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*Research Framework for a Review of Community Justice in Yukon*  
Community Justice - Elders

**1. Key Themes (to be explored)**

The work that Elders do and the roles they fulfill are integral to the success of the program. They offer their time. In Yukon, most elders involved in community justice projects receive honoraria. How can we ensure that elders are an integral part of these projects?

## 2. Research Questions

### 2.1. Elder Profile

Who are the Elders in the community? How many Elder are working with the community justice project?

What is the profile of the Elders working in the community justice project?

Is Elder information collected by the project?

- Gender
- Ethnicity
- Age
- Disabled
- Socio/Economic/Educational/Health status
- Employment
- Faith/Spiritual Roots
- Pre-victimization factors – previous experience with the justice system
- Reason for becoming involved with the community justice project (eg. serving/building the community, using skills and abilities)
- Reason for ceasing to be involved with the community justice project

### 2.2. Mission/Vision/Objectives/Goals

- see also chapter on **“Definitions/Principles”** and **“Results/Performance Measurement/Accountability”**

Does the Elder have any suggestions as to what the mission/vision/objectives/goals/values of the other stakeholders should be with respect to community justice?

### 2.3. History

- see also chapter on **“History”**

What is the history of the Elder’s role and participation in community justice?

### 2.4. Sponsor/Organization/Structure/Governance

How does the Elder support the work and decisions of the community justice projects?

Does the Elder have any suggestions as to how should community justice projects be structured?

Does the Elder have any suggestions as to how governmental/non-governmental organizations (that sponsor/support the project) could be organized/structured to support community justice?

### 2.5. Roles and Responsibilities

What are the roles and responsibilities of the Elder in community justice?

Does the Elder have any suggestions as to what the roles/responsibilities/activities of government/related organizations, councils or working groups should be in community justice?

<p><b>2.6. Accountability</b> - see also chapter on <u>“Results/Performance Measurement/Accountability”</u> Does the Elder have any suggestions as to what other accountability mechanisms should be in place for community justice?</p>
<p><b>2.7. Complaints</b> - see also chapter on <u>“Results/Performance Measurement/Accountability”</u> Does the Elder have any suggestions as to what kind of mechanism should be in place to respond to complaints about community justice projects?</p>
<p><b>2.8. Conflict Of Interest- Power Dynamics</b> Does the Elder have any suggestions as to how community justice should handle conflict of interest situations and power dynamics?</p>
<p><b>2.9. Decision-Making</b> Does the Elder have any suggestions as to how community justice projects should make decisions? Does the Elder have any suggestions as to how community justice projects enhance its team-building exercises, workshops, training, advice or outside assistance to resolve the differences/disputes?</p>
<p><b>2.10. Interventions/Referrals/Diversions</b> - see also chapter on <u>“Interventions/Referrals/Diversions”</u> Does the Elder have any suggestions about interventions/referrals/diversions that should be handled by the community justice project?</p>
<p><b>2.11. Activities/Services/Approaches</b> - see also chapter on <u>“Activities/Services/Approaches”</u> What activities/services/approaches does the Elder undertake in community justice? How much time is spent on them? Does the Elder have any suggestions as to what activities/services/approaches should be undertaken by the community justice project?</p>
<p><b>2.12. Offences</b> - see also chapter on <u>“Offences”</u> Does the Elder have any suggestions as to what offences should be handled by the community justice project?</p>
<p><b>2.13. Clients</b> - see also chapters on <u>“Offenders”</u> and <u>“Victims”</u> Does the Elder have any suggestions as to which clients should be served by the community justice project? Accused? Offenders? Victims? Other?</p>
<p><b>2.14. Human Resource Management</b> What experience and skills does the Elder have with community justice? What training/support does the Elder have/receive to serve in the community justice project? Are Elders made aware of demands on their time? How many hours per week do the Elders work for the community justice project? Do these Elders have other full-time or part-time employment? Do Elders take a break from their duties? Are Elders formally or informally recognized and rewarded for their work? By whom? How often?</p>
<p>Does the Elder have any suggestions as to who should be members of the community justice projects? How they should be selected? Based on what criteria? Community Process, Elders’ recommendation, Healthy/respected members of the community, Recovered from abuse, Ex-Offenders Ex- Victim, Experience/Skills, Interest in justice, other Does the Elder have any suggestions as to what kind or roles/responsibilities these members should have? Does the Elder have any suggestions as to what kind of experience/skills these members should have? Does the community have any suggestions as to what kind of education/qualifications these members should have? Does the Elder have any suggestions as to what kind of informal and formal training these members should have? Does the Elder have any suggestions as to what whether members should be paid or be volunteers? Does the Elder have any suggestions as to how volunteers could be recruited? Does the Elder have any other suggestions regarding human resource management in community justice projects?</p>

