

Table of Contents

1. Key Themes (to be explored)	3
2. Research Questions	4
2.1. Mission/Vision/Objectives/Goals.....	4
2.2. History	4
2.3. Sponsor/Organization/Structure/Governance	4
2.4. Roles and Responsibilities	4
2.5. Accountability.....	4
2.6. Complaints	4
2.7. Conflict Of Interest – Power Dynamics	4
2.8. Decision-Making.....	4
2.9. Interventions/Referrals/Diversions	5
2.10. Activities/Services/Approaches.....	5
2.11. Offences	5
2.12. Clients	5
2.13. Human Resource Management	5
2.14. Financial Resource Management	6
2.15. Material Resource Management	6
2.16. Project Administration.....	6
2.17. Community Services/Resources.....	7
2.18. Audits/Evaluations/Reviews	7
2.19. Working Collaborative Relationships with Other Stakeholders	7
2.20. Other Issues	8
2.21. Successes	8
2.22. Challenges	8
3. Relevant Documents, Studies and Practices – Yukon	9
3.1. Yukon Department of Justice - Departmental Overview	9
3.2. Federal Territorial RCMP - Community Justice Working Group	10
3.3. Yukon Health and Social Services	12
3.4. Yukon Health and Social Services Council	13
3.5. Yukon Women’s Directorate.....	13
3.6. Yukon Review Board	13
3.7. Yukon Legal Services Society	14
3.8. Yukon Human Rights Commission.....	14

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

3.9.	Building Community Justice Partnerships - 1997.....	14
3.10.	Exploring the Boundaries of Justice: Aboriginal Justice in the Yukon – 1992	15
4.	Relevant Documents, Studies and Practices – Other Northern Territories.....	17
4.1.	Justice Canada – Performance Report - 2001	17
4.2.	A Framework for Community Justice in the Western Arctic – 1999.....	17
5.	Relevant Documents, Studies and Practices – Other Canadian.....	34
5.1.	Three Branches of Government	34
5.2.	Aboriginal Justice Strategy - Result-Based Management Accountability Framework (RMAF) 2002-2007	34
5.3.	Commission On The Future Of Health Care in Canada • Interim Report - 2002	45
5.4.	FPT Meeting Of Ministers Responsible For Justice – Meeting - September 2000	46
5.5.	FPT Working Group on Restorative Justice – 2000	46
5.6.	Federal-Provincial-Territorial Meeting Of Ministers Responsible For Justice – Meeting - 1999.....	47
5.7.	The State, The Community and Restorative Justice - 1996	47
6.	Relevant Documents, Studies and Practices – USA	51
6.1.	Community Is Not A Place - 1997	51
7.	Relevant Documents, Studies and Practices – International	54
7.1.	Restorative Justice -1996	54
7.2.	Putting Aboriginal Justice Devolution Into Practice -1995	56

1. Key Themes (to be explored)

Distinguishing between the role of government versus the role of the community in community justice

Government – preserving order? source of legal authority? facilitators/information providers?

Community – establishing peace? source of moral authority? decision-makers?

There are some fears about state intervention versus community intervention in restorative justice. Let us look briefly at a couple of them. Some community groups are fearful that governments may be tempted to co-opt restorative justice for their own purposes, purposes such as cost-cutting, smaller court dockets, less crowding in prisons. Victims groups are worried that correctional and court agencies will implement restorative justice in ways that may advantage the offenders at the expense of victims, many of whom legitimately struggle to get basic support services and information. Aboriginal groups are concerned that their traditional restorative justice practices and teachings may not be honoured or applied in a good way. See [5.7](#)

We need to have some kind of intervention on the part of the state. We cannot have a totally free-floating system that absorbs major parts of the justice process without the state taking some responsibility. We should do so when we grant money to these projects, but at the least possible interventionist fashion because if we only come up with new standards, we are leading people into a path that, as Nils Christie says, steals the process and the conflict away from people. See chapter on the “[RCMP](#)”

Justice Continuum: Restorative/aboriginal/community justice in government is on the continuum of justice initiatives (crime prevention, legal aid, courtworker, etc.) whereas restorative/aboriginal/community justice is on the broader continuum of community development initiatives (economics, health, education etc.)

What relative priority should governments give to community justice, recognizing that there is only one taxpayer and that governments face significant competing demands from other areas such as education, roads, security or social services?

Is there an inability or unwillingness to deal with community justice organizations outside a limited range of organizational types? Is there a reliance on conventional way of communication namely through the over-use of written documents? See [7.2](#)

2. Research Questions

2.1. Mission/Vision/Objectives/Goals

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

What are the stated mission/vision/objectives/goals of the Yukon Justice in community justice? Short term? Medium term? Long term?

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

2.2. History

- see also chapter on **“History”**

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

2.3. Sponsor/Organization/Structure/Governance

How is Yukon Justice organized/structured to support the work and decisions of the community justice projects?

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

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

2.4. Roles and Responsibilities

What are the roles and responsibilities of the Yukon Justice in community justice? Are there job descriptions? When were they drafted?

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

2.5. Accountability

– see also chapter on **“Results/Performance Measurement/Accountability”**

What are the overall accountability mechanisms of the Yukon Justice with the community justice projects?

Does Yukon Justice have any suggestions as to what other accountability mechanisms should be in place for community justice?

2.6. Complaints

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

What kind of mechanisms are in place to respond to Yukon Justice’s roles/responsibilities/activities in the area of community justice?

Does the Yukon Justice have any suggestions as to what kind of mechanisms should be in place to respond to complaints about the community justice projects?

2.7. Conflict Of Interest – Power Dynamics

Does the Yukon Justice have any suggestions as to how community projects should handle conflict of interest situations and power dynamics?

2.8. Decision-Making

For the Yukon Justice personnel who have roles/responsibilities/activities with respect to community justice, what decisions/recommendations are made in these positions? To whom are the decision made? What impact/effect do these decisions/recommendations have?

Does the Yukon Justice have any suggestions as to how community justice projects should make decisions?

Does the Yukon Justice 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?

2.9. Interventions/Referrals/Diversions

– see also chapter on **“Interventions/Referrals/Diversions”**

Does the Yukon Justice have any suggestions about interventions/referrals/diversions and how they should be handled by the community justice project?

2.10. Activities/Services/Approaches

– see also chapter on **“Activities/Services/Approaches”**

What activities/services/approaches does the Yukon Justice engage in community justice? How much time is spent on them?

Does the Yukon Justice have any suggestions as to what activities/services/approaches should be undertaken by the other stakeholders in community justice?

2.11. Offences

- see also chapter on **“Offences”**

Does the Yukon Justice have any suggestions as to what offences should be handled by the community justice projects?

2.12. Clients

- see also chapters on **“Offenders”** and **“Victims”**

Does the Yukon Justice have any suggestions as to whom the community justice services should be targeted? Accused? Offenders? Victims? Other?

2.13. Human Resource Management

For the Yukon Justice personnel who have roles/responsibilities with respect to community justice, what kind of process was followed to recruit/hire/train these individuals?

For the Yukon Justice personnel who have roles/responsibilities with respect to community justice, what kind of skills and abilities are needed to perform the duties and achieve the goals of the positions?

What kind of training and experience is required to attain the identified skills/abilities and the carry out the roles/responsibilities of the positions?

What kind of training was actually provided to Yukon Justice personnel who have roles/responsibilities with respect to community justice? (see chapter on **“Training and Education”**)

For the Yukon Justice personnel who have roles/responsibilities with respect to community justice, how much are they paid in salary/benefits?

Describe the work environment, mental and physical demands of the job, exposure to disagreeable conditions, stress, hazards that may be encountered as part of the work routine?

Does the Yukon Justice 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 Yukon Justice have any suggestions as to what kind or roles/responsibilities these members should have?

Does the Yukon Justice 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 Yukon Justice have any suggestions as to what kind of informal and formal training these members should have?

Does the Yukon Justice have any suggestions as to what whether members should be paid or be volunteers?

Does the Yukon Justice have any suggestions as to how volunteers could be recruited?

Does the Yukon Justice have any other suggestions regarding human resource management in community justice projects?

How has the workload of the Yukon Justice changed as result of involvement with the community justice project?

2.14. Financial Resource Management

- see also chapters on **Funding/Budgeting; Costs**

For the Yukon Justice, what financial resources are required and are in place to operate/have an impact in the area of community justice?

How was this funding amount determined?

Is core funding available?

What financial accountability mechanisms are in place for this funding?

Does the Yukon Justice have any suggestions as to how funding should be determined for community justice projects?

Does the Yukon Justice have suggestions as to how much core funding should be available to the community justice projects?

Does the Yukon Justice have any suggestions as to what financial accountability mechanisms should be in place for community justice projects?

2.15. Material Resource Management

Does the Yukon Justice have any suggestions as to what material resource community justice projects should have?

2.16. Project Administration

Is there a government communication strategy in place to provide information about the community justice?

For requesting proposals for community justice?¹

What process is in place for soliciting proposals?

For the Yukon Justice personnel who have roles/responsibilities with respect to community justice, what kind of administrative policies, plans and procedures are in place?

Does the Yukon Justice have any other suggestions as to whether policies/procedures/standards should exist for community justice? see also chapter on **“Standards”**

Does the Yukon Justice have any suggestions as to whether community justice processes should be open to members of the public?

Does the Yukon Justice have any suggestions as to community justice project administration?

¹ LaPrairie, Carol, Matrix of Evaluation Issues, Questions and Indicators, Aboriginal and Restorative Justice Initiatives: Saskatchewan Justice, November 1996

<p>2.17. Community Services/Resources</p> <p>- see also chapter on “Social Development Factors”</p> <p>Does Yukon Justice have roles/responsibilities to facilitate community justice projects’ collaboration with programs and agencies providing different supports to the community justice project?</p> <p>Does the Yukon Justice have any suggestions as to how other stakeholders could facilitate collaboration with programs and agencies providing different support to participants of the community justice project?</p>
<p>2.18. Audits/Evaluations/Reviews</p> <p>- see also chapter on “Results/Performance Measurement/Accountability” and chapter on “Review Methodology”</p> <p>Does the Yukon Justice have any suggestions regarding the conduct of audits/reviews/evaluations with respect to community justice projects? How often? By whom?</p>
<p>2.19. Working Collaborative Relationships with Other Stakeholders</p> <p>- see also chapter on “Relationships/Partnerships”</p> <ul style="list-style-type: none"> - Does the Yukon Justice meet with the following stakeholders in the area of community justice? - If so, how often? For what purpose? - Does the Yukon Justice have the support of the following stakeholders in the area of community justice? - What is working well, in terms of the Yukon Justice’s relationship with the following stakeholders in the area of community justice? - What are the challenges in terms of the Yukon Justice’s relationship with the following stakeholders in the area of community justice? - How are disagreements or disputes between parties resolved? - Does the Yukon Justice have any suggestions on how to improve working collaborative relationships with the following stakeholders?
Victims– see also chapter on “Victims”
Victims’ support/advocacy groups– see also chapter on “Victims”
Offenders– see also chapter on “Offenders”
Offenders’ support/advocacy groups– see also chapter on “Offenders”
Community justice project – see chapter on Community Justice Projects
Volunteers - see also chapter on “Volunteers”
Community – see also chapter on “Community”
First Nations- see chapter on “First Nations/Aboriginal Justice”
Native Courtworkers – see also chapter on “Native Courtworkers”
Elders – see also chapter on “Elders”
Other community resources (e.g. Schools, faith-based organizations, local businesses, non-governmental organizations)
YTG – Community Justice
YTG –Crime Prevention
YTG –Victim Services/Family Violence Prevention Unit– see also chapter on “Victims”
YTG –Probation Services – see also chapter on “Probation”
YTG –Corrections – see chapter on “Corrections”
YTG – Health and Social Services (including Alcohol and Drug Secretariat)
YTG Women’s Directorate – see also chapter on “Gender”
YTG Education
YTG Housing
YTG Sports & Rec
Justice Canada
Crown Prosecutors – see also chapter on “Crown Prosecutors”

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

RCMP – see also chapter on <u>“RCMP”</u>
Judiciary – see also chapter on <u>“Courts”</u>
Defense/Legal Aid – see also chapter on <u>“Defense Counsel”</u>
2.20. Other Issues Does the Yukon Justice have specific concerns and/or issues about community justice?
2.21. Successes – see also chapter <u>“Successes”</u> According to the Yukon Justice, what are the top (5) five best practices in community justice projects?
2.22. Challenges – see also chapter <u>“Challenges for Change”</u> According to the Yukon Justice, what are the (5) five greatest challenges community justice?

3. Relevant Documents, Studies and Practices – Yukon

3.1. Yukon Department of Justice - Departmental Overview ²

- The role of the Department of Justice is to work with Yukoners in responding to challenges and opportunities, by administering the justice system, by providing services that contribute to public safety and security and by providing legal services to the Government of Yukon.

Community & Correctional Services

- Community & Correctional Services provides programs and services for victims and offenders, and has as its primary goal the safe integration of offenders into communities as law-abiding citizens.
- Whitehorse Correctional Centre
Redevelopment of the Whitehorse Correctional Centre
Victim Services / Family Violence Prevention Unit
Adult Probation

Community Justice & Public Safety

- The Community Justice and Public Services Branch offers community justice initiatives, crime prevention programs, worker advocacy and Justice related funding programs and public services for Yukoners.
- Crime Prevention & Policing
Community Justice
Coroner's Service
Workers' Advocate

Legal Services

- The Legal Services Branch drafts and develops territorial legislation, reviews policy, conducts civil actions and prosecutes offences. Legal Services is also the legal advisor to the Premier, offering confidential legal advice and expertise to the Government of Yukon.
- Aboriginal Law Group
Legislative Council Office

Court Services

- Court Services provides facilities for the courts, as well as administrative and support services to the judiciary and other participants in the Yukon court system. Services that assist with the collection of child support orders and amounts owed under civil court orders are also handled through Court Services.
- Maintenance Enforcement Program (MEP)
The Courts
Sheriff's Office
Witness Administration Program
Yukon Public Law Library
Land Titles Office
Public Administrator

Management Services

- Management Services works closely with the entire Department of Justice to support appropriate and consistent departmental policy planning and program delivery, information and communications, financial planning, human and resource management, administration and systems support.
- Deputy Minister's Office
Policy & Communications
Finance, Systems & Administration
Human Resources

²Government of Yukon, Department of Justice, Management Services, Departmental Overview, <http://www.justice.gov.yk.ca/prog/ms/pcu/branchview.html>

- **Vision³**
 - o The Department works in active partnerships to foster healthy and safe communities that are part of a just and peaceful society.
- **Mission**
 - o The Department of Justice, in accordance with the Rule of Law, administers a system of justice that is fair, humane, responsive and equitable; and contributes to order and safety for individuals, families and communities.
- **Values**
 - o balance
 - o collaboration and cooperation
 - o personal integrity
 - o fiscal responsibility
- **Mandate:** The Yukon Department of Justice operates to:⁴ (needs to be crosschecked with accountability framework)
 - o enhance public confidence in, and respect for the law and society;
 - o promote an open and accessible system of justice that provides fair and equal services to all Yukon citizens;
 - o ensure that the administration of justice operates for the benefit of all persons in the Yukon;
 - o work toward an effective and responsive correctional system to manage offenders in ways that promote rehabilitation and ensure public safety;
 - o ensure the government of the Yukon receives high quality legal advice and services;
 - o promote effective policing, crime prevention and community justice initiatives in our communities;
 - o encourage responsible commercial activity and protect consumer interests; and
 - o encourage respect for individual, collective and human rights.
- **Community Justice⁵**
 - o Community Justice helps to contribute to the protection of society and the health of communities and individuals through community based justice initiatives.
 - Together with the Yukon First Nations and Yukon communities, the department is involved in a number of community justice programs and committees.

3.2. Federal Territorial RCMP - Community Justice Working Group

Terms of Reference

Purpose:

To promote information sharing and coordination of community-based justice activities in Yukon between Justice Canada, Yukon's Departments of Justice and Health and Social Services, and the Royal Canadian Mounted Police "M" Division.

