



Department of Justice
Canada

Ministère de la Justice
Canada

EVALUATION DOCUMENT

FINAL EVALUATION ABORIGINAL JUSTICE STRATEGY

Technical Report

October 2000

**Evaluation Division
Policy Integration and Coordination Section**

Canada 

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
1. BACKGROUND	1
1.1 Introduction.....	1
1.2 Description of the Aboriginal Justice Strategy	1
1.3 Resources	6
1.4 Evaluation Design and Methodology.....	7
2. CONTINUING RELEVANCE OF THE ABORIGINAL JUSTICE STRATEGY	9
2.1 Introduction.....	9
2.2 Statistical Overview	9
2.3 Demographic Profile of Aboriginal people in Canada.....	10
2.4 Socio-Economic Profile	11
2.5 Aboriginal people in the Criminal Justice System.....	11
2.6 Comparative Profile of Aboriginal Offender Population.....	13
2.7 Nunavut and the Northwest Territories.....	14
2.8 A Special Note on Aboriginal Youth.....	15
2.9 Conclusion	16
3. COORDINATION OF THE ABORIGINAL JUSTICE STRATEGY	17
3.1 Introduction.....	17
3.2 Summary of Program Agreements with Provinces/Territories.....	17
3.3 Intradepartmental Co-ordination and Co-operation.....	24
3.4 Federal Interdepartmental Co-ordination and Co-operation.....	25
3.5 Overall Success of Interdepartmental Coordination	30
4. COMMUNITY JUSTICE PROGRAM RESULTS	33
4.1 Introduction.....	33
4.2 Criteria for Funding Community Justice Programs	34
4.3 Programs	35
4.4 Case Study Approach.....	37
4.5 Summary of Findings from the Case Studies.....	39
4.6 Reduced Rates of Crime and Incarceration.....	46
4.7 Cost Benefit.....	56
4.8 Client Satisfaction.....	57
4.9 Conclusion	59
5. ABORIGINAL JUSTICE LEARNING NETWORK	61
5.1 Overview of the Aboriginal Justice Learning Network (AJLN).....	61
5.2 Activities over the Past Five Years	63
5.3 AJLN Advisory Committee	69
5.4 Conclusion	72
APPENDIX A: Description of Community Justice Programs	75

EXECUTIVE SUMMARY

Overview

The Aboriginal Justice Strategy (AJS) has a five-year mandate from April 1996 to March 2001. There is a Treasury Board requirement (dated March 1996) that the Minister of Justice report to Cabinet with an evaluation of the impact and effectiveness of the AJS within five years. The purpose of this chapter is to briefly summarize the key findings from the Final Evaluation of the AJS.

The AJS is part of the federal response to the recommendations in the *Royal Commission on Aboriginal Peoples, Gathering Strength: Canada's Aboriginal Action Plan, Securing our Future Together* and numerous Aboriginal Justice inquiries across the country. The AJS was designed to help “establish policies and programs that will be the foundation of long term administration of justice improvements within the framework of the Canadian law for Aboriginal people.”¹ The AJS is intended to work within the existing Canadian justice system to build partnerships between the mainstream system and Aboriginal communities. These partnerships are to support the development of better, and sustainable, justice system programs and policies to meet Aboriginal justice needs. This is consistent with the implementation of the justice elements of the Inherent Right Policy of self-government. The AJS was developed in co-operation with other federal departments (the Solicitor General, including the RCMP, Privy Council Office (PCO) and Indian Affairs and Northern Development (DIAND)).

There are three primary components of the AJS: Policy Development and Support, Community-Based Program Funding Agreements, and the Aboriginal Justice Learning Network. The objectives of the AJS are to respond to the aspiration of Aboriginal people to assume greater responsibility for the administration of justice in their communities and to help reduce the rates of incarceration and crime among Aboriginal people.

The final evaluation report addresses the impact and effectiveness of the AJS, as committed to in the Evaluation Framework (dated October 1, 1997), approved by Treasury Board. The report also discusses lessons learned in the three components of the AJS.

¹ Aboriginal Justice Directorate, *Aboriginal Justice Strategy Operational Plan*, (Ottawa: Department of Justice, October 1996) p. 1

Policy Development and Support

The Aboriginal Justice Directorate (AJD) provides multi-disciplinary policy advice and support on Aboriginal justice matters to the Minister, Deputy Minister, other organizations within the Department, negotiators and others in the federal government.

The AJD, on behalf of the Department of Justice, provides the policy approach and advice in relation to the negotiations of the “administration of justice” components of self-government negotiations. The policy is developed after consultation with a number of policy areas within Justice. While a general paper on the approach to these negotiations has been developed (*Guidelines for Negotiators on Administration of Justice*), AJD is now developing a more detailed set of guidelines. The AJD participates at the table, develops language to reflect matters agreed to at the table and reviews “administration of justice” components to ensure they reflect and remain in the policy guidelines.

As of March 2000 the AJD was involved in 27 negotiation tables that required input on the “administration of justice” component of self-government. Half of these tables cover communities that have AJS community justice programs. Final Agreements are approved by the Federal Steering Committee on Self-Government and Comprehensive Claims, Cabinet, and Treasury Board.

Relevance

The disproportionate involvement of Aboriginal persons in conflict with the law has been recognized for some time. The over-representation of Aboriginal people is evident in the offender population and the victim population, and ultimately is carried through the correctional system. Aboriginal people continue to be over-represented among admissions to adult correctional facilities relative to their numbers in the general population. Based on the latest available statistics, these conditions are worsening. As one example, the Aboriginal portion of the federal offender population rose from 11% in 1991/92 to 17% in 1998/99 and that number is expected to rise dramatically in the next decade due to the high rate of Aboriginal youth population growth.

Taken together, demographic, socio-economic and criminogenic evidence strongly supports the continuing need to find more appropriate means by which Aboriginal communities can work to address their socio-economic problems and apply culturally appropriate remedies with potential for long-term sustainable impact. The challenges to which the AJS must respond are deeply and

obstinately rooted in the disadvantaged socio-economic conditions that continue to describe “the context” of Aboriginal Justice.

Community Based-Programs

The AJS administered by Justice Canada, in partnership with provinces, territories and Aboriginal communities, has developed alternative justice programs which are delivered in over 260 communities across Canada, in partnership with provincial and territorial officials, and Aboriginal peoples. These programs provide alternatives to the mainstream justice system, and assist Aboriginal communities to increase their involvement in the administration of justice. These programs provide culturally-appropriate, community-based alternatives to the mainstream justice system.

Community justice programs are contributing to community capacity building. Community justice workers rely on a broad base of volunteers and often provide the training necessary for the volunteers.

In some communities a number of resources are available to assist the program, such as alcohol and drug addiction workers, anger management courses, victim services, and mental health workers. In other communities, the community justice workers provide a number of these services to their clients. Given the holistic approach to treating offenders, these services are an integral part of the treatment process. To continually develop to meet the needs of the community and clients, community justice workers are taking training in a variety of skills including conflict resolution and crisis intervention, probation services, victim assistance, circle sentencing, and legal education.

Many Aboriginal communities are taking on administration of justice responsibilities at a time when they are also being asked to take over many other services such as health and education. Community justice programs rely heavily on volunteers, which can be a problem if there are not enough volunteers and the existing volunteer base is over-used. Staff and volunteer burnout have been on-going challenges to the Aboriginal community justice programs. Many programs depend on Elders to provide assistance. With a high demand for the limited number of Elders, they too are stretched to the limit to provide services to their communities.

A statistical analysis of the impact of five AJS community justice projects was undertaken for the evaluation. Two of the five projects were found to have significantly reduced the likelihood of offenders committing another offense following participation in the program, while the results of the remaining three projects were inconclusive. Since the analysis was restricted to only five

projects, these results cannot be generalized to the whole AJS. However, the analysis was able to clearly measure a quantifiable outcome for some of the projects funded under the AJS, demonstrating that some positive impacts are being made on rates of crime and incarceration in Aboriginal communities.

The AJS has made an impressive start at addressing the need for culturally relevant community justice programs to address the underlying causes of crime. The goal of reducing incarceration of Aboriginal people is one that will require sustained effort and a long-range plan.

Very little information is available on cost-effectiveness of Aboriginal community justice programs. Recently Solicitor General Canada attempted to address this issue by commissioning a cost-benefit study of an Aboriginal community justice program (currently co-funded by AJS) that serves family violence and sexual offenders, their victims and families. The program has been running for 10 years. The draft report estimated the cost of treating 107 offenders in the community saved the federal government, at minimum, over \$1 million and saved the provincial government over \$2.5million.

Another AJS co-funded program estimated, based on a hypothetical case of assault, that diverting such cases saves \$2,393.50 over the cost of incarceration for one month followed by one month of probation. This urban program currently receives an average of 100 referrals a month.

Co-ordination of the AJS

The mid-term evaluation of the AJS conducted in 1998 determined the need for more effective interdepartmental co-ordination at the federal government level². During the fieldwork for this evaluation all federal partners indicated that there has been a definite improvement in co-ordination since the earlier years of the AJS. They expressed a desire for more on-going contact with AJS, and a willingness to work more closely together in the communities to achieve the goals of the AJS.

Although federal/provincial/territorial co-ordination and partnerships have continued to improve over the last two years of the AJS, some areas for improvement remain. These include firstly, the desire for more federal presence at the community level to interact with community justice personnel; secondly, the need for on-going training at the community level; and thirdly, the need

² Evaluation Division, *Aboriginal Justice Strategy Mid-Term Evaluation*, December 1998, Department of Justice Canada.

for the federal government to co-ordinate the work of various federal departments in the communities.

Progress on this front has been made but ongoing effort is required to ensure that preliminary discussions among federal departments to co-ordinate activities in Aboriginal communities be followed-up on an on-going basis so as not to lose momentum and commitment. Close co-operation with DIAND, Solicitor General, including the RCMP, and provincial/territorial officials is important for effective delivery of the AJS at the community level. Significant steps are needed to address intradepartmental co-ordination among various Aboriginal strategies.

At the community level, this co-ordinated approach will go a long way to address the need for "one window access" to Aboriginal related justice issues. The AJS may be the most visible program in the Aboriginal Community setting and is therefore seen to be in a logical position to play this co-ordinating role. At the federal level this co-ordination across Departmental policies and programs is necessary to sustain an active and credible role in providing advice to the self-government negotiating table.

Co-ordination of Community Self-Evaluations

The Evaluation Framework for the AJS was developed without consultation with the provinces/territories, Aboriginal Organizations or Aboriginal communities. AJS did not take a leadership role with provinces/territories to encourage a self-evaluation approach. In most situations, resources for evaluation were not built into the funding agreements from the outset. By the time the self-evaluation booklets were developed and the training undertaken, many communities had been operating for a year or more without being aware of the need to collect the needed information in a format suitable for roll-up at the national level. Some jurisdictions, such as Ontario and Saskatchewan, are collecting systematic information on community justice programs, but there still remains a need for a coordinated approach that would lend itself to a national roll-up.

There is evidence that this situation has improved over the last two years of the program, with more provinces and territories signing Memoranda of Understanding with Justice Canada, which includes agreement of data collection. This evaluation found agreement among interviewed provincial and territorial officials that the community justice programs personnel must be provided with the necessary skills development and training from the outset to participate in evaluating their own initiatives. There is also support for capacity building to be built into the design of the programs and financially supported from the outset. Training for self-evaluations during the start-up phase needs to be maintained to ensure understanding of the need for proper

record keeping and reporting. All these steps are seen as necessary to the proper self-evaluation of community justice programs and in keeping with the provincial/territorial commitment to accountability.

There are strong indications that the provinces and territories are willing to work collaboratively on developing uniform core reporting requirements.

Regional Coordinators' Role in AJS

There has been a steady improvement in provincial/territorial and federal coordination and partnerships throughout the four years of the AJS, however there is still a need for a more "hands-on" approach from the Regional Coordinators, as was the case during the mid-term evaluation. The regional Justice presence could be stronger, to enable more Federal Regional Coordinator presence in the provinces, and with the communities.

The extensive role of the Regional Coordinators has been more demanding than the existing resource level (five persons) could sustain. While they were called on to develop new programs and bring more provinces on board, the attention to monitoring existing programs and following up on self-evaluation training suffered. Until recently, some Regional Coordinators lacked sufficient administrative support, which in turn has meant that administrative advice and assistance was not getting to the community justice programs in a timely manner.

Financial Administration of Community Agreements

The AJD was late in providing payments to some community justice programs. This problem arises because within the Department of Justice the processes for payment of grants and contributions are multi-step and time-consuming.

When payments to the community justice programs are late, this results in uncertainty of employment for the staff and threatens cancellation of the program. This situation creates a credibility problem for AJD with communities and provincial/territorial officials. The problem of late payments was identified in the mid-term evaluation and continues to be a concern identified by both provincial/territorial officials and community justice workers.

The Aboriginal Justice Learning Network (AJLN)

The AJLN was established in 1996 with a mandate to:

- act as a vehicle for communication between the justice system and Aboriginal communities;
- help ensure that Aboriginal women participate as full partners during both the negotiation and implementation of community justice programs;
- inform enforcement officers, prosecutors, judges and members of Aboriginal communities of the objectives, values and mechanisms of the approaches to justice in the agreements; and
- help communities and the current justice system implement community-based justice programs, with a focus on ensuring that the new approaches are fully integrated into the day-to-day operation of the justice system in the communities.

Current Performance of the AJLN

Since 1997, the AJLN has supported numerous conferences, workshops and training seminars that focused on information sharing. The conferences and workshops funded by the AJLN were organized by Aboriginal organizations across Canada. There have been approximately thirty conferences and forums funded by AJLN since the mid-term evaluation in October 1998.

These conferences encouraged linkages between Aboriginal communities and cross-jurisdictional sharing of information. Aboriginal people played prominent roles at the conferences and Aboriginal culture and traditions were inherent in the structure of each gathering. Many of the presenters at these meetings and conferences were Aboriginal people from different Aboriginal organizations. Women played a significant role in organizing and presenting at these gatherings. Many of these conferences and community meetings would not have occurred without funding from AJLN.

Examples of knowledge building and capacity building opportunities provided with AJLN funds include:

- youth camps, circle sentencing training,
- family group conferencing
- a training video (delivered by the RCMP for communities across the country),
- training sessions on peacemaking for judges, and
- training in provinces that are not yet participating in the AJS community justice programs

The AJLN has also:

- produced videos and educational materials.
- developed a Website to disseminate their products and to link with mainstream and Aboriginal justice workers.

The AJLN went through a period of significant growing pains following the cancellation of the national conference in 1998 and the establishment of the National Advisory Committee to guide the AJLN. It took a significant amount of time, financial resources and energy to re-establish the focus of the AJLN. Sub Committees have been established from the members of the Advisory Committee. To reduce costs and improve accountability the number of meetings have been reduced from four a year to two, and the Advisory Committee Sub Committees will hold conference calls every six weeks. An annual progress report on the work of the sub-committees will be conveyed to senior management.

The Resource Challenge

As identified in the mid-term evaluation, the high turnover of staff in the first two years of the AJS continued to be a problem over the last two years. The senior managers left and there has never been the full complement of support staff that was identified in the operational plan. The Learning Network has had two National Coordinators since the mid-term evaluation in October 1998 and was without a Coordinator for almost one year. Currently only three staff support the work of the Network, one of whom works on a part time basis. A number of individuals have also been hired on a contractual basis to assist in the co-ordination of the AJLN Advisory Committee meetings and provide advice to the Director General and the AJLN National Coordinator. In addition, the approved budget of \$750,000 per annum was reduced each year, so that the budget for fiscal year 2000/2001 stands at \$608,000.

This evaluation found that, although the AJLN has encountered many staff and budget problems, it appears to be addressing most of its original mandate. It is not within the scope or resources of the AJLN to ensure "that the new approaches are fully integrated into the day-to-day operation of the principle justice system" and should therefore be reconsidered should the Department seek renewal of the Strategy.³

³ Aboriginal Justice Directorate, *Aboriginal Justice Strategy Operational Plan*, (Ottawa: Department of Justice, October 1996), p. 14.