<p><b>2.15. Financial Resource Management</b>                  - see also chapters on <b>Funding/Budgeting; Costs</b>                  Does the community justice project provide funding for Elder-related activities/expenses eg. training, support, travel, food etc?</p>
<p>Does the Elder have any suggestions as to how funding should be determined for community justice projects?                  Does the Elder have suggestions as to how much core funding should be available to the community justice projects?                  Does the Elder have any suggestions as to what financial accountability mechanisms should be in place for community justice projects?</p>
<p><b>2.16. Material Resource Management</b>                  Does the Court have any suggestions as to what material resources community justice projects should have?</p>
<p><b>2.17. Project Administration</b>                  Does the Elder have any other suggestions as to whether policies/procedures/standards should exist for community justice? see also chapter on “Standards”                  Does the Elder have any suggestions as to whether community justice processes should be open to members of the public?                  Does the Elder have any suggestions as to community justice project administration?</p>
<p><b>2.18. Community Services/Resources</b>                  - see also chapter on “Social Development Factors”                  Does the Elder have any suggestions as to how other stakeholders could facilitate collaboration with programs and agencies providing different supports to participants of the community justice project?</p>
<p><b>2.19. Audits/Evaluations/Reviews</b>                  - see also chapter on “Results/Performance Measurement/Accountability” and chapter on “Review Methodology”;                  Does the Elder have suggestions regarding the conduct of audits/reviews/evaluations with respect to community justice projects? How often? By whom?</p>
<p><b>2.20. Working Supportive Collaborative Relationships</b>                  - see also chapter on “Relationships/Partnerships”                  Does the Elder meet with the following stakeholders in the area of community justice?                  If so, how often? For what purpose?                  Does the Elder have the support of the following stakeholders in the area of community justice?                  What is working well, in terms of the Elder’s relationship with the following stakeholders in the area of community justice?                  What are the challenges in terms of the Elder’s relationship with the following stakeholders in the area of community justice?                  How are disagreements or disputes between parties resolved?                  Does the Elder have any suggestions on how to improve working collaborative relationships with the following stakeholders?</p>
<p>Victims – see also chapter on “Victims”</p>
<p>Victims’ support/advocacy groups– see also chapter on “Victims”</p>
<p>Offenders – see also chapter on “Offenders”</p>
<p>Offenders’ support/advocacy groups – see also chapter on “Offenders”</p>
<p>Community justice project – see chapter on “Community Justice Projects”</p>
<p>Volunteers - see also chapter on “Volunteers”</p>
<p>Community – see also chapter on “Community”</p>
<p>First Nations- see chapter on “First Nations/Aboriginal Justice”</p>
<p>Native Courtworkers – see also chapter on “Native Courtworkers”</p>
<p>Elders – see also chapter on “Elders”</p>
<p>Other community resources (e.g. Schools, faith-based organizations, local businesses, non-governmental organizations)</p>
<p>YTG – Community Justice</p>
<p>YTG –Crime Prevention</p>

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YTG –Victim Services/Family Violence Prevention Unit
YTG –Probation Services – see also chapter on <b><u>“Probation”</u></b>
YTG –Corrections – see chapter on <b><u>“Corrections”</u></b>
YTG – Health and Social Services (including Alcohol and Drug Secretariat)
YTG Women’s Directorate – see also chapter on <b><u>“Gender”</u></b>
YTG Education
YTG Housing
YTG Sports & Rec
Justice Canada
Crown Prosecutors – see also chapter on <b><u>“Crown Prosecutors”</u></b>
RCMP – see also chapter on <b><u>“RCMP”</u></b>
Judiciary – see also chapter on <b><u>“Courts”</u></b>
Defense/Legal Aid – see also chapter on <b><u>“Defense Counsel”</u></b>
<b>2.21. Other Issues</b> Does the Elder have specific concerns and/or issues about community justice?
<b>2.22. Successes</b> – see also chapter <b><u>“Successes”</u></b> According to the Elder, what are the top (5) five best practices in community justice projects?
<b>2.23. Challenges</b> – see also chapter <b><u>“Challenges for Change”</u></b> According to the Elder, what are the (5) five greatest challenges facing community justice?

### 3. Relevant Documents, Studies and Practices – Yukon

#### 3.1. “Let Our Elders Speak” – 2002

The Kwanlin Dun Justice Council & Staff will be hosting a two-day forum on **April 17 & 18, 2002** held at the Nakwataku, to honor and learn from our First Nation Elders.