Background:

In the last few years a number of new initiatives have been launched designed to give communities increased responsibility in justice-related areas (i.e. Crime Prevention, Youth Justice, Aboriginal Justice Strategy and Yukon Community Justice Funding). The growth in the number and complexity of community justice initiatives has raised the need for government and other stakeholders to consider ways in which they might better coordinate their efforts to ensure the success of these initiatives.

³ Government of Yukon, Department of Justice, Vision, Mission, Values, <http://www.justice.gov.yk.ca/prog/vision.html>

⁴ Government of Yukon, Department of Justice, <http://www.gov.yk.ca/depts/objectives/obj-justice.html>

⁵ Government of Yukon, Department of Justice, Community Justice, <http://www.justice.gov.yk.ca/prog/cjps/cj/index.html>

There are currently nine Community Justice Projects in Yukon providing a range of justice-related services including crime prevention, mediation, pre and post-charge diversion, sentence advisory, victim services, offender reintegration, community work service and various kinds of support to the mainstream system. Community projects need to work in close cooperation with justice stakeholders to access funding, policy and program advice, client referrals and training. The success of these projects depends on adequate support and effective cooperation with a number of government department and agencies.

Projects have their roots in the community, but remain dependent on outside support and cooperation. It is necessary to balance the sometimes different demands of the community projects and the mainstream justice system in dealing with policy and accountability issues. The increased role of non-government agencies in justice administration requires government, which remains responsible for the integrity of the justice system, to better manage its stewardship of community projects. Issues such as ongoing financial assistance, monitoring, mentoring, training and education need to be addressed in a more complete manner within a framework of government coordination. Further, it has become apparent that “community justice policies” and complementary community justice related projects run by government (i.e.: the Domestic Violence Treatment Option, Youth Justice Panel and the Prosecution Practice in the North - Pilot Project) need to be developed in consultation with other stakeholders.

Mandate:

The mandate of Federal/Territorial/RCMP Community Justice Working Group (CJWG):

1. Information Sharing and Coordination:
 - Promote and facilitate sharing of information between CJWG members with respect to their community-based justice initiatives including policies, practices and future planning;
 - Share information on project proposals and funding decisions with a view to reduce overlap, duplication and gaps, and to speak to issues such as equity of funding;
 - Where appropriate, share information with and involve other key stakeholders such as Community Justice Projects, CYFN, First Nations, etc.
2. Policy Development:
 - Community Justice Projects are subject to a range of government policies designed to protect individual rights and the integrity of the justice system. To the extent that these policies impact on other stakeholders and the effective and efficient administration of community projects they may become subject to discussion and advice by the CJWG.
 - The CJWG will include other key stakeholders in policy development and seek input supporting this work.
3. Project Support and Development:
 - Individual members of the CJWG are involved in assisting communities in developing community-based justice initiatives and providing ongoing support. Better coordination of resources through the CJWG can improve services to the communities.
4. Program Monitoring and Accountability:
 - Government remains accountable to the public for funding it provides to the Community Justice Projects. The CJWG will work to implement reporting and collection methods that meet multiple needs and minimize demands on a community’s limited resources.
5. Public Information:
 - The CJWG will promote coordination of public information related to the community-based justice initiatives, including where appropriate, the joint development of communication plans.
6. Project Review and Evaluation:
 - The CJWG will provide guidance to community justice review and evaluation activities.

Process:

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

- The CJWG will be made up of representatives from Yukon Justice, Yukon Health and Social Services, RCMP, Justice Canada (both Regional Office and Aboriginal Justice Directorate) and other members as agreed.
- The CJWG will meet at least quarterly, in person and by conference call if required.
- A Chair and note-taker will be chosen by the CJWG.
- Agendas will be circulated in advance of the meetings.
- A Record of Decisions will be kept and distributed following meetings.
- Individual members will rotate “hosting” meetings.

Approved by:

Noreen McGowan, Assistant Deputy Minister
Community Justice and Public Safety Division
Department of Justice Yukon

Date

Anne Westcott, Director
Family and Children Services Branch
Department of Health and Social Services Yukon

Date

Karen Ruddy, A/Regional Director
Justice Canada Regional Office

Date

Inspector Dale McGowan,
Officer in Charge Criminal Operations
“M” Division, Royal Canadian Mounted Police

Date

Daniel Watson, Director General
Aboriginal Justice Directorate
Justice Canada

Date

3.3. Yukon Health and Social Services

– **Mandate** ⁶

- Health and Social Services is committed to working with the community to ensure quality health and social services for Yukoners.
- This will be achieved by
 - helping individuals acquire the skills to live responsible, healthy and independent lives; and
 - providing a range of accessible, sustainable services that assist individuals, families and communities to reach their full potential.

- **Alcohol & Drug Secretariat**

- **Community Nursing**

- **Disability Services**

⁶ Government of Yukon, Health and Social Services, <http://www.hss.gov.yk.ca/>

- Environmental Health
 - Family & Children's Services
 - Health Promotion
 - Health Services
 - Human Resources
 - Social Services
 - Vital Statistics Agency
-

3.4. Yukon Health and Social Services Council⁷

- Under the Health Act, Section 35 (1), the Council (YHSSC) is an advisory council that makes recommendations to Cabinet.
 - o It is a review forum for major policy, legislative and program initiatives related to health, social services and justice.
 - o YHSSC encourages co-operation and co-ordination between voluntary associations and various government agencies.
 - o It promotes public awareness and understanding of social issues related to health, social services and justice and recommends and promotes actions that improve the health and well-being of Yukon people.
 - The Council consists of up to 14 members that meets four times per year.
 - o Meetings are held over two days.
 - o Members are paid under an honorarium of \$200/day. (Category D).
 - o Membership is for a three-year term with the option of an additional two-year term.
-

3.5. Yukon Women's Directorate

- Mandate:⁸
 - o To support the Yukon Government's commitment to the economic, legal and social equality of women.
 - o To integrate gender considerations into government policy, legislation and program development, thereby advancing women's economic, social and legal equality, by:
 - acting as a central policy advisor to government on women's equality issues;
 - consulting with Yukon women and collaborating with women's organizations to promote the equality of women;
 - providing information and education to the public on women's equality issues; and
 - working with other government departments to implement effective programs on the prevention of violence against women and children
-

3.6. Yukon Review Board ⁹

LEGISLATIVE

AUTHORITY: Criminal Code (Canada) Subsection 672.38(1)

DEPARTMENT: Justice

⁷ Yukon Board and Committees Directory, January 2001, <http://www.gov.yk.ca/pubs/directory-Jan01.doc>

⁸ Government of Yukon, Women's Directorate, <http://www.gov.yk.ca/depts/eco/women/about.html>

⁹ Yukon Board and Committees Directory, January 2001, <http://www.gov.yk.ca/pubs/directory-Jan01.doc>

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

FUNCTION:	Makes or reviews dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of mental disorder or unfit to stand trial is rendered.
MEMBERS:	No less than five
APPOINTMENT/ TERM:	No fixed term
MEETS:	Approximately six to nine times a year or as required
HONORARIUM:	Category D

3.7. Yukon Legal Services Society¹⁰

LEGISLATIVE AUTHORITY:	Legal Services Society Act, Section 3
DEPARTMENT:	Justice
FUNCTION:	The Society provides legal services at no charge to those requiring it, and works to increase the public's awareness of law, legal process and justice. It hears appeals of decisions made by the Executive Director. The Society is NOT a Yukon government agency but has been included in this handbook because the government appoints one or more members to it.
MEMBERS:	Seven members solicited from the Law Society of Yukon, Attorney-General of Canada, Canadian Bar Association and Council of Yukon First Nations.
APPOINTMENT/ TERM:	Not exceeding three years
MEETS:	Approximately eighteen meetings a year
HONORARIUM:	\$100.00 for evening meetings, \$50.00 for lunch meeting and travel expenses are paid by Yukon Legal Services Society

3.8. Yukon Human Rights Commission¹¹

LEGISLATIVE AUTHORITY:	Human Rights Act, Section 16(1)
DEPARTMENT:	Justice
FUNCTION:	The Commission administers the Human Rights Act, hears complaints and arranges for adjudication if required (see Human Rights Panel of Adjudicators). Promotes and coordinates public education and research programs in the area of human rights. (The Commission reports directly to the Yukon Legislature on all matters concerning human rights.)
MEMBERS:	Minimum of three members with a maximum of five
APPOINTMENT/ TERM:	Three years
MEETS:	Twelve times a year
HONORARIUM:	The Commission will prescribe remuneration and expenses that will be paid

3.9. Building Community Justice Partnerships - 1997¹²

¹⁰ Yukon Board and Committees Directory, January 2001, <http://www.gov.yk.ca/pubs/directory-Jan01.doc>

¹¹ Yukon Board and Committees Directory, January 2001, <http://www.gov.yk.ca/pubs/directory-Jan01.doc>

¹² Stuart. Barry, Building Community Justice Partnerships, Aboriginal Justice Learning Network and Department of Justice Canada, 1997, Available from <http://canada.justice.gc.ca/en/ps/ajln/res.html>

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

Government Support: The longevity and reach of a community justice process depends upon support from all levels of government agencies. While commitment is necessary from line officials, commitment is equally important from all managerial levels up to and including the Minister. This commitment can only be maintained by keeping lines of communication open and active between the community and senior managers. An advisory committee can provide this essential link for the partnership.

Much of the stress professionals experience in communities emanates from the excessive control over community conflict they and their agencies exercise, and from the consequential excessive community dependence upon professionals. By encouraging community ownership, by treating the community as a genuine partner in community justice initiatives, the personal and working environment for professionals improves immensely, and their ability to realize agency objectives can be significantly advanced.

A genuine commitment, by professional partners to support, respect and empower their community partners is need to realize the advantages of a partnership, and to survive the challenges families and communities face in assuming responsibilities for conflict.

Indifference and opposition from within key agencies can cripple and in some cases defeat community justice initiatives. The 'bad mouthing' of community justice by any line agency, especially the police, induces public wariness and opposition. Senior managers within these agencies must take steps to respond to genuine concerns and root out malcontents who prefer to buttress their views with personal biases rather than facts. Similarly, managers within community justice projects must be patient, not overly react to opposition, and pursue every opportunity to build an open, constructive communication link to professional partners.

A point person for all government agencies, especially justice agencies, should be identified. The point person could take on the principal task of coordinating government participation and identifying and addressing any problems calling for changes within government policies or practices. A point person may be particularly important in large urban centres processes work primarily with 'personal communities'. The point person must have 'status' within the hierarchy and ready access to all formal agency managers.

There are numerous advantages in using a point person for government agencies, but there is also a potential significant disadvantage. A point person may cause senior managers to draw back into their hierarchies and thereby cease being actively involved, losing both interest in and understanding of community justice. Community justice programs risk becoming a peripheral part of the overall process if senior managers draw back from active involvement. With senior managers actively involved, community justice processes have the potential to handle a major portion of the crime in any communities or city.

3.10. Exploring the Boundaries of Justice: Aboriginal Justice in the Yukon – 1992¹³

Yukon Territorial Government – Department of Justice

- Several unknowns face the territorial Department of Justice in initiating or promoting justice approaches in First Nation communities.
 - o The current state of self-government agreements and the absence of information about justice interests and needs of First Nation communities, are the most obvious.
 - o Both pose problems for developing a community aboriginal justice agenda.
 - o The difficulties are much less in urban areas where the jurisdictional issues are clearer, but these do not garner the same attention nor do they capture the self-government imaginations or reality like justice issues in communities.
- The credibility with First Nations of the Department of Justice, and the legitimacy of their role in aboriginal justice within a climate of rapidly changing government/aboriginal relationships, exacerbates the problem.
 - o It is further complicated by a general cynicism in communities about government and a distrust of the criminal justice system, in particular.

¹³ Laprairie, Carol, Report to Department, Yukon Territorial Government, First Nations, Yukon Territory, Justice Canada, Exploring the Boundaries of Justice: Aboriginal Justice in the Yukon. September 1992.

- Some problems find their genesis in a lack of acceptable consultation processes and protocols with First Nation communities.
- They are compounded by problems in the delivery of services and the funding limitations facing the Department.
- An absence in co-ordination of the various justice initiatives presently underway in the Yukon, has created a climate of confusion. These include:
 - community consultations undertaken by the Department's Aboriginal Justice Coordinator
 - the Council for Yukon Indians (CYI) customary law consultations
 - the author's consultations and fieldwork
 - circle sentencing initiatives promoted by the judiciary
 - community initiatives such as the Teslin and Selkirk Justice Councils
 - the Department of Justice, Policy and Community Services Branch community probation and crime prevention contracts
 - RCMP community-based policing initiatives; and
 - the self-government agreements which contain administration of justice provisions.
- The territorial Department of Justice is also faced with jurisdictional limitations in aboriginal justice.
 - The territorial department may not contract with a band in an area of federal responsibility so must do it under the guise of an activity such as probation or crime prevention, for which it has a clear mandate.

Justice Canada

- Justice Canada has two major aboriginal administration of justice interests, both of which come into play in the Yukon.
 - The first is in relation to the justice provisions in the self-government agreements, and the second to the federal Aboriginal Justice Initiative.
 - Both are critical particularly at a time when self-government is on the national constitutional agenda and where administration of justice is an essential element.
 - In the Yukon, the timing of the self-government agreements and the Initiative have the potential to inform and complement one another.
 - In this context, activities associated with the Aboriginal Justice Initiative may augment and give direction to the administration of justice self-government negotiations.
- As well, Justice Canada has a responsibility to use the Aboriginal Justice Initiative to develop long-term policy by:
 - supporting local research, project and evaluation initiatives;
 - augmenting cost-shared justice programs; and by
 - providing funding to political and service delivery organizations to further their justice interests.
- No area or community 'represents' another but there are characteristics of Yukon First Nation communities and urban areas, where aboriginal justice programming might usefully inform similar interests elsewhere.
- Justice Canada is responsible for prosecutions and the RCMP for police services, which makes the territory attractive for developing and testing a range of justice approaches.
- The limitations of the Aboriginal Justice Initiative fund, make it imperative to explore approaches where information can be widely and usefully transferred.
- A major challenge for Justice Canada and other federal departments associated with the Aboriginal Justice Initiative is to ensure that tripartite consultations are timely and comprehensive and information and evaluations about justice initiatives and programs systematically collected and distributed to the territorial government and First Nation communities.
 - The staffing of regional positions be an important part of ensuring that these and the other Aboriginal Justice Initiative objectives are met.
 - The regional people will be those not involved with communities in identifying and furthering their justice interests.

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

4.1. Justice Canada – Performance Report - 2001¹⁴

Northern Region

- In March 2001, a new Northern Region was established in the Department of Justice bringing together existing regional offices in the Yukon, Northwest Territories and Nunavut.
 - The new Northern Region office is located in Whitehorse.
 - o The creation of a new region is, in part, in response to the goal of the Government of Canada to reduce the number of Aboriginal people who come in contact with the criminal justice system and the importance of the Department of Justice Canada's roles in the justice system, both in the prosecution of criminal cases and in the development of policy and programs to address social and legal issues.
 - The new region will enhance the ability of the Department to foster partnerships with other federal departments and agencies, Territorial and First Nations governments, as well as Aboriginal and other non-governmental organizations engaged in activities in Canada's North.
 - o The new region will provide a forum to identify common needs and issues, exchange information and best practices and develop Northern "solutions" and provide a work environment that responds to the unique needs of the Department's employees in the North.
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4.2. A Framework for Community Justice in the Western Arctic – 1999¹⁵

Overview

- The **mission statement** of the Department of Justice Community Justice Division states:
 - o "The Community Justice Division of the Department of Justice recognizes and respects people's right to their own justice system through restorative and wholistic justice models founded on individual, family and community healing. Community Justice is committed to community empowerment and a real shift in power, authority and allocation of resources."
- The Community Justice Division has also set out a number of **principles** which guide its Community Justice Program. These include:
 - o a commitment to personal growth and healing.
 - o a commitment to community development as a process.
 - o a wholistic approach to the physical, emotional, mental and spiritual wellness of the people.
 - o a way of work which respects and addresses the diversity of people and communities.
 - o Aboriginal approaches to justice are distinct, recognized, respected and protected from government regulations.
 - o inter-divisional and inter-departmental coordination and collaboration will be open and sensitive to the expressed goals and objectives of communities.
 - o people must have the principal role in the development, delivery, governance and evaluation of their community justice practices and the Community Justice Division and specialists will be guided by their evaluation.
- According to the Community Justice Division's brochure Community Justice... Justice in Your Community, community justice is:

¹⁴ Department of Justice Canada, Performance Report, For the period ending, March 31, 2001 http://www.tbs-sct.gc.ca/rma/epi-ibdrp/est-bd/p3dep/dpr_i-m_e.htm#l

¹⁵ Campbell Research Associates, Kelly & Associates, Smith & Associates, prepared for Government of Northwest Territories, Department of Justice, A Framework for Community Justice in the Western Arctic – June 1999

- Restorative Justice where the focus is on the healing of relationships leading to harmony in the Family and Community." and:
- based on the teaching of Aboriginal Peoples which emphasize healing, respect, cooperation and balance. n
- Despite these statements, there does not appear to be an official and consistent mission statement for the Community Justice Initiative, which defines the goals and objectives of the overall program among the several documents reviewed for this study.
 - The fact that there are several broadly worded -mission statements may contribute to the confusion about the program and what it is supposed to do, as indicated by many of our respondents.
- The Community Justice Division of the Department has **overall responsibility for the Community Justice Initiative Program.**
 - The Division includes a Director of Community Justice, a secretary, a Victim Assistant Coordinator, a Coordinator of Community Policing and five regionally-based community justice specialists.
 - The community justice specialists, their base community and the communities they serve are presented in the following table.