Additional/Emerging Demands on Learning Network Funds

Funds from the AJLN were used to prepare six booklets on Self-Evaluation. The funds were also used for training the Federal Regional Coordinators, provincial/ territorial representatives and the community justice workers in self-evaluation.

During interviews for the final evaluation, community justice workers, Regional Coordinators and provincial/territorial representatives again expressed a need for various types of training, from program management to counselling for sexual abuse victims. Information products for judges and police officers could be prepared on topics ranging from restorative justice in general to circle sentencing in particular.

To expand production of the training materials and to organize the required training to meet the needs of the community justice programs and other justice personnel the level of staffing and resources would need to be increased.

AJLN Web Site

The Website could be enhanced as a source of referral; experienced Aboriginal community justice workers could act as mentors to those wishing to begin a program.

One of the products available through the web site is the newsletter *LINK*. It was created in 1997 as a single page “flyer” and has since expanded to a 6 – 8 page newsletter that comes out at least bi-monthly. It covers issues as diverse as Supreme Court rulings through to personal stories on *AJLN* members. The excellent resource materials prepared by the AJLN (e.g. video resource guide, videos "A Matter of Trust" and the "Donald Marshall Youth Camp") would get wider distribution if they were advertised on the Website.

The Website could be expanded to include information on lessons learned about community justice programs. It could include models of community justice programs, materials and resources available for community justice programs, how to conduct self-evaluation, and how to build an infrastructure in the community to refer clients and provide services to the clients.

Conclusion

In conclusion, the AJS is showing progress and successes, it is the beginning of a promising approach and much work needs to be done to ensure that the gains that have been made can be built upon.

1. BACKGROUND

1.1 Introduction

In April 1996, the Minister of Justice announced the Aboriginal Justice Strategy (AJS). The AJS is intended to build, over its five-year mandate, justice programs administered by Aboriginal people. The AJS is intended to go beyond experimentation and is to build enduring cost-sharing partnerships between provincial, territorial and federal governments. It is also intended to build learning and collaborative networks between government and Aboriginal communities, which will lead to the development and sustainability of alternative justice programs that better meet the needs of the Aboriginal communities. The objectives of the AJS are to give Aboriginal people greater responsibility for the administration of justice in their communities and to help reduce, over time, the rate of crime and the rate of incarceration among Aboriginal people.

This report represents the final evaluation of the AJS, and as such, it describes the evolution of the program to date and assesses accomplishments and progress towards the key strategy components and goals, activities and intended outcomes as identified in the AJS Operational Plan and the Evaluation Framework⁴. Additionally, the evaluation reviews the continued relevance and cost effectiveness of the AJS.

1.2 Description of the Aboriginal Justice Strategy

As part of the Aboriginal Justice Initiative (AJI), the Department of Justice created the Aboriginal Justice Directorate (AJD) in 1992. The mandate of the AJI was to advance Aboriginal justice interests, by improving the responsiveness, fairness, inclusiveness and effectiveness of the justice system as it affects Aboriginal people. The role of the AJD was to examine community-based strategies through the funding of Aboriginal justice initiatives on a pilot project basis.⁵

In 1996, the AJI was renewed as the AJS. The purpose of the AJS is to fund community-based justice programs, cost-shared with the provincial/territorial governments. Emphasis was to be placed on Aboriginal communities engaged in negotiations under the Inherent Right Policy of

⁴ Evaluation Division, *Evaluation Framework, Aboriginal Justice Strategy* (Ottawa: Department of Justice Canada, October 14, 1997).

⁵ Clairmont, Don, and Rick Linden, *Draft: Developing and Evaluating Justice Projects in Aboriginal Communities: A Review of the Literature* (Ottawa: Solicitor General Canada, 1998) at 4-5.

Self-Government. The Canadian Government believes Aboriginal peoples have the right to govern themselves; to make decisions over matters that affect their communities, and to exercise the responsibility that goes hand-in-hand with self-government.⁶

The Aboriginal Justice Learning Network (AJLN) was also introduced as part of the AJS. The AJLN membership includes representatives from the justice system and Aboriginal communities. One of their roles is to enhance communication between the justice system and Aboriginal communities, and among Aboriginal communities. Other activities include helping communities prepare for negotiations, and then assisting with the implementation of the agreements. The AJLN is also involved in training members of the justice system and Aboriginal communities.

By increasing education and encouraging the development of networks, small communities are able to build up enough strength to effectively serve justice objectives. By emphasising healing and holistic⁷ approaches, Aboriginal justice initiatives aim to achieve reconciliation and reintegration. The focus is on rebuilding communities, thereby developing a collective responsibility with greater community involvement and more explicit spirituality.⁸

The AJS was developed in response to past experience and information that the conventional justice system in Canada had failed to meet the needs of Aboriginal people. While there is considerable argument about the remedies to this situation, there is general agreement that Aboriginal communities and governments need to assume greater responsibility for justice programs and processes. In addition, much has been learned from past demonstration projects implemented to test solutions and alternatives to the policies and programs of the mainstream justice system.

The current AJS was designed to help “establish policies and programs that will be the foundation of long term administration of justice improvements within the framework of the Canadian law for Aboriginal people.”⁹ The AJS works within the existing Canadian justice system to build mainstream-Aboriginal co-operative partnerships which will support the

⁶This is also in keeping with the framework for change envisioned by the Royal Commission on Aboriginal Peoples, 1996, but the main difference is that self-government will be exercised within the existing Constitution of Canada, not through creating a separate justice system as the Royal Commission envisioned.

⁷ The term “holistic” refers to the belief that the “whole” person must be healed, body, mind, spirit and emotions, in order to address the root causes of crime. The word “holistic” is not related to the concept of “holy”, although spirituality is often an integral component of the healing process. The “holistic” approach addresses the needs of the victim and the offender to reconcile, and by extension, the whole community can be healed. Justice must be understood as part of the whole fabric of Aboriginal social and political life rather than a distinct, formal legal process.

⁸ Clairmont, Don, and Rick Linden, *Draft: Developing and Evaluating Justice Projects in Aboriginal Communities: A Review of the Literature* (Ottawa: Solicitor General Canada, 1998) at 6.

⁹ Aboriginal Justice Directorate, *Aboriginal Justice Strategy Operational Plan*, (Ottawa: Department of Justice, October 1996) p. 1.

development of better, and sustainable, justice system programs and policies to meet Aboriginal justice needs, consistent with the implementation of the justice elements of the Inherent Right Policy of Self-Government.

The AJS was developed in co-operation with other federal departments, [including the Solicitor General Canada, Royal Canadian Mounted Police (RCMP), Privy Council Office (PCO) and the Department of Indian Affairs and Northern Development (DIAND)], provincial and territorial governments, and Aboriginal people. This collaborative work has continued, for example, the RCMP is an integral component in community development and justice programs through community justice forums and pre-charge diversion programs, programs for the prevention of suicide and substance abuse and the contribution of crime data.

There are three primary components of the AJS: Policy Development and Support, Community-Based Program Funding Agreements, and the AJLN. Each component is described below in this section.

Policy Development and Support

The AJD provides multi-disciplinary policy advice and support, including analysis and development on Aboriginal justice matters to the Minister, Deputy Minister and other organizations within the Department, self-government negotiators and others in the federal government.

A few of the areas in which they provide advice and recommendations are: a) in matters relating to models of program options (diversion, sentencing circles, justice of the peace courts, mediation, etc.); b) justice initiatives that affect or may be affected by Aboriginal justice; c) concerns about the integration of Aboriginal justice concerns and solutions into Departmental policy and programs; and d) renewal of the AJS at the end of fiscal year 2000-01.

The Policy Development and Support component is also responsible for the implementation of the self-evaluation component of the community-based funding agreements, including the evaluation training program among Aboriginal communities funded under the program. The role of the Regional Co-ordinators is crucial to the self-evaluation component of the community justice projects, as is the cooperation of the Aboriginal communities.

Intended outcomes of the Policy Development and Support component include:

- Federal policies and programs responsive to the justice aspirations and needs of Aboriginal people.
- Timely and effective implementation of Aboriginal justice programs consistent with federal self-government and justice policies.
- A coordinated and integrated federal-provincial/territorial response to the justice needs and aspirations of Aboriginal people.
- Ministerial and departmental decisions and actions based on comprehensive and timely information and analysis.

Community-Based Program Funding Agreements

Four categories of community-based programs were originally established under the AJS. They included bridge-funded programs, on-reserve programs, off-reserve programs and province-wide agreements. Bridge-funded programs were those that were carried over from the AJI into the new AJS mandate and fall into all three of the remaining categories.

On-Reserve Projects. Although it was initially projected that the AJS would co-fund between 25 and 30 community-based on-reserve justice programs, they have more than doubled this target, by co-funding 66 on-reserve programs. Within that, 23 programs are North of 60°; Nunavut has nine, while the Northwest Territories and Yukon have seven each. A number of these programs are managed by Tribal Councils and provide services to more than one community. Agreements were negotiated by the Department of Justice in consultation with DIAND and Solicitor General Canada. Eligible programs include diversion programs, programs allowing for greater community participation in sentencing, mediation and arbitration mechanisms for civil disputes and adjudication. Communities that are funded must meet eligibility criteria which includes being involved in, or expecting to be involved in, self-government negotiations, justice program tripartite negotiations (between provincial/territorial governments, federal government and Aboriginal community), and at least 50% provincial or territorial cost-sharing over the life of each agreement. Aboriginal communities provide contributions in services, in kind or financially.

Off-Reserve Projects. Originally the AJS had projected to negotiate agreements with up to eight urban and rural communities off-reserve. As of July 2000, 18 Aboriginal communities were authorized for funding off-reserve. There are three programs located in rural areas off-reserve, and fifteen in urban areas. As with the on-reserve programs, several of the off-reserve programs

provide services to more than one community. Agreements were negotiated by the AJD in consultation with the Federal Interlocutor for Métis and Non-Status Indians (PCO) and Solicitor General Canada. Where appropriate, these agreements take place within the context of tripartite negotiations (between provincial/territorial governments, federal government and Aboriginal community). As with the on-reserve component, a minimum 50% provincial/territorial cost-sharing over the life of the agreement is required. Communities provide contributions in services, in kind or financially.

Province/Territory-Wide Projects. There is a multi-year agreement with Saskatchewan to match \$1million from the provincial government with \$500,000 from the AJD and \$500,000 from DIAND , which enables 76 communities/locations to be served under 20 agreements. The AJS provides core policy, training and development support to the Federation of Saskatchewan Indian Nations (FSIN) and they facilitate the province-wide approach to First Nations programs co-funded with Saskatchewan.

Regional agreements also exist, with examples of large regional Aboriginal organizations or service providers including: Nishnawbe-Aski Legal Services Corporation in northern Ontario, Manitoba Keewatinowi Okimakinak in northern Manitoba, and the Mi'kmaq Justice Institute in Nova Scotia (Cape Breton and the mainland). In total, 26 programs serve more than one community; in fact, these twenty-six serve 222 communities. Overall in 1999/2000, there are 84 programs serving 280 communities. Seventy-five programs (89%) have a youth component, and 31 (37%) include reintegration activities for offenders returning to Aboriginal communities¹⁰.

In order to better coordinate program funding within specific jurisdictions, the AJD negotiated overarching provincial/territorial Memoranda of Understanding (MOU) with Manitoba, Alberta, British Columbia, New Brunswick and Quebec. The Yukon has a Letter of Agreement similar to the other MOUs. MOUs are currently under negotiation with Ontario, NWT and Nunavut.

Intended outcomes of community-based funding agreements include:

- The residents, especially women and children, in the communities administering Aboriginal justice programs will feel safer and more fairly treated by justice agencies and procedures.
- Aboriginal women will be full partners in the development and maintenance of Aboriginal justice programs and systems.

¹⁰ Giff, Naomi *The Aboriginal Justice Strategy: Trends in program Organization and Activity 1996-97, 1997-1998, and 1998-1999*, March 10, 2000.

- Fewer Aboriginal adult and young offenders from the participating communities will be prosecuted, sentenced and admitted to prison.
- The level of criminal behaviour in the community administering Aboriginal Justice programs will decline.
- Participating Aboriginal communities will have a direct role in the administration of justice programs in those communities.
- The non-Aboriginal residents in off-reserve communities administering Aboriginal justice programs will feel safer and feel that Aboriginal people are more fairly treated by justice agencies and procedures than in the past (off-reserve only).

The Aboriginal Justice Learning Network

The AJLN is a component of the AJS which is intended to help bring together Aboriginal and non-Aboriginal experts and justice system practitioners in order to:

- facilitate communication between the mainstream justice system and Aboriginal communities, and among Aboriginal communities;
- help communities wanting to enter into justice program agreements prepare for negotiations;
- ensure Aboriginal women participate as full partners in the negotiations and implementation of justice programs;
- inform enforcement officers, prosecutors and defence attorneys, judges and members of the communities entering into Aboriginal justice program agreements about the objectives, values and mechanics of the agreements;
- help the communities and the mainstream justice system to implement the agreements, with a focus on ensuring the approaches are fully integrated into the day-to-day operation of the justice system in the communities; and
- develop and retain a system of relationships to do training and expand knowledge after the AJS ends.

1.3 Resources

The original budget was approximately \$8.6 million for the Department of Justice to spend each year for the last three fiscal years of the AJS (the original budget for the first year was approximately \$4.5 million and approximately \$7.5 million for the second year). Due to re-profiling of program dollars from the first two years, the budget available for each of the final three years was increased to approximately \$9 million. This included \$6.155 million for cost-

shared contributions to programs for each of the last three years. Programs are cost-shared 50/50 with provinces and territories, and communities are expected to contribute in service, in kind, or financially. The original intent of the AJS was that after five years \$2 million per year would be provided for ongoing costs related to the administration of the existing agreements.

DIAND contributes \$1,649,406 per year from 1997/98 to 2000/01 to the AJS and administers up to \$500,000 per year for the Saskatchewan on-reserve programs. In addition the RCMP contributes \$550,000 annually to the AJS, and is also expending and administering \$200,000 per year on alternative justice training (Community Justice Forums).

1.4 Evaluation Design and Methodology

1.4.1 Overall Evaluation Approach

The primary objectives of evaluating the AJS are:

- To document the development and implementation of the AJS in order to gain additional knowledge about what works and how to support development of Aboriginal justice programs and federal-provincial/territorial policy consistent with the Inherent Right Policy of Self-Government.
- To assess the impact and effectiveness of the AJS in terms of giving Aboriginal people greater responsibility for the administration of justice in their communities and reducing the rates of incarceration and crime among Aboriginal people.

The Framework for the evaluation of the AJS called for a self-evaluation approach, also known as participatory evaluation, or empowerment evaluation. Each Aboriginal community justice program was to develop their own evaluation framework, collect the appropriate data and report on results. This approach fosters self-assessment, collective knowledge production, and co-operative action. They were expected to participate substantively in the identification of the research/evaluation issues, the shape and direction of the evaluation, the collection and analysis of data, and the action taken as a result of the study's findings to ensure continuous program improvement.

This empowering approach to evaluation contributes to overall community development and creates a base of skills that is transferable to the management of other programs. It is "empowering" because the community takes ownership of the program. The community is best suited to determine its own needs, what it wants to achieve, and how it would like to achieve the

results, and therefore the community is also best suited to determine what constitutes progress. Ultimately, the community is the best source of information as to how satisfactory the project has been in meeting objectives.

1.4.2 Final Evaluation Methodology

For reasons outlined in Chapter 4, the self-evaluation approach was not sufficiently implemented to produce a national level roll-up of information suitable for a final evaluation. Therefore, the following methodology was adopted. The methodology used for this final evaluation report involved a combination of methods and data sources:

- In-depth interviews with over 65 key stakeholders regarding their perceptions of the implementation and success of the AJS including federal, provincial and territorial government representatives, representatives of Aboriginal communities receiving funding under the AJS, key participants involved in the AJLN, and other individuals directly knowledgeable about Aboriginal justice issues;
- A review of program administrative and case files, including an intensive structured review of the AJLN;
- Case studies of ten community justice programs, including file reviews, interviews, and analysis of recidivism among program participants. The case study approach is outlined in more detail later in chapter 4;
- Any available quarterly and annual reports from the Community Justice Programs;
- Independent evaluations of some AJS community justice programs were examined to supplement the information from the case studies, where available;
- A statistical analysis of the impact of five community justice programs on offender recidivism;
- A review of the most recent statistics on Aboriginal population figures, socio-economic indicators and criminal justice statistics on Aboriginals, including commissioning a special report from the Canadian Centre for Justice Statistics.

2. CONTINUING RELEVANCE OF THE ABORIGINAL JUSTICE STRATEGY¹¹

2.1 Introduction

The disproportionate involvement of Aboriginal persons in the criminal justice system has been recognized for some time. Various inquiries and reports have noted that Aboriginal people are over-represented in virtually all aspects of the criminal justice system (Correctional Service of Canada, 2000; Henderson, 1999; Royal Commission on Aboriginal Peoples, 1996; Saskatchewan Indian Justice Review Committee, 1992; Solicitor General of Canada, 1988; Solicitor General of Canada and Attorney General of Alberta, 1991; Task Force on the Criminal Justice System and its Impact on the Indian and Métis people of Alberta, 1991).

The justice system is a central component in the development of Aboriginal self-government and autonomy. It is thought that “Aboriginal justice will further other Aboriginal collective objectives, incorporate traditions and experiences, manifest Aboriginal control, and deal effectively with the harm that crime and social disorder have wrought for all parties (i.e. victim, offender, community).”¹²

2.2 Statistical Overview

One of the objectives of the AJS is to divert Aboriginal offenders from the mainstream justice system and to meet their needs more appropriately. This section discusses some underlying issues with respect to demographics, the socio-economic situation of Aboriginal people and their involvement in the Canadian criminal justice system. The case studies of community justice projects (reported in chapter 4) present the types of approaches (including the holistic approach to healing) that is intended to help mitigate the disproportionate involvement of Aboriginal people in the mainstream justice system.

The over-representation of Aboriginal people is evident in the offender population and the victim population, and ultimately is carried through the correctional system. The different backgrounds

¹¹ This chapter relies heavily on information from “The Over-Representation of Aboriginal People in the Justice System” prepared in June 2000 by Canadian Centre for Justice Statistics (Statistics Canada) at the request of the Evaluation Division, Department of Justice Canada. In addition, throughout this chapter, any reference to the “CCJS study” refers to this document.

¹² Clairmont, Don, and Rick Linden, *Draft: Developing and Evaluating Justice Projects in Aboriginal Communities: A Review of the Literature* (Ottawa: Solicitor General Canada, 1998) at 3.

and needs of Aboriginal offenders have implications for determining what offender treatment programs are most suitable. Some particularly critical situations are demonstrated with information on the Northwest Territories, Nunavut and in the statistics that describe the young Aboriginal population. The evidence strongly supports the continuing need to find more appropriate means by which Aboriginal communities can work to address their socio-economic problems and apply culturally appropriate remedies with the potential for long-term sustainable impact.

2.3 Demographic Profile of Aboriginal people in Canada

Based on the 1996 Census of Canada, which is generally believed to under-represent the Aboriginal population in Canada, 799,010 people identified themselves as Aboriginal, which is approximately 2.8% of the Canadian population (other estimates of the Aboriginal population range as high as 1.4 million, or approximately 5% of the Canadian population). The Census results indicated that 69% were Indian, 26% were Métis and 5% were Inuit. Less than 15% of the Aboriginal population in Canada lived in Quebec and the Atlantic provinces. As a percentage of provincial/territorial populations, higher concentrations of the Aboriginal population live in Ontario, the West and the North. The percentage of Aboriginal population is highest in the Territories: 20% in the Yukon, 52% in the western NWT and 85% in Nunavut. In 1996, roughly 71% of Aboriginal people identified themselves as living off-reserve.

The Aboriginal population is growing more rapidly than the general Canadian population due to: *a)* higher fertility rates; *b)* increasing life expectancy; *and c)* decreasing mortality rates. The 1996 Census revealed that the average age of Aboriginal people was 25.5 years, compared to 35.4 years for the non-Aboriginal population. Children under 15 accounted for 35% of Aboriginal population compared to 20% for Canada's total population. Young people aged 15-24 represented almost 18% of the people in the Aboriginal population and only 13% in the overall Canadian community. While research indicates the 15-24 age group is most vulnerable to criminality, persons up to 35 years of age continue to be "at higher risk." Consequently, the large numbers of Aboriginal youth may have a significant impact on the criminal justice system for many years.

2.4 Socio-Economic Profile

A substantial number of reports have noted a link between Aboriginal socio-economic conditions and their involvement in the criminal justice system (e.g., Department of Indian Affairs and Northern Development, 1990; LaPrairie, 1997; Royal Commission on Aboriginal Peoples, 1996; Canadian Centre for Justice Statistics (CCJS), 2000). A few examples of specific factors identified, are education, unemployment, age and mobility.

Information from Statistics Canada CCJS indicate that approximately half of Aboriginal inmates had a grade nine education or less (48% in provincial/territorial facilities and 56% in federal institutions). In provincial/territorial facilities 70% of Aboriginal inmates were unemployed prior to incarceration compared to 47% for non-aboriginal inmates. In federal institutions the respective numbers were 53% and 40%. In provincial/territorial facilities 73% of Aboriginal inmates were less than 35 years of age compared to 61% for non-Aboriginal inmates. In federal institutions the respective numbers were 63% and 49%.

Increased mobility may impact on involvement in the justice system, as it may indicate a less stable lifestyle and fewer ties to the community. On the other hand, it can also reflect people moving from urban areas to Aboriginal communities and vice versa. In 1996, 61% of Aboriginal people were at a different address than 5 years previously.¹³ In comparison, less than one-half (47%) of non-aboriginal persons had moved during the same time period.

2.5 Aboriginal people in the Criminal Justice System

Wood and Griffith found that the rates of violent crime and property crime in Aboriginal communities and in Aboriginal populations are very high, particularly in comparison with the rates for non-Aboriginal peoples.¹⁴ They also noted that the types of offences committed by Aboriginal persons vary by age. Younger individuals tend to be more involved in committing property offences, while violent offences are generally committed by individuals who are somewhat older. Similarly, the CCJS study found that more Aboriginal inmates were convicted of crimes against the person than non-aboriginal inmates (42% compared to 31% within provincial/territorial facilities and 79% compared to 72% in federal facilities).¹⁵

¹³ Statistics Canada (1996). Census of population. Ottawa.

¹⁴ Wood, Darryl S. and Curt Griffiths. (1999) Patterns of Aboriginal Crime. Crime In Canadian Society. Edited by Silverman, Teevan and Sacco.

¹⁵ Refer to the first footnote in this chapter.

In general, Aboriginal inmates received shorter aggregate sentences than non-aboriginal inmates in federal facilities (median aggregate sentence length 4 years compared to 5 years respectively, excluding those serving life sentences), but longer aggregate sentences in provincial/territorial facilities (median aggregate sentence length 8 months compared to 6 months respectively). There could be many reasons for differences in sentence length (e.g., seriousness or number of offences, prior convictions, etc.), however, using the current information,¹⁶ it is not possible to determine the reasons for differences in sentences between Aboriginal and non-aboriginal inmates.

Other statistics that speak to the over-representation of Aboriginal people in the criminal justice system are presented below:

- From 1988 to 1998, the number of Aboriginal people admitted to provincial/territorial custody decreased by 29% (from 20,873 to 14,840), which corresponds to a general decrease in crime and admission rates. Nevertheless, Aboriginal people continue to be over-represented among admissions to adult correctional facilities, as 15% of provincial/territorial admissions are Aboriginal peoples, while they represent 2.8% of the general Canadian population.
- The Aboriginal portion of the federal offender population rose from 11% in 1991/92 to 17% in 1998/99, and that number is expected to rise dramatically in the next decade due to the high growth rate of the Aboriginal youth population.
- The CCJS reported that in 1997/98, the total percentage of Aboriginal peoples sentenced to provincial/territorial probation was 12% – over four times the proportion of Aboriginal people in the Canadian population.¹⁷
- In 1999, the National Parole Board reported that Aboriginal offenders tend to be under-represented in the federal day and full parole population and over-represented in the statutory release population.¹⁸
- Aboriginal inmates are more likely to remain incarcerated to the full term of sentencing.¹⁹
- Some studies have found that Aboriginal offenders are more likely to recidivate afterwards than are non-Aboriginal inmates (for example: Harmon and Hann, 1986; Warmith and Gladstone, 1984), and more likely to have this privilege revoked for a technical violation than are non-aboriginal offenders. Statistics show that Aboriginal offenders are three times

¹⁶ Refer to first footnote in this chapter.

¹⁷ Canadian Centre for Justice Statistics, *Adult Correctional Services in Canada 1997-98*. Catalogue 385-211-XIE. Minister of Industry: Ottawa.

¹⁸ National Parole Board. Performance Monitoring Report 1998-1999. Ottawa: Solicitor General Canada.

¹⁹ Ibid.

more likely to be charged with a serious offence while on day or full parole and 2.5 times more likely to be charged with a serious offence while on statutory release.

2.6 Comparative Profile of Aboriginal Offender Population

Under the Solicitor General's program, the Aboriginal Community Corrections Initiative (ACCI), Aboriginal community justice programs are being asked to consider accepting clients who are returning to the community from federal or provincial/territorial facilities. In order for a program to determine if it is ready to deal with returning offenders, it is important to know the criminal history and specific needs of each offender. This information will assist the program to tailor the service, provide the necessary resources, and assure the safety of the community. Thus, it is important to know that some studies (CCJS, 2000: Johnson 1997) have found that there was a larger proportion of Aboriginal than non-Aboriginal inmates who were classified as high risk to re-offend. In provincial/territorial facilities, over one-half of Aboriginal inmates (57%) were classified as high risk, in comparison to 43% of non-Aboriginal inmates. In federal facilities, more than two-thirds of Aboriginal inmates (69%) were classified as high risk compared to 57% of non-Aboriginal inmates.²⁰

Criminogenic needs can be assessed along seven dimensions; substance abuse, employment, family/marital, social interaction, personal, attitude, and community functioning. Results provide information about the types of interventions that may be required to reduce risk, which is useful for planning appropriate placement and treatment while incarcerated, and when offenders are returning to their communities for follow-up programming. Among provincial/territorial inmates, a greater proportion of Aboriginal inmates showed high needs than non-Aboriginal inmates on all dimensions, particularly employment (33% versus 22%) and substance abuse (48% versus 32%).

LaPrairie compared the demographic characteristics of Aboriginal inmates in correctional institutions and those of registered Aboriginal people residing in urban areas.²¹ The study found there were specific factors that identify Aboriginal groups that were more likely to commit crime than others, and questioned the assumption that all Aboriginal people are equally at risk to

²⁰ Risk/need data were available for: Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Manitoba, Yukon, the Northwest Territories, and Correctional Service Canada. Full criminal history data were available for: Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Manitoba and Yukon. Ontario, Quebec and the Northwest Territories were able to provide some criminal history data.

²¹ LaPrairie, Carol (1992) Dimensions of Aboriginal Over-Representation in Correctional Institutions and Implications for Crime Prevention. Report APC 4 CA. Ottawa: Solicitor General Canada, Aboriginal Corrections Policy Unit. (website: www.sgc.gc.ca).

become offenders. The findings from the study suggest that the problem may not be that the justice system treats Aboriginal peoples differently but that it treats them all the same, without regard to their treatment needs. Aboriginal offenders do not form a homogeneous group, culturally, geographically or by way of status.

The Supreme Court of Canada has recognized and responded to the over-representation of Aboriginal people in the correctional system. In *R. v. Gladue*²², the Supreme Court held that section s.718.2 (3) of the *Criminal Code* creates a judicial duty to consider all background factors which bring Aboriginal peoples and the individual before the courts, in conflict with the justice system, and to consider alternatives to incarceration.

The AJS is in keeping with this recognized response to Aboriginal crime. Based on the profiles of incarcerated Aboriginal offenders, if they are diverted to Aboriginal community justice programs, these community justice programs are potentially dealing with clients with high needs, particularly substance abuse and employment needs, and who are a high risk to re-offend. The extent to which their clients meet these descriptions will be discussed later in this report.

2.7 Nunavut and the Northwest Territories

The context of Aboriginal justice in Nunavut and the Northwest Territories deserves special attention. On April 1, 1999 the new Territory of Nunavut was officially created. The small, widely scattered population, high levels of under-employment, and limited resource base present challenges to dealing with the area's social and justice problems. Young adult Inuit males account for virtually all of the serious crime in Nunavut and the great majority of suicides. Their rates of crime, suicide and imprisonment are startling, far exceeding rates elsewhere in Canada. The correctional sector of justice in Nunavut is facing huge challenges, as incarceration levels are high and overcrowding is serious. The high levels of crime reflect serious underlying criminogenic conditions, a considerable breakdown in community and family controls, and an extreme dependence on the formal criminal justice system.²³ These conditions emphasize the necessity of a justice system that is congruent with Inuit traditions and contemporary Nunavut realities – a system that features local control of justice, community mobilization, and civic culture rooted in restorative justice targeted at the young adult Inuit males. However, women's groups point to a large gap between restorative justice rhetoric,

²² *Gladue v. Her Majesty The Queen* (1999). 23 C.C.R. (5th) 197.

²³ Clairmont, Donald and Rick Linden, Developing and Evaluating Justice Projects in Aboriginal Communities: A Review of the Literature (Ottawa: Solicitor General Canada, Report APC 16 CA, 1998).

which emphasizes the victim and the community, and its practice, which they believe tends to focus on the offender and yields lenient sentences.

Northwest Territories (NWT) has the highest crime of all the provinces and territories in Canada.²⁴ The per capita crime rate is approximately three times the rate for Canada and the violent crime rate is over five times that for all of Canada. Violent crime accounted for approximately 25% of all offences reported to the police in 1997. Due to the large Aboriginal youth population, both NWT and Nunavut expect substantial increases in the number of young offenders admitted to custody in the next ten years. The number of younger crime-prone adults (ages 18 to 24) is expected to increase by 21% in the Western NWT by 2006 and by 35% in Nunavut by 2006.

Without a major infusion of additional resources, most NWT community people believe that their communities are not currently in a position to take on further justice responsibilities. The magnitude of social problems in the NWT demonstrates the need for a broad-based strategic approach to addressing the physical, emotional and spiritual health, family life, education and employment needs of people in the NWT.

2.8 A Special Note on Aboriginal Youth

The Report of the Federal/Provincial/Territorial Task Force on Youth Justice stressed the importance of examining environmental factors, including geographic isolation, socio-economic marginality and the socially disorganized state of many Aboriginal communities. Some of the major problems that may arise from geographic remoteness are: limited criminal justice and social services; a lack of experienced local legal counsel; a lack of knowledge by youth about their rights; a lack of local detention facilities; and high caseloads for court officials. Social disorganization often means that communities are unable to develop and sustain alternatives to incarceration, which is a consequence of the absence of support services and resources.²⁵

The Task Force found that in Saskatchewan youth crime rates on-reserve were nearly twice as high as non-aboriginal youth rates off-reserve. It was also noted that the off-reserve Aboriginal youth crime rate was higher than the non-Aboriginal rate.

²⁴ Evans, John, Robert Hann and Joan Nuffield, Crime and Corrections in the Northwest Territories (Yellowknife: Government of the Northwest Territories, 1998).

²⁵ Report of the Federal-Provincial-Territorial Task Force on Youth Justice, A Review of the Young Offenders Act and the Youth Justice System in Canada (August 1996) at 601-61003.

Aboriginal youth also receive a disproportionate number of custodial dispositions. In British Columbia in 1994-95, Aboriginal youth comprised 19% of sentenced admissions to custody, which is more than three times the level of representation of Aboriginal youth in the general population of that province. A 1990 study conducted in Manitoba found that Aboriginal youth accounted for 64% of the residents at the Manitoba Youth Centre, and 78% of residents at the Agassiz Youth Centre. Furthermore, Aboriginal youth received sentences averaging twice as long as non-Aboriginal youth (242 vs. 109 days). Aboriginal youth were also more likely to receive closed custody sentences (18%) compared to non-Aboriginal youth (11%).²⁶ The disproportionate amount of Aboriginal youth crime may be related, in part, to the disproportionate number of youth in Aboriginal communities.