The Kwanlin Dun Community Justice Council has echoed the need to increase Elders involvement in the Justice Programming and equally as important, improve the Community Justice Processes to be more reflective of the First Nations Traditional Laws and Principles, in relation to one another, dealing with conflict, ensuring agreements respect our cultural values and proper Clan representation is reflected in our Community Council.

The two-day forum will provide for Elder Key Note Speakers, followed by smaller discussion groups – focusing on areas that include Community Laws & Standards along with the Recognition and use of Traditions in Restitution and Community Compensation.

The forum is to honor and learn from our First Nation Elders. Community members are strongly encouraged to attend to observe and reap the gifts of our pasts to continue the trail for our children of tomorrow.

(April 17 & 18, 2002: Yukon Inn Fireside Room)  
(MC: Viola Papequash)

WEDNESDAY, APRIL 17, 2002

8:30	Doors Open
8:45	Coming In Song (Drummer/Elder Johnnie Smith)
8:55	Opening Prayer (Elder Annie Smith)
9:00 - 9:50	Welcoming
	<ul style="list-style-type: none"><li>❖ Tagish Kwan Dancers</li><li>❖ Kwanlin Dun Elders Mary McLeod &amp; Liz Wilson</li><li>❖ Minister of Justice, James McLachlan</li><li>❖ Justice Critic (NDP), Lorraine Peter</li><li>❖ Darwin O'Brien, Kwanlin Dun Chief &amp; Council</li><li>❖ Robert Fox (Justice Council Youth Representative)</li><li>❖ Victoria Fred (Director of Justice, Kwanlin Dun)</li></ul>
9:45 – 10:15	Keynote Speaker: Elder Pearl Keenan (Confirmation pending)  “The Importance of Consulting & Involving Community Elders in the Decision Making Process”
10:15 – 10:30	Nutrition Break

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10:30 – 12 Noon Discussion Groups

❖ Focus Group A:

Reflections on our Past: Traditional laws, standards and values – the shaping of Aboriginal family and community relations, built on respect and understanding.<sup>1</sup>

❖ Focus Group B:

Traditional Representation on Community Decision Making Bodies: Roles & Responsibilities of Men & Women, Clan Representatives and Family.

12 Noon – 1:15 Lunch (Lunch To be Provided)

1:15- 1:45 Key Note Speaker: Elder Sam Johnson

“ Use of Traditional Laws & Clan System: Strengthening the Community Voice through Traditional Processes. “

1:45 – 3:45 Break Away Groups

❖ Focus Group C:

Exploring & Understanding our Elders’ Perspectives: The Community Circle Process – Working to achieve the holistic balance.

❖ Focus Group D:

Seeking the Elders Direction: How families and service providers need to support Aboriginal families involved in the Justice system.

5:30 – 8:00 Banquet & Entertainment (Fireside Room)

Thursday, April 18, 2002

8:30 Doors Open

8:50 Opening Prayer (Elder Martha VanHeel)

9:00 – 9:30 Keynote Speaker: Barbara Fred

“A Parent’s Personal Perspective on the Community Sentencing Circle Process.”

9:30 – 11:30 Focus Group Facilitators Presentations & Open Discussion: Building Our Future Pathways on our Traditional Teachings.

11:30 – 12 Noon Closing Ceremony (Tagish Nation Dancers)

Gifts Of Recognition

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<sup>1</sup> Discussion to address how First Nation families would traditionally resolve conflict and crime within the community.

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12 Noon

Lunch (Lunch Provided: Fireside Room)

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**3.2. Building Community Justice Partnerships – 1997 <sup>2</sup>**

- Panels of Elders selected by the justice committee can be invaluablely integrated in many ways into community justice.
  - Their wisdom, insight, and credibility assist on many levels.
- Non-aboriginals Elders, retired people and other senior citizens can offer many of the same essential contributions to dealing with non-Aboriginal offenders.
- The work in connecting or reconnecting offenders to families/communities also contributes to forging connections between generations between Elders/youth.

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<sup>2</sup> Stuart, Barry, Building Community Justice Partnerships, 1997, Available from Aboriginal Justice Learning Network and Department of Justice Canada <http://canada.justice.gc.ca/en/ps/ajln/res.html>

#### 4. Relevant Documents, Studies and Practices – Other Northern Territories

##### 4.1. Inuit Women and the Nunavut Justice System – 2000<sup>3</sup>

**Question:** Are there elders, men or women, in your community who are already acting as mediators?<sup>4</sup>

**Answer** · -Inuit had leaders in camps, camp leaders who were elders would counsel and help women and men where there was abuse, these elders who would counsel people in trouble- men who beat their wives for example- in traditional days these people maybe could be considered as mediators

-today the elders are reluctant to use their knowledge and do things , they may have the knowledge to counsel but wait to do their work and wait to be asked because now they are told that this is "none of their business"

· -traditions like this have been left behind

· -today there are social workers, prevention workers, who already seem to do what a mediator would do

· -the explanation of "mediator" in Inuktitut suggests the mediator resolves the dispute but that is not to be the case- the mediator only facilitates, and it is the people involved that are responsible for finding solutions

· -if you introduce a new worker- the mediator- its a lot like another social worker and it will be hard to understand the difference

· -confusing

**Question:** Should elders only be appointed to this committee?<sup>5</sup>

**Answer** No

**Question:** On the contrary, do you believe that a justice committee should include besides elders, men and women of all ages as well as young people?

**Answer** · -a lot of consideration has to be given to who can have responsibility for justice in the communities, the same process of selection appointment and codes of conduct that we have proposed for Justices, diversion committee members should apply for members of the justice committee

· -at a minimum there should be certainty that women and men are equally represented regardless of age

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##### 4.2. Pauktuutit, Justice Project Coordinator -1995<sup>6</sup>.

- #17 - use of phrase "recognized elders"
  - The use of this phrase or similar phrases ("respected elders") should be more thoroughly addressed-these are terms used frequently and have lost their significance.
  - There is a need to clarify what these terms are intended to mean.
    - For example, does it refer to elders that groups in the community identify as persons who are respected; or persons that the outsiders consider or see as "respected" or "recognized" elders?

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<sup>3</sup> Department of Justice Canada, Research Report, Research and Statistics, Mary Crnkovich and Lisa Addario with Linda Archibald Division, Inuit Women and the Nunavut Justice System, 2000-8e, March 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-8a-e.pdf>.

<sup>4</sup> Pauktuutit, Inuit Women and the Administration of Justice, Phase II: Project Reports –Progress Report #1 (July 1, 1994 -December 31, 1994), Appendix 3 -Presentation to the Advisory Committee on the Administration of Justice in Inuit Communities *cited in* Department of Justice Canada, Research Report, Research and Statistics, Mary Crnkovich and Lisa Addario with Linda Archibald Division, Inuit Women and the Nunavut Justice System, 2000-8e, March 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-8a-e.pdf>. The participants of the justice workshop held in Ottawa August 12-16, 1994 presented their views, recommendations and response to the working document of the Quebec Advisory Committee on the Administration of Justice for Native Communities. Two representatives from the Ungava Coast and two representatives from the Hudson Coast accompanied Martha Flaherty and Ruby Arngna'naaq in the oral presentation to the Committee members. This presentation took place in Ottawa on August 16th before the Committee Chair, Judge Coutu. This was an Advisory Committee established in Quebec, however, the issues raised parallel the issues and concerns identified by women in Nunavut.

<sup>5</sup> Ibid.

<sup>6</sup> Pauktuutit, Memorandum from Pauktuutit Justice Project Coordinator to General Counsel of Aboriginal Justice Directorate, David Arnot, Comments on the Justice Memorandum, November 7,1995 *cited in* Department of Justice Canada, Research Report, Research and Statistics, Mary Crnkovich and Lisa Addario with Linda Archibald Division, Inuit Women and the Nunavut Justice System, 2000-8e, March 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-8a-e.pdf>.

## **5. Relevant Documents, Studies and Practices - Other Canadian**

### **5.1. Aboriginal Justice Strategy (AJS) Evaluation - 2000<sup>7</sup>**

#### **5.1.1. Elder Involvement**

- Elders have been involved throughout the development, implementation and service delivery of many projects to provide wisdom pertaining to how traditional ways can be applied to the current context.
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### **5.2. Aboriginal Justice Strategy (AJS) Trends - 2000<sup>8</sup>**

#### **5.2.1. Elder Remuneration**

National Perspective (Shared Concerns): while not every AJS project articulated this concern, a large number across Canada did. There is inadequate remuneration for Elders involved with the project and committee/council/board members. In British Columbia, in particular, this jurisdiction spoke of the need to remunerate Elders adequately for their involvement in the operation of these projects.

- ◆ The work that Elders do and the roles they fulfill are integral to the success of the program.
- ◆ Not only do they offer their time, in many cases they pick up the tab for travel, snacks and coffee.
- ◆ They do this without remuneration and at issue is the fact that they deserve to be paid.

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<sup>7</sup> Department of Justice Canada, Evaluation Division, Final Evaluation Aboriginal Justice Strategy, Technical Report, October 2000

<sup>8</sup> Department of Justice Canada, The Aboriginal Justice Strategy: Trends in Program Organization and Activity 1996-1997, 1997-1998 and 1998/1999, Prepared for the Aboriginal Justice Directorate, Department of Justice Canada by Naomi Giff, March 10, 2000 -