Community Justice Specialist	Base Community	Communities Served
PF	Inuvik	Inuvik, Fort McPherson, Tuktoyaktuk, Paulatuk, AkJavik, Sachs Harbour, Tslighehtchic, Holman Island
DL	Fort Simpson	Fort Simpson, Wrigley, Fort Liard, Jean Marie River, Nahannni Butte, Trout Lake
LN	Yellowknife	Yellowknife, Dettan Ndilo, Rae Edzo, Wha Ti, Snare Lake, Rae Lakes
HM	Fort Smith	Fort Providence, Fort Resolution, Fort Smith, Hay River, Kakisa, Lutselk'e
MK	Deline	Colville Lake, Deline Lake, Fort Good Hope, Norman Wells, Tulita

Table 1

Role Of Community Justice Specialists

Job Description

- According to the Report on Community Justice in the Northwest Territories - Submitted to the Standing Committee on Social Programs, July 1996, the role of the community justice specialist is to:
 - “encourage the growth of interest and capacity for resolving problems at a community level.
 - they make sure that a full range of options is laid before the community
 - the role is facilitative not a directive one
 - the Specialists take their lead from the communities and attempt to respond to the needs which have been identified by the communities."
- A generic job description has been developed for the position of community justice specialist.
 - this job description dates from 1993, indicating that no significant changes to the official duties of the CJS position have occurred since that time.
 - the job description is set out under nine major headings and a number of sub-headings. these include:
 - Identification
 - includes job title, position number, department, division/region and location
 - Purpose
 - describes the role of the position as

Community Justice – Government

- the incumbent provides guidance, consultation and assistance to various community, regional and governmental officials, groups and contractors in relation to community-based justice programs and youth custodial services
- monitors and evaluates community-based justice programs and open custody services to ensure effectiveness and efficiency
- provides service proposals and assists in financial forecasting
- provides assistance in other departmental program areas as required by the Coordinator, Community Justice
- Duties And Responsibilities
 - 1. Liaises and assists various community, regional and governmental officials and groups in relation to adult and youth community-based justice programming;
 - 2. Provides guidance, consultation and assistance to department of justice staff in the development and implementation of community-based justice programs and services to adult and youth offenders;
 - 3. Provides guidance and assistance to contractors and department of justice staff in relation to the provision of contracted services;
- Skills and Abilities
 - Describes the skills and abilities needed to perform the duties and achieve the goals or expected results of the position
 - Identifies the training and experience that usually would produce the required job skills
- Authority
 - Identifies decisions and recommendations required to be made in the job
 - Identifies to whom the decisions are to be made
 - Identifies the impacts or effects of the decisions and/or recommendations made in the position
- Equipment
 - Lists the equipment and what is done with it, in performing the duties of the job
- Contacts
 - Describes the contacts made in the position, who, why and how often
- Environment
 - Describes the work environment, mental and physical demands of the job, exposure to disagreeable conditions, stress, hazards that may be encountered as part of the work routine
- Certifications
 - Signatures of employee, supervisor and deputy minister/department head.
- Many of those interviewed for this review are not sure of the role of the community justice specialist and a number indicated that they have never seen a job description for the position.
 - While most respondents were willingly to offer opinions about what the role of the CJS should be, these opinions are generally speculative and not based on direct interaction with the CJS position.
 - Where respondents felt they had an understanding of the roles and responsibilities of the CJS position, they noted the following roles:
 - Helps communities to achieve their community justice goals;
 - Provides information to community justice committees;
 - Identifies and gathers information about resources;
 - Informs the public to create a greater awareness of what is going on in the justice field;
 - Is involved with committees but does not direct them;

- Acts as agents for social change.
- Moreover, community justice specialists indicated that people are not clear about what they do and that they themselves are not certain about what they should be doing.
 - Given the broad job definition of this role, their expected activities and responsibilities are open to considerable interpretation.
 - This is both an advantage and a disadvantage.
 - It allows a wide degree of scope to those individuals in the CJS position who are self-directed, highly motivated and work successfully on their own.
 - On the other hand, it does not provide adequate structure and job definition for those CJSs who require greater guidance in carrying out their work.
- Respondents have a strong sense that some good and some not-so-good community justice specialists and the CJS's abilities to fulfil their responsibilities vary from individual to individual.
 - Many respondents identified necessary personal attributes as being a “self-starter” and “highly motivated” as being required of a good CJS.
- Responses are very mixed regarding whether or not community justice specialists are fulfilling the aims of the community justice initiative.
 - While a slightly higher number of respondents think that CJSs are fulfilling the program's aims, many feel that they are not.
 - A number of political leaders interviewed expressed concerns that they are not being informed about activities of the local CJS and therefore feel out-of-touch with both the position and the program.
 - This raises an issue of the need for local communication to ensure better accountability between the CJS position and decision-makers who have responsibility for a number of programs and services at the community levels.
 - It was also noted that in some communities, depending on how active the community justice committee is, the CJS may be closer to fulfilling program aims than in other communities where committees are less active.
 - This also appears to be related to the location of the CJS position and its proximity to the communities it serves.
 - Communities that are the homebase of the CJSs may have more frequent contact with them.
 - Community justice specialists generally feel that they are meeting the expectations of their positions but some noted that barriers, such as political interference, funding shortfalls and lack of training opportunities, hamper their job-related activities.
- It is evident overall that there is a fair degree of confusion and lack of understanding and knowledge regarding the purpose of the community justice specialist and the job-related duties and responsibilities of the position.
 - This information gap results in many questions being raised about the activities of CJSs along with concerns about whether they are fulfilling program aims and meeting the justice needs of communities.
 - Proximity to the community appears to be one factor affecting the frequency of visits and overall level of service received from specialists.
 - Other factors include the demands of the community justice committees and their level of activity.

Supports Provided to Community Justice Committees and Activities of Community Justice Specialists
Supports Provided

- Community justice specialists work within a community development context in their relationships with community justice committees.
 - As noted above, CJSs take their lead from communities and play a ‘facilitative not directive’ role.
 - Although this approach fits within the philosophy of community development, it also allows community justice specialists to adopt their own definition of the appropriate degree of hands-on/hands-off involvement with committees.
 - According to some respondents, this latitude works against the provision of valuable proactive supports to communities who may not know clearly just what kind of help they should be asking for from CJSs.
 - The program would benefit from clarification of the expectations of CJS – justice committee interaction, as it would also from establishing a well-defined and understood interpretation of community development approach and its requirements in terms of this program.
- Though they would be involved in a wide range of community and committee issues, a number of general types of support to community justice committees were identified by CJSs.
 - They indicated that supports provided depend upon the specific needs of the committee/community. The supports are:
 - Provision of information about the justice system;
 - Clarification of roles and responsibilities;
 - Attending committee meetings;
 - Identifying funding sources and assisting with proposals;
 - Assistance with orientation of new committee members.
- Specialists also described a number of additional resources or supports that they feel would enable them to better meet the needs of communities. They include:
 - Administrative/secretarial support
 - Increased funding (especially for committee training purposes) and
 - Regular meetings with other community justice specialists to exchange ideas, information and obtain mutual support.
 - As one respondent noted: “there is a feeling of working in isolation in the CJS position – little structure with no one to bounce ideas off.”
 - They also indicated that they need to be better connected to existing referral networks to assist with social, health and educational issues such as drug and alcohol addiction, counselling needs and family support issues.
 - Despite the fact that these activities are encompassed in the expectations of their job duties, few CJSs seem to be taking action in this regard and should be encouraged to develop relationships with existing human services supports.
 - By doing so, the CJS can better maximize the use of these resources in an era of constraint and can assist communities/committees in securing additional resources beyond those of the Community Justice Division.
- Community respondents feel that CJSs could benefit from increased communication with the Department of Justice and with other components of the justice system in assisting communities.
 - Community respondents also noted that CJSs would be better able to serve committees and communities if they:
 - are more visible to the Crown and RCMP (to increase the number of referrals);
 - provide more information to communities about community justice initiatives;

- speak the language and understand the culture of the communities they serve;
 - hold regional meetings to bring community members together for justice updates;
 - had appropriate credentials and relevant work experience at the time they were hired into the CJS position.
- Community justice specialists and community respondents were asked about other agencies that play a role or are involved with the CJS in meeting community needs.
 - Although these agencies vary from community to community, the RCMP, along with a range of health and social services organizations (for example, housing authorities, child and family services, social assistance) were identified.
 - Among community-based respondents there was a unanimous response that the CJSs' relationships with outside agencies are very to somewhat helpful in addressing community needs.
 - Specialists themselves pointed to a number of additional agencies that assist them and the committees in meeting community justice needs. Among those identified are:
 - care-giving and healing organizations;
 - resource people in the communities (such as traditional knowledge people);
 - school teachers, alcohol and drug workers;
 - First Nations to provide direction on what issues they want to address.
 - Respondents generally feel that these agencies should be working with the community through schools, education authorities, wellness and addiction partners and should be involved with the Community Justice Initiative to learn how they can help one another with healing, prevention and awareness.
 - It was suggested that one role for the CJS should be to communicate with “helping agencies” to encourage their involvement in community justice.
 - It was also suggested that a community justice newsletter be developed to improve communication about community justice activities in the Northwest Territories.
 - Clearly, there are many opportunities for community justice specialists to be proactive in identifying and communicating with agencies external to justice system that could assist in addressing issues related to community justice initiatives.

Activities

- A wide range of activities are being carried out by community justice specialists.
 - These activities vary to some extent from specialist to specialist, depending upon the demands placed on them by committees and communities.
 - This is in keeping with the philosophy of the Community Justice Initiative.
 - The range of activities identified by community justice specialists and by our respondents reflects the degree of respondents' familiarity with the CJS position and their own involvement with the Community Justice Initiative program.
 - The range of community justice specialist activities identified by specialists and others include:
 - Providing information to the public;
 - Public awareness/meetings/radio shows;
 - Conducting prevention workshops and other training sessions;
 - Acting as liaison between committees and the justice system;
 - Identification and securing of resources;
 - Facilitating and coordinating the interaction between community justice committees, coordinators, communities, the justice system and others;
 - Facilitating the establishment of community justice committees;
 - Assisting committees with activities as requested;

- Seeing funding for committees;
- Identification of opportunities for community justice committees and communities;
- Being accessible and visible.
- Some CJSs feel that they are not trainers or do not have the skills required to deliver training to others.
 - This is clearly a shortcoming in the CJS position which requires the provision of training and other assistance to committees.
- Although respondents are not sure of the role of the CJS, a significant majority of those interviewed in this study feel changes are needed in the community justice specialist position and its job responsibilities.

Among the changes suggested:

 - Strong role clarification – clear mandate for this position;
 - Make sure the position is held by someone who has gone through a healing process;
 - The position should be held by someone who knows the culture and the language of the people;
 - Enhance training for the CJSs;
 - Increased accountability to local elected officials;
 - Skills to help the CJSs help themselves and others in dealing with situations related to specific cases such as abuse, suicide etc.;
 - Taking the program out of government – the CJS should work for and be accountable to the community;
 - Selection and training specifically for the CJS position;
 - Greater understanding of the unique needs of each community and how to communicate with them so that they receive the right information;
 - The CJS must be visible and actively involved with the committees; they should be ‘animateurs’;
 - Hiring people with community development experience who able to communicate well at the community levels;
 - Provision of community development training to improve their understanding of this approach;
 - The ability to train committees and coordinators;
 - Enough checks and balances in the program to ensure that tasks are being carried out;
 - Increased contact with community justice committees.
- The long list of CJS activities identified by respondents is indicative of the multifaceted role of justice specialists in community justice activities.
 - While some CJSs appear to interpret their role as hands-off, driven by community demands, others see it more hands-on, helping communities to identify justice needs, options and solutions.
 - Given the important role CJSs play in support of community justice committees and other community justice initiatives, a more consistent interpretation is required regarding how involved the CJS should be with community activities.
 - While no one should expect all CJSs to be involved in all communities in the same way, it is realistic to expect certain common activities such as:
 - capacity building;
 - providing information;
 - offering assistance with reporting and accountability; and
 - establishing and maintaining linkages between community-based initiatives and the Department, the external justice system and other forms of support related to community justice issues.

Community Justice Specialist Training

- The Community Justice Division makes funds available to CJSs for training.

Research Framework for a Review of Community Justice in Yukon

Community Justice – Government

- CJSs request approval for using these funds for training that they themselves choose.
- Some of this training may be through local courses, travel to conferences or provided at the Division.
- While all specialists feel that they need additional training, many have already participated in a range of training activities.
- Among the training received in the past year was (not all specialists received all training):
 - crime prevention and restorative justice;
 - evaluation of community justice initiatives;
 - community justice;
 - women's wellness;
 - family group conferencing;
 - community development;
 - job evaluation;
 - cultural spirituality;
 - high risk kids;
 - self-healing;
 - financial;
 - computer programs.
- It is not clear from the above-listed training (as described by the CJSs) just what these training sessions actually provided to CJSs who were involved or what skills they took away to apply at the community level.
 - The amount of training reported by CJSs during the period January 1, 1998, to April 1999 varied from five days (which appears to have been orientation training for a new CJS) to 26 days by one CJS and 49 days for another.
 - This range indicates that some CJSs may be taking greater advantage of training opportunities.
 - However, the benefits to their communities in terms of skill development as opposed to the loss of contact time and involvement is not known.
- Despite the fact that specialists have participated in a range of training opportunities, they also identified areas that they feel still need to be addressed to better enable them to help communities with their justice issues:
 - what is happening in community justice in other settings, where it is going;
 - roles and responsibilities of committees;
 - how to conduct hearings;
 - how the criminal justice system works.
- Community respondents also feel that community justice specialists would benefit from training in a number of areas. These include:
 - formal and alternative justice;
 - committee/board development;
 - how to deliver training to committees.
- On-going training for CJSs is important so that they can remain up-to-date in their field and develop specific job skills that better enable them to assist communities in meeting community justice needs.
 - Although CJSs are taking advantage of a variety of training opportunities, there does not appear to be a systematic approach to identifying training needs, demonstrating its applicability to the job and providing feedback on the training once completed.
- As noted above, some CJSs feel that they are not trainers or do not have the skills required to deliver training to others.

- Given the importance of this type of activity in their job duties and responsibilities, enhancing CJSs' ability to train others should be considered a priority.

Relationship with Community Justice Specialists

- A community justice specialist is available to each community justice committee in a resource capacity.
 - As noted earlier, this position as envisaged is
 - “to encourage the growth of interest and capacity for resolving problems at the community level.
 - They make sure that a full range of options is laid before the community.
 - The role is a facilitative not a directive one.
 - The specialists take their lead from the communities and attempt to respond to the needs which have been identified by the communities..
 - Given these parameters for the work of the CJSs, one would expect that the relationship between the community justice specialist and the community justice committee is crucial to the success of community justice initiatives.
- Most community-based respondents indicated that they have fairly regular contact with their justice specialist but that the frequency and nature of the contact depends upon the types of issues being addressed by community justice committees.
 - It is evident that larger communities and more active committees have the most frequent contact with CJSs and that proximity to the location of the justice specialist is also a factor influencing the frequency of contact.
 - Many respondents noted that most often contact was by telephone and fax.
 - All communities reported some face-to-face contact with their justice specialist, some very frequently, some monthly and others just a couple of times per year.
 - Clearly some groups are not getting as much contact as they would like.
- Communication between justice specialists and committees flows both ways with either party initiating it depending upon their needs.
 - Many communities said that they contact the CJS for information, assistance with planning and budgets, clarification of legalities and to explain roles and responsibilities.
- Community respondents were asked to rate the helpfulness of the CJS (either to themselves or to their committee) as very helpful, somewhat helpful, or not helpful.
 - Overall most respondents regarded the CJS to be somewhat helpful (although specific cases found them to be very helpful and others not helpful).
 - When asked why they answered as they did, most respondents appeared reluctant to be critical and offered suggestions such as:
 - CJSs do not respond fast enough;
 - there are limitations on what the CJS is able to do;
 - they are doing all they can.
 - Other community respondents, however, stated that
 - they do not see the specialist working in their community,
 - they do not receive enough service from the CJS or
 - due to infrequent visits, the CJS position does not produce any tangible advantages for their community justice initiative.

Conclusions

- The role of the community justice specialist is crucial to the success of the overall Community Justice Initiative and needs to be maintained to:

- provide the primary link between the administration of the program and communities;
- continue the community development work that underlies the philosophy of the Community Justice Initiative;
- assist communities in achieving their community justice goals;
- establish and maintain linkages between the formal justice system, community justice initiatives and external agencies that play a supportive role in addressing justice needs and issues at the community level.
- While the importance of the CJS position is acknowledged by respondents, it needs greater role clarification.
 - Specialists require skill enhancement, a more proactive involvement with communities and increased visibility among local agencies, organizations and decision-makers.
- Although a job description for the community justice position exists, it would appear that it has not been revised since 1993.
 - The job description, particularly "Section 3 - Duties and Responsibilities", is far too complex and all encompassing to realistically expect any CJS to fulfil all of the listed duties and responsibilities.
 - On the other hand, the broad definition of duties and responsibilities enables a good CJS to proactively meet the needs of their community-based clients.
 - It is evident from community respondents that there is much uncertainty about the role and responsibilities of community justice specialists.
 - It is also clear that many respondents recognize self- motivating, self-directing traits as being highly desirable for a CJS candidate.
 - The mixed response regarding whether community justice specialists are fulfilling the aims of the Community Justice Initiative suggests that some CJSs may not be living up to the potential of their position and that perhaps some current CJSs may not be the most suited candidates for this position.
- The list of suggested changes to the CJS position and related job responsibilities indicates that a number of respondents see a need to enhance the skills of community justice specialists, to clarify their roles and responsibilities and to increase their involvement with community justice committees.
- While community justice specialists provide a variety of supports to community justice committees, a number of suggestions were made about ways to improve this assistance and to involve other agencies in the community justice process.
 - Respondents see community justice specialists as being in the best position to increase understanding and awareness of community justice issues and needs and to communicate this information to agencies in the helping and healing sector.

Recommendations

- The importance of the CJS role in supporting committees and coordinators has been emphasized by respondents.
 - The Department of Justice should, therefore, maintain the position of Community Justice Specialist.
- While specialists have established varying levels of working relationships with communities, additional benefits to the program could be obtained by reconsidering the roles and responsibilities, duties, skills, experience and reporting relationships of the specialist position.
- Undertake a review of the community justice specialist job description to clarify the role of the community justice specialist in the overall initiative:
 - (a) identify relevant job duties and responsibilities and priority activities;
 - (b) clarify relationships with the Department of Justice, regional or local authorities, communities and community justice committees;

- (c) determine appropriate reporting and accountability requirements to the Department of Justice, regional or local authorities, communities and community justice committees;
- (d) consider required candidate skills and relevant experience;
- (f) define the meaning of "community development" activities within CJS duties and responsibilities, especially as they relate to proactive activities at the community level.
- The ability of community justice specialists to fulfil their job duties is dependant upon their skill level and experience in addressing community needs.
 - In order to maximize the role of the CJS, the Department of Justice should establish a systematic approach for identifying training programs that will enable community justice specialists to better address the justice needs of communities and community justice committees (including 'how to' training skills, facilitation skills, motivation, record keeping, time management, work planning and effective communication).
- Overload, burnout and other job-related stresses affect the performance of community justice specialists as do issues from their own pasts that may be reopened during the course of assisting others.
 - The Department of Justice needs to examine healing and self-help opportunities for community justice specialists who may be coping with personal and job-related issues.
- The high level of uncertainty regarding the activities of community justice specialists suggests the need to examine their reporting and accountability mechanisms.
 - The Department of Justice should undertake a review of these requirements in order to ensure that community justice specialists are able to provide more detailed information about the tasks and activities carried out in relation to their job duties and responsibilities.
- As noted in the previous recommendation, the lack of reporting on tasks and activities of justice specialists creates uncertainty regarding their job performance and effectiveness.
 - To facilitate more effective monitoring of CJS activities the Department of Justice should consider the development of a work plan template to assist community justice specialists in the preparation of annual work plans.
 - These work plans should be submitted to and approved by the Community Justice Division and used by the Division to help communities understand the training needs, range of activities and level of Involvement the justice specialist has in their region.
- Five options have been put forward to the GNWT Department of Justice regarding how its Community Justice Program can be best structured to help communities develop their community justice programs.
 - In all options the continuing involvement of the Community Justice Division will be necessary and its existence as a separate entity in the Department of Justice must be maintained.
 - The five options for the Community Justice Program are:
 - The Department of Justice retain the program.
 - The program is transferred to a justice institution, for instance a legal services board.
 - The program is transferred to a pan-territorial body.
 - The program is transferred to a regional organization/Aboriginal government.
 - The program is transferred to individual communities.
- Neither Option One (i.e., remaining with the Department) nor Option Two (i.e., transfer to a justice institution), keeping in mind that implementation of recommendations for program change is required before any option is exercised, addresses the desire of many communities and Aboriginal organizations for greater control of community justice and accountability closer to the community level. Although Option Three (i.e., transfer to a pan-territorial body) offers the potential for increased Aboriginal control of the

program, it also suffers from the same drawback as Option One in that it would preserve the highly centralized structure that currently exists and is widely regarded as not able to be adequately responsive to differing community and regional needs. In all of the transfer options, there will be some duplication of administrative structures with the remaining role of the Department of Justice. Transfer to several regional organizations will require similar administrative functions to be carried out in each. The costs of administration, given that new program moneys appear unlikely, will have to come out of the existing program budget thus decreasing the funds available for program delivery at the community level. The extent to which this may be acceptable to prospective transfer partners will have to be weighed against the advantages of transfer. While maintaining the current program structure in the Department of Justice has the clear advantage of minimizing administrative costs (and therefore maximizing community funding), it does not meet the expressed desire to have the program delivered closer to the community level where the benefits can be best realized. Ultimately, Option Four (i.e., transfer to a regional organization Aboriginal government) holds the most promise for optimizing the program's aims and the aspirations indicated by respondents to this review. This Option should be exercised with full understanding of the parties that community funding may be affected and that an initial "pilot" transfer may be the best way to demonstrate: increased accountability to the community level, increased effectiveness and responsiveness to local and regional issues, greater control of community justice, new partnerships in community justice initiatives, and administrative efficiencies in the program.

Option One: Department Of Justice Retains The Program

This option would preserve the current structure of the program within the Community Justice Division. It would, of course, still be necessary to address the program's current weaknesses and enhance its operations.

Advantages

- The changes required are within the Department's ability to implement, given adequate resources. These changes are administrative and operational only and do not require a structural redesign of the program.
- The Community Justice Division would continue to have maximum possible level of involvement in and control over the program. This would enable the Department to reshape and enhance the program so as to meet the Department's objectives.
- This option would maintain consistency of program operation across all communities as well as provide an enhanced capacity for program monitoring and evaluation.
- The Department of Justice would retain its links with communities both through the community justice specialists and its direct contact with communities.
- In this way the Department can be apprised of community justice needs and problems as a basis for taking steps to address these.

Disadvantages

- The continuing centralized control by the Department fails to meet the aspirations of communities and regional bodies for greater control over community justice.
- This has both political and program implications. Some regional and territorial bodies have put their case for being prospective transfer "hosts" to the Department. Many respondents interviewed for this review have indicated that the 'distance' between "Yellowknife" (meaning the Department) and the program's implementation communities, with the CJSs being the primary link, has not enabled the program to be responsive to community needs.
- The solution that has been suggested is to decentralize the program to a level at which greater control by, and accountability to, communities can be provided.

Role of the Department of Justice

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

- The Department will remain as the program manager and delivery agent, retaining the functions it now carries out in relation to the program.
- The Department will have primary responsibility for implementing program changes as outlined in the recommendations of this report.

Option Two: Transfer To A Justice Institution

- This option would see the community funding allocation and the CJS positions move to the control of a justice institution that could deliver the range of justice-related services and programs required by communities in the Northwest Territories.
- A justice institution, e.g., the legal Services Board, must also demonstrate that it has established cooperative relations with Aboriginal communities and that these communities support its taking on the Community Justice Program.

Advantages

- An existing justice institution would have already established relationships with the various players in the justice system. This could facilitate the work of community justice committees and assist in the development of new community justice programs at the local level.
- This option would bring a range of justice-related programs under one organization and thus has the possibility of promoting a better integration of justice services to meet community needs. This could promote greater efficiency through avoiding duplication and overlap in program delivery.

Disadvantages

- This was not an option suggested by many respondents to our review.
- Most favoured greater control of the program by an Aboriginal organization(s) in a structure that would provide for increased responsiveness and accountability to communities.
- With a range of legal and justice programs already established, especially if services to accused/offenders constitute the main focus, it may be difficult to preserve the aims of the Community Justice Initiative to address victims' as well as offenders' needs.
- Consistent with the preceding, there is the danger that community justice resources could be diverted into serving the pressing requirements of the mainstream justice system and away from their intended use of helping communities to build alternative solutions to their justice-related problems.
- The mandate of an existing justice institution may not easily accommodate the Community Justice Program.
- This could require a complex process of change before transfer could be implemented.
- This option would duplicate the already existing program administrative infrastructure of the Department of Justice.

Role of the Department of Justice

- The Department will continue to secure program funding.
- The Department will administer the program contract negotiated with the justice institution, establish accountability and reporting requirements and monitor program management and delivery.
- The Community Justice Division would be relieved of the financial management of funding to 31 individual communities.

Disadvantages

- This arrangement continues to maintain centralized control of the program and, unless this pan-territorial body has a regionalized structure, CJSs would continue to be accountable to a single employer and funding decisions would continue to be made by the centralized organization. In this regard, the structure would not be substantially different from the existing one.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

- Many respondents feel that the current structure works against community accountability and control because the funder and employer of the CJSs is centralized in one location.
- If the pan-territorial body has responsibility for a number of different programs, there is the risk of conflict with other mandates and that other programs may take priority. As a result, the Community Justice Program may not receive the attention and direction it requires.
- This could have a negative effect on the program's ability to address community justice needs.

Role of the Department of Justice

- The Department will continue to secure program funding. The Department will administer the program contract negotiated with the pan-territorial body, establish accountability and reporting requirements and monitor program management and delivery.
- The Department will implement program changes based on the recommendations in this report prior to transfer and/or assist the justice institution in implementing the needed changes.
- The Department will provide additional support services, such as training opportunities and expertise, research and evaluation, education and information forums involving programs in other jurisdictions, assistance with identifying and obtaining funding from other sources, program planning and development, coordination of community justice activities with probation, corrections, courts, RCMP and Crowns at senior management levels.
- The Department will work closely with the transfer partner as required to advance the operation and aims of the program.

Option Three: Transfer To A Pan-Territorial Body

- This option envisages a transfer to an existing body which meets the criteria outlined above as well as being able to demonstrate that it represents the Aboriginal and non-Aboriginal population across the territory. Endorsement of its territory-wide mandate should be in the form of First Nation and municipal council resolutions.

Advantages

- This option would simplify administrative and contractual arrangements for the Department in that it would be dealing with a single body that takes responsibility for managing the CJS and determining community allocations. The negotiated contract can provide for the necessary reporting, accountability and measures of program objectives achievement as desired by the Department.
- There is the potential for a pan-territorial body that delivers a range of social programs to integrate resources and coordinate delivery across the programs to better meet communities' social justice needs.
- The transfer organization would take on management of the CJS position and determination of the funding allocations for communities within its jurisdiction, thus relieving the Department of this responsibility. The negotiated contract can provide for the necessary reporting, accountability and measures of program objectives achievement as desired by the Department.
- Control of the CJS position by a regional organization! Aboriginal government will increase the accountability of this position to communities.
- This option addresses the desire of some existing regional bodies to take control of the program for their area.
- A decentralized program structure, through transfer, would facilitate relationships with other regionalized government and non-government programs. This would be the responsibility of a regional organization! Aboriginal government which represents the same communities being served by various regional bodies.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

- There is the potential for a regional body that delivers a range of social programs to integrate resources and coordinate delivery across the programs to better meet communities' social justice needs.
- It would be possible for the Department of Justice to adopt a phased approach to transfer, starting with a single organization that would become a pilot for assessing areas that may need to be addressed prior to any subsequent transfers.

Disadvantages

- Regional organizations/Aboriginal governments may, over time, experience shifting allegiances of communities if some determine that their interests are not being well-served by that body. This could fragment the program and leave those communities without a funder or the support of a CJS. It would also require the Department to renegotiate transfer and to assume funding and support responsibilities for individual communities. There is a potential for conflict between communities themselves and between communities and the regional body arising out of competition for program funding.
- Administration of the program will be duplicated in each region to which it is transferred. Additional costs devoted to administration may reduce the dollars available for activities at the community level.
- Any transfer to a regional organization which administers several programs presents a risk that the various program mandates may be in conflict and that programs with lower levels of funding may not receive the attention they require.
- The Department will have to simultaneously administer differing transfer/non-transfer arrangements.

Role of the Department of Justice

- The Department will continue to secure program funding.
- The Department will implement program changes based on the recommendations in this report prior to transfer and/or assist the regional organization/Aboriginal government in implementing the needed changes.
- The Department will administer the program contract(s) negotiated with the regional organization/Aboriginal government, establish standardized accountability and reporting requirements and monitor program management and delivery.
- The Department will directly administer the program for the remaining communities not under the jurisdiction of the transfer partner(s).
- The Department will provide additional support services, such as training opportunities and expertise, research and evaluation, education and information forums involving programs in other jurisdictions, assistance with identifying and obtaining funding from other sources, program planning and development, coordination of community justice activities with probation, corrections, courts, RCMP and Crowns at senior management levels.
- The Department has a vested interest in the success of the transferred program, which would otherwise be returned to Departmental management, and will work closely with the transfer partner(s) as required to advance the operation and aims of the program.

Option Five: Transfer To Individual Communities

Transfer to individual communities could be done if a single community has a justice workload that warrants a full community justice specialist position or if a group of communities cooperated to purchase community justice services from the transfer community. There would have to be the appropriate infrastructure and experience on the part of the community to manage the program and access to program-funded services would have to be guaranteed for all Aboriginal and non-Aboriginal residents.

Advantages

- This option would provide direct community control over the program and increase accountability to the community for the program's activities.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

- It would optimize the responsiveness and flexibility of the program in addressing community needs.
- There is the potential that this structure would eventually be consistent with individual First Nation self-government.

Disadvantages

- At the current resourcing level, the community justice specialist position would have to be fragmented among several communities. This would be detrimental to the effectiveness of the position and the efficient delivery of service to communities.
- There would be resource implications for the Department if the number of specialist and coordinator positions needed to increase substantially for program transfer to a significant number of individual communities.
- Having a large number of individual arrangements with communities would add substantially to the administrative workload of the Division and the Department.
- There may be increased opportunity for conflicts of interest to enter the operation of community justice activities.

Role of the Department of Justice

- The Department will continue to secure program funding.
- The Department will implement program changes based on the recommendations in this report prior to transfer and/or assist the individual communities/groups of communities in implementing the needed changes.
- The Department will administer the program contract(s) negotiated with individual communities/groups of communities, establish standardized accountability and reporting requirements and monitor program management and delivery.
- The Department will directly administer the program for non-transfer communities
- The Department will provide additional support services, such as training opportunities and expertise, research and evaluation, education and information forums involving programs in other jurisdictions, assistance with identifying and obtaining funding from other sources, program planning and development, coordination of community justice activities with probation, corrections, courts, RCMP and Crowns at senior management levels.
- The Department has a vested interest in the success of the transferred program, which would otherwise be returned to Departmental management, and will work closely with the transfer partner(s) as required to advance the operation and aims of the program.

ASSESSMENT OF OPTIONS

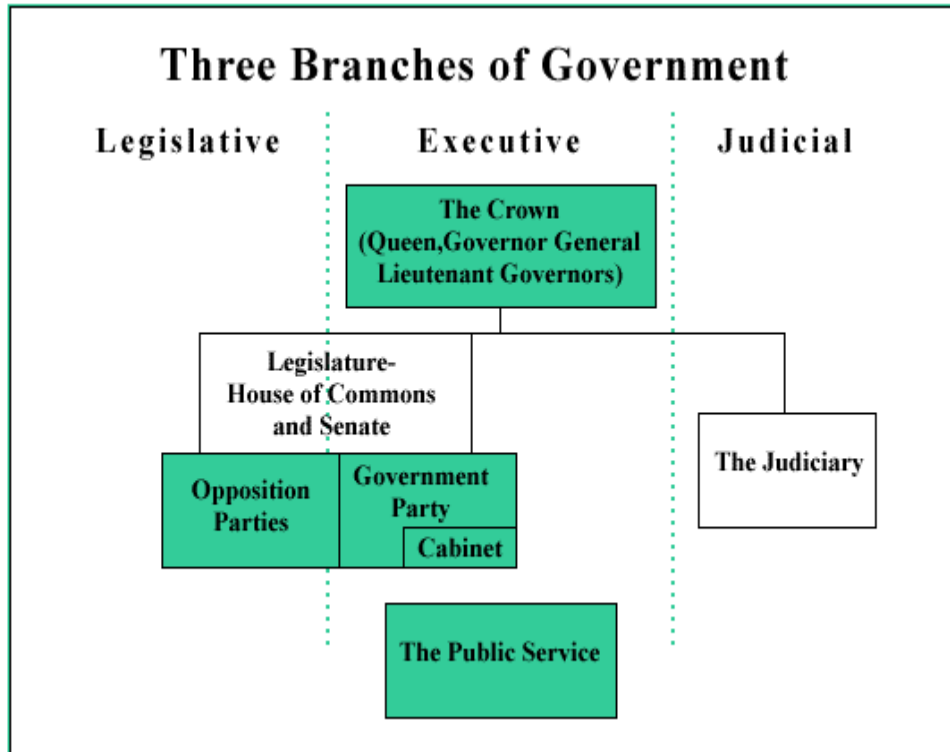
As the above discussion of the five potential options for future Community Justice Program direction indicates, there are both advantages and disadvantages to each. Neither Option One (i.e., remaining with the Department) nor Option Two (i.e., transfer to a justice institution), keeping in mind that implementation of recommendations for program change is required before any option is exercised, addresses the desire of many communities and Aboriginal organizations for greater control of community justice and accountability closer to the community level. Although Option Three (i.e., transfer to a pan-territorial body) offers the potential for increased Aboriginal control of the program, it also suffers from the same drawback as Option One in that it would preserve the highly centralized structure that currently exists and is widely regarded as not able to be adequately responsive to differing community and regional needs.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

In all of the transfer options, there will be some duplication of administrative structures with the remaining role of the Department of Justice. Transfer to several regional organizations will require similar administrative functions to be carried out in each. The costs of administration, given that new program moneys appear unlikely, will have to come out of the existing program budget thus decreasing the funds available for program delivery at the community level. The Territorial government has indicated that there will be a budget deficit. This could result in the possibility of funding reductions rather than the likelihood of increasing resources for many programs. The extent to which this may be acceptable to prospective transfer partners will have to be weighed against the advantages of transfer in terms of increased local control, greater accountability and responsiveness to community needs and potential for improved coordination between the Community Justice Program and other regional programs managed by a regional body. Some administrative efficiencies may be gained, however, thereby reducing the impact on program delivery.

While maintaining the current program structure in the Department of Justice has the clear advantage of minimizing administrative costs (and therefore maximizing community funding), it does not meet the expressed desire to have the program delivered closer to the community level where the benefits can be best realized. Ultimately, Option Four (i.e., transfer to a regional organization/ Aboriginal government) holds the most promise for optimizing the program's aims and the aspirations indicated by respondents to this review. This Option should be exercised with full understanding of the parties that community funding may be affected and that an initial "pilot" transfer may be the best way to demonstrate: increased accountability to the community level, increased effectiveness and responsiveness to local and regional Issues, greater control of community Justice, new partnerships in community justice initiatives, and administrative efficiencies in the program.

5. Relevant Documents, Studies and Practices – Other Canadian
5.1. Three Branches of Government¹⁶



5.2. Aboriginal Justice Strategy - Result-Based Management Accountability Framework (RMAF) 2002-2007

Introduction

As part of the federal government management framework Results for Canadians, public service managers are expected to define anticipated program results, focus on results achievement, measure performance regularly, and to use the information to improve efficiency and effectiveness. To facilitate this process, effective April 1, 2001, Treasury Board requirements call for a Results-Based Management and Accountability Framework (RMAF) on all programs involving transfer payments. This RMAF details the objectives of the Aboriginal Justice Strategy (AJS), the expected outcomes, and a framework for monitoring, reviewing and reporting on its progress and activities for the 2002-2007 mandate.

Profile

Origin and Rationale

“It is a tragic reality that too many Aboriginal people are finding themselves in conflict with the law. Canada must take the measures needed to significantly reduce the percentage of Aboriginal people entering the criminal justice system, so that within a generation it is no higher than the Canadian average.” *Speech from the Throne, Jan 2001*

¹⁶ http://192.197.77.131/eng/lnrcentr/online/hgw/how-gov2.htm#BM2_5

Numerous public inquiries, task forces and commissions on Aboriginal people and the Canadian justice system have concluded that the present justice system has failed Aboriginal people. A growing body of statistical information further indicates that Aboriginal people have high contact rates with police and disproportionately high rates of arrest, conviction and imprisonment. Profiles of Aboriginal offenders, incarcerated in federal and provincial correctional institutions, reveal indicators of significant social and economic marginalization, including low levels of academic achievement and high levels of unemployment and family dysfunction. Considering these and other factors affecting Aboriginal communities (e.g.: Residential Schools, Fetal Alcohol Spectrum Disorder, alcohol/substance abuse), it is clear that the needs of the Aboriginal population are truly complex.

Given this complexity, the federal government is responding with a continuum of policies, programs and initiatives to address the disproportionate rates of crime, incarceration and victimization experienced by Aboriginal people. Examples of policies, programs and initiatives along the justice continuum include, but are not limited to, the Aboriginal Justice Strategy, the Native Courtworker Program, the First Nation Policing Policy, the Youth Justice Renewal Fund Aboriginal Community Capacity Building, and the Aboriginal Community Corrections Initiative. Although these programs and initiatives each operate within their separate mandates and authorities, they are linked by a common purpose to contribute towards improving conditions of Aboriginal people within Canadian society.

As part of that continuum, the purpose of the AJS is to focus on strengthening the capacity of Aboriginal communities to reduce crime and victimization through increased community involvement in the local administration of justice. This increased capacity will contribute to the development of more appropriate responses to Aboriginal over-representation and, over the longer term, reduce the percentage of Aboriginal people coming in contact with the criminal justice system. Furthermore, as more Aboriginal people become involved in justice administration, a greater understanding of Aboriginal needs will evolve and, consequently, contribute to the necessary conditions for sustainable improvements within the mainstream justice system.

During the previous mandate, the AJS provided leadership towards developing key relationships with community and provincial/territorial stakeholders. By coordinating key institutional players and leveraging resources, strong cost sharing partnerships evolved over a relatively short timeframe. However, given the complexity of the issues being addressed, much work remains to continue those relationships so that they are sustainable and support Aboriginal justice initiatives over the longer term.

Delivery Approach

The AJS provides the program and policy framework whereby the federal and provincial/territorial governments cost-share (on 50/50 basis) community justice programming that is based on the principle that solutions to the challenge of Aboriginal over-representation must be found within the existing provisions of the Canadian justice system. Therefore, AJS eligible program models apply existing approaches for community involvement in justice administration (e.g.: mediation, diversion, community advice on sentencing, etc.).

The AJS will also provide funding for a new Training and Development Component to address under representation in Regions or in program models such as mediation. Grants and contributions will cover 100% of the eligible expenses for 2002-2004 to complete the initial program development work, and then will begin to decrease over the duration of the mandate as the communities move into cost-shared funding arrangements with provincial and territorial governments.

Additionally, a new Self-Government Capacity Building Component of the fund has been established to support the development in the local administration and enforcement of Aboriginal laws. The AJS will provide contributions up to 100% of the eligible expenses for this component of the fund.

The objectives of the AJS are:

- to assist Aboriginal people to assume greater responsibility for the administration of justice in their communities;
- to reflect and include Aboriginal values within the Canadian justice system; and
- over the long term, along with other justice programs, contribute to a decrease in the rate of victimization, crime and incarceration among Aboriginal people in communities operating AJS programs.

The key activities in fulfilling those objectives are:

- Community Justice Program Component
- Aboriginal Justice Learning Network
- Training and Development Component
- Policy Development
- Self-Government Negotiations
- Self-Government Capacity Building Component

These activities operate jointly, supporting and complementing one another in meeting the objectives of the overall strategy. For example, Policy Development provides policy analysis to strengthen other activities such as the Community Justice Program Component and Self-Government Negotiations.

The Community Justice Program Component

Through program models such as diversion, community sentencing, mediation in civil matters, and Tribal courts, this activity supports Aboriginal communities in implementing culturally relevant community justice programs that allow them to assume a significant role in working with offenders and resolving civil and criminal disputes in their communities.

These four models attempt to capture the breadth of activities that are taking place at the community level and represent how the AJS is organized:

- *Diversion/ alternative measures programs* are generally established under provisions of the Criminal Code or the Young Offenders Act. These programs remove offenders from the mainstream court systems into community processes that set more culturally appropriate remedies or sanctions for the offences;
- *Community sentencing programs* provide for a range of approaches, such as sentencing advice to courts through Elders' advisory panels or circle sentencing initiatives, community circles (with or without the intervention of a court), and other peacemaking processes;
- *Mediation* involves the intervention in disputes of an impartial, neutral third party, who assists the parties in coming to a resolution of the dispute. This person has no decision making power, but instead facilitates mutual resolution on the part of the parties. Mediation programs address non-criminal disputes, such as family or civil cases. Mediation, as one of four program models funded by the AJS, is not to be confused with mediation as a process used by many of the programs; and
- *Tribal Courts* are First Nation courts whose jurisdiction has been recognized under First Nation law as well as under provincial and territorial legislation or under the Indian Act.

Once a community justice program proposal has been approved, communities work with the Aboriginal Justice Directorate (AJD) and the respective provincial/territorial ministries, to develop, implement and maintain their programs in continuous consultation with mainstream justice providers (e.g., crown prosecutors, police, courts, etc.). Funding is provided through bilateral or trilateral funding arrangements (contribution agreements) that include regular reporting to address the accountability requirements of all levels of governments.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

Each community justice program has overall responsibility of running their daily operations; the federal/provincial/territorial (FPT) governments are responsible for providing funds, expert advice and facilitating linkages with mainstream justice stakeholders and other social service providers.

Outcomes for the Community Justice Program Component include:

- improved community capacity to address justice issues;
- improved acceptance and collaboration amongst justice stakeholders;
- improved service delivery, community awareness and participation; and
- positive change in community attitude towards the justice system.

The Aboriginal Justice Learning Network

The Aboriginal Justice Learning Network (AJLN) acts as a vehicle for communication between Aboriginal communities, community justice workers, justice professionals, and all levels of government. The AJLN provides forums for Aboriginal communities to exchange best practices, and stay informed about developments and creative solutions to Aboriginal justice issues. It supports training and information sharing on alternative, restorative justice processes that are consistent with Aboriginal values and traditions, and helps to ensure that Aboriginal women participate as full partners in both the development and implementation of community justice programs. The AJLN also manages the Training and Development Component, and plays a lead role in supporting evaluation activities at the community level.

Outcomes of the AJLN include:

- informed and knowledgeable stakeholders; and
- an increase in public awareness of Aboriginal justice issues.

Training and Development Component

The 2001 Final Evaluation of the AJS echoed feedback from community programs in identifying the need for sustainable training and support for program development as a key component for their success. The AJLN will manage a new Training and Development Component, which focuses on community capacity building in order to address under representation:

- in Regions such as the Atlantic Region;
- in Community Program models such as Mediation and Tribal Courts;
- in target populations, such as Urban Aboriginals, Métis, and off-reserve Aboriginals; and,
- in the role of women, victims' groups, and youth in restorative justice initiatives.

A Federal/Provincial/Territorial Working Group will establish a criteria for accepting proposals, based on the priority this group assigns for these identified under represented areas.

Objectives of the Training and Development Component include:

- *Training* to support the development of new programs that meet the priority areas established in the criteria;
- *Community Development* to address the training and/or developmental needs of Aboriginal communities that currently do not have community-based programs funded through the AJS;
- *Program Development* to support existing AJS community programs that are proposing to expand into a priority area established in the criteria or to improve the existing program.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

A Review Committee will decide what proposals meeting the criteria are approved. The Review Committee will be composed of five members:

- | | |
|-----------------------|---|
| Rotating Members: | <ul style="list-style-type: none">• AJS Regional Co-ordinator for the Region of the proposal;• 1 member of the AJLN Advisory Committee (will be member that represents Region of proposal) |
| Non-rotating Members: | <ul style="list-style-type: none">• 1 member of the AJLN• AJS Program Analyst• 1 member of the Financial Community Development Sub-Committee (sub-committee of the AJLN Advisory Committee) |

Outcomes of the Training and Development Component include:

- Increased community knowledge of models and processes of Aboriginal restorative justice initiatives;
- Improved community capacity to address justice issues in under-represented Regions, program models, and target populations; and
- Improved service delivery, community awareness and participation.

Policy Development

The Policy Development component works to develop a community of professions and resources that will support Aboriginal justice as a key priority in Canadian society. Through strategic partnerships, AJD facilitates horizontal efforts, analysis, and support activities relating to Aboriginal community justice at the intradepartmental, interdepartmental and intergovernmental levels:

- *Intradepartmental activities* will focus on ensuring that the range of departmental programs relating to aboriginal people is, within their respective mandates and authorities, consistent and complementary in their policy and program delivery approaches. These programs would include those for victims, youth, restorative justice and crime prevention, amongst others.
- The AJD will participate in the Department's Multi-Issue Working Group to share information and expertise, identify opportunities for joint support of projects, avoid duplication in the review of funding proposals, and to provide consistent information on funding applicants.
- *Interdepartmental activities* will develop stronger, more strategic and more collaborative linkages with other federal programs operating in justice-related matters with aboriginal communities. This objective will be pursued through the Interdepartmental Committee on Aboriginal Issues (ICAI), which the AJD will coordinate and which meets at least 4 times per year, as well as through a number of other vehicles.
- *Intergovernmental activities* will continue under the existing FPT Working Group on the AJS to discuss and evaluate the effectiveness of the AJS in the context of the shared objective to address the over-representation of Aboriginal people coming into contact with the criminal justice system. Comprised of representatives from various provincial/territorial ministries, it will meet at least twice a year through formal meetings and tele/video conferencing.

Research Framework for a Review of Community Justice in Yukon

Community Justice – Government

- Further intergovernmental activities are accomplished through bilateral Memoranda of Understanding (MOU) negotiated between Canada and the respective provincial/territorial government. These MOUs provide the framework and broad conditions for government support of community-based Aboriginal justice programs.
- AJD actively participates on the FPT Working Group on Victims Issues, the FPT Working Group on Restorative Justice as well as any further FPT working groups/committees that contribute to the development of a body of knowledge and practice that is required to sustain success on Aboriginal justice issues.

Self-Government Negotiations

The self-government negotiations activity provides legal/policy advice and support to self-government and claims negotiators where ‘administration of justice’ provisions are under consideration.

Self-Government Capacity Building Component

Community-based programs funded through the AJS deal primarily with the mainstream justice system. Consequently, these programs do not address the challenges Aboriginal communities face, either in by-law administration or, for communities in self-government negotiations, in the enforcement of their own laws.

The objectives of the Self-Government Capacity Building Component include:

- to develop and disseminate information to Aboriginal communities about effective approaches to the administration and enforcement of laws;
- to assist Aboriginal governments to develop the necessary capacity to develop, administer, and enforce their laws;
- to assist Aboriginal communities to understand the civil and regulatory aspects of the Canadian justice system; and
- to assist Aboriginal communities who are in self-government negotiations to enhance capacity and to develop models (which may operate as mechanisms or processes) for the enforcement of their laws.

The policy group will manage a Self-Government Capacity Building Component in conjunction with INAC and Aboriginal Affairs (Privy Council Office) that will focus on the development of pilot projects and resource material to support capacity building in the local administration and enforcement of Aboriginal laws. This component is separate from activities related to the implementation phase of self-government agreements.

Outcomes of the Self-Government Component include:

- Improved community knowledge of the issues and processes that surround the enforcement and adjudication of laws.
- Improved community capacity to administer and enforce their own laws.
- Increased Aboriginal community responsibility for the local administration of justice.

Program Overview

Federal Partners

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

Through the AJD, the Department of Justice is responsible for the management of the AJS in consultation with Indian and Northern Affairs Canada (INAC) and the Solicitor General Canada (SGC). This consultation occurs through bilateral, issue specific meetings as well as through the interdepartmental and intergovernmental forums mentioned above. It is imperative that these three departments jointly ensure that Aboriginal policy development within their respective departments is mutually supportive of the AJS and efforts are made to harmonize federal programming opportunities, where possible, in Aboriginal communities.

INAC provides funding as well as advisory to ensure consistent and complimentary federal Aboriginal policy, through direct involvement with local community justice committees and active participation on AJS working groups at the interdepartmental and intergovernmental levels.

INAC's responsibilities include:

- ensuring that AJS activities are consistent with INAC investments in First Nations and Inuit social programming;
- supporting the re-emergence of First Nations and Inuit modes of governance and capacity-building in Aboriginal communities; and
- supporting the development of local justice models as communities move towards self-government.

Similarly, interdepartmental cooperation must occur in the policy development milieu as SGC pursues its objectives under the First Nations Policing Program (FNPP) and the Aboriginal Community Corrections Initiative (ACCI). SGC provides advisory support through its participation on the Interdepartmental Committee on Aboriginal Issues and the FPT Working Group on AJS. Collaborative project partnerships will continue to contribute to horizontal efforts on Aboriginal justice issues.

SGC's responsibilities include:

- ensuring consistency in federal Aboriginal policy development;
- working closely with the AJS through the ACCI to improve efficiency when working with provincial/territorial colleagues; and
- capitalizing on existing relationships and processes on a program by program basis.

To facilitate advisory support and policy development consistency, AJD chairs the Interdepartmental Committee on Aboriginal Issues (ICAI). The ICAI acts as an information forum, supports the development of strategic approaches and provides opportunities for roundtable discussions on emerging issues and priorities. These conversations will contribute to program improvements as well as the broader policy discussions related to Aboriginal justice within INAC, SGC and other federal departments that participate on the ICAI.

Provincial/Territorial Partners

Within the Canadian justice system, the federal government is responsible for enacting federal legislation (Criminal Code, Youth Justice Act, etc) while provincial/territorial governments are generally responsible for the administration of justice (police, crown, etc). There are times, however, when federal and provincial/territorial jurisdictions overlap in the interest of developing better policies and programs for Canadians. This aspect of shared jurisdiction emphasizes the importance of provincial/territorial engagement and support when negotiating meaningful justice agreements in Aboriginal communities. For example, diversion programs, where the community facilitates restitution and access to community services for an offender, must have the consent and active participation of police and crown. Similarly, sentencing circles and advisory panels require a court receptive to such practices.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

Provincial/territorial governments, through ministries that may vary from region to region (e.g., Attorney General, Social Services, Justice, etc.), are responsible for funding, for harmonizing their government policies and processes, providing advice and facilitating the necessary horizontal collaboration that will contribute to the success of the AJS.

The provincial/territorial officials meet with the community and federal counterparts (AJD Regional Coordinators) on a regular basis as well as within the FPT Working Group on AJS. Each provincial/territorial department has its own set of reporting and accountability provisions and efforts are made to harmonize with community and federal requirements wherever possible through the respective contribution agreements.

Community Partners

Recognizing that many Aboriginal communities experience rates of victimization and incarceration well above national norms, community safety and appropriate justice interventions are community goals that are very important. These needs are addressed through AJS innovations (e.g., diversion, mediation, restorative justice strategies, etc.) that enable greater community responsibility and action, consistent with the goals of the self-government and other federal Aboriginal and justice policies.

Community justice programs are responsible for the daily operations of their program as well as the ongoing reporting and accountability requirements outlined in the contribution agreements that provide program funding. Community justice programs are also responsible for maintaining the necessary contacts with the mainstream justice system and the community, that are imperative to the long term success and sustainability of their initiative.

The AJS seeks to address the over-representation of Aboriginal people in contact with the criminal justice system by increasing Aboriginal community participation and reflecting Aboriginal values in the mainstream justice system. In 2002-07, the AJS will undertake measures that address the needs of Aboriginal communities by supporting existing community justice programs, participating in self-government negotiations pertaining to administration of justice, supporting training, development and self-government capacity building, and continuing to advocate for change in the justice system through the Aboriginal Justice Learning Network.

Through strategic investments of AJS funds, the following outcomes will evolve under the various activities outlined below and illustrated on the AJS logic model:

Activity: Funding under the community justice program component

Funds are provided to implement community justice programs (CJPs) that rely on existing strengths and shared values of the community. CJPs contribute to the local capacity to address justice issues and increase self reliance in a number of ways. Specifically, community volunteers receive training in areas such as mediation training, family group conferencing, general knowledge of the justice system, the *Criminal Code*, victims issues, as well as the roles and responsibilities as a committee member, etc. By recruiting and training local volunteers these learned skills are retained in the community, and contribute to acceptance and ownership of local alternatives to the mainstream justice system.

CJPs deliver services through holistic approaches to community justice. This requires that networks be created with other social service providers for interagency responses to the underlying issues relating to crime and victimization. Additionally, community justice programs develop relationships and protocols (informal and/or formal) with key stakeholders in the mainstream justice system (e.g.: police, Crown, judiciary, probation, etc.).

All of this leads to a stage where the community justice program is recognized as a service provider that is capable of managing local justice administration and responds to referrals from key stakeholders and other agencies (e.g., child welfare organizations, family services etc.). While improving relationships between community and mainstream justice stakeholders, the community justice program becomes a viable alternative to the mainstream justice system. Broader community awareness and participation evolves not only through direct volunteerism, but also by recognizing the program as a collective benefit to the community at large.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

Through outreach efforts, the collective benefits are achieved as the broader community begins to embrace the community-based approach and understands that an offender will be held accountable within the community for unacceptable behaviours. A strengthening of social cohesion occurs by providing community members with a forum where they can meaningfully contribute to the community as a whole; and the individual's behaviour begins to change as more direct responses to the underlying issues are addressed through holistic models. Combined, these elements contribute to the positive change in community attitude towards the justice system as well as long-term sustainability of the community justice program.

Activity: Consultations and general support to CJPs

All community justice programs are funded through negotiated processes that include the community justice programs, the provincial/territorial government and the federal government. Commencing at the early stages of development, the CJP must work with the various authorities to ensure that their processes are constructed within acceptable justice policy perimeters and these understandings are captured in the associated contribution agreement.

Once a community justice program is implemented, there needs to be further agreements, processes and mechanisms (e.g., diversion protocols, referral processes, etc.), amongst justice stakeholders (community, provincial/territorial, and federal) to ensure the program operates with the appropriate authorities and that justice policy is jointly developed and shared. As CJPs thrive, we can expect to see improved acceptance and collaboration amid justice stakeholders as these local responses are seen as appropriate and viable alternatives to the mainstream justice system.

In parallel, the AJD collaborates with federal/provincial/territorial partners to share information and collaborate, where possible, fostering a supportive environment for community justice programs. This is achieved through MOUs, FPT Working groups and liaison between federal and provincial/territorial officials.

Activity: Funding under the Aboriginal Justice Learning Network

While the community justice programs concentrate efforts at the local level, the Aboriginal Justice Learning Network (AJLN) provides funds to support incremental training/learning events and communication events/tools such as conferences, workshops, etc., at a national level. These activities provide opportunities to bring together mainstream and community stakeholders to discuss issues of mutual interest and further serve to nurture an environment that promotes reform in the mainstream justice system and support for community based justice processes. Communication tools, such as the website and newsletter, are developed to increase the opportunities for stakeholders to access information and each other.

The efforts of the AJLN lead to informed and knowledgeable stakeholders and evolve into a national network that links mainstream and community stakeholders as well as to increase public awareness of Aboriginal justice issues. By way of example, AJLN activities contribute, at the community level, to the pragmatic learning of justice committees as well as mainstream justice personnel that informs the referral process (e.g., when offenders should / should not be referred, and at what point in the process, etc.); and at the FPT level, to the broader context that supports the necessary collaboration of justice stakeholders, on the broader policy decisions through harmonized Aboriginal justice policy development.

Activity: Funding under the Training and Development Component

The AJLN manages the Training and Development Component, which provides funds for community capacity building to address identified gaps in community justice programs. Activities include funding proposals that support the development of new programs that may have limited capacity to deliver their own alternative justice project. These proposals will increase community knowledge of the models, processes, and issues surrounding Aboriginal restorative justice initiatives. Additionally, this component will fund community and program development to address the training and capacity needs of justice programs not funded through the AJS, or existing AJS programs proposing to expand into an identified target area. Training and development activities support the range of needs required to improve community capacity to address justice issues,

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

including skills to enhance the use of program models such as mediation and tribal courts. Consequently, the activity processes described in the *Funding under the community justice program component* are relevant to this activity as communities become ready to deliver alternative justice programs under the AJS.

Through discussions with community and federal/provincial/territorial government representatives, criteria and approval processes will be established to ensure that the AJS expands strategically into under represented areas. The working groups and committees that have been created to foster these discussions and processes increase participation and collaboration amongst justice stakeholders.

Investments in existing or new AJS community programs will reflect priority areas, to ensure that service delivery, community awareness and participation increases in under-represented Regions and community program models. Other priority areas include expanding services to Métis, urban and off-reserve Aboriginal populations, and supporting the participation of women, victims' groups, and youth in community justice programs. Overall, these activities lead to improved service delivery, as more communities are ready to implement a broader range of models.

Activity: Policy research and development

As reports, briefing notes, program guidelines and models for local administration of justice are developed, there is increased knowledge of the needs and factors that may influence justice policy affecting Aboriginal people. These activities also contribute to increased knowledge around AJS priorities (e.g., program models and regional equity) and, as community justice program results and evaluations provide direction, this contributes to broader justice policy development. Given the collaborative nature of the AJS approach, policy planning information and products are endorsed and utilized by justice stakeholders in efforts to improve integration of knowledge on Aboriginal justice and contribute to a mainstream justice system that is more responsive to the needs of Aboriginal people.

Ultimately, with increased Aboriginal responsibility for local justice administration and a mainstream justice system that is more responsive to the needs of Aboriginal people, this will have an impact on reducing victimization, crime and incarceration rates in Aboriginal communities with CJPs.

Activity: Self-Government Capacity Building Component

While the Training and Development Component focuses on expanding Aboriginal community knowledge and capacity on restorative justice initiatives within mainstream justice, the Self-Government Capacity Building Component provides funds to support incremental training opportunities and communication tools to develop and disseminate information to Aboriginal communities about effective approaches to the administration and enforcement of laws. Communication tools, such as the development of an user-friendly information web-site, would provide easy access for Aboriginal communities to locate and build upon their knowledge of the issues and processes that surround the enforcement and adjudication of laws.

Performance Measurement Strategy

The performance measurement strategy is articulated along a number of dimensions that include outputs, the immediate and intermediate outcomes, performance indicators and the data sources to be used. AJS performance measurement tables are found in Annex A. Two important factors will impact the measurement of outcomes under the 2001-2002 fiscal year.

- Short length of program experience - the majority of the 90 existing programs funded in 2001-2002 have been operating, on average, for two to three years. As identified in the AJS Final Evaluation, this is a relatively short operating period given the complexity of the issues being dealt with, the local capacity issues that are being identified and the multiplicity of relationships that must be honed and supported for these programs to be successful;

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

- Resource Limitations: – The “2001-2002 ” year mandate allows for the continuation of existing programs at existing funding levels rather than expanding or entering into new programs and activities. Consequently, much of Aboriginal Justice Directorate’s (AJD) current efforts will focus on commencing discussions towards developing tools that, under the renewed mandate, will support such collaborative outputs as a national data base, web based information sharing tools and annual reporting on AJS.

Key elements of the AJS 2002-2007 performance measurement strategy include:

- Baseline data that will be compiled through existing material such as the AJS Trends Report, the mid-term and final evaluation as well as demographic information available from DIAND and the Canadian Centre for Justice Statistics.
- Ongoing collection of information that is to measure the effectiveness of the AJS. This will be accomplished by comparing the information on AJD/AJLN files against performance indicators outlined in Annex A of this document.
- Developing an annual reporting strategy on AJS activities.

Accountability Mechanisms

Appropriate accountability mechanisms and practices are in place to measure and monitor outcomes. These mechanisms include, but are not limited to:

- regular submission of community justice program activity reports and financial statements;
- ongoing discussions between community justice program and AJD regional coordinators;
- ongoing discussions between AJD and provincial/territorial stakeholders, including FPT Working Group meetings;
- regular interaction/discussions with federal stakeholders, with particular emphasis on key partners (SGC and INAC).

Evaluation strategy

AJD Reporting Responsibilities

During this 2002-2007 fiscal year, the AJD will be responsible for:

- developing a strategy for producing an annual AJS report that will be based on the performance measurement strategy found in this RMAF as well as governmental and non-governmental trends relating to Aboriginal justice and information from various provincial/territorial working groups and relationships;
- developing a strategy for establishing a long term approach for collecting data from community justice programs in a consistent manner under the renewed mandate; and
- developing a strategy for establishing and coordinating the federal/provincial/territorial (FPT) Working Group sub committee on AJS performance measurement, referred to as the Key Stakeholders Working Group (KSWG). This KSWG will submit a report to the broader FPT Working Group that will outline proposed performance.

A progress report on these activities will be included the Departmental Performance Report for fiscal year 2001-2002.

Final Evaluation ¹⁷

¹⁷ Department of Justice Canada, Performance Report, for the period ending, March 31, 2001 http://www.tbs-sct.gc.ca/rma/epi-ibdp/est-bd/p3dep/dpr_i-m_e.htm#l

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

The final evaluation of the AJS reported that “the AJS is showing progress and successes”. These community-based healing and reconciliation programs continue to complement the initiatives undertaken by the National Centre for Crime Prevention, the Native Courtworker Program and the Youth Justice Renewal Program.

Mid-Term Evaluation^{18 19}

The mid-term evaluation of the AJS completed in Fiscal Year 1998/1999 found that implementation of the Strategy over its first two years has been generally successful.

Despite a slower than expected start-up in securing community-based justice programs cost-shared with provinces and territories, the Strategy has met and exceeded its targeted number of program agreements and is making progress in building capacity among Aboriginal communities.

A number of areas for improvement were identified for interdepartmental and federal/provincial/territorial coordination.

5.3. Commission On The Future Of Health Care in Canada • Interim Report - 2002

There are many hundreds of innovative new approaches to the delivery of health care across Canada – approaches like telehealth, regionalization, integrated community programs, public-private partnerships, population health approaches, and a myriad of initiatives to improve waiting list management. In fact, there is no shortage of creative new initiatives, pilot projects, and best practices that deserve attention and wider application. The problem is that, too often, these “pilots” do not get off the ground. They are not broadly implemented because of a lack of continuing funding, intergovernmental wrangling or the absence of effective mechanisms for sharing best practices.

Canadians want both levels of government to stop the corrosive and unproductive long-distance hollering and finger-pointing that currently passes for debate on how to renew the health care system. They see both levels of government as bearing responsibility for the problems affecting the system and for finding solutions to them. But more than just wanting their governments to work together, Canadians want a say in how these problems get resolved. If difficult choices need to be made, they want to be involved in making them. This is a healthy and positive development.

We need to be clear on what values Canadians want their health system to reflect in its policies and programs. In the past, progress on these issues has been extremely difficult with intransigent positions taken at both ends of the spectrum. This kind of acrimonious debate does nothing to move us forward to a broader consensus on the direction we want to take or the steps needed to put our health care system on a sustainable footing for the future. We need to be open to new options and ideas, be willing to engage in open and honest debate about the pros and cons of each new idea, then be prepared to act.

Primary Health Care Reform

Many believe that to achieve a truly quality-based system, the focus of health care reform should be on addressing community needs. As previously noted, advocates of this type of reform support fundamental changes in the organization and delivery of health care with the ultimate objective of integrating all services in a more seamless manner. Some argue that the traditional “fee-for-service” system for paying doctors is an outmoded concept that provides few incentives to focus on “wellness” and often leads to inappropriate and more expensive care. Some want patients to have the option to register with one of what will eventually

¹⁸ Department of Justice Canada, Performance Report, For the period ending, March 31, 1999 <http://www.tbs-sct.gc.ca/rma/database/access/1det.asp?lang=E&id=7097>

¹⁹ Treasury Board of Canada Secretariat, Audit and Evaluation Database, Department of Justice Canada, <http://www.tbs-sct.gc.ca/rma/database/access/1det.asp?lang=E&id=7097>

become a network of community-based health organizations offering 24 hours a day, 7 days a week access to a range of medical services and specialties. These could include, among others, family physicians, nurses and nurse practitioners, home care workers, dietitians, counsellors, and other providers. There are an endless variety of potential models and approaches, but a common element in most is that governments would fund these organizations based on some combination of the number of registered patients, population served, and the health outcomes achieved. While steps have been taken in every province to initiate primary health care pilot projects, many argue that, because primary health care is the key catalyst to real change in the health system, it is time to move past the rhetoric and pilot projects and into true action.

• We need to strike a better balance between treating people when they are sick or injured and focusing on broader “health determinants” that address underlying causes of poor health and have the best potential for improving the overall health of Canadians.

Are these not similar to community justice issues?

5.4. FPT Meeting Of Ministers Responsible For Justice – Meeting - September 2000 ²⁰

- Two day meeting, held in Nunavut was co-chaired by Anne McLellan, Minister of Justice and Attorney General of Canada and Lawrence MacAulay, Solicitor General of Canada and Jack Anawak, Minister of Justice of Nunavut.
 - Aboriginal Justice
 - Ministers noted the importance of the Government of Canada's Aboriginal Justice Strategy to support community-based justice programs administered by Aboriginal people.
 - There was consensus on the need for prompt attention to review the outstanding evaluation of the Strategy to facilitate timely renewal of the Strategy.
 - Minister McLellan indicated that she was committed to renewing the Aboriginal Justice Strategy and pledged to work with them to ensure its renewal.
-

5.5. FPT Working Group on Restorative Justice – 2000 ²¹

- Both government and community have roles to play in restorative justice, but achieving a balance between the two may be one of the most challenging tasks in developing restorative justice programs.
- Restorative justice requires community members to be involved as active participants, as early as possible in the resolution of the conflict.
 - Victims are involved so that their needs for answers, healing, acknowledgement, safety, and emotional reparation are met.
 - Offenders are involved in accepting responsibility for the harms they have caused, making compensation to their victims and communities, and making positive changes in their own lives.
 - The community is involved in providing programs for these processes to occur, opportunities for offenders to make restitution, and safe environments where rights are respected.
 - For all this activity to occur, criminal justice officials must be willing to accept communities as partners in making decisions.
- Governments can play an important role in developing legislation, policies, and guidelines; forming partnerships between groups; and providing information, research, and technical support to communities.
 - Governments will also have to consider the amount of funding that is necessary to develop and sustain these programs.
 - Although many advocates believe that restorative justice programs will eventually reduce the long-term costs of incarceration and re-offending, many other factors can influence program costs (such as unemployment rates, crime rates, and court backlog).
 - Therefore, it is difficult to predict whether these programs will reduce re-offending or result in savings.
- Community involvement depends on having individual members who are willing and able to volunteer in restorative justice programs.

²⁰ Federal-Provincial-Territorial Meeting Of Ministers Responsible For Justice – Meeting - September 2000 Department of Justice Canada, News and Events, http://canada.justice.gc.ca/en/news/nr/2000/doc_25613.html

²¹ Federal-Provincial-Territorial Working Group on Restorative Justice *Restorative Justice in Canada: A Consultation Paper* (May 2000), <http://canada.justice.gc.ca/en/ps/voc/rjrap.html>.

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

- Communities also differ in their willingness to accept restorative processes and in their ability to administer programs.
 - Therefore, communities may need time and assistance to develop restorative processes.
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5.6. Federal-Provincial-Territorial Meeting Of Ministers Responsible For Justice – Meeting - 1999 ²²

- A two-day meeting held in Vancouver was co-chaired by Anne McLellan, Minister of Justice and Attorney General of Canada and Lawrence MacAulay, Solicitor General of Canada and hosted by Ujjal Dosanjh, Attorney General of British Columbia.
 - Restorative Justice
 - o Ministers discussed Restorative Justice and noted its growing support among the courts, lawyers, law enforcement and corrections professionals, and advocates of both victims and offenders.
 - o Restorative Justice complements traditional criminal justice practices as a community-based approach to deal with crime.
 - o It was noted that, in this area, the traditions of aboriginal communities in developing holistic responses to offending are being adopted across Canada.
 - o Ministers acknowledged that although Restorative Justice has evolved at varying rates among individual jurisdictions, its underlying principles, accountability of the offender and healing and closure for the victim, are constant.
 - o Minister McLellan iterated that she will ensure that restorative justice is integrated into the department's key policy initiatives such as Aboriginal Justice, crime prevention, youth justice and victims.
 - Aboriginal Justice
 - o A unanimous provincial/territorial resolution supporting early renewal of the Federal Aboriginal Justice strategy was tabled. Ministers noted the importance of community-based Aboriginal Justice initiatives and the federal Minister of Justice committed to seeking an early renewal.
 - o The recent Marshall decision was discussed and Ministers agreed to work cooperatively on matters of mutual concern.
-

5.7. The State, The Community and Restorative Justice - 1996 ²³

- Recently the concept and practice of restorative justice has come to the attention of the state.
 - o Until now restorative justice in its many forms has largely been the interest of progressive religious and non-governmental human service agencies.
 - o The interest by the state raises the question of whether the integrity of restorative justice can be maintained in the context of state managed justice services.
- **The State:** The state is usually considered to be comprised of the government, the media, academe, religious organizations and professions.
 - o In the Canadian context, all these sectors of the state are actively involved in organizing and maintaining the "criminal justice system" but of these the government ministries variously described as justice, attorney-general or solicitor-general are the most obvious and active in the service of "justice".
 - o All of the other sectors of the state are in active support of the criminal justice system at the levels of valuing, conceptualizing, articulating, researching, promoting, practicing, etc.
 - o There is a consistent way of thinking (paradigm) about criminal justice among all these sectors of the state that has been variously described as retributive or adversarial or punitive justice.
 - o We favour the term penal²⁴ to describe this paradigm because it refers among other things to the institution which because of its isolating effect best symbolizes (and concretizes!) the essence of this way of thinking.

²²Department of Justice Canada, News and Events, http://canada.justice.gc.ca/en/news/nr/1999/doc_24316.html

²³ Ron Schriml, (Director of Prairie Justice Research, [University of Regina](http://www.usask.ca/nativelaw/jah_schriml.html), and Professor at the [School of Human Justice](http://www.usask.ca/nativelaw/jah.html), University of Regina. Professor Schriml has had a long standing interest in researching and teaching about alternatives to current criminal justice practices, particularly in the development of restorative and community justice.) *The State, The Community and Restorative Justice, Justice as Healing* vol.1 No. 1 (Spring 1996) http://www.usask.ca/nativelaw/jah_schriml.html<http://www.usask.ca/nativelaw/jah.html>

- There seems to be in every culture the experience of justice in ways different to the current experience of justice and in ways similar to each other, when the industrial state is absent.
 - Some years ago we looked at the common experience of these customary forms of law when they encountered what might be described as colonial law ²⁵(Schriml & Gianoli, 1985).
 - The lessons from that encounter might help us to understand the outcome of the present meeting of retributive justice and restorative justice.
- **Social democracy and social control:** The Saskatchewan justice department²⁶ has also recently discovered restorative justice and has prepared a discussion paper to inform delivery of its mandate with respect to the current justice system at the provincial level.
 - The paper suggests that although difficult, the restorative model can be integrated with the existing state controlled system.
 - The paper defines restorative justice narrowly but still fails to rationalize the participation of state managed criminal justice agencies imbued with the principles of retributive justice, in the delivery of "programs" of restorative nature.
 - The NDP which form the current provincial government have, despite the possibilities inherent in the philosophy of social democracy, resisted fundamental or radical change in respect to justice in the past years in power.
 - Our analysis of the NDP in terms of policing²⁷ reveal this political party is as conservative in terms of change in approaching responses to criminal harm as any on the continent.
 - This would suggest that any move to a system that requires rethinking and retooling would be resisted by the government except perhaps at a rhetorical level.
 - The bureaucracy of provincial corrections also has a history of adopting the rhetoric of reform but not accomplishing the practice of reform.
 - The most similar reform in recent years to the restorative justice reform was the move from the rehabilitative model to the "reintegrative model" in corrections.
 - The failure to really understand or "think differently" about corrections resulted in small temporary adaptations of existing programs in the general direction of reform but without any substantial or long-term change in approaches or programs.
 - This failure to really commit to change means that under fiscal or political pressure, the reform is denied or abandoned.
 - In Saskatchewan's case this meant that prisons in the province have reverted to rehabilitative and/or punitive approaches to corrections.
- **Community as the alternative:** The potential for true restorative approaches to justice seem to be greater if restorative justice is located outside of the state, especially outside of the government.
 - The social organization outside of the state which seems to hold the most potential is the community.
 - The community is the social organization of appropriate scale to concern itself with justice issues.
 - It is small enough to permit meaningful contact and large enough to contain diversity.
 - Communities can accumulate and direct sufficient resources toward common problems and goals.

²⁴ Schriml, R. "The Decline of the Penal Paradigm", presented at the Western Association of Sociology and Anthropology Annual Meeting, Regina, 1984 *cited in*. Ron Schriml, The State, The Community and Restorative Justice, *Justice as Healing* vol.1 No. 1 (Spring 1996) http://www.usask.ca/nativelaw/jah_schriml.html<http://www.usask.ca/nativelaw/jah.html>

²⁵ Schriml, R. & Gianoli, M. "The Interface of Customary and Colonial Law", presented at the Western Association of Sociology and Anthropology Annual Meeting, Winnipeg, 1985 *cited in*. Ron Schriml, The State, The Community and Restorative Justice, *Justice as Healing* vol.1 No. 1 (Spring 1996) http://www.usask.ca/nativelaw/jah_schriml.html<http://www.usask.ca/nativelaw/jah.html>

²⁶ Schriml, R. "Criminal Justice Reform in Saskatchewan: Does 'Social Democracy' make any Difference" in *Criminal Justice: Sentencing Issues and Reforms*, Samuelson, L. & Schissel, B. (eds.), (Garamond Press: 1991). *cited in*. Ron Schriml, The State, The Community and Restorative Justice, *Justice as Healing* vol.1 No. 1 (Spring 1996) http://www.usask.ca/nativelaw/jah_schriml.html<http://www.usask.ca/nativelaw/jah.html>

²⁷ Schriml, R. "Public and Private Police: The Accountability Debate", in *Social Policy and Social Justice: the NDP Government During the Blackney Years*, Harding, J. (ed), (Waterloo: University of Waterloo Press, 1995). *cited in*. Ron Schriml, The State, The Community and Restorative Justice, *Justice as Healing* vol.1 No. 1 (Spring 1996) http://www.usask.ca/nativelaw/jah_schriml.html<http://www.usask.ca/nativelaw/jah.html>

- The cultural and environmental uniqueness of peoples and land can find attention in communal settings.
- The advantages of community are described in a wide range of literature and need not be repeated here except to say that despite the intuitive and intellectual appreciation of community, it does not receive attention equal to its potential as an alternative for forms of justice.
- This may be because the state supports institutions that study social phenomenon and the institutions that define and deliver social services.
- This is not to say that the government in particular does not understand the power in the social organization of the community, especially as a symbol of creativity and caring.
 - It places this symbol in front of many government services in the fields of health , education and welfare.
 - It also uses the term "community" to "adjectify" programs in justice as well, so that we have community corrections, community policing, etc.
 - In most of these cases, the term "community" refers to the place where the government delivers its program, not, as it should be, the community providing the service in the context of the state.
- The communities in both Euro-Canadian and First Nations in Canada are for the most part disempowered.
 - They have lost their vitality, diversity, resources, closeness, etc. John McKnight²⁸ describes this process well in his work on communities (McKnight, John Deere and the Bereavement Counselor.)
 - He demonstrates that with the growth of state services the local communal services are diminished, this in turn makes the people more dependent on government to organize and provide.
 - This dependency reinforces the belief by both citizens and bureaucrats that only the government can protect or provide and supports further growth of government services.
 - Sometimes this growth is disguised with the term, "community" as in "community health" or "community education" but the real power and possession of these "community-based " services remains in the government.
- It is possible, however, to think of justice as truly located in the community.
 - We describe this way of thinking as the communal paradigm of justice and suggest that this paradigm is necessary to conceive and organize restorative justice.
 - This paradigm conceives of justice as decentralized, informal, self-help, ad-hocratic, human-scale, self-sufficient, personal, etc.
 - Such a way of thinking could lead to the development or enhancement of communal processes that tend to disputes and harms.
 - They could support indigenous communal processes which lead to reconciliation that builds community instead of the current retributive processes that diminish community.
 - If communities in Canada are to be the source of justice they need to grow and strengthen.
 - This growth begins with the growth of each of its members and then with the recall and honoring of its communal strengths.
 - Those processes which have promise for doing justice need to be articulated, evaluated and enhanced where appropriate.
- This "community development" can re-empower the citizen's and groups in the community and lead to the confidence and competence for self protection and self-help.
- **The Community and the state:** The process of re-creation of community is a struggle between a huge bureaucracy that is supported by well-established professional groups and conservative academic and research institutions, and a disorganized, deskilled and devalued groups of citizens.
 - It will be necessary for communities to become more organized, competent and confident.

²⁸ McKnight, J. *The Careless Society*. (USA: Basic Books, 1995) cited in. Ron Schriml, *The State, The Community and Restorative Justice, Justice as Healing* vol.1 No. 1 (Spring 1996) http://www.usask.ca/nativelaw/jah_schriml.html<http://www.usask.ca/nativelaw/jah.html>

- As communities "power up", the struggle for authority and resources between state institutions and citizens groups will increase.
 - At this point, the potential for the waste of human and financial resources becomes great, and in the case of restorative justice the possibilities for replacement of retributive justice with restorative justice are put most in jeopardy.
 - At this critical stage, it is important that the paradigm shift extends to the state institutions and that the state be prepared to devolve authority and resources to the community.
 - If this does occur than the move to restorative justice among other things will be made more effectively and genuinely.
 - This devolution of authority must extend to the power to define harms and to determine the response to harms.
 - The community must also be enabled to collect and distribute resources according to its needs for protection and peace.
 - These are important powers to rethink and redistribute.
 - The community must develop the personal and collective attitudes and skills for self-rule and self-governance.
 - This involves a difficult growth process from dependency to responsibility.
 - This will be an opportunity for genuine community "development" if the growth is motivated and managed from within the community.
 - **Summary:** We have been separated from the roots of communal/restorative justice by decades of state rule.
 - For some this separation has been for millennia, for others it has been centuries, and for some it has been recent.
 - This separation has resulted in an inability or great difficulty in even thinking about harm and help in ways that are not retributive.
 - Recent experiences of the problems of state justice and the renewal of interest in self-governing communities have lead us to look for, and recall ways of responding to harm and caring for each other that restore each of us and the social groups that support us.
 - As we start to think differently about the source and means to respond to harm and to care for ourselves, we will favour different approaches and will begin to question the location management, resourcing, measuring, etc. of these processes.
 - It seems likely that thinking and questioning will lead us to choose justice that is from and for the community.
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6. Relevant Documents, Studies and Practices – USA

6.1. Community Is Not A Place - 1997 ²⁹

- Van Ness and Strong³⁰ attempt to deal with the community/society dilemma by distinguishing between the role of the community and role of government.
 - "In promoting justice, the government is responsible for preserving order, and the community is responsible for establishing peace"-- that there are actually four parties: victim, offender, community, and government. ³¹
 - They suggest that it is in the balancing of the order function of government with the conflict resolution/peacemaking interests of community that "balanced and restorative" justice is produced.
- **Community And Government:** There is still a minor problem with this concept of micro-community and its implications for community justice processes.
 - It could be argued that anyone "affected in any way," as Goldstein puts it, is anyone who becomes aware of the crime; it follows then that they should be included in the intervention, whether they are members of the same neighborhood, the same state or the same world.
 - Thus all government agencies are affected because they have the responsibility to enforce the laws of society within specified geographic boundaries.
 - In practical terms, the involvement in the micro-community should be limited to those with either direct geographic proximity or strong emotional connection.
 - There is great danger in confusing the needs and responsibilities of the personal communities of crime victims and offenders with more abstract notions of community.
 - The natural informal social control mechanisms that operate in every day life all involve the personal communities of care of each of us.
 - When we include organizational relationships such as workplace, recreation and worship relationships as part of the network of personal micro-communities, the social control structures become more apparent.
 - It is the deeply interpersonal nature of such interrelations that give the collective community its character and strength.
 - The greater the abstraction in defining community, the further it is removed from interdependency and the locus of existing informal social control.
 - That is why it is important for community justice to encourage and create community, as a perception of connectedness to an individual or group, in its efforts to respond to and prevent crime.
 - The micro-communities created by incidents of crime are a useful framework for action.
 - Place is only relevant where proximity to a crime has generated fear and concern, thereby creating a host of vicarious victims.
 - The most constructive response to these vicarious victims is to provide reassurance that what happened was wrong, that something constructive is being done about it, and that steps are being taken to discourage its recurrence.
 - In this way, micro-community empowerment meets the main needs of the "broader" community -- to know that something constructive is being done about crime locally ³²

²⁹ McCold Paul and Benjamin Wachtel Community Is Not A Place: A New Look At Community Justice Initiatives, Paper presented to the International Conference on Justice Without Violence: Views from Peacemaking Criminology and Restorative Justice Albany, New York, June 5-7, 1997 Community Service Foundation <http://www.restorativepractices.org/Pages/albany.html>

³⁰ Van Ness, D. & Strong, K. (1997). Restoring Justice. Cincinnati, OH: Anderson Publishing Company. cited in McCold Paul and Benjamin Wachtel Community Is Not A Place: A New Look At Community Justice Initiatives, Paper presented to the International Conference on Justice Without Violence: Views from Peacemaking Criminology and Restorative Justice Albany, New York, June 5-7, 1997 Community Service Foundation <http://www.restorativepractices.org/Pages/albany.html>.

³¹ Van Ness, D. (1989:20). Pursuing a restorative vision of justice. In P. Arthur (ed.). Justice: The Restorative Vision. New Perspectives on Crime and Justice (Issue #7). Akron, PA: Mennonite Central Committee Office of Criminal Justice, p17-30 cited in McCold Paul and Benjamin Wachtel Community Is Not A Place: A New Look At Community Justice Initiatives, Paper presented to the International Conference on Justice Without Violence: Views from Peacemaking Criminology and Restorative Justice Albany, New York, June 5-7, 1997 Community Service Foundation <http://www.restorativepractices.org/Pages/albany.html>.

- Because some micro-communities may be punitive and stigmatizing, care must be taken in all community justice programs that reparative or reintegrative principles are structured into the process, for example, by providing positive examples of reparative solutions when only punitive ones are suggested.
- In this way, government ensures that outcomes are fair and legal.
 - As Kay Pranis advises, "Formal government is the source of legal authority, as contrasted with the moral authority of the community.
 - The government is in a position of broader oversight than the community and the government is the guardian of individual concerns, in contrast to the community responsibility to collective concerns."³³
- There is a danger in involving "official" community representatives in conferences, because their role as direct stakeholders in the crime may not be legitimate.
 - Such "community" volunteers may represent interests that are anything but restorative or reintegrative.
 - They may display an attitude of moral superiority which could disrupt the resolution process.
 - These official community representatives may be little more than geographic or governmental representatives, with no real emotional connection to the crime or to those affected by the crime.
- Ultimately, the best solutions to the problems of crime come not from government or society, but from the individuals directly affected by crime, the micro-community³⁴
- The role of government officials, such as police, should be limited to that of facilitators and information providers, not key contributors to the decision-making process.
- The responsibility of government is to recognize patterns of dysfunction in society and help provide solutions.
- Since individuals and communities cannot be expected to have the capacity to address these larger concerns, that responsibility falls to the municipal, county, state and national government.
- The responsibility of the micro-community involved in each specific criminal incident is to intervene constructively in repairing the harm.
 - For this, they need effective informal social control mechanisms.
 - Where these are not available, government has the responsibility to provide them.
 - Government, however, cannot effectively address crime without the moral authority and informal social control provided by community.
 - By continuing to define community in official geographic and governmental terms, our so-called community justice initiatives can only fail.

³² McCold, P. (1996). The role of community in restorative justice. In B. Galaway & J. Hudson (eds.). *Restorative Justice: International Perspectives*. Monsey, NY: Criminal Justice Press, p85-102. cited in McCold Paul and Benjamin Wachtel *Community Is Not A Place: A New Look At Community Justice Initiatives*, Paper presented to the International Conference on Justice Without Violence: Views from Peacemaking Criminology and Restorative Justice Albany, New York, June 5-7, 1997 Community Service Foundation <http://www.restorativepractices.org/Pages/albany.html>

³³ Pranis, K. (1996) *Communities and the Justice System: Turning the Relationship Upside Down*. Address given to Communities, Crime and Justice: Making Community Partnerships Work, sponsored by Office of Justice Programs, U.S. Department of Justice. Or Pranis, K. (1996). *Building Community Support for Restorative Justice: Principles and Strategies*. Internet: <http://www.quaker.org/fcadp/Community.html>. (1996 p.3). The role of community in restorative justice. In B. Galaway & J. Hudson (eds.). *Restorative Justice: International Perspectives*. Monsey, NY: Criminal Justice Press, p85-102. cited in McCold Paul and Benjamin Wachtel *Community Is Not A Place: A New Look At Community Justice Initiatives*, Paper presented to the International Conference on Justice Without Violence: Views from Peacemaking Criminology and Restorative Justice Albany, New York, June 5-7, 1997 Community Service Foundation <http://www.restorativepractices.org/Pages/albany.html>

³⁴ Moore, D B. (1997). *Pride, shame and empathy in peer relations: New theory and practice in education and juvenile justice*. In K. Rigby and P. Slee (eds.). *Children's Peer Relations*. London, UK: Routledge. cited in McCold Paul and Benjamin Wachtel *Community Is Not A Place: A New Look At Community Justice Initiatives*, Paper presented to the International Conference on Justice Without Violence: Views from Peacemaking Criminology and Restorative Justice Albany, New York, June 5-7, 1997 Community Service Foundation <http://www.restorativepractices.org/Pages/albany.html>

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

- But by recognizing that community defines itself through individual perceptions of common interest, such as those created by a criminal incident, we can successfully engage a wide range of individuals in the resolution of their own problems.

7. Relevant Documents, Studies and Practices – International

7.1. Restorative Justice -1996³⁵

Delivery Issues

Who should co-ordinate referrals and deliver mediation services:

- Community organisations?
- Government agencies?

Delivery Issues

Provision of Mediation Services

There are two broad organisational approaches to the co-ordination of referrals and the delivery of restorative justice programmes. They are delivery by community organisations or by government agencies.

COMMUNITY ORGANISATIONS

Delivery by community organisations is consistent with the restorative movement's objective of strengthening the community's ability to respond to crime appropriately. This has largely been the model adopted by North American and British victim-offender mediation programmes. Advantages associated with community delivery include: the ability to reflect and respond to local concerns; the opportunity to provide culturally specific and other appropriate models of delivery; and the ability to attract volunteers and philanthropic involvement.

Community delivery does not preclude government involvement.

Marshall (1995) recommends a role for government in encouraging and supporting local initiatives. Some British community projects received establishment funding from central government and are provided with ongoing resources from local agencies, typically the region's probation service. Some community programmes are established under the auspices of an inter-agency committee comprising probation, police, victim services and other community agencies. In the United States, fee-for-service arrangements with courts and probation services are not uncommon, though most programmes are sponsored by private organisations, working closely with the courts (Umbreit, 1991). In any case, initiatives which seek to influence the criminal justice system usually have their greatest source of referrals from local and state government. Any system of delivery relying on community organisations would need to be adequately funded. Accountabilities and standards could be enhanced through contracts with providers.

GOVERNMENT AGENCIES

Nation-wide coverage might be more likely with state provision of services than if the development of programmes was left to local communities. However, much would depend on the resources allocated to programmes, and the priority that restorative processes were to receive in relation to the responsible agency's other functions.

Broad coverage could also be achieved by contracting for services with private sector service providers, whether profit-making or part of the voluntary sector. Existing government agencies could contribute staff experience and an infra-structure which might facilitate establishment and provide coverage in areas where full-time or stand-alone programmes would not be practicable. The Government already purchases some mediation services as part of outputs for the Departments of Social Welfare and Corrections and there is a level of expertise available within these agencies. Each, however, has a particular client group and focus which raises

³⁵ New Zealand, Ministry of Justice, Restorative Justice, A Discussion Paper, 1996, <http://www.justice.govt.nz/pubs/reports/1996/restorative/index.html>

Research Framework for a Review of Community Justice in Yukon
Community Justice – Government

the issue of their independence. In Britain, despite many favourable outcomes, victim-offender mediation programmes adopted by existing agencies tended to find their objectives subsumed by and lost to the agency's other objectives.

As Marshall (1992: 15) put it:

Existing agencies tended to "take over" the new schemes and try to adapt them to their ends, whereas the greatest potential in such innovations lay in the new aims underlying them, related to reconciliation and a conflict resolution approach to crime policy.

The greatest obstacles lay in the offender-orientation and punishment focus of the existing system.

The risks of agency capture are further compounded by the need of government agencies to deliver services in an integrated and congruent way in relation to government policy and standards of accountability. As a consequence, state delivery might be more bureaucratic, less responsive to local needs and more expensive.

Mediator Issues

The decision as to who should mediate, co-ordinate or be the referee of a restorative process will be influenced by several factors. These are:

1. The skills of mediators/co-ordinators;
2. Their backgrounds and professional membership;
3. Issues concerning the agencies involved in mediation.

Discussions with mediation professionals suggest that the skill and aptitude of the mediator are major determinants of satisfaction for participants, once they agree to be involved in a restorative justice process.

Some assurance of quality might be obtained by using only mediators who hold a qualification or some form of practice certificate. Membership of a professional body may also provide a formal system of accountability. Conversely, the professionalisation of mediation work may be in conflict with the broader aims of restorative justice, cultural values, the greater role of the community and enhancement of informal controls.

Mediation is able to be practised by anyone. It is not the sole province of professionals. Ordinary members of the public could act as mediators.

This might involve part-time work with the voluntary sector in community-initiated programmes or draw upon particular cultural expertise. Examples include marriage guidance counsellors, kaumatua, tohunga, and matai. On the other hand, the appointment of justices of the peace provides an example of formalised provisions for lay-workers in the justice area, with access to training and administrative services. However, adherence to a code of conduct or quality standards would seem desirable if there was to be public confidence in a restorative justice system, especially one that dealt with serious offending.

It is desirable that the mediator is impartial and perceived to be so by the parties. To avoid any suggestion of bias, it would be wise to avoid drawing mediators from occupational groups or organisations that could be considered to have a particular focus or favour particular participants. For instance, a probation officer might be regarded as wanting to give priority to offenders' needs at the expense of victims. Mediators are also unlikely to be able to maintain their independence if they are expected to represent the interests of an agency or the state. As a result, a mediator who was a probation officer should not be expected to ensure that an offender received an outcome in line with the sentencing goals of the Department of Corrections. In the conference model, it is also preferable that the state's interests are represented by someone other than the mediator if the technique of mediation is to be impartially applied.

The age or seniority of the mediator may influence participants to behave in culturally determined ways, and problems may arise for members of some cultures due to the mediator's status or age in relation to the

participants. Options, such as matching mediators skills¹ and attributes to cases or co-mediation, can generally be used to manage some of these issues although they do require a range of potential mediators to be available.

7.2. Putting Aboriginal Justice Devolution Into Practice -1995³⁶

The View from Government

- The experience of governmental involvement in negotiations respecting devolution of justice authority to Aboriginal communities highlights two important constraints to the process.
 - First, there appears to be an unwillingness (or inability) on the part of governments to deal with anything outside a **limited range of organizational types**.
 - The main consequence of the first constraint is that governments give a strong preference to aboriginal organizations that look a lot like their own structure, i.e.,
 - hierarchical, with one point at the top,
 - an institutional separation of the administrative from the political,
 - clear lines of authority which remain the same in different contexts,
 - the use of double entry accounting, and
 - a separation of administration from the other functions in the community.
 - Second, in communicating about issues related to Aboriginal people and justice, governments rely on a limited, technical and highly **conventional way of communication, namely through the over-use of written documents**.
 - The second constraint, the preferred mode of communication of governments, leads to an over reliance on
 - formal written proposals,
 - audits statements,
 - written evaluations, etc.
 - These two constraints clearly affect the relationship between governments and Aboriginal communities.
 - Communities needs are transformed into written documents.
 - Governmental responses to needs become "initiatives", i.e. "things" which can then be administered.
 - What may once have been "political" becomes "administrative".
- Part of the challenge of those working in non-Aboriginal governments is to be open to and supportive of the unique organizational forms that have and will continue to arise as Aboriginal people in difference circumstances create new and evolving modes of collective behavior, and to resist the temptation to channel everything through the few models that are currently found to be acceptable.
- The challenge for Aboriginal people is to create, or re-create, collective practices which reflect the culture of the specific group, but are also durable enough to survive in increasingly difficult, and in some cases openly antagonistic, circumstances.

³⁶ Charles Horn (Canada) cited in The International Centre for Criminal Law Reform and Criminal Justice Policy and The School of Criminology, Simon Fraser University and with the support of The Department of Justice Canada and The Ministry of the Attorney General of British Columbia, Putting Aboriginal Justice Devolution Into Practice: The Canadian And International Experience Workshop Report, July 5-7, 1995 <http://137.82.153.100/Reports/Aboriginal.txt>