2.9 Conclusion

The foregoing statistics indicate that the disproportionate involvement of Aboriginal persons in the criminal justice system continues to be a problem. Without proper intervention strategies, the situation will only get worse. The challenges to which the AJS must respond are deeply and obstinately rooted in the disadvantaged socio-economic conditions that are described here as “the context” of Aboriginal Justice.

²⁶ Ibid. at 607-608.

3. COORDINATION OF THE ABORIGINAL JUSTICE STRATEGY

3.1 Introduction

This chapter summarizes the federal/provincial/territorial cooperation (agreements) around the community justice programs, followed by a description of the Department's intradepartmental co-ordination and co-operation on Aboriginal related policies and programs. Collaboration with other federal departments with an interest in Aboriginal justice issues is then described. The chapter concludes with recommendations to improve federal/ provincial/territorial, interdepartmental and intradepartmental coordination.

3.2 Summary of Program Agreements with Provinces/Territories

3.2.1 Introduction

In 1996 the AJS began funding 26 programs that were carried over from the Aboriginal Justice Initiative. The AJS cost-shared alternative justice programs comprise \$22 million over five years, delivered with 7 FTE's²⁷. One AJS Regional Coordinator is assigned to each of the Regions²⁸ to develop agreements with communities in consultation with provincial/territorial government representatives. The target of up to 12 urban programs and 20 to 30 on-reserve and northern programs has been surpassed. As of March 2000 there were 15 urban programs, 23 Northern programs, 43 on-reserve programs and 3 off-reserve (rural) programs, for a total of 84 programs serving 280 communities (26 programs serve more than one community).

Federal financing must be matched with 50% provincial/territorial funds in order for the AJS to co-fund a program. Funding is provided for project-based initiatives and does not provide long-term operational funding. The AJS has also established tripartite processes with the Federation of Saskatchewan Indian Nations (FSIN) and the Aboriginal Women's Council of Saskatchewan (AWCS), to look at improving the design and delivery of justice activities. Programs may offer a number of different types of services, but most offer one or more of these four types: diversion, community sentencing, mediation or Justice of the Peace/Tribal courts/First Nation Courts.

²⁷ By the fourth year of the Strategy the provinces/territories were contributing \$8 million, \$2.3 million more than the federal annual budget of \$5.7 million, for community justice programs.

²⁸ Four Regions have full-time Coordinators: 1) Pacific (Yukon and British Columbia), 2) Prairie (Saskatchewan and Alberta), 3) Manitoba and Ontario, 4) Quebec and Atlantic. There is also a part-time Coordinator for Northwest Territories and Nunavut.

3.2.2 Coordination of the AJS with the Provinces and Territories

The provinces have primary constitutional responsibility for the administration of justice and similar responsibility has been devolved to the three territories. The Aboriginal Justice Directorate (AJD) negotiated broad-based Memoranda of Understanding (MOUs)²⁹ with British Columbia, Alberta, Manitoba, Quebec and New Brunswick. Tripartite agreements exist in Ontario³⁰ and negotiations for a Memorandum of Understanding are in the final stages. The AJS has been cost sharing programs in the Northwest Territories since 1997/1998. With the creation of Nunavut, programs in the new territory were transferred to Nunavut Justice and continue to be cost-shared with the AJS. MOUs are being negotiated with Nunavut and NWT. Informal working arrangements existed with Saskatchewan from the outset of the AJS with a Letter of Understanding. This framework agreement with Saskatchewan is under revision. These formal agreements are summarized below.

British Columbia

Under the terms of the MOU, the AJS contributes about \$1,100,000 to the province's equal contribution to seventeen³¹ Aboriginal community justice programs. The AJS Regional Coordinator is a member of the B.C. Aboriginal Justice Working Group (AJWG), a committee of federal and provincial government officials that coordinate policy, program and financial support to Aboriginal justice programs. The AJWG provides input on criminal justice and youth justice policy, crime prevention and victims' issues. The AJWG reviews proposals, coordinates federal/provincial funding and responds to problems that arise between Aboriginal community justice programs and their partners in the justice system. Provincial policy encourages Crowns and the RCMP to cooperate with First Nations on Alternative Measures and community restorative justice programs, and the Ministry of Children and Families has a Long-term Plan designed to support partnerships with First Nations.

²⁹ The MOU strategy of the AJS was instituted to ensure that the AJS is an effective and broad-based instrument based on mutually agreed upon terms and conditions developed between provincial/territorial officials and the respective Regional Coordinator. The MOU is developed with extensive consultations with the province/territory, to be respectful of regional variations, but commonly establish the framework for the federal/provincial/territorial relationship with communities and provide mechanisms for funding community based justice initiatives. They commit the province/territory to allocate a certain amount of program or training dollars to support activities, which fall within the mandate of the Strategy. This approach is consistent with the Social Union Framework Agreement.

³⁰ As of 1999-2000 fiscal year Tripartite agreements exist with Justice Canada in Ontario with Aboriginal Legal Services of Toronto, United Chiefs and Councils of Manitoulin and the Wikwemikong Band, Whitefish Bay and the Thunder Bay Friendship Centre.

³¹ As of September 2000 two more agreements are being finalized.

Alberta

In 1999/2000, Alberta became a partner in the AJS. A federal/provincial MOU was signed August 12, 1999, and two protocols with regional Child and Family Service authorities were developed. Five programs are currently funded, costing a total of \$295,886 federal dollars in 1999/2000³². These programs serve two First Nations, one tribal council, and one urban Aboriginal coalition of service providers in Medicine Hat. The AJS, in addressing emerging justice issues under the Métis tripartite workplan negotiated by the Federal Interlocutor, has concluded an agreement with the Métis Settlements General Council. The agreement provides for the development and implementation of community based justice initiatives with all eight Métis settlements in Alberta.

Saskatchewan

Saskatchewan has been fully involved in the AJS from its inception. The Tripartite Management Process recognizes contributions to Aboriginal Justice programs in Saskatchewan that will be matched by AJS. The AJS currently co-funds 22 programs with the province, six of which are urban, serving a total of 78 communities (approximately 52% of the First Nations population is on reserve)³³. The AJS contribution in 1999/2000 was \$1,564,140. With one of the highest Aboriginal populations, there is more demand for AJS resources than has, to date, been available.

Two agreements provide funding to the FSIN and the AWCS for regional policy and programming support to the community initiatives. The contribution to the FSIN was to assist in the development of community justice policy and training resources, however, due to poor performance on training commitments by the FSIN, the provincial and federal contributions were reduced in the latest fiscal year. For the past two years the province provided core mediation training to the cost-shared programs through Saskatchewan Mediation Services with little or no cost to the programs. With the recent cut back in provincial funding, this training resource will be reduced.

The Indian Justice Tripartite Committee, which involves representatives from the FSIN, Canada and Saskatchewan, provides a forum for broad-based discussion of justice issues and collective development of long term solutions.

³² As two programs serve more than one community, a total of 16 communities are involved in the five programs. Four of the five programs offer services to adults and youth, and the fifth offers services specific to youth.

³³ In Saskatchewan, the Strategy supports both the largest volume urban diversion alternative measures program (the Regina Alternative Measures Program (RAMP), with over 1,300 referrals in the last fiscal year). The Strategy also supports the largest on-reserve program by population size (Prince Albert Grand Council, with 12 member First Nations and almost 22,000 members).

Manitoba

The AJS currently funds seven programs in Manitoba, two of which are urban programs. These seven programs serve 21 communities. On June 15, 1998 the Government of Canada and the Government of Manitoba entered into an MOU on Aboriginal Community Restorative Justice Programs. A provincial *Restorative/Aboriginal Working Group* was set up to review proposals for approval pursuant to criteria established under the Manitoba Justice Initiative Fund. The AJS Regional Co-ordinator attends working group meetings whenever required for discussions on proposals that would fall under the MOU.

The AJS contribution to cost-shared programs in fiscal year 1999/2000 is \$997,883 or an average of \$505,000 over each of the five years of the AJS. There is an unmet need for federal contributions to match provincial spending on Aboriginal justice programs.

The province has appointed an Aboriginal Justice Inquiry Implementation Commission to examine how to implement the Manitoba AJI Report recommendations. One recommendation of the first quarterly report, accepted by the province, is to enter into agreements with Aboriginal communities to enable them to develop and administer child and family services. This has implications for the programs funded by the AJS, and the AJS can expect an increased demand for programs.

Ontario

As of March 2000, there were six AJS programs co-funded in Ontario, serving 23 communities, two of which are urban communities in Toronto and Thunder Bay.³⁴ Ontario programs receive approximately \$500,000 annually from the AJS. Tripartite agreements are arranged with the program, the province (Attorney General) and the federal Department of Justice. In addition, the AJS provided \$33,000 to the Ontario Federation of Indian Friendship Centres in 1999-2000, which may increase substantially to \$84,000 in 2000-2001. Provincial and AJS officials co-ordinate requirements for data collection, reporting on activities, and financial accountability and stipulate these requirements in the agreements for each community justice program.

There has been a co-ordinated approach to evaluation and the trend has been to use an independent evaluator rather than to rely on self-evaluation by the community justice program personnel.

³⁴ Due to low client intake, the province decided to cancel funding to a Diversion Program in 1998-99. Due to the provision that

Québec

The Canada-Québec Agreement in Principle, signed on behalf of several Québec ministries in 1999, establishes a co-ordinated working relationship of program selection, development, funding and delivery with Québec, identifying \$750,000 - \$1,000,000 for potential programs. Of particular interest with the Attikameks community justice program is the willingness on the part of Québec to delegate responsibilities normally reserved for the "Directeur de la Protection de la Jeunesse" to a community member. Discussions continue with the Kativik Regional Government and Akwesasne regarding the implementation of a community-based justice initiative for all 14 Inuit communities and the Mohawk community respectively. Discussions are also occurring with Akwesasne regarding the development of a Justice of the Peace program.

Northwest Territories

The Department of Justice of the Government of the Northwest Territories (GNWT) implemented a Community Justice Initiative in 1994. Since then, 31 communities have received community justice funding for crime prevention, community justice committees, or fine options, 7 of which are joint-funded under the AJS.³⁵ While not required for Territorial funding, active Community Justice Committees have been established in 15 communities. The programs offer a range of services, but most focus on pre-charge diversion. Regional Justice Specialists (ten employees of GNWT; three of whom now work for Nunavut Justice) were given a training workshop on self-evaluation in 1998.

Nunavut

On April 1, 1999 the new territory of Nunavut was created, comprising one-fifth of Canada's landmass. At that time Nunavut inherited part of the GNWT community justice initiative, along with the GNWT contribution budget of \$466,500 for the 26 Nunavut communities and the Regional Justice Specialist positions, salaries and O&M located in Nunavut. The four AJS co-funded programs located in Nunavut continued and by 1999/2000, nine Nunavut communities received AJS funding.³⁶ Community program workers were given a training workshop in self-evaluation in South Baffin in 1999.

the programs must be co-funded 50% by the province, the AJD also ceased funding to the program.

³⁵ Inuvik, Fort McPherson, Fort Good Hope, Deline, Wrigley, Lutsel K'e, and the Yellowknife Dene First Nation.

³⁶ Cambridge Bay, Coral Harbour, Rankin Inlet, Cape Dorset, Pangnirtung, Iqaluit, Sanikiluaq, and Clyde River.

Yukon

The Territory commits \$380,505 annually to the Aboriginal Justice programs. Double bilateral program agreements³⁷ are in place for six programs, covering 19 communities. The AJS contributed \$201,156 to these programs in 1996-1997 fiscal year. This increased to \$380,503 for 1999-2000, with \$420,503 planned for cost sharing in 2000-2001. The Territory is involved in a territory-wide restorative justice program.

New Brunswick

Existing provincial expenditures on Aboriginal justice are recognized by an MOU and are available to be matched under the AJS. The province contributes about \$140,000 annually.

Nova Scotia

The province commits about \$92,000 to Aboriginal justice annually. There is one program cost shared with the AJS which serves nine communities, the Mi'kmaq Young Offender Project.

Newfoundland and Prince Edward Island

The AJS has no cost-sharing agreement with the provinces of Newfoundland and Prince Edward Island. However, discussions are underway in Prince Edward Island to develop a province-wide agreement and with Newfoundland to develop a program with the Labrador Innu.

3.2.3 Linkages at the Federal/Provincial/Territorial Level

Over the course of the AJS there were a number of opportunities when Justice Canada officials met with provincial/territorial officials as a group, to receive input and feedback on the AJS. These consultations were carried out at all levels, from the Minister to AJD officials and their respective provincial/territorial counterparts.

In April 1999 the AJD officials met in Vancouver with federal and provincial/territorial officials to discuss the "best use of federal and provincial resources from now until 2001, and options for renewal". There was discussion around maximizing individual program effectiveness over the remaining two years of the AJS, especially the need to address the differing provincial and

³⁷ Double bilateral agreements indicate that the Aboriginal community organization is a party to two funding agreements, one

territorial needs, diversity of capabilities in Aboriginal communities and the diversity of Aboriginal population in each jurisdiction. The need to integrate with other departments (provincial/territorial and federal) to meet the needs of Aboriginal people was stressed. During a workshop on integration, officials discussed the need for the communities to have "one stop shopping" for programs impacting on other federal programs.

At the Federal/Provincial/Territorial Working Group meeting in Montreal, Jan 12 - 14, 2000, options for renewal of the AJS were again discussed with provincial and territorial officials. In considering the cost-shared nature of the agreements, there was concern from officials in one province that long term funding, which they would prefer, would not be available. Officials from half of the provinces and territories expressed the need for more co-ordination with the AJD. Some officials expressed this need for integration with all Aboriginal related programs in Justice Canada, not just the AJS. They called for "one stop shopping". Officials from several provinces/territories expressed the need for funding to get communities through the developmental phase, proposing that the developmental phase be recognised as a legitimate part of funded programs.

At the regional level, there are several examples of federal-provincial/territorial cooperation, including the Aboriginal Justice Working Group already mentioned in B.C. In Saskatchewan the AJD Regional Co-ordinator is a member of the Aboriginal Issues Sub-Committee of Federal Regional Council of Saskatchewan Officials. The committee is pursuing various strategies for more integrated federal co-operation and action across a wide variety of federal policy initiatives in Saskatchewan. Their work may have implications for the AJS funded programs and the involvement of the AJS Regional Co-ordinator ensures that these will be reflected in the Aboriginal community justice programs.

3.2.4 Summary of Interviews

Provincial/territorial officials interviewed for this evaluation expressed the need for an increased presence by the AJD Regional Coordinators in the communities, particularly during the development, implementation, and evaluation of the community justice programs.

Approaches to enhance intergovernmental coordination, include the signing of federal/provincial MOUs and creating working groups of provincial/territorial and federal officials. While such working groups have increased the AJD presence, provincial and territorial representatives have

with the Department of Justice and one with the province or territory.

also suggested there be a number of federal representatives participate at these tables, or to have a separate table for federal departments linked to the provincial/territorial groups. Generally, those interviewed would like to see communities able to submit one application for funding, or request for assistance, that will be reviewed by a number of partners. In so doing, it would be possible to design the reporting requirements to suit the various departments, and to reduce the number of agreements and contacts. People interviewed from provinces/territories which have federal-provincial/territorial working groups indicated coordination and cooperation have improved as a result.

Interview results also indicated that provincial and territorial partners had financial concerns about the Strategy. Firstly, short-term funding for community justice programs is perceived as inadequate. Secondly, there is the issue of timely receipt of federal funds, due to the slow pace of the bureaucratic process. This has consequences for intergovernmental cooperation, as the provinces/territories are required to distribute their funds to maintain the programs until the federal agreement with the community is reached, or the federal funds are received.

3.3 Intradepartmental Co-ordination and Co-operation

The need for a more co-ordinated approach to Aboriginal justice policy issues in the Department of Justice was made evident in recent years, as the Department substantially increased its role in promoting fairness and access to justice for Aboriginal peoples. This included new policy and program initiatives, as well as enhancements within existing programs. This work spans both the Policy and Legal Operations Sectors of the Department.

Many different groups and individuals across the Department are involved in work that shapes Aboriginal people's relationship with the justice system, whether they are Aboriginal people in conflict with the law, or those involved in the self-government negotiation process.

The role of the Department of Justice in Aboriginal justice policy and programs includes the following:

- The five-year AJS combines cost-shared contribution programs, and the Department's Aboriginal policy approach to self-government negotiations on administration of justice. The AJS, delivered by the AJD, is housed in the Aboriginal Affairs Portfolio of the Legal Operations Sector.
- The Native Courtworker Program, in the Programs Branch of the Policy Sector, has been assisting Aboriginal persons in conflict with the law for over 20 years.

- Assisting communities to develop and implement community-based solutions to crime and victimization problems as they affect Aboriginal people is one of the priorities of the National Strategy on Community Safety and Crime Prevention.
- The Youth Justice Renewal Strategy includes a new Aboriginal Community Mobilization and Capacity-building Fund.

This program work represents a substantial part of the continuum of Aboriginal justice services provided by the federal Department of Justice.

In the spring of 1999, the Senior Assistant Deputy Minister, Policy Sector and the Assistant Deputy Attorney-General, Aboriginal Affairs asked a small Task Group to identify co-ordination needs and policy gaps in Aboriginal justice policy and programs in the Department. To collect information for the Task Group, two individuals (from Policy Sector, Priorities and Planning Division and AJD) conducted about 30 interviews with 38 people in the Department whose work has an Aboriginal justice-related dimension. Their work culminated in a recognition of the need to improve the co-ordination amongst the groups and individuals working on these issues.

As part of the negotiations for planning renewal of the AJS, the AJD began scheduling meetings with the objective of formalizing working relationships within Justice to co-ordinate Aboriginal policy and programs in early 2000. The AJD is continuing to schedule meetings to coordinate initiatives, such as Crime Prevention, Youth Justice, Native Courtworker, Canadian Firearms Centre and the Victims Initiative. These meetings serve as a starting point for meaningful and on-going dialogue, for collaboration and co-ordination between policy and operations. There are also plans to expand the work of this group to formalize the existing ad-hoc working relationships with representatives from other government departments with justice related programs and services that impact on Aboriginal people. AJD representatives have also been involved in regional work, for example the Nunavut Programs Working Group and the NWT Working Group. The AJD is planning to develop other regional working groups with the objective of coordinating the Department of Justice approach to Aboriginal policies and programs.

3.4 Federal Interdepartmental Co-ordination and Co-operation

Given the inter-relatedness of the activities and objectives of the AJS with those of other federal government departments, a high level of collaboration and co-ordination is necessary among federal government agencies to facilitate the exchange of information and to co-ordinate respective activities in Aboriginal justice. Interdepartmental co-ordination at the federal level is

imperative if co-operative relationships are to be forged with provincial/territorial governments and the Aboriginal communities. The mid-term evaluation of the AJS determined the need for more effective interdepartmental co-ordination at the federal government level³⁸.

The mid-term evaluation concluded that the AJD had not been proactive in providing other key federal departments with timely updates on the implementation process, nor providing adequate opportunities to participate in the decision-making process. The Interdepartmental Committee rarely met after the launch of the AJS; in fact they did not meet as a whole between 1999 and April 2000. In April 2000 they met to discuss the renewal of the AJS. Instead a number of specific Working Groups have been the main venue for interdepartmental co-ordination with DIAND, PCO, RCMP and Solicitor General with the AJD. These four departments and a member of the AJD form an Interdepartmental Working Group to discuss programming issues pursuant to the Urban Aboriginal Strategy. The AJD also participated in an interdepartmental working group of officials from Aboriginal Policing, Solicitor General, DIAND - Yukon Region, DIAND – Self-Government Policy, and DIAND – Implementation, which developed the Yukon Justice Strategy. This Strategy outlines a cooperative approach amongst the federal departments for negotiating the “administration of justice” component of self-government agreements in the Yukon.

3.4.1 Coordination with DIAND

DIAND and the AJD work in partnership with Saskatchewan government representatives and Aboriginal peoples through the province-wide agreement with the FSIN. DIAND administer \$500,000 annually for the Saskatchewan on-reserve programs, and contributes \$1,649,406 each year to the AJS. A further example of DIAND’s involvement in community justice programs, is with the Manitoba Ministry of Child and Family Services in relation to the Awasis First Nation Family Justice Initiative.

Policy analysts and legal officers from the AJD meet regularly with a number of officials from the DIAND. The main point of contact is with the Socio-economic Policy and Programming and Program Re-design Sector (SEPPR), but AJD is working on formalizing joint work plans with Lands and Trust Services and Self-government Branches of DIAND.

Since Cabinet’s approval of Canada’s approach to implementation of the Inherent Right and the negotiation of Aboriginal self-government in 1995, enormous amounts of supporting work have

³⁸ Evaluation Division, *Aboriginal Justice Strategy Mid-Term Evaluation*, December 1998, Department of Justice Canada.

been done by the Department's legal advisory groups, particularly in DIAND's legal services unit, the Native Law Section, and Specialized Legal Advisory Services. The bulk of this work has been done in support of "client" needs, particularly DIAND and other line departments actively engaged in self-government negotiations. The Native Law Section has provided key advisory services to core government on overarching constitutional and self-government issues.

Overall, earlier problems have been addressed, and there appears to be improved coordination between the AJD and DIAND, particularly in relation to self-government negotiations. However, there are areas identified for further collaborative work, such as Indian Child and Family Services.

3.4.2 Coordination with the Federal Interlocutor for Non-Status Indians and Métis, PCO

The work of the AJS to develop agreements with urban and rural communities off-reserve is complementary to the Aboriginal issues policy development work of the Federal Interlocutor for Non-Status Indians and Métis, PCO. The Federal Interlocutor is involved with province-wide agreements, and agreements with significant sections of provinces, along with tripartite negotiations for self-government. The AJS was to negotiate and implement agreements for community justice programs in consultation with this federal partner.

Two of the urban and off-reserve projects co-funded by the AJS have the most direct links to the Federal Interlocutor's current workplans. The AJS, in addressing emerging justice issues under the Métis tripartite workplan negotiated by the Federal Interlocutor, has concluded an agreement with the Métis Settlements General Council of Alberta. The agreement provides for the development and implementation of community based justice initiatives with all eight Métis settlements in Alberta. The Aboriginal Ganootamaage Justice Services of Winnipeg provides diversion alternatives within the City of Winnipeg. This project addresses the justice specific provisions of the urban Aboriginal agreement negotiated between the Aboriginal Council of Winnipeg, the Federal Interlocutor and the province of Manitoba.

3.4.3 Coordination with Solicitor General

The AJD has good working relations with different sectors in Solicitor General, as they are involved in areas of Aboriginal policing and corrections that have an overall impact on Aboriginal justice. For example, the Aboriginal Policing Directorate of the Solicitor General provides contributions to projects aimed at building the relationship between urban police and

Aboriginal people living off-reserve. The Aboriginal Community Corrections Initiative (ACCI) is working with the Winnipeg Native Alliance to develop a post-release program that will target current, and potential gang members in an effort to reduce recruitment and retention.

The Prince Albert Grand Council operates a community justice program under the AJS, and a healing lodge through an agreement with Correctional Service Canada to provide five beds for federal offenders. The FSIN is involved in a federal-provincial initiative to develop a Correctional Strategy with the Solicitor General, Correctional Service of Canada, DIAND, Saskatchewan Justice and Saskatchewan Social Services. FSIN also receives funding from the AJS. It is conceivable that over time more communities with AJS co-funded community justice programs will develop Aboriginal police forces and require post-release healing programs for Aboriginal offenders returning to these communities.

Efforts have been made to enhance cooperation between the AJD and Solicitor General. For example, they have met to discuss developing a common strategy to commitments under the Social Union Framework Agreement (SUFA), in particular the accountability and transparency provisions of Section 3 of SUFA.

3.4.4 Coordination with the RCMP

The RCMP is an integral component in community development and justice projects in all jurisdictions where there are AJS community justice programs, except in Ontario and Québec. The RCMP is contributing \$550,000 annually to the AJS, and is also expending and administering \$200,000 per year on alternative justice training (Community Justice Forums (CJF)). A training video on CJF's was developed with funding from the AJLN and is used to train recruits.

For successful community justice programs, the cooperation of the RCMP is required to refer clients for diversion, attend circle sentencing and conduct CJF's. Most community justice programs form a steering or administrative committee and RCMP membership on the committee is the norm. The high turnover of RCMP constables in Aboriginal communities makes continuity and commitment difficult to sustain. During interviews with community justice workers it was suggested that more training of constables in Aboriginal justice approaches, not just CJF's, would go a long way to improving acceptance of community justice programs as an alternative.

In an effort to respond to this concern, the RCMP also train recruits in restorative justice approaches, and encourage all officers to work with community justice committees in an effort to develop relationships between the local detachments and community-based programs that will sustain even with the transfer of RCMP personnel.

In addition to the Community Justice Forums, the Aboriginal Policing Branch of the RCMP is involved in two national initiatives directed at youth at risk and Aboriginal youth in particular:

- the RCMP/Community Suicide Intervention Program (funded under the National Crime Prevention Centre), and
- the RCMP Aboriginal Youth Training Program, which has DIAND as a major funding partner.

Interview results indicated that the AJD and RCMP could partner more on specific projects at the community level. Furthermore, AJD Regional Coordinators could work more closely with local officers during the implementation phase of community justice programs, and in capacity-building in communities.

3.4.5 The role of the AJD in Self-Government Negotiations

It is helpful to place the AJD's involvement in these negotiations in a larger context. DIAND has the lead in the Federal Government's Policy in relation to the implementation of the Inherent Right and the negotiation of Aboriginal self-government. Other departments are involved in these negotiations by participating in a number of interdepartmental steering committees, by providing specific guidelines for subject areas for which they have responsibility, and by participating at specific self-government tables when areas within their departmental mandates are being negotiated.

The AJD, on behalf of the Department of Justice, provides the policy approach and advice in relation to the negotiations of the "administration of justice" components. The policy is developed after consultation with a number of policy areas within Justice. The AJD participates at the table, develops language to reflect matters agreed to at the table and reviews "administration of justice" components to ensure they reflect the policy guidelines. Negotiations include powers to enforce Aboriginal government's laws, to provide for their adjudication and deal with the outcome of adjudication. The Department of Justice and Solicitor General are the two departments with lead responsibility in this area.

As the self-government process begins at the request of Aboriginal peoples, what is negotiated will differ according to the specific circumstances of the community. The AJD counsel are involved in agreements only at the administration of justice phase. As of March 2000, the AJD was involved in 27 negotiation tables that required input on the "administration of justice" component of self-government. Half of these tables cover communities that have AJS community justice programs. In order to negotiate practical and workable arrangements and to ensure the longevity, relevance and credibility of the institutions, the federal government requires provincial concurrence to all provisions dealing with the administration of justice with the establishment of a court. The federal approach to self-government follows the principle that it is to be exercised within the framework of the Canadian Constitution hence, the *Canadian Charter of Rights and Freedoms* will apply, as well as other procedural requirements. Due to fiscal restraint, all federal funding will be achieved through reallocation of existing resources.

The AJD also works in close co-operation with a number of other federal departments on self-government dealing with the administration of justice. For example, as already mentioned, there is a tri-departmental working group for the joint management of "administration of justice" negotiations with the fourteen First Nations in the Yukon. Interview results indicate that federal partners involved in self-government negotiations are working to improve coordination.

3.5 Overall Success of Interdepartmental Coordination

While the federal partner departments noted improved coordination, collaboration and cooperation, they indicated there are areas in which they could expand or improve linkages. Interview results highlighted the need to increase regular contact with the AJD, which need not be formal or more frequent than every three months, supplemented with e-mail to maintain information sharing and build stronger working relationships. The lack of leadership to bring contacts together within Justice and across federal departments needs to be addressed, particularly to satisfy SUFA requirements in the future. Working horizontally across federal departments is beneficial in arriving at workable models that meet the individual needs of Aboriginal communities. Interview respondents identified several areas where they would like to increase coordination with the AJD. For example, ACCI would like to work on more programs with the AJD where there is supervision of accused persons in the community, or a reintegration and corrections connection in the community justice program. There could also be a link developed between the AJD and the National Parole Board's Elder Assisted Hearing Approach, which currently operates in the Prairie and Pacific regions.

Interview results indicate that partner departments are now given the opportunity to provide input into community justice proposals, and have expressed a willingness to partner with AJS on specific projects at the community level. Respondents would like to see an increase in the regional AJD presence, at provincial/territorial and community levels. Their vision is to see AJD representatives and local personnel working together to set up programs, which is not seen to be currently happening. They would like to see cooperation with the AJD and the AJLN for capacity building in communities. The lack of funding for a developmental phase was hampering AJS expansion; however, the recognition and funding for capacity building may open new regions. Nevertheless, there has been a definite improvement in the coordination with the AJD and other federal partners over the earlier years of the AJS. There is a belief that the coordination between communities and the federal government has been strengthened by the AJS.

4. COMMUNITY JUSTICE PROGRAM RESULTS

4.1 Introduction

This chapter describes the activities of the community justice programs in general, including the outcomes of some specific programs. This section of the evaluation seeks to determine if the programs are making a difference for the clients, and ultimately to the community by reducing the number of Aboriginal persons that are incarcerated. Within this chapter, the issue of capacity building in the targeted Aboriginal communities is examined as this impacts on the sustainability of the Aboriginal community justice programs. The question of whether the programs are reducing recidivism (subsequent convictions) and therefore rates of crime and incarceration in Aboriginal communities, is discussed based on a statistical analysis of program participants' criminal record information. The cost-effectiveness of Aboriginal community justice programs is also explored in this chapter.

In 1996, the Aboriginal Justice Strategy (AJS) began by funding of 26 community justice programs carried over from the previous five-year Aboriginal Justice Initiative (AJI), which ran from 1991 to 1996. As of 1999-2000, the number of funded programs had grown to 84 - serving a total of 280 communities. Appendix A provides a brief description of each program cost-shared by the AJS. As can be seen, the program types and program activities vary across the country. Programs may be urban, on reserve, North of 60°, or off-reserve. Programs serve rural and reserve communities of 400 to 60,000 residents as well as large urban areas like Toronto, Regina, Winnipeg and Prince Albert. Programs funded under the Community Justice Strategy have total budgets ranging from under \$25,000 (4 programs in 1998-99) to over \$100,000 (23 programs in 1998-99).³⁹ All fall under the four approved program types of diversion (or alternative measures): community sentencing; mediation (and arbitration in family and civil cases); and justice of the Peace or Tribal courts; however, many incorporate a combination of these approaches to community justice. Some programs accept only first time offenders with minor offences, while others will work with long-term offenders. A few programs work with violent and/or sexual offenders and their victims.

³⁹ Total budget includes all contributions from provincial/territorial governments, federal contributions, in-kind contributions and any funds from First Nations or Aboriginal Agencies. Typical budgets cover salaries, honoraria, travel, training, committee support, administrative costs, office supplies, rent, and meeting costs.

4.2 Criteria for Funding Community Justice Programs

The selection criteria for choosing what programs would be funded under the AJS were clearly established when the program was initially approved; however, the manner in which programs were actually chosen for funding varied considerably across provincial and territorial jurisdictions.

To receive cost-shared funding, communities were to meet eligibility criteria which include being involved in, or expected to be involved in, self-government negotiations and justice program tripartite negotiations (between provincial/territorial governments, federal government and the Aboriginal community). For a number of reasons, this criterion proved difficult to apply. The reasons are set out below.

The part of the AJS that supports the federal government's policy in relation to self-government differs from the program component. Self-government negotiation focuses more on the enforcement and adjudication of Aboriginal laws, while the focus of the program component has been on Aboriginal participation at all levels of the existing justice system.

Once a community has expressed interest in initiating self-government negotiations, the decision to commence the process is made at the federal level by DIAND. While DIAND controls which First Nations enter into the self-government negotiation process, the provinces/territories play a large role in determining which programs are funded as AJS funding must be matched by the province/territory.

The AJS has co-funded community justice agreements in 18 communities that have self-government agreements or are in self-government negotiations. In March 2000, 50 of 80 programs were not linked to self-government in any way. Given that there are only 27 negotiations of self-government underway that involve the administration of justice, if the criterion of involvement in self-government negotiations was strictly adhered to, relatively few communities would have been eligible for AJS funding of the community justice programs.

While there is no direct link between communities engaged in self-government negotiations and the majority of the programs funded through the AJS, the skill sets and tools necessary to develop and administer justice programs provide a foundation for the eventual implementation of the administration of justice provisions in self-government negotiations. In addition, administering and managing the programs provides communities with an increased understanding of the cost, responsibilities and infrastructure required for similar models proposed for jurisdictional arrangement through self-government negotiations. In this sense, the

self-government component of the AJS is complementary to the development of sustainable Aboriginal community justice programs and program experience is beneficial preparation for self-government.

4.3 Programs

The Self-Evaluation Approach⁴⁰

The Evaluation Framework for the AJS was developed without consultation with the provinces, territories, Aboriginal organizations and Aboriginal communities. Not surprisingly, the Framework was met with varying levels of acceptance. This may have contributed to a number of problems specifically related to the implementation of the self-evaluation approach. The AJD did not strongly encourage provinces/territories to participate in evaluation. In most situations, resources for evaluation were not built into the funding agreements from the outset. The result was that evaluation was generally under-funded and slow to be initiated by AJD.

The lack of attention to self-evaluation in the negotiation of agreements also reflects a lack of communication with the communities around the expectations for data collection and reporting requirements. Many community justice programs were operating for a year, or more, without being aware of the need to provide data and information in a suitable format for analysis at the national level. While the communities had varying levels of capacity, many did not have the ability initially to undertake self-evaluations. Although self-evaluation booklets were developed and training undertaken, there was a lack of ongoing training, which meant that new staff were not being trained and programs were losing their capacity to undertake a self-evaluation.

Initially, the AJD intended for the Regional Coordinators to provide ongoing support and resources for the community justice program staff, but the focus of their mandate shifted to establishing new programs. Without an increase in AJD staff, the number of programs grew from 26 to 84 over the last four years of the five-year AJS. The net result was that Regional Coordinators were diverted from on-going attention to the funded programs to work with communities and the provincial/territorial governments to establish new programs. Furthermore, some Regional Coordinators do not perceive evaluation to be their role. On the other hand, some jurisdictions made a concerted effort to provide follow-up training, but the high turn-over of community staff made it difficult to maintain the capacity and commitment to perform self-evaluation. Additionally, some programs are run with part-time staff while others have full-time

⁴⁰ The self-evaluation approach is described in Chapter 1 of this report.

personnel who could better attend to the administrative details needed to collect systematic data for evaluation.

In remote locations it is often difficult to find staff with the necessary skill sets to manage the administrative requirements to support self-evaluation. In addition to the immediate needs of the program staff for administrative and self-evaluation training, program start-up can be a slow and incremental process of educating the mainstream justice players, and connecting with the supporting agencies that will provide programming to clients. Training for self-evaluations during the start-up phase would need to be maintained to ensure an understanding of the need for proper record keeping and reporting. All these steps are seen as necessary to the proper evaluation of community justice programs and in keeping with the provincial/territorial commitment to accountability.

The consensus of interviewed provincial and territorial officials was that the staff of community programs should be provided with the necessary skills development and training from the outset. Capacity building needs to be built into the design of the programs and financially supported from the outset. Training during the start-up phase needs to be maintained to ensure that proper record keeping occurs and that reporting obligations are met.

There have been recent movements to commit to an evaluation and accountability framework. In June 2000, the AJD assisted and supported GNWT to hire a consulting firm to develop a final evaluation framework for the Community Justice Division (it should be noted that the AJD Regional Co-ordinator participated in the development of this framework). The GNWT will no longer provide blanket funding for community justice (funding will now be discretionary) and the GNWT will require accountability from the communities. Additionally, the territorial government will maintain databases for the programs. This will make it easier for the AJD to negotiate common reporting requirements for co-funded programs.

Justice officials in British Columbia are working with the federal Regional Co-ordinator and the Evaluation Division of Justice Canada to develop a framework for evaluating all community justice programs with a common framework that would lend itself to a national roll-up. At the same time they will work with some programs to do more in-depth analysis of what aspects of a program are working well, to provide more rigorous information on what works.

Ontario has adopted the approach of employing an independent evaluator and over-seeing the evaluation with a federal/provincial/community steering committee. A common core set of data requirements are stipulated in the agreement reached with each community. The new approach,

based on lessons learned, incorporates an intensive start-up phase with the community and the evaluator to ensure proper record keeping and data collection.

There is evidence that the situation has improved over the last two years of the Strategy, with more provinces and territories signing Memoranda of Understanding with Justice Canada, which includes agreement of data collection. More resources will be required during the start-up phase for training for self-evaluations in addition to the continuance of on-going training.

4.4 Case Study Approach

As few programs are actually able to conduct self-evaluation at this stage, and the data in the annual Aboriginal Community Justice Program reports from each program do not lend themselves to national roll-up and analysis, a case study approach was chosen to provide evaluation information on a sample of different types of Aboriginal community justice programs. Information was derived from several sources, including reviews of files maintained by Regional Coordinators on community justice programs, progress and statistical reports prepared by the programs, and interviews of federal- provincial/ territorial representatives and community justice workers. When independent program evaluations were available, they were included in this review.

Several factors were considered in choosing which programs to include in a case study for the evaluation of program outcomes.⁴¹

Over sixty percent of the AJS projects are funded in the following provinces: Saskatchewan (22), British Columbia (15), Ontario (5), Alberta (5) and Manitoba (7). Four of these provinces⁴² have had a long-standing partnership with the AJS, some going back before 1996 with programs under the AJI. Reflecting areas with the high numbers of programs, some of which began under the AJI, in the Western provinces and Ontario, most of the programs chosen for case study review were from Saskatchewan, B.C., Yukon Territory, Manitoba and Ontario.

It should be noted that under the AJI, the pre-cursor to the AJS, programs were not required to report information in the form necessary to conduct an outcome evaluation. Those programs that were carried over from the AJI were not necessarily any further ahead in data collection and analysis skills. In addition, a relatively small number of AJS programs have been running long

⁴¹ The case study approach and the criteria used to choose programs for in depth study are described in Chapter 1 of this report.

⁴² Alberta became a partner in the AJS in 1999/2000; their programs have not been running long enough to provide outcome information.

enough to provide outcome information (26 in 1996-97, 42 in 1997-98 and 62 in 1998-99) and only a few of these were at a stage of development where complete information was available on clients. The result was that few programs had data in a form suitable for national roll-up.

Furthermore, it is not unusual for a program to take one or two years to reach the point where there are clients being served. As it may also take a few months to a few years for the clients to complete the program, only a small number of programs have been operating long enough to have a substantial number of clients who have completed the program. Fewer programs have complete information available on the clients that lend themselves to outcome (recidivism) analysis.

In addition, it was desirable to choose programs from across the spectrum of diversion types, types of clients and locations across Canada. The recommendations from Regional Coordinators, provincial/territorial officials and federal partners were sought to determine which programs would best meet the criteria for a case study. All of these factors were then taken into consideration, resulting in the choice of the following 15 programs:

Programs in Case Study			
Province/Territory	Number of Programs	Location	Type of Program
British Columbia	4	On Reserve	Adults and Youth
		On Reserve	Adults and Youth
		Off Reserve	Youth
		On Reserve	Youth
Yukon	2	On Reserve	Adults and Youth
		On Reserve	Adults and Youth
Saskatchewan	4	Urban	Adults and Youth
		Urban	Adults and Youth
		Off Reserve	Adults and Youth
		On Reserve	Adults and Youth
Manitoba	2	On Reserve	Adults and Youth
		On Reserve	Families
Ontario	2	On Reserve	Age 16+
		Urban	Adults
Nova Scotia	1	On Reserve	Young Offenders

Where independent evaluations were available, they were used to supplement the case studies. In addition to these case studies, Campbell Research Associates conducted an independent evaluation of community justice programs in the Northwest Territories in 1999, and Solicitor

General Canada commissioned a cost benefit analysis of community justice program in 2000. Both are included in this case study report on programs co-funded by the AJS.

4.5 Summary of Findings from the Case Studies

Cultural Relevance

One of the long-term outcomes of the AJS is to meet Aboriginal needs through the availability of culturally appropriate community justice programs. Results from the case studies and interviews indicate that many of the programs funded through the AJS are based on traditional values, which means that procedures and dispositions are perceived as culturally relevant. Elders have been involved throughout the development, implementation and service delivery of many programs to provide advice and wisdom pertaining to how traditional ways can be applied to the current context. Though customs vary significantly, several examples include the use of circles, the inclusion of smudging and prayers, consensus decision-making, and equality of participants. Dispositions are meant to address the underlying causes of criminal activity by addressing the needs of the “whole” person (spiritual, mental, emotional, and physical) with the intention of restoring balance and harmony. It is believed that individuals may find a “better way of being” through cultural reintegration, which could include sweat lodges, healing circles, traditional life-skills programs, Elder counselling, and performing community service hours in Aboriginal organizations. A range of other restorative options are offered by programs, including counselling for alcohol and/or drug abuse, anger management courses, and restitution or an apology to victims.

There are some notable struggles in attempting to provide culturally relevant services in areas with a diverse Aboriginal population. This was identified primarily in urban areas where there is often a mixture of Indian, Métis and Inuit peoples, but also in regions in which the government combined several communities into one band. One urban program has a diverse volunteer panel, which enables them to meet the cultural and spiritual needs of their Carrier, Cree and Métis clients, who practice Aboriginal, Christian and Jehovah Witness traditions.

Role of Women

Although there is no evidence available to determine whether women’s involvement can be attributed to the AJS, it does appear that women are very involved in many programs. This would include women being involved in the negotiation, development, implementation, management, and service delivery aspects, as well as being represented among staff, board

members, and volunteers. According to several community members interviewed, it was often women who saw the need and initiated the process for developing a community-based justice program. In part, it seems that women are motivated out of concern for the children in the communities, they want to break the cycle of abuse, and see the children healthy.

Victims

There has been a shift in how victims are addressed by many community justice programs, from including victims in the process of addressing the offenders' issues, to developing services for victims. The case studies revealed that victims voluntarily participate at the level they are comfortable with, which usually means they can participate in person, through a representative, or through a victim impact statement. Many dispositions for offenders incorporate victim feedback. In some programs, victims are assigned their own support worker, who assists them throughout the process, by ensuring they understand the proceedings, and by providing them with counselling or referrals to other services as needed.

Case studies indicated that some programs have carried out victim satisfaction surveys. Overall, there has been a good response as most victims felt the process was fair, they were appreciative of the opportunity to have input into the disposition, and felt the outcome was appropriate. For those directly participating in the program, many indicated they came away with a better understanding of why the offence occurred, what the circumstances were in the offender's life to lead to such an incident, and could see how the plan would address the offender's situation. One survey found victims appreciated the respectful nature, the informal, private atmosphere, and the ability to bring a support person with them. Many victims also indicated that their perceptions of the offenders had changed, they were no longer afraid, and many felt closure.

Representatives of businesses as victims also expressed their satisfaction with the programs. They seemed appreciative of the opportunity to explain to offenders how an offence against a business does have an impact on the owner, the staff, and the community. In one community, business representatives felt that the AJS-funded program provided a more appropriate response to theft than previous initiatives, as offenders seemed more sincere in their apologies and efforts to make amends.

On the other hand, concern was expressed by several people interviewed for the case studies, that specific programs deal with family violence and sexual assault without having adequate training and services in place to do such work. In this context, it was thought by respondents that programs have to be prepared to address victims' needs when they participate in circles with the offenders, which includes specialized training and services.

Capacity Building

While many Aboriginal communities want programs for community-based justice, there are many challenges, including the levels of education and training, and power relationships within the community. Case studies and interviews indicate that AJS-funded programs are not just providing service delivery, but are also contributing to community development and wellness. In communities with few agencies, programs need to develop a full complement of services, they need to go beyond supervising community service orders, to also offer anger management, alcohol and drug counselling, etc.

Relationship with Mainstream Justice Personnel

In order to operate a program, there needs to be support from the community as well as from the mainstream justice personnel. As a method of bridging these two groups, many programs have a steering committee, which often includes program staff, Elders, local service providers (e.g. representatives from health services, counselling services, and schools), and mainstream justice personnel (e.g. police officers, Crown attorneys, and probation officers). These committees provide advice and direction for the program, some assume a monitoring role, and some are involved in client monitoring/follow-up.

One program began by having a number of representatives from the Aboriginal community, mainstream justice, federal and provincial governments enter into a six-month period of community development resulting in the design of an alternative measures program that was agreed upon by all parties. The program option was then taken to the community for input and agreement. Consequently, this program has had support from the Aboriginal community, which is seen as one indicator of success.

The programs rely on support from the mainstream justice workers, particularly as a source of referrals. In one community, an RCMP officer noted the need for all of the officers to be involved with the program. Consequently, the officers rotated attendance at the justice committee meetings, which increased their familiarity with the program, and their willingness to refer offenders. In the long run this will assist the program in maintaining their contacts with the detachment as officers transfer.

Though many programs have noted progress in their relationships with, and referrals from mainstream justice, there were a few who were continuing to have problems. One community relies on referrals from courtworkers, Crown and defence attorneys. In the first year of

operation, 52% of clients had three or more court appearances prior to referral and in the second year 57% had three or more appearances. While there were a number of reasons why clients may not have been referred earlier, such as remands to allow the accused to retain counsel, the late referrals were also attributed in part to a lack of knowledge of the program.

In other communities, there were identified incidents where mainstream justice personnel were referring cases to community justice programs that they were not equipped to deal with. The community justice workers indicated that it is difficult to turn such cases away, as they believe it will reflect poorly on them. On the other hand, to accept such cases, but be unable to provide adequate services to a client, can lead to victim and community dissatisfaction, decreased support, and doubts in the minds of mainstream justice workers. This type of situation reveals the necessity of open communication and trust between program and mainstream justice staff.

Funding

Results from case studies and interviews indicate that funding continues to be a major concern for program staff. While there have been improvements in the receipt of federal funds, several programs indicated the payments continue to be late. Along with late payments, comes the issue of paying staff, rent for office space, etc., which leads to the community perception that the program is not stable. Respondents indicated that they would like financial stability through funding agreements of 3-5 years to enable programs to become “institutionalized” in their communities. Financial instability can affect levels of volunteer recruitment, referrals, and supervision of clients.

In relation to the negotiation of funding, program workers are frustrated by the process and by the limitation to “bare bones” levels of resources. The reporting requirements are seen as time consuming, and many program workers emphasize service delivery at the expense of program administration. One program worker pointed out that their program is based on oral traditions, and as such, paperwork would be kept to a minimum, as it is perceived as a burden on the program’s limited resources. The statistical reports seem to be of limited value as many lack information, and what is available is unclear, making it difficult to use these reports as indicators of program work. It appears that many communities offer a number of services that are not being captured by the current data collection instruments. There is a definite need to capture the activities of the workers, both in terms of knowing what services are required in the community and knowing when they may be able to access other funding.

Training

It would appear that programs need assistance, training, and support to improve program administration. The reporting requirements imply that communities will have the resources to meet them, including good filing systems. In some cases, funding enabled communities to purchase computer systems, but they may also need training and a “user-friendly” database. Electronic databases can assist in data gathering and completing reports, and they have the potential of being more confidential. Seeing a shift in reports can demonstrate a program’s increasing office efficiency and effectiveness in record keeping, budget balancing, and sophistication in program planning and development.

Ideally, the community program should have the capacity to continue the program competently regardless of turnover in program staff or mainstream justice staff. However, there continues to be a concern that certain individuals are the keys to program success. It appears that some of these individuals are taking on too much, have high stress levels, and are liable to burnout, but continue because they lack replacements.

Program reliance on volunteers as a key resource has challenges, as many need training to develop the required skills. One problem in trying to hold training for volunteers, including committee members is that many have other responsibilities (e.g. work) that constrain their availability to participate in 2-3 day sessions. Recruiting individuals who are prepared to sustain their involvement is a key program activity. One program keeps track of volunteer hours, and noted that over the course of two years, the 62 volunteers contributed altogether the equivalent of one full-time position. This is a significant contribution on the community’s part, not only their time, but also their skills and experience.

The training needs identified by community justice workers are varied, and include learning about the mainstream justice system, and understanding how their program fits within it, to better understand the context in which they are working. They also want to develop interviewing skills, and communication skills, needed for presentations to the community, board / committee, and at conferences. Counselling skills are also required for services to victims and offenders, and more informally for providing advice to community members. Community justice workers need to know how to deal with disclosures of sexual abuse during a hearing, how to develop boundaries for sharing their own experiences with clients, and how to deal with conflict arising between committee members. They also need specialized training for dealing with cognitive impairment or psychiatric disorders, family violence, and young offenders.

One program is developing a Band Workers Training School, which is a mentoring program in which Aboriginal Social Work students from universities will be mentoring local people while completing their field practicum. The result will be a growing capacity to staff the program with qualified community people. They will also be providing similar training for staff at a local Elders' Care Home.

Public Education

One indicator of the success of a program is community involvement, as participation reflects trust in the program and ownership of community wellness. It is important that the program is perceived as offering fair, useful, safe, accessible, reliable, and culturally relevant services, as this leads to increased community support and accountability. Thus, it becomes crucial for the program workers to raise and maintain community awareness through regular public information updates, which can be achieved through newsletters, forums, or local TV or radio interviews. Promotional pamphlets/newsletters explaining the program, pointing out its achievements, detailing the contributions of volunteers, citing supportive quotes from justice and community sources could be mailed to local organizations, newspapers, justice system personnel, and the AJLN. They can also share information with the community about justice issues at regional and national levels, including information about other Aboriginal programs, and the mainstream justice system.

Programs can assist in developing a greater sense of community by bringing together volunteers and committee members and demonstrating that their communities have skills, knowledge and experiences enabling them, as a community, to provide service to their people. Positive role models can be found in the community including Elders, spiritual leaders, social service workers, school employees, local business people, youth leaders, and women's shelters staff and volunteers.

Community Accountability

One program has had measurable success in terms of the level of community support and interest in the program. For example, they held a Wellness Retreat for women and had 23 come even though some of their partners were threatening them. Following this retreat, men began asking when they could have one, which resulted in 36 men attending a retreat. They next organized a Natural Helpers Workshop retreat for youth, and had 27 participate. In an effort to address the local gang problem, they taught the youth how to listen and provide support to one another. The community requests workshops now, which demonstrates a high level of trust in the program staff. Parents are also willing to let their children attend the camps, which is also a significant

achievement considering the parents' experiences in residential schools. Participants fill out evaluation forms after circles and workshops, and so far, feedback has been positive, respondents are appreciative that something is being done and to have such a resource. The community has also shown their support financially and through letters.

There are some programs that are under the umbrella of a larger organization, which can increase the level of credibility within the community as it is seen as part of a larger structure, rather than being run by one or two people. On the other hand, it can be problematic if the program is perceived as part of the political system of the community. One program's funding is insufficient to allow the program to have separate office space, and so the program is in the same building as the Council offices. As well, the resources were not sufficient to enable the program to hire an administrative assistant, so the Council Financial Officer administers the program funding, though the money is held in a separate bank account. One of the main issues identified by program and community members in this situation is the limited confidentiality due to the public nature of the office space. In this community, as in many small communities, office space is often limited, crowded and expensive.

An inherently complicated issue arises when programs with few staff/volunteers are asked to address cases involving family members. This conflict of interest arises particularly in small communities, and can have a significant impact on the level of community legitimacy. A program's ability to enforce dispositions and deal with non-compliance in a visible way to the community can also affect credibility.

Programs serving large geographic areas confront a number of issues, such as staff working out of area offices in isolation. This can be stressful for the worker, it can be challenging to recruit and train volunteers, difficult to develop and implement services in the new area, and generally difficult to create a significant presence in the community. Accessibility is also affected, as community members can only access the program when the worker is in the office. All of these issues can affect community buy-in, which is necessary for program success. To alleviate these difficulties, some programs have focused initial efforts on networking with other agencies in the expansion area. In this way, staff have support, potential sources of referrals, and possible sources of volunteer recruitment. Networking can also help to identify placements for clients to complete community service orders, or other conditions of their dispositions.

There are many aspects for programs to consider when expanding, such as the need for additional funding, staff or volunteers, training, and services/resources geared to the specific new group/area. One community justice program has begun expansion by developing an agreement with the elementary school to provide a venue and community work for students who have

committed acts of violence against their schoolmates. The school provides an Education Assistant (EA) to accompany the student to the program. The program arranges for age-appropriate work for the student to perform, and the EA provides tutoring while the student is on break. At the time of the report, only two children had gone through the program, but both have reportedly stopped misbehaving at school. School representatives were pleased with the program's assistance, and there are plans to develop this further.

4.6 Reduced Rates of Crime and Incarceration

Though many programs are in the early stages of operation, there is anecdotal evidence to indicate the success of programs in reducing rates of crime. For example, in one rural program an RCMP officer wrote a letter of support in which he indicated that over the past 2 years of program operation he has noted a dramatic decrease in the level of violence. He specifically noted that prior to the program there were weekly incidents involving a stabbing, but he went on to say that they have not had a stabbing in the last 12 months, which he attributed to the work of the program. In this same community, the rate of auto theft has decreased substantially, lowering their rate from being the highest to the second lowest in Canada in three years.

In another community, a needs assessment revealed a number of problems, including family violence. Consensus of those interviewed for an independent evaluation was that the program had contributed to a decrease in family violence. Respondents noted that in some cases there were still incidents of violence, but there were greater periods of time between violent episodes.

In an attempt to gain further evidence of the AJS effects on reducing rates of crime and incarceration, an evaluation study was carried out to assess the extent to which the AJS community justice programs reduce the likelihood of re-offending (recidivism) among Aboriginal participants referred to these programs.

4.6.1 Recidivism Study of Clients in Five Aboriginal Community Justice Programs

An effort was made to identify community justice programs that had been in place since 1997 or earlier and could provide a list of offenders who had been referred to their program. Five such programs were identified, and they provided listings that included the name of the client (offender), date of birth, date of participation in the program, and the reason for referral to the program.

Full criminal record data were then retrieved from the Canadian Police Information Centre (CPIC) for these 2,653 program participants based on their names and dates of birth. The CPIC criminal history file, maintained by the RCMP, includes information on criminal charges, fingerprint serial (FPS) numbers, convictions and related dispositions covering all police services and criminal court proceedings in Canada. It should be noted that due to the method through which a criminal history file is compiled, there might be an under-reporting of convictions for those offenders who have been charged with and convicted of summary only offences.

Two of the five projects were able to provide a list of 83 individuals initially referred to their programs but who, for a variety of reasons did not participate. The main reasons for non-participation involved refusal (by the Crown, the program, the offender, or the victim), or the fact that the offender had moved away prior to entering the program. Rarer cases involved ineligibility based on non-membership in a particular First Nation, or the timing of referral being prior to the program's commencement. For a detailed breakdown of why offenders did not participate in the programs, refer to Table 4.1. These 83 Aboriginal non-participants represent a critical part of the study, as their re-offending experiences after referral form the comparative standard for the experiences of program participants. Criminal record data were also retrieved for the 83 individuals in the control group.

Table 4.1
Control Group: Reasons for Not Participating in a Community Justice Program

Offender Declined to Participate/Chose Court/Pleaded Not Guilty	34
Not Accepted by Program	32
Offender Moved or Otherwise Lost Contact Within One Month of Referral	9
Victim Did Not Approve	7
Non-Member of Band	1
TOTAL	83

Recidivism was defined, for the purpose of this study, as a criminal conviction following participation in the program. While all charge information is available from CPIC, restricting the definition of recidivism to convictions allows for a higher degree of certainty that an offence had indeed been committed. Using the start date in the program as the reference point⁴³, convictions

⁴³ The starting date was available for 4 of the 5 programs. For the remaining program, the completion date was used, as the start date was unavailable.

were identified as being either pre-program offences or post-program offences. The first post-program conviction, if any, was identified as the re-offending event. Convictions identified during the six month period immediately following referral to the program were excluded from the analysis because CPIC dates all offences with the disposition date. This means that offences committed prior to entering the program may not have received a disposition until after entering the program and, in some cases, convictions were recorded for the specific offence that led to program referral, frequently due to failure to successfully follow the program. Excluding convictions within this six month time period allows for a much higher degree of certainty that an offender had indeed re-offended after, rather than before, referral to the program.

Given the six month exclusion period following program referral, only individuals referred to a program before October 31, 1999 and only convictions received prior to March 31, 2000 were included in the analysis.

As a retrospective quasi-experimental design without a randomized control group of individuals not participating in a program, it becomes especially important to control for underlying differences between those individuals who entered the program and the comparison group members. Differences in the characteristics of the two groups can be expected, reflecting the reasons for participating in the program. A simple comparison of the re-offending experience of program participants with non-participants could be misleading in such circumstances due to selection bias and lack of equivalence between groups.

To at least partly address the issue of selection bias, the analysis controls for a number of intervening variables (covariates) chosen on the basis of criminological theory and the very real limitations of the information available. Through the process of model-building, factors that were found to be significantly associated with the likelihood of re-offending across the five programs were:

- the number of pre-program convictions
- the age of the offender when referred to the program
- whether the offender had at least one pre-program conviction for a violent offence
- whether the offender was referred to the program for a violent offence

All of these factors were controlled for as part of the comparison in recidivism among program participants and non-participants in order to try to isolate any incremental impact attributable to the program itself. This being said, some selection bias effects may remain present as the

constructed model does not control for offender characteristics absent from the model (for example: offender attitudes, the circumstances surrounding the offence, etc.).

For each of the five AJS programs, the time (days) from six months after entering the program until the first conviction or end of the study period was statistically modelled as a function of these intervening factors. Given the limited number of comparison group members, these 83 non-participants were grouped separately and included in each of the five program-based analyses, regardless of which program they had originally been referred to. Survival analysis (specifically, the Cox proportional hazards model) was the statistical approach used to model the likelihood of re-offending.

4.6.2 Results

Table 4.2 presents some of the key characteristics of the participants in each of the five AJS programs, as well as for the comparison group. Overall, there are some substantial differences in some of the characteristics of participants across the five programs. Some programs' participants exhibit more prior convictions than others, or are more likely to have violence in their criminal background. Some programs are more likely to serve young offenders under the age of eighteen years. It is also worth observing that many of the participants from two of the programs were referred prior to 1996 when the current AJS program was first launched. This is due to the prior funding of these programs under the AJI (the predecessor program to the AJS). In general, this is a useful characteristic of the sample since it provides a long period of follow up for program participants thereby allowing for the estimation of longer-term survival functions. The characteristics of the comparison group are generally consistent with that of the overall sample of programs, although clear differences do exist with respect to specific programs.

Table 4.2
Characteristics of Offenders in the Five Case Study AJS Programs

	AJS Program					Comparison Group
	A	B	C	D	E	
Number of Prior Convictions (%)						
0	65.9	57.4	67.6	81.4	36.6	45.8
1 to 5	22.3	23.4	19.0	14.1	23.1	38.6
6 or more	13.8	19.1	13.4	4.5	40.2	15.7
Prior Conviction for a Violent Offence (%)	14.4	23.4	12.1	7.0	22.7	27.7
Referred to Program for a Violent Offence (%)	41.5	21.3	21.6	14.8	20.7	43.4
Year Referred To Program (%)						
1991-1995	64.4	0.0	0.0	0.0	79.7	51.8
1996	8.5	0.0	0.5	0.0	17.1	7.2
1997	10.6	6.4	42.3	15.9	3.2	12.0
1998	6.4	57.4	28.0	53.5	0.0	15.7
1999	10.1	36.2	29.2	30.7	0.0	13.3
Age at Program Start (%)						
Less than 18 years	40.4	23.4	0.1	54.2	1.6	18.1
18-29 years	34.6	53.2	56.6	26.8	57.4	49.4
30-39	14.9	19.1	21.6	8.5	31.1	22.9
40 or more years	10.1	4.3	21.7	10.5	10.0	9.6
Sample Size (N)	188	47	1329	838	251	83

The results of the Cox regression are shown in Table 4.3 for each of the five AJS programs. Using Cox's proportional hazards approach is advantageous as it determines the effect of a covariate while controlling for all other covariates in the model. The three important considerations in interpreting these results are the sign of the estimated parameter coefficient (B), the value of the $Exp(B)$ coefficient, and whether they are statistically significant (indicated by a p value lower than 0.05).

A positive sign for B implies that an increase in the likelihood of re-offending is associated with an increase in the value of the attribute. For example, in 4 of the 5 programs, a higher number of prior convictions is always associated with an increase in the likelihood of re-offending since the

sign of the parameter estimate is always positive. Conversely, age shows a consistently inverse relationship to the propensity to re-offend since its sign is always negative. In other words, all else being equal, an older offender is less likely to re-offend than a younger one. Offenders who have received convictions for one or more violent offences in the past are also consistently more likely to re-offend. These results are strikingly similar across the programs and most are statistically significant. In two of the programs, offenders who were referred to the program as a result of a violent offence were found to have a significantly lower risk of recidivating when compared to offenders who were referred for non-violent offences.

A similar method of interpreting the effect of the covariates on re-offending is by observing the value of $Exp(B)$. $Exp(B)$ (the hazard ratio) provides information for estimating the magnitude of the effects of the covariates on recidivism⁴⁴. For example, in the AJS programs, program “A”’s $Exp(B)$ value for the number of prior convictions is 1.077; therefore, each prior conviction increases the likelihood of an offender recidivating by 7.7%. For programs “C”, “D”, and “E”, each prior conviction increases the risk of an offender recidivating by 3.9%, 7.0% and 4.5% (respectively). Age is seen as having a statistically significant mitigating effect on recidivism in four of the five programs. For programs “A”, “C”, “D”, and “E”, each year increase in a person’s age at program start reduces their likelihood of recidivating by 2.1 to 3.7%, depending on the program. If offenders have previous convictions for one or more violent offences, it greatly increases their risk of recidivating ranging from 79.6% to 174.6% (depending on the program). In two of the programs, referral to the program as a result of a violent offence reduced the likelihood of recidivating by 29.1% and 39.4% (programs “C” and “D”).

The issue of greatest interest for the purpose of the evaluation is whether there is a measurable link between an offender’s participation in an AJS program and the likelihood of re-offending. As seen in Table 4.3, the relationship across all programs as demonstrated by the B coefficient shows a negative one, implying that participation in an AJS program is associated with a reduced likelihood of re-offending. However, the association was statistically significant in only two of the five programs (“C” and “E”), and was only barely significant for one of those (“E”). The $Exp(B)$ coefficient values indicate that program “C” reduced an offender’s likelihood of recidivating by 44.5% and program “E” by 33.7%. It should be noted that the significance of the program effect in program “E” was somewhat unstable and dependent upon the exact specification of the model.

⁴⁴ The interpretation of the $Exp(B)$ value is fairly straightforward – if it is above 1, it is seen to have an aggravating effect on recidivism, if it is below 1, it is seen as having a mitigating effect on recidivism. When the $Exp(B)$ value is above or below 1, deriving the percentage change per unit increase is accomplished by subtracting the coefficient value from 1 and then multiplying it by 100.

Table 4.3
Survival Analysis Results of the Determinants of AJS Recidivism

Effect on Likelihood of Re-Offending	AJS Program				
	A	B	C	D	E
Participation in AJS Program	$B= -0.326$ $Exp(B)=0.722$ ($p=0.137$)	$B= -0.437$ $Exp(B)=0.646$ ($p=0.339$)	$B= -0.589$ $Exp(B)=0.555$ ($p=0.003$)	$B= -0.336$ $Exp(B)=0.714$ ($p=0.132$)	$B= -0.411$ $Exp(B)=0.663$ ($p=0.048$)
Age at Program Start (years)	$B= -0.038$ $Exp(B)=0.963$ ($p=0.004$)	$B= -0.014$ $Exp(B)=0.986$ ($p=0.478$)	$B= -0.038$ $Exp(B)=0.963$ ($p=0.000$)	$B= -0.021$ $Exp(B)=0.979$ ($p=0.011$)	$B= -0.036$ $Exp(B)=0.965$ ($p=0.002$)
Number of Prior Convictions	$B= 0.074$ $Exp(B)=1.077$ ($p=0.002$)	$B= 0.041$ $Exp(B)=1.042$ ($p=0.172$)	$B= 0.038$ $Exp(B)=1.039$ ($p=0.000$)	$B= 0.068$ $Exp(B)=1.070$ ($p=0.001$)	$B= 0.044$ $Exp(B)=1.045$ ($p=0.000$)
Prior Conviction for a Violent Offence (0-1)	$B= 0.376$ $Exp(B)=1.456$ ($p=0.215$)	$B= 0.820$ $Exp(B)=2.271$ ($p=0.033$)	$B= 1.010$ $Exp(B)=2.746$ ($p=0.000$)	$B= 0.585$ $Exp(B)=1.796$ ($p=0.023$)	$B= 0.715$ $Exp(B)=2.044$ ($p=0.000$)
Referred to Program for a Violent Offence (0-1)	$B= 0.046$ $Exp(B)=1.048$ ($p=0.831$)	$B= 0.108$ $Exp(B)=1.114$ ($p=0.750$)	$B= -0.344$ $Exp(B)=0.709$ ($p=0.041$)	$B= -0.501$ $Exp(B)=0.606$ ($p=0.022$)	$B= -0.191$ $Exp(B)=0.827$ ($p=0.332$)
Wald Test for Overall Significance of Model (Chi-square)	18.215 ($p=0.003$)	11.902 ($p=0.036$)	149.172 ($p=0.000$)	46.461 ($p=0.000$)	61.130 ($p=0.000$)
Number re-offending ('Event')	102	41	244	186	152
Number not re-offending ('Censored')	169	89	1168	735	182
Total Sample	271	130	1412	921	334
<p>Note: Results shown for each variable are the estimated parameter estimates (B), the value of the $Exp(B)$ coefficient (hazard ratio) and associated p-values. Those that are statistically significant at $p=0.05$ are in bold. Survival analysis was carried out using regression analysis based on Cox's proportional hazards model. For each program, the proportional hazards assumption was confirmed through appropriate procedures (baseline hazard functions and log-minus-log plots). Outliers removed from the analysis were those who were more than eighty years old or those with more than 40 prior criminal convictions. These represented less than one percent of the overall sample.</p>					

Main Points:

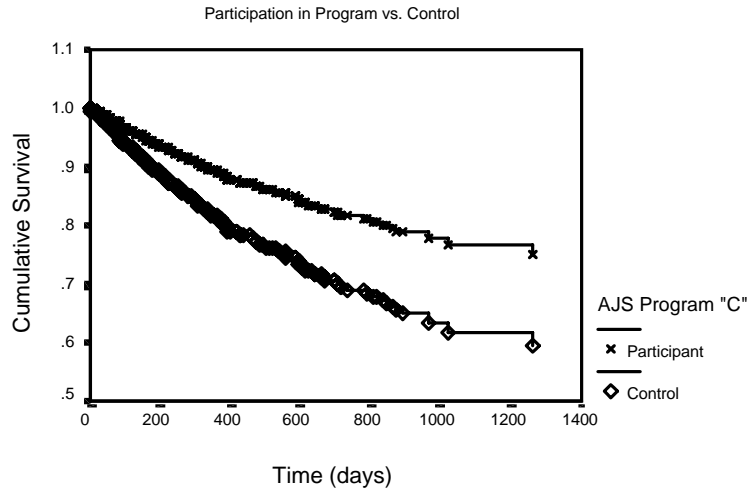
- Participation in an AJS program is associated with a reduced likelihood of re-offending. However, the association was statistically significant in only two of the five programs (“C” and “E”).
- An older offender is less likely to re-offend than a younger one.
- Offenders who have received convictions for one or more violent offences in the past are also consistently more likely to re-offend.
- In two of the programs, referral to the program as a result of a violent offence reduced the likelihood of recidivating.

Based on the Cox proportional hazards regression, graphical representation of the effect of participation in AJS Programs “C” and “E” versus participation in the control group are presented in Graphs 4.1 and 4.2. In order to interpret the survival function graph, it is beneficial to have a basic understanding of its application. Survival function is defined as the proportion of cases surviving longer or beyond a specified time (t)⁴⁵. For the purposes of this analysis, survival refers to remaining crime-free. For example, in AJS Program “C”, slightly more than 80% of the program participants survive longer than 800 days whereas less than 70% of the control group survive longer than 800 days.

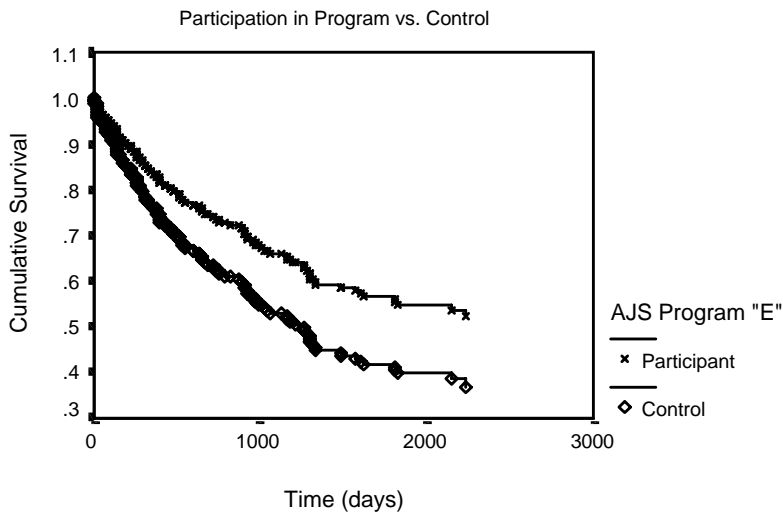
In both instances the curve for the program participants is higher than the curve of the control group thus reflecting an expectation of longer survival times (i.e., a longer period of time remaining crime-free). This is essentially a graphical representation of the results of the statistical analysis. Note that the survival functions produced are controlling for all other covariates (i.e., they are demonstrating the effect of the program in isolation from other factors in the model).

⁴⁵ As described in SPSS Advanced Models 10.0 (1999) Ch. 19, pg. 268.

Graph 4.1
Survival Function for AJS Program "C"



Graph 4.2
Survival Function for AJS Program "E"



These same general results persist with the alternate approach of measuring recidivism based only on convictions for so-called non-technical offences. This definition excludes technical offences such as breaching probation or other conditions of release from custody or failure to attend court. Some researchers have suggested that these offences might not rise to the same level of seriousness as other offences given the extraordinary constraints on behaviour such

conditions of release frequently impose. In any event, while the reported results include all convictions, each analysis was carried out under both definitions. Little difference was found either way, although the results tended to be somewhat more robust when including all offences. The lack of substantial difference between the two definitions of re-offending likely stem from the fact that these technical violations of the law are usually derivative offences associated with another contemporaneous offence.

4.6.3 Implications

Two of the key objectives of the AJS are to reduce the rates of crime and incarceration in Aboriginal communities. There are several ways this can be achieved, but the most direct link is through reducing the rate of recidivism among those offenders who are referred to the community justice programs funded under the AJS. The underlying premise is that offenders undergo a more culturally relevant process that, in the longer term seeks to accomplish many of the same objectives as the traditional justice system in Canada but with a particular emphasis on rehabilitation.

The foregoing analysis was carried out in an effort to assess whether a measurable link could be established between offender participation in these community justice programs and their likelihood of re-offending. The existence of such a link, at least in some programs, means that a measurable reduction in rates of Aboriginal crime has likely been realized. Further, while it was not specifically measured as part of this study, a logical extension to this finding is that rates of incarceration will have been similarly reduced as well. Offenders who go through a diversion program and do not re-offend have potentially reduced incarceration (if they would have received a prison term for the offence for which they were diverted).

These findings cannot be generalized across all programs funded under the AJS since a clear positive impact was only discernible in two of five programs studied. The retrospective quasi-experimental nature of the study also requires a high level of caution before fully accepting these results without reservation. However, the consistency of the results whether significant or not, across all five programs is an encouraging sign that the AJS is having a positive effect in Aboriginal communities in Canada.

Being able to quantifiably demonstrate that an intervention had an effect on an offender's propensity to recidivate is a significant finding. That being said, there is an opportunity for the AJS to further the mainstream criminal justice personnel's understanding of Aboriginal related diversions and their effect on recidivism. It would be desirable to repeat this analysis in a few

years (thus increasing the observation period) allowing for a more longitudinal analysis and evaluation of the program's impact. In addition, and provided that data is systematically and proactively captured by program managers, survival analysis could be utilized for the AJS on a regular basis as a means of developing quantitative risk factors for selection into individual programs and/or the AJS.

4.7 Cost Benefit

Very little information is available on the cost effectiveness of Aboriginal community justice programs. Where attempts to measure cost effectiveness have been made, the results are promising.

One community justice program has developed a Magistrate's Court to partially address the backlog in Provincial Court and to increase the community's voice. The Magistrate's Court screens cases and adjudicates minor ones. The case study revealed that since the implementation of the Magistrate's Court, additional Provincial Court Judges have not had to be flown in to address the backlog of cases. Additionally, the Provincial Court Judges indicated they are hearing more serious cases, cases are being heard in a more timely manner, and the community is more satisfied and empowered by this justice model.

As part of a program's 1998/1999 Year End Report, an urban diversion program provided a cost analysis of a "typical assault" post charge referral case, compared to the cost of proceeding with the same offence through trial with one adjournment ending with incarceration. This example used a hypothetical case of an offender not referred to the community justice program, but instead sent to jail for one month. After serving two thirds of the sentence he/she is placed on regular probation for a period of one month. The cost analysis concluded that there would be savings of \$2,393.50 by diverting the offender to the community justice program. With 63 assault referrals in 1998 and using the above figures, the total savings realized by sending these offenders to this urban diversion program instead of to jail was estimated at \$150,790.50. It should be noted that this program currently receives an average of 100 referrals a month (1999-2000 fiscal year).

A report on costs and financial benefits of circle healing program was commissioned by ACCI, Solicitor General Canada in July 2000⁴⁶. It is an Aboriginal community justice program designed for the prevention, intervention and healing of victims, offenders, families and

⁴⁶ Unpublished report, Solicitor General Canada, used with permission.

communities from the effects of sexual abuse and family violence. The analysis compares the cost of circle healing versus the mainstream criminal justice system to serve victimizers, victims and families, and provide community development services.⁴⁷ The estimate took into account the costs of running the program for the past ten years, serving a total of 107 victimizers. The author concluded that for each provincial dollar spent on this program, it would otherwise have to spend approximately \$3.00 for policing, court, institutional, probation and victims services.

For each dollar the federal government spends on this program, it would otherwise have to spend a minimum of \$2.00 for institutional and parole services. Combined, for each dollar spent by both governments to support circle healing, governments would otherwise have to spend about \$2.60. Over the ten years that the program has been operating, the savings to both governments have been at a minimum \$3 million (total government expenditure, less the program expenditure).

There are additional considerations that need to be noted, for example the process works to achieve wellness and these costs do not include costs that would otherwise be borne by governments to support the broader community development processes that are undertaken by the program. Neither do these estimates take into consideration the higher costs associated with victimizers reoffending and victims requiring additional assistance as a result had the program not been in effect. In the past 10 years only two clients reoffended (approximately 7%) in this particular program, which is much lower than the 30% generally attributed to sexual offenders.

4.8 Client Satisfaction

An analysis of a sample of clients from an urban diversion program determined that clients who had more program contacts, i.e. over 15 meetings, were significantly more likely to have complied with all of their orders. Interviews were conducted with 22 clients, 19 of the 22 felt that they had fully understood what was going to happen in the hearing for the program and what their responsibilities were. All but one felt that they had had enough opportunity to speak and make their views known, all but five felt that it was easy to accept responsibility for their offence.

- The majority of clients (21 of 22) considered the council's decision to have been 'fair' and that it took the circumstances into account (19 of 22) and that the decision had been arrived at by consensus (22 of 22).

⁴⁷ Includes presentations, workshops, participating in community recreational events, ceremonies and other activities.

- Twenty-one of the 22 client respondents felt confident at the time of their hearing that they would be able to carry out the requirements of the conditions decided on and 20 reported that they had done all of these things.

Fifteen clients had found it easy to complete their agreement but the remaining seven found it difficult. The reasons why it was easy to complete their orders included that:

- the client wanted to change his/her life around and saw the disposition as a way to work towards this (7 respondents),
- the Program was there to support them when they were having trouble (3 respondents),
- the client knew that if he/she did not comply with the conditions he/she could be sent back to court, this was an incentive for her/him to do all of the things that the Council was asking (3 respondents).

Some of the reasons that the client found it difficult to complete the order included:

- dealing with substance abuse (6 respondents),
- client was not ready to deal with their substance abuse (1 respondent) and
- taking responsibility for his actions was not easy for client, this is something he did not feel he needed to do when serving a court sentence (1 respondent).

It may be useful to further explore the impact that the program has on the success of the client by virtue of being available to the client even after he/she has completed the program. Eighteen respondents continued to receive assistance from the Program after they had completed their dispositions. When asked to compare their experience with the program with that of going to court, 20 individuals reported that the Program had helped them more. Their reasons included that:

- the Program dealt with the root causes of the client's criminal behaviour (9 respondents),
- serving jail time would have only made him/her bitter,
- the Program taught him/her a lesson (7 respondents),
- the Program members did not judge him/her (4 respondents), and
- gave him/her motivation to turn his/her life around (2 respondents),
- 3 respondents mentioned that the courts always focus on paper work and not on the person.

Almost all of the clients who were interviewed (21 out of 22) said that their involvement with the program had helped them to change their life in some way,

- stay out of trouble (7 respondents),
- become more accountable for their actions (6 respondents), and
- take control of their life (4 respondents).

Promising directions for future programming could be the focus of research to determine if the treatment type is having a measurable effect on the success of the offenders in the program. Over time this information will assist programs to clearly establish what treatments are most likely to succeed with different types of offenders. This information will be valuable for other Aboriginal community justice programs.

4.9 Conclusion

The AJS has developed 84 alternative justice programs that have been delivered in over 260 communities across Canada through partnerships with provincial/territorial officials and Aboriginal peoples. These programs provide alternatives to the mainstream justice system while allowing Aboriginal communities the opportunity to increase their involvement in the administration of justice.

The evaluation found evidence that at the community level the self-evaluation approach has not been well implemented by the AJS and is obviously not conducive to the production of data and information suitable for roll-up and analysis at the national level. In several instances, communities where AJS programs had been instituted were unaware of the requirement to collect much needed information reflecting the success/results of their program. This situation will be mitigated once a minimum core set of data elements is developed and agreed to by the provinces/territories and Aboriginal communities. There is evidence that this situation has improved over the last two year of the AJS, with more provinces and territories signing Memoranda of Understanding with Justice Canada, part of which includes agreement pertaining to data collection.

This evaluation found that community justice programs provide more than referral or supervision services for offenders. The Aboriginal approach to crime is to address the underlying causes, which the programs address from many fronts (e.g. substance abuse, counselling for sexual abuse and programs for anger management, etc.). To provide a variety of services and programs to diverted offenders, the program staff rely on good working relations with the police, Crown prosecