. Materials submitted may be edited for style and length. Please include your electronic mail address and a daytime telephone number. Address all correspondence to:

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Aboriginal healing program evaluation: Success through negotiation

by Allen Benson, Randy Sloan and Patti LaBoucane¹
Native Counselling Services of Alberta

The Correctional Service of Canada (CSC) in partnership with Aboriginal communities and other agencies have made great strides toward addressing the need for culturally appropriate programming for Aboriginal offenders. There is now a need to create an evaluation process that is as pertinent in the Aboriginal context, as are the programs that are offered by Aboriginal communities. Evaluation of Aboriginal programs is important, as it provides a mechanism for ongoing improved service delivery and increases program effectiveness and accountability.

Formative evaluation has been described as to “look out for potential problems. This process identifies areas where the program needs improvement, describe and monitor program activities and periodically test for progress in achievement or attitude change.”² Evaluation needs to be an ongoing process before, during, and after program delivery to ensure the highest quality of client service is delivered.

Evaluation Based on Traditional Assumptions

Assumptions preclude the development of any program or research design; they are the beliefs that drive us and create our perspective. In the past, programs delivered by the Correctional Service of Canada were based on beliefs that originate from the dominant culture and were evaluated from the same perspective. Most recently, programs for Aboriginal offenders have been created using a different set of assumptions — those that originate in both traditional and contemporary Aboriginal culture.

Understanding how assumptions frame program delivery and evaluation is fundamental to the comprehension of the uniqueness and importance of Aboriginal programming for Aboriginal people; these underlying beliefs therefore constitute what makes a program successful for Aboriginal offenders. To create a process of continual monitoring and improvement of cultural-specific programs, the evaluation instrument must also be based upon those assumptions.

Assumptions and beliefs are not static for all Aboriginal people. Indeed, it is not our intention to advocate for the reductionistic perspective of Aboriginal people that assumes that all Aboriginal people have the same experiences and needs.

A more realistic and useful position is to acknowledge that there are as many interpretations and “ways” of Aboriginal culture in Canada as there are numbers of communities of Aboriginal people. However, there are similar values, customs and beliefs that loosely bind Aboriginal cultures together — assumptions that may be used by many different communities.

Holism is an example of a concept that is shared by many different Aboriginal groups and communities throughout Canada. It refers to a worldview that acknowledges the interdependence of all aspects of life: all things are connected (all things are related). Holism is also a paradigm that acknowledges the mental, physical, emotional and spiritual parts or components of every individual, and suggests that all parts are affected by each other.

The assumption of holism when applied in the context of healing asserts that healing cannot occur in one dimension only; in order to affect real and sustainable change in an individual, one must embark upon a process of “true learning”. As described in the Four Worlds Project, “It cannot be said that a person has totally learned in a whole and balanced manner unless all four dimensions of being have been involved in the process.”³ In the Aboriginal paradigm, the concept of a four-part person is often visualized as a wheel. Other names for it include the medicine wheel, which is a more traditional Aboriginal paradigm. There are Aboriginal people who do not follow this traditional path; but they may still see the holistic perspective as logical or appropriate.

In regard to service delivery, the program assumptions should match the worldview of the facilitators and evaluators of Aboriginal-specific programs. Aboriginal people employed in this manner are likely contributing to the program in ways that are in line with the philosophy of the program, and are more committed to changing behaviours through connectedness and commitment to their people (those who share the same world-view). Evaluations based upon the same beliefs as those that guide program development and facilitation are most likely to provide the richest, most accurate data; information that will result in improved service delivery.

Achieving Effective Evaluation Through Complimentary Partnerships

Negotiating Outcomes

One of the strengths of Aboriginal programming is the uniqueness and specificity of each individual program. Because the customs and beliefs of Aboriginal people vary nation-wide, each community will deliver programs in a manner that is appropriate for their people. Program managers may view this uniqueness as nationally problematic — for example, they may find it difficult to create uniformity of the reliability and validity of these programs.

When considering Aboriginal programming, however, it is best to view validity and reliability specific to the individual program being evaluated, as opposed to comparing it to other programs (Aboriginal or non-Aboriginal) as a means of evaluating. Reliability, for example, can only be measured within the context of that program, within that region and delivered for a specific population of people. Changing any of these variables will change the process of program delivery and therefore must be evaluated separate from any other program.

Evaluating the outcomes of the program, as opposed to the process is likely most effective. For this reason, it is imperative that during the time of program development, program objectives are created through a consensus process, between the Correctional Service of Canada, and the agency who will deliver the program. These objectives will dictate what will be evaluated, how on-going evaluation will be built into the program design and how the evaluation will be carried out. A negotiatory process is the basis for a complimentary partnership between contractor and agency and provides clear, achievable goals that will guide program implementation and delivery.

Effective Evaluation Teams

Creating the appropriate evaluation team and instrument is fundamental to the implementation of a meaningful, culturally appropriate evaluation. The make-up of this team should also be addressed at the time of program development and consist of people who have a variety of expertise and skills to offer. A balanced team would include those members who are knowledgeable in policy and

those with expertise in traditional and contemporary Aboriginal values and culture; team members who are quantitative researchers and those who are experienced in qualitative data collection and analysis; team members who are both program staff, as well as people outside of the program. Through this participatory process, Aboriginal agencies and communities build capacity for evaluation design and implementation, and facilitate a process for troubleshooting and preventative measures in program delivery.

The evaluation team should also be committed to upholding the values stated during program development and adhere to a process that is both *effective* and *respectful*. A key component in Aboriginal program evaluation is the respecting of traditional protocol when collecting data regarding the cultural and spiritual components of a program. These protocols are important guides in both program delivery and evaluation — they set the framework for respect and healthy relationships in the program and should be honoured throughout the planning, implementation, and evaluation phases.

Solution Focus

Many Aboriginal program providers have developed the opinion that a typical evaluation process is adversarial; they may see the evaluators as auditors whose primary function is find problems and identify who is to blame. Program audits, therefore, may be considered hostile processes, where policy is more important than the program or the people involved. This atmosphere is most likely to result in non co-operation of program staff, fear, or possibly feelings of being misrepresented and misunderstood.

In contrast, the evaluation process that works best for Aboriginal programming is one that is solution-focused. From this perspective, both the contractor and agency own all issues that may arise and work together to find constructive, realistic solutions that result in better service for Aboriginal clients. In this environment of trust and camaraderie, evaluators and program staff are focussed on program resolution, and the creation of better programs, more effective staff and stronger partnerships. ■

¹ 9208 - 95 Avenue, Fort Saskatchewan, Alberta, T8L 1C7.

² C.T. Fitz-Gibbon and L.L. Morris, "How to design a Program Evaluation", (Beverly Hills, CA: Sage Publications, 1978) p. 11.

³ Four Worlds Development Project, "The Sacred Tree", (Lethbridge, Alberta, Lotus Lights Publications, 1985) p. 29.

Release potential of federally-sentenced Aboriginal inmates to communities

by *Malcolm Saulis*¹

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Introduction

In brief, this article describes a pilot study of five select Aboriginal communities in the Prairie region. The goals of this research initiative were to ascertain the Aboriginal communities' release potential as well as those opportunities that will support community based restorative justice programs, develop alternative programs and services for newly released offenders, and to clarify the feasibility of restorative programs and the factors that would influence the use of community-based reintegration programs.

Research Objectives

The specific objectives of this study were:

- To determine the place and stage of community-based justice and corrections initiatives.
- To determine the perceptions, attitudes, and values of First Nation community people toward offenders and their release.
- To determine the possibility of utilizing community-based initiatives and feasibility to monitor, facilitate and sustain release.
- To ascertain healing initiatives within institutions and Aboriginal community-based restorative justice initiatives.
- To examine and analyze Aboriginal communities' feasibility and needs to facilitate the return of federal offenders in the long term.

Method

Five First Nations communities in Saskatchewan and Alberta were invited to participate in the study and/or support the identified community based researcher. Each of the researchers was trained in all aspects of the research project. A total of one hundred and forty-six people participated in this study. The participation breakdown is as follows: a total of sixty-two individual households, thirty-four key informants, fifteen Elders, four community circles involving twenty participants, six interviews with released offenders and one circle of six offenders currently in prison and one Elder working in prison.

Community Profile

The five community profiles show the following characteristics that have impacted the capacity of Aboriginal communities in developing alternative programs and services for newly released federal offenders.

1. Social/economic problems and issues such as population growth rates, significant alcohol/drug/solvent abuse, disproportionate family dysfunction (violence, suicides, child abuse/neglect), single parent families.
2. Unemployment rates of 60%–70%, increasing criminal activity and development of youth gangs are prevalent.
3. Basic services such as housing are grossly inadequate for most people in the community.

Summary of Individual Household Questionnaire

A total of sixty-two people from the five First Nations communities were interviewed through the individual household questionnaire. Sixty-nine percent (69%) of the respondents interviewed were middle aged (30–50 years), seventy-seven percent (77%) were female respondents and most of the respondents are bilingual: First Nation language and English. Ninety-four percent (94%) of the respondents knew people who have been in prison and returned to the community.

The needs identified for people who have been released from prisons are Elder Counselling, traditional cultural guidance and healing circles, structural transition programs for the individuals and community. Most respondents mentioned emotional support such as the need for belonging/acceptance from family and community. Basic needs such as housing, clothing and financial assistance were also identified by many of the respondents. Programs and services that are coordinated, integrative and holistic were identified by many of the respondents including:

1. Support programs for federal offenders and families, i.e. Elders program, conflict resolution, and anger management.

2. Employment/education/training programs.
3. Halfway house.
4. Recreational house.
5. Professional therapy and counselling.

Overall most of the sixty-two people interviewed support the return of federal offenders to their community and giving them opportunities to change.

Summary of Key Informants Interviews

A total of thirty-four key informants interviews were conducted. Most of the key informants were managers/directors mainly in social, health, education, justice/corrections programs and services at the community level. A few were in leadership roles in the community. Most of the informants were over thirty years of age, representing an equal percentage of both genders.

Respondents indicated that the nature of the relationship between First Nations and non-First Nations communities is improving especially among young people.

Most of the key informants indicated that people who have been released from prison face more barriers and competition for employment, education, and training in their communities. These barriers may result from issues related to criminal record checks, criminal labeling/stigma, lack of trust, and safety issues. Some of the recommendations aimed at reducing barriers for ex-inmates varied from programs specifically designed to offer traditional and cultural services provided by Elders, access to professional treatment and support systems, community acceptance and awareness and the individual offender's motivation for change reflected in his/her behaviour.

There are no specific educational, training and employment opportunities in most of the communities for people who have been released from prison. Most of the employment/funding opportunities identified included First Nation public band programs and services, seasonal labour employment and social assistance as a safety net. Only one of the five communities identified specific programs and services for those who have been released from prisons. Most respondents either felt that they did not have enough information about the specific programs and services offered by the communities, i.e. statistics and results, to comment on the matter, or they felt the programs to be either effective to very effective in meeting the needs of ex-inmates.

Most of the key informants felt that barriers to re-integration to the communities were largely

dependent on the seriousness of the crime, a person's social/economic status, family political standing and the motivation level of the ex-inmate and degree of effort in his/her reintegration into the community.

Overall, the key informants interviewed support people who have been in prison and their return to the community. However, they made specific comments about programs and services to be made available for the released offenders, families and community supports, emphasizing Elders' involvement in the re-integration/healing process through traditional and cultural methods.

Summary of Elders Interviews

A total of fifteen Elders were interviewed from four of the communities. Some of the Elders felt that federal prisons do not serve as a deterrent for most offenders. "It is a place to eat three meals a day, with shelter and no responsibilities. Many go to jail because they have nowhere else to go."

Elders saw their role as providing services for Aboriginal people who are released from prison and wanting to reintegrate into the community in the contemporary context of reintegrative justice systems, courts, probation and correctional centers and through other more culturally appropriate approaches such as sentencing circles.

All of the Elders support playing a role for those released from prison. They mentioned the role of prayer, ceremonies, and counselling/advice. They cautioned for healing to occur there must be the willingness of the offenders to change. Additional other community programs and services must be available.

Summary of Community Circles/ Focus Groups

There were four community circle/focus groups initiated in four of the communities involving a total of twenty-one participants. The circle consisted of mostly adults, a balance of men and women and usually a few Elders.

The community circle participants generally felt that people who have been released from prison should return to the community. Community acceptance, tolerance, understanding and transitional readjustment were common responses reflecting community perception towards ex-inmates. In some of the participating communities, this tolerance has some limits in that the seriousness and type of crime (i.e. violent, dangerous and child sexual offenses) determined communities' receptiveness and

acceptance to provide supports and services for the offenders. Community receptiveness to provide reintegration services is directly related to the individual offender's efforts to make amends, show self responsibility, show remorse for his behaviours and actions that led to the prison term and be willing to change and contribute as a community member. In some communities, the community members are more concerned about how to protect their children from sex offenders. The majority of the community people either do not want serious offenders returned to their community or they want assurances of community safety and that the offender will make an integrated, holistic and coordinated effort to address their issues.

For other offenses and conditional to the offender's responsibility, the community members who participated in the circles would support initiatives to reintegrate the people who have been in prisons. Suggested reintegrative initiatives were programs and services aimed at addressing the issue of anger and hate for the victims and victims' families, and other programs included traditional, cultural and addiction services.

Overall, the participants of community circles/focus groups supported reintegration efforts and initiatives to restore balance in community, with the exceptions being violent and dangerous sex offenders of children. The community is willing to work to give them a chance at rehabilitation and reintegration. Comments were expressed to secure the necessary resources and funds to offer a variety of programs and services for offenders, families and victims.

Analysis of Interviews with People Released from Prison

Approximately 50% of the people who have been in prisons had returned to the community. The transitional phase of release to the community was considered the most difficult phase. Preparation (post-release) was considered a necessity to assist in the successful re-adjustment phase. An on-reserve community re-integration program to promote community acceptance, awareness and needs of released offenders, support programs and services to meet the basic needs is considered essential.

Summary of Interviews with People Currently in Prison

Alcohol/drug/substance abuse is considered to be one of the biggest primary contributing problems for First Nation offenders. Gang violence, residential schools, introduction of provincial citizenship rights in the 1960s such as social welfare, being able to buy

liquor and the resulting "child welfare scoops" and many children being raised in non-Aboriginal foster homes were also identified as contributing factors. Many of the federal offenders were former foster children. Having lived in urban centers all or most of their lives, they have little identification with reserve community people and they don't have a sense of community belonging. The only alternatives are off-reserve and urban centre communities.

Most of the people interviewed that were currently in prison recommended various helping support systems to keep Aboriginal people out of prison. These included prevention and awareness programs about issues related to gang violence, and drug and alcohol addictions, especially for Aboriginal children.

Most of the offenders currently in prison felt they are responsible for their own actions, but require additional supports for issues related to addictions, housing and other areas. A reintegration transitional phase involving Elders and a reintegration program were seen as essential to develop basic life-skills, and programming promoting healing and wellness through the traditional and cultural ways.

Perceptions, Attitudes and Values Toward Offenders and their Release

Generally, there is support for addressing the needs, issues and supports necessary for offenders and their release back to the community. The trend is to give federal offenders an opportunity for change, to be treated like human beings.

Traditional values such as respect, honesty, acceptance, and culturally appropriate principles and philosophies were emphasized and it was felt that these should also be extended to offenders. The cross-sectional community receptiveness to offenders did not fully extend to serious criminal offenders without assurances of safety, programs and services.

Healing/Restorative Justice Initiatives

Community based initiatives such as Elders' counselling, traditional and cultural activities, and healing circles were identified and should be formally recognized and supported.

Healing and wellness community initiatives have started over the last ten years in most First Nations communities. Many of the respondents identified and empathize with many of the contributing factors symptomized by substance abuse. Most of the respondents would support community based restorative justice initiatives that could help enhance

and develop culturally relevant and appropriate programs and services for federal offenders returning to the community. The beginning of community based restorative justice initiatives are initially having a positive impact and creating community awareness with regard to offenders. Further developments and initiatives would be welcomed provided that they have community participation, ownership and additional resources to supplement existing scarce resources.

Conclusion

The initial findings of the research initiative offers the potential of viable alternatives for reintegration initiatives, a vision of an reintegration process, community will and capacity to undertake initiatives and the long term potential to strengthen relationships between Correctional Service Canada staff and the First Nations communities. ■

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Coming up in the May 2000 issue of *FORUM on Corrections Research*

*The May 2000 issue of FORUM will focus on Effective Corrections.
The September issue will focus on Managing Long-term Offenders.*

Assessing the needs of Aboriginal women offenders on conditional release

by Craig Dowden and Ralph Serin¹

Research Branch, Correctional Service of Canada

The appropriate management of offenders on conditional release is one of the keys to their successful community reintegration. Consequently, one of the primary tasks of probation and parole officers is to continuously evaluate and respond to offender needs. The Community Intervention Scale (CIS) and its predecessor, the Community Risk/Needs Management Scale (CRNMS) is the risk/needs assessment instrument used by the Correctional Service of Canada to allocate supervision resources for offenders who are under community supervision.

Previous research² has demonstrated that the vast majority of the need domains measured by the CIS are strong predictors of post-release outcome for general offender populations. However, there is concern that risk/needs assessment instruments that have been developed for predominantly male and Caucasian offender populations may have less relevance when applied to women or Aboriginal offenders. The purpose of the present investigation was to explore the utility of the CIS for case management of Aboriginal women offenders on conditional release.

The CIS is an empirically validated and theoretically-based assessment instrument that predominantly focuses on the substantive criminogenic need areas of offenders.³ This interview-based rating is administered to an offender approximately once every six months throughout his/her conditional release period. There are seven need domains included within the CIS that include, employment, marital/family relationship, associates/social interaction, substance abuse, community functioning, personal/emotional orientation, and attitude.

Past research⁴ has demonstrated that the majority of the need domains surveyed by the CIS are significantly correlated with post-release outcome. More specifically, past studies have reported that offenders who experience increased problems in these areas were significantly more likely to be suspended on conditional release than those who did not. A recent study investigated the predictive utility of the CIS to federal women offenders, finding that the vast majority of the need domains (with the exception of marital/family) were significantly associated with post-release outcome.⁵

Although these results provide strong empirical evidence supporting the application of the CIS to both general and women offender populations,

research regarding the applicability of this instrument to Aboriginal offender populations is lacking. Therefore, the purpose of the present investigation was to explore the predictive utility of the CIS for Aboriginal women offenders.

Sample

The sample for this study was extracted on May 1st, 1999, from the Correctional Service of Canada Offender Management System, an automated database. All the study participants were federal Aboriginal women offenders who:

- had been admitted to federal custody and received a comprehensive intake assessment to identify risk and needs;
- had been released into the community by the study extraction date;
- had available Canadian Police Information Centre records (which documents official offence history);
- had been administered the CIS at least once during their conditional release period.

Procedure

The need domains of the CIS are consistent with the Dynamic Factors Identification and Analysis (DFIA), the risk/needs assessment instrument administered to all incoming federal inmates.

The CIS, similar to its predecessor, the CRNMS, provides an overall rating for the offender on each need domain based on a four-point continuum. The scale ranges from 'asset to community adjustment' (not applicable to the personal/emotional and substance abuse domains) to 'considerable need for improvement.' The two intermediate ratings are 'no need for improvement' and 'some need for improvement'. For the present investigation, the rating scale was collapsed and the scores were dichotomized to indicate the presence or absence of a particular need. 'Asset to community adjustment' and 'no need for improvement' were combined to indicate the absence of a particular need. Thus, the domains that were scored as 'some' or 'considerable' need for improvement indicated the presence of need.

Analyses

The initial analyses investigated the demographic characteristics of the entire sample. The variables examined included age, marital status and overall risk level at intake and provided a reasonably comprehensive overview of Aboriginal women offenders currently under community supervision in Canada. These variables were compared with a non-Aboriginal sample to consider possible group differences.⁶

Subsequent analyses focused on the need areas of this sample of Aboriginal women offenders over an extended period of community supervision. Four different time periods were sampled (less than 6 months, 6-12 months, 12-24 months, and more than 24 months). It was hypothesized that as the length of time in the community increased, the proportion of offenders who experienced problems in a particular need area would decline. This trend has been found in previous research investigating changes in offender need during community supervision.⁷

Finally, each of the individual need domains was correlated with recidivism to explore its predictive utility. In other words, would those offenders who scored higher on these needs domains experience higher rates of readmission than those without such needs?

Results

Demographic Information

The present study consisted of a sub-sample of 113 federally sentenced Aboriginal women offenders included in the larger CIS report.⁸ The vast majority (70.8%) of the Aboriginal offenders included in our study identified themselves as North American Indian. The remaining Aboriginal groups were Metis (23.9%) and Inuit (5.3%).

Their age ranged between 23 and 59 years, with a mean age of 36 years ($SD=7.8$). The Aboriginal women offenders under community supervision were significantly younger than the non-Aboriginal women offenders ($M=38.4$, $SD=9.7$, $t_{195}=2.86$, $p<.01$). There was no difference between the Aboriginal and non-Aboriginal women offenders in terms of marital status.

Risk Level

At intake, based on a comprehensive analysis of criminal history, escape risk, criminogenic need, and other relevant factors, an overall risk designation is assigned to each offender. Table 1 provides the breakdown of risk level for Aboriginal and

non-Aboriginal women offenders. Clearly, the majority of non-Aboriginal offenders released on parole are categorized as low risk (72.1%). Importantly, this was true for only 49.6% of Aboriginals, a statistically significant difference ($\chi^2 = 24.38$, $p<.001$).

Table 1

Risk Designation of Women Parolees: Aboriginal vs Non-Aboriginal		
	Aboriginal (N=113)	Non-Aboriginal (N=520)
Low Risk	56 (49.6%)	375 (72.1%)
Medium Risk	21 (18.6%)	68 (13.3%)
High Risk	36 (31.9%)	76 (14.6%)

Community Intervention Scale Need Areas

The Community Intervention Scale is administered approximately every six months for women offenders who are under community supervision. The purpose of this re-assessment is so that changes in an offender's need level may be monitored and a level of supervision can be provided that is responsive to the offender's current situation. This dynamic risk assessment approach provides maximum flexibility for properly managing an offender on conditional release.

The proportion of offenders who experienced a problem in each need domain during the four-sampled time periods is listed in Table 2. This cross-sectional design permits an offender to contribute to more than one time period. For example, offenders who were in the community for 24 months or more would contribute to the analyses for each of the four time periods.

Inspection of Table 2 reveals that Aboriginal women offenders experienced problems in many different need domains during their period of community supervision (with the exception of Attitudes). Specifically, in four of seven domains, the majority of offenders had significant need. These women experienced significant problems in the employment domain during the initial stages of their conditional release period while problems in the personal/emotional domain were more predominant needs during the latter stages. This pattern of findings was essentially identical to those recently reported in a study on the CIS with a larger scale sample of women offenders.⁹

Although there were several similarities between the analyses reported for the entire and Aboriginal samples, there was one important difference. Notably, the proportion of Aboriginal women

offenders who experienced problems in these need areas did not diminish the longer they remained in the community. This finding was highly unexpected, as past research has strongly suggested that the need levels of offenders generally decrease the longer they stay in the community.¹⁰ This suggests that the strategies to address and manage the needs of women offenders under community supervision may need to be revised to be responsive to issues such as culture.

Need Ratings and Recidivism

The above analyses provided a comprehensive overview of the problems experienced by federally sentenced Aboriginal women offenders throughout their conditional release period. However, the relation of these need areas to recidivism is also important for offenders' community supervision. Consequently, the purpose of this section is to investigate the utility of CIS need assessments for predicting post-release outcome. The relationship between an offender's *final* need rating and post-release outcome was examined through chi square analyses. The final need rating was operationally defined as either the rating received prior to

revocation (if the offender was revoked) or the most recent prior to the end date of the study. We believed that this definition should be the most valid as it reflected the most proximal assessment of an offender's current situation.

Analyses focused on whether having a problem in each of the need domains was associated with post-release outcome. Interestingly, the results revealed that only the attitude domain of the CIS significantly correlated with post-release outcome. More specifically, Aboriginal women offenders who experienced problems in this domain were significantly more likely to be readmitted than those offenders who did not experience these problems. In contrast, past research has shown that the vast majority of the need domains are significantly associated with post-release outcome. Therefore, the findings of the present study suggest the need for the differentiated application of the CIS as a risk management tool for Aboriginal women offenders.

Other considerations are also important to highlight in this research. First, the base rate for recidivism for the sample was 21.4%. A higher rate may yield higher and more significant correlations. Second,

Table 2

Proportion of Aboriginal Women Offenders Who Experienced Problems in Each Need Domain Across Different Time Periods

Problem in Need Domain	Time 1	Time 2	Time 3	Time 4
Associates				
Yes	47.3% (52)	35.7% (15)	38.3% (23)	37.5% (12)
No	52.7% (58)	64.3% (27)	61.7% (37)	62.5% (20)
Attitudes				
Yes	8.2% (9)	7.1% (3)	6.7% (4)	25.0% (8)
No	91.8% (101)	92.9% (39)	93.3% (56)	75.0% (24)
Community Functioning				
Yes	55.4% (61)	42.9% (18)	45.0% (27)	53.1% (17)
No	44.6% (49)	57.1% (24)	55.0% (33)	46.9% (15)
Employment				
Yes	73.6% (81)	66.7% (28)	55.0% (33)	65.6% (21)
No	26.4% (29)	33.3% (14)	45.0% (27)	34.4% (11)
Marital/Family				
Yes	54.6% (60)	42.9% (18)	56.7% (34)	56.2% (18)
No	45.4% (50)	57.1% (24)	43.3% (26)	43.8% (14)
Personal/Emotional				
Yes	69.1% (76)	54.8% (23)	58.3% (35)	71.9% (23)
No	30.9% (34)	45.2% (19)	41.7% (25)	28.1% (9)
Substance Abuse				
Yes	35.4% (39)	23.8% (10)	26.7% (16)	43.8% (14)
No	64.6% (71)	76.2% (32)	73.3% (44)	56.2% (18)

the CIS is part of a dynamic process that directs correctional interventions. Accordingly, successful intervention (i.e., timely targeting need) should result in improved outcomes, (i.e., lower recidivism rates and therefore diminished correlations). Third, this dynamic aspect of the CIS raises questions about the preferred measurement strategy (e.g., first assessment, most recent assessment, or maximum change over time).¹¹

For these reasons, an attempt was also made to link changes in need scores to recidivism. Change scores were calculated across consecutive time periods for each of the offenders who were assessed more than once in the community. The maximum change score was then correlated with post-release outcome. The results revealed that those offenders whose need scores increased (i.e. experienced more problems) throughout conditional release had a recidivism rate that was twice as high (23.4%) as that for offenders whose need areas stayed the same or improved (11.1%). This result, however, while consistent with the literature, was not statistically significant. In addition to the issues previously raised, the small sample size may also have been a factor.

A composite need variable was also created which reflected the number of needs (i.e. problem areas) an offender was experiencing at each assessment period. This composite score was then correlated with post-release outcome to explore whether the intensity of needs had greater predictive utility than the type of individual needs.

The number of offender needs for any given time period ranged between a minimum of zero and a maximum of seven. Not surprisingly, the composite need variable was significantly correlated with post-release outcome. More specifically, the greater the number of needs, the more likely the offender was to

recidivate ($r=.18, p<.01$). This finding demonstrates that needs that are not addressed in the community can have a significant impact on an offender's post-release success, even if this effect is not apparent at the individual domain level. Thus, it may be that profiles of needs as well as level of need(s) could be considered to enhance community supervision and risk management more generally.

Conclusion

This study explored the characteristics of federally sentenced Aboriginal women offenders while on conditional release. In general, these women are both much younger than their non-Aboriginal counterparts and also a higher-risk group. The results revealed that Aboriginal women offenders experience problems in most need domains (with the exceptions of Attitudes). However, contrary to previous research, surviving for a longer period of time in the community was not accompanied by a corresponding decrease in need rating. Clearly, CSC should examine more carefully how to incorporate such findings regarding the needs of Aboriginal women offenders into community supervision strategies.

The study also highlights issues regarding the use of the CIS for the management of Aboriginal women offenders' risk while under supervision in the community. In contrast to earlier research, only the attitude domain was related to recidivism. However, level of need across domains (or an offender's individual profile) was also related to risk of recidivism. Nonetheless, the findings suggest that utilizing the CIS in a more differentiated manner, responsive to issues of culture and gender, may enhance its contribution to community supervision in Aboriginal women offenders. ■

¹ 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9.

² L.L. Motiuk, *Assessment Methods in Corrections*, paper presented at the 4th Annual International Community Corrections Association Research Conference, Austin, Texas, 1996. See also L.L. Motiuk and F.J. Porporino, *Field Tests of the Community Risk/Needs Management Scale: A Study of Offenders on Caseload*. (Ottawa, ON: Correctional Service of Canada, 1989).

³ Criminogenic needs reflect risk factors of the offender that are changeable and, when modified, reflect changes in the likelihood of recidivism.

⁴ L.L. Motiuk, *Assessment Methods in Corrections* (1996). See also L.L. Motiuk and F.J. Porporino, *Field Tests of the Community Risk/Needs Management Scale: A Study of Offenders on Caseload* (1989).

⁵ C. Dowden, R. Serin and K. Blanchette, *The Community Intervention Scale and Women Offenders: A Preliminary Overview*. Manuscript in preparation.

⁶ The non-Aboriginal comparison sample was extracted from the larger Dowden, Serin and Blanchette CIS report previously referenced.

⁷ L.L. Motiuk, *The Community Risk/Needs Management Scale: An Effective Supervision Tool*. Forum on Corrections Research, 9, 1 (1997): 8-12.

⁸ C. Dowden, R. Serin and K. Blanchette, *The Community Intervention Scale and Women Offenders: A Preliminary Overview*.

⁹ C. Dowden, R. Serin and K. Blanchette, *The Community Intervention Scale and Women Offenders: A Preliminary Overview*.

¹⁰ C. Dowden, R. Serin and K. Blanchette, *The Community Intervention Scale and Women Offenders: A Preliminary Overview*. See also L.L. Motiuk, *The Community Risk/Needs Management Scale: An Effective Supervision Tool* (1997).

¹¹ See L.L. Motiuk, *Using dynamic factors to better predict post-release outcome*. Forum on Corrections Research, 10, 3 (1998): 12-15.

Aboriginal offenders and full Parole: A profile

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Currently, Aboriginal issues in Canada are a major focus of correctional research. In the last two years, two Supreme Court of Canada rulings have acknowledged both the existence of widespread prejudice against Aboriginal people and the over-involvement of Aboriginal people in the criminal justice system.² Another continuing concern is the high numbers of Aboriginal people incarcerated in Canada. Although Aboriginal people comprise only about 3% of Canada's population, they account for approximately 17% of all federal inmates.³

A number of explanations have been put forth in an effort to explain over-representation. Early studies focused on differences in sentence length between Aboriginal and non-Aboriginal offenders. Recent research, however, has demonstrated that Aboriginal accused receive somewhat shorter sentence lengths.⁴ Policy-makers have also cited lower full parole release rates as a major contributor to the disproportionate number of Aboriginal offenders in correctional institutions.⁵ Under sections 123 and 124 of the *Corrections and Conditional Release Act*,⁶ offenders may serve a portion of their sentence supervised in the community under full parole. In 1996/1997, the federal full parole grant rate was 34% for Aboriginal offenders as compared to 41% for non-Aboriginal offenders — a difference of 7 percentage points. Data also indicate that Aboriginal offenders are more likely to be on statutory release. Of the 609 Aboriginal offenders under community supervision in 1996/1997, 48% were on statutory release as compared to 29% of non-Aboriginal offenders.

These differences, however, might not be solely attributable to differential treatment in the conditional release process. It is possible that the poor parole release rate for Aboriginal offenders may reflect other factors (e.g., criminal history) correlated with race group differences and not race itself. Both Case Management Officer and National Parole Board decisions are mandated to be based primarily upon an offender's estimated risk of re-offending.⁷ Research has consistently shown that Aboriginal offenders have more extensive and earlier involvement in the criminal justice system, more serious offences, and higher rates of recidivism.

In addition, some research has suggested that Aboriginal offenders have a mistrust of the correctional system that may, in turn, influence their likelihood to apply for full parole.⁸ The purpose of the present study was to identify and profile those Aboriginal offenders who applied for and were subsequently granted full parole with respect to their offence history and designated risk and need levels.

Sample

The sample for the current study was selected, retrospectively in July 1999, from the Offender Management System (OMS), an automated database maintained by the Correctional Service of Canada. All participants included were male federal offenders who had reached their full parole eligibility in 1996 and had received a comprehensive intake assessment to identify risk and need factors. The final sample consisted of 2,479 male federal offenders. Of these male federal offenders, 11.5% (n = 285) were Aboriginal offenders and 88.5% (n = 2,194) were non-Aboriginal offenders.

Method

Between-group comparisons of Aboriginal and non-Aboriginal offenders were conducted at two stages of the full parole review process, as outlined by the *Corrections and Conditional Release Act*:⁹ (1) Parole Eligibility and (2) the Parole Board Decision. At the first stage of the parole process (Parole Eligibility), a review of the Decision Hearing Review database of the OMS was conducted in order to determine the number of male federal offenders who applied for full parole upon reaching their eligibility date in 1996. Moreover, files were coded to indicate whether an offender had ever waived a full parole hearing on his current sentence. The next stage of the parole process is the Parole Board decision. Of those cases where an application for full parole was submitted upon reaching parole eligibility, the number of offenders who were granted full parole and the number of offenders who were denied full parole were aggregated.

Results

Criminal History and Risk/Need Level of the Overall Sample

With respect to criminal history, Aboriginal offenders appear to have been charged with more serious offences overall than non-Aboriginal offenders. As illustrated in Table 1, Aboriginal offenders were nearly three times as likely to have been charged with a homicide-related offence in either the current or a past sentence as compared to non-Aboriginal offenders (9.1% vs. 3.5%, respectively). Moreover, Aboriginal offenders were twice as likely to have been charged with an assault-related offence (35.8% vs. 17.7%), and a sex-related offence (37.5% vs. 18.7%). Interestingly, Aboriginal offenders were less likely to have been charged with a drug offence as compared to non-Aboriginal offenders. Given their more serious criminal history, it is not surprising that a higher percentage of Aboriginal offenders were designated as either high- or medium-risk (27.7% and 34.7%, respectively) as compared to non-Aboriginal offenders (20.3% and 23.7%, respectively). In addition, a significantly higher percentage of Aboriginal offenders were rated as high- and medium-need cases (32.3% and 47.0%, respectively) as compared to non-Aboriginal offenders (20.9% and 37.7%, respectively).

Release Type

Previous research has shown that Aboriginal offenders are less likely to be on full parole as compared to non-Aboriginal offenders.¹⁰ Aboriginal offenders in the current study were significantly less likely to be on full parole and more likely to be on statutory release. Table 2 displays the various forms of conditional release granted to Aboriginal and non-Aboriginal offenders. Of those Aboriginal offenders who had been granted conditional release on their current sentence, 6.3% were granted day parole, only 18.3% were granted full parole, and 74.4% were released on statutory release. Comparatively, 4.8% of non-Aboriginal offenders were granted day parole, 44.7% were granted full parole, and 50.2% were released on statutory release.

Full Parole Application Status

To examine the relationship between full parole release rates and the over-representation of Aboriginal offenders in correctional institutions, the first set of analyses focused on those offenders identified as having applied for full parole. As illustrated in Table 3, only 47.7% ($n = 136$) of Aboriginal offenders who reached full parole eligibility in 1996 applied. Comparatively, 73.5%

Table 1

Offence History and Risk/Need Levels of the Current Sample		
Variable	Aboriginal	Non-Aboriginal
<i>Offence History</i>		
Homicide offence	26 (9.1%)	76 (3.5%)
Sex offence	107 (37.5%)	410 (18.7%)
Assault offence	102 (35.8%)	389 (17.7%)
Robbery offence	79 (27.7%)	589 (26.9%)
Drug offence	32 (11.2%)	727 (33.1%)
<i>Offender Intake Assessment</i>		
Risk Level		
Low risk	107 (37.5%)	1198 (54.6%)
Medium risk	99 (34.7%)	521 (23.7%)
High risk	79 (27.7%)	439 (20.0%)
Need Level		
Low need	59 (20.7%)	870 (39.6%)
Medium need	134 (47.0%)	828 (37.7%)
High need	92 (32.3%)	460 (20.9%)

Table 2

Release Type for Aboriginal and Non-Aboriginal Offenders		
Conditional Release	Aboriginal	Non-Aboriginal
Day parole	18 (6.3%)	105 (4.8%)
Full parole	52 (18.3%)	980 (44.7%)
Statutory release	212 (74.4%)	1102 (50.2%)

of non-Aboriginal offenders applied for full parole. Moreover, approximately 59% of Aboriginal offenders in this sample waived a full parole hearing on their current sentence, whereas only 33% of non-Aboriginal offenders waived a hearing. These results were found to be highly statistically reliable ($p < .001$).

Aboriginal offenders identified as having applied for full parole were compared with non-Aboriginal offenders with respect to their past and current convictions. In general, results indicated that Aboriginal offenders have a criminal history characterized by more serious offences. Twice as many Aboriginal offenders who applied for full parole had a sex offence (32.4%) or an assault offence (30.9%) as compared to non-Aboriginal offenders (14% and 15.3%, respectively). Although only a small percentage of Aboriginal offenders had committed a homicide offence (8.1%), this was still significantly larger as compared to non-Aboriginal

Table 3

**Offence History and Risk/Need Levels
for Full Parole Applicants**

	Aboriginal	Non-Aboriginal
<i>Application Status</i>		
Applied	136 (47.7%)	1613 (73.5%)
Waived a full parole hearing	167 (58.8%)	722 (32.9%)
<i>Offence History</i>		
Homicide offence	11 (8.1%)	55 (3.4%)
Sex offence	44 (32.4%)	226 (14.0%)
Assault offence	42 (30.9%)	247 (15.3%)
Robbery offence	35 (25.7%)	361 (22.4%)
Drug offence	23 (16.9%)	613 (38.0%)
<i>Risk Level</i>		
Low risk	57 (41.9%)	987 (61.1%)
Medium risk	40 (29.4%)	337 (20.9%)
High risk	36 (26.4%)	259 (16.0%)
<i>Need Level</i>		
Low need	36 (26.4%)	739 (45.8%)
Medium need	50 (36.7%)	572 (35.4%)
High need	47 (34.5%)	272 (16.8%)

Table 4

**Offence History and Risk Need Levels
for Offenders on Full Parole**

	Aboriginal	Non-Aboriginal
Granted full parole	34 (29.3%)	409 (38.7%)
<i>Offence History</i>		
Homicide offence	2 (5.9%)	27 (6.6%)
Sex offence	14 (41.2%)	90 (22.0%)
Assault offence	10 (29.4%)	63 (15.4%)
Robbery offence	5 (14.7%)	84 (20.5%)
Drug offence	4 (11.8%)	120 (29.3%)
<i>Risk Level</i>		
Low risk	20 (58.8%)	298 (72.8%)
Medium risk	8 (23.5%)	70 (17.1%)
High risk	5 (14.7%)	34 (8.3%)
<i>Need Level</i>		
Low need	16 (47.0%)	231 (56.4%)
Medium need	10 (29.4%)	124 (30.3%)
High need	7 (20.5%)	47 (11.5%)

offenders (3.4%). In contrast, Aboriginal offenders were less likely to have a drug offence as compared to non-Aboriginal offenders (16.9% vs. 38.0%).

For offenders who applied for full parole, Aboriginal offenders were compared with non-Aboriginal

offenders on overall risk and need level. Table 3 provides the breakdown of risk and need level by Aboriginal status. Not surprisingly, most offenders who applied for full parole were classified as low-risk cases (59.7%). Of those Aboriginal offenders who applied, a larger proportion were rated as either low- or medium-risk (41.9% and 29.4%, respectively). Aboriginal offenders who applied, however, were more likely to be designated as high-risk as compared to non-Aboriginal offenders (26.4% vs. 16.0%). These differences were statistically reliable ($p < .001$).

With respect to overall need, results indicated that the majority of offenders who applied for full parole were low-need cases (44.3%). Interestingly, the majority of Aboriginal offenders who applied were either high- or medium-need cases (34.5% and 36.7%), while nearly half of non-Aboriginal offenders who applied were designated as low-need cases (45.8%). Only 16.8% of those non-Aboriginal offenders who applied were designated as high-need cases.

Federal Offenders Granted Full Parole

Statistical analyses were also conducted on the full parole grant rates of this sample of male federal offenders. Although offenders may have more than one hearing during a given sentence, the analyses in the following section focused only on the decision of the first hearing for each offender as only a small number of Aboriginal offenders had a second full parole hearing. This rendered a sample of 116 Aboriginal offenders and 1,058 non-Aboriginal offenders. As illustrated in Table 4, only 29.3% of Aboriginal offenders ($n = 34$) were granted full parole, whereas 38.7% of non-Aboriginal offenders ($n = 409$) were granted full parole on their first hearing. This difference was statistically significant ($p < .05$).

Given the differences in criminal history between Aboriginal and non-Aboriginal offenders in the entire sample, it is not surprising that those Aboriginal offenders released on full parole were more likely to have past or present offences characterized by violence. Approximately twice as many Aboriginal offenders on full parole had a sex offence (41.2% vs. 22.0%) or an assault offence (29.4% vs. 15.4%) as compared to non-Aboriginal offenders. Consistent with the correctional mandate, the majority of Aboriginal and non-Aboriginal offenders who were granted full parole were classified as low-risk cases (58.8% and 72.8%, respectively). As would be expected, fewer high-risk Aboriginal and non-Aboriginal offenders were granted full parole (14.7% and 8.3%, respectively). Similarly, Aboriginal and non-Aboriginal offenders granted full parole were more likely to be designated

as low-need cases (47.0% and 56.4%, respectively). In general, these results suggest that some of the disparity in full parole release rates may be accounted for by differences between Aboriginal and non-Aboriginal offenders with respect to overall risk and need levels.

Discussion

Two important findings arose from the current study. First and foremost, results demonstrate that Aboriginal offenders are far less likely to apply for full parole as compared to non-Aboriginal offenders. Given that a large number of Aboriginal offenders simply do not apply for full parole, it is not unreasonable to suggest that the gap in who is released on full parole is to some extent attributable to differential application rates. This finding is also consistent with research that has found that Aboriginal offenders have a mistrust of the correctional system.¹¹ Future research should address Aboriginal

offenders' attitudes and perceptions of fairness with respect to the conditional release process.

Second, the results suggest that Aboriginal offenders who apply for full parole are slightly less likely to be granted release. This finding should be interpreted with caution due to the descriptive nature of the findings. Aboriginal offenders in the federal system appear to have a criminal history that might substantially increase a perceived risk of failure on conditional release. Given that research indicates that past criminal behaviour is one of the most consistent predictors of future criminal behaviour,¹² it is possible that Parole Boards are heavily weighing the more serious and extensive criminal history of Aboriginal offenders in their decisions. Another goal of future research, however, should be to employ a predictive methodology to examine whether such factors are associated with parole recommendations. ■

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² *R. v. Gladue*, [1999] 1 S.C.R. 688; see also *R. v. Williams*, [1998] 1 S.C.R. 1128.

³ Solicitor General Canada, *Task Force on Aboriginal Peoples in Federal Corrections: Final Report* (Minister of Supply and Services, Canada, 1988).

⁴ C. LaPrairie, *Examining Aboriginal Corrections in Canada* (Ottawa, ON: Solicitor General of Canada, 1996).

⁵ R.A. Cawsey, *Justice on trial: Task force on the criminal justice system and its impact on the Indian and Metis people of Alberta*. (Edmonton: Government of Alberta, 1991).

⁶ *Corrections and Conditional Release Act*, RSC, 1992, c. 20.

⁷ *Case Management Manual*. (Ottawa, ON: Correctional Service of Canada, 1996).

⁸ J. Bonta, S. Lipinski and M. Martin, The characteristics of Aboriginal recidivists. *Canadian Journal of Criminology*, 34 (1992: pages 3-4 and 517-521).

⁹ *Corrections and Conditional Release Act*.

¹⁰ *Task Force on Aboriginal Peoples in Federal Corrections: Final Report*; see also *Examining Aboriginal Corrections in Canada*.

¹¹ J.C. Johnston, *Aboriginal offender survey: Case files and interview sample*, Research Report R-61 (Ottawa, ON: Correctional Service of Canada, 1997).

¹² K.S. Douglas and C.B. Webster, "Predicting violence in mentally and personality disordered individuals." *Psychology and Law: The State of the Discipline*, in R. Roesch, S.D. Hart and James R.P. Ogloff (eds.), (New York: Plenum, 1999). See also D. Klassen and W.A. O'Connor, "Demographic and case history variables in risk assessment", *Violence and Mental Disorder: Advances in Risk Assessment* in J. Monahan and Henry J. Steadman (eds.), (Chicago: University of Chicago Press, 1994). See also J. Monahan, *Predicting Violent Behavior: An Assessment of Clinical Techniques*. (Beverly Hills, CA: Sage, 1981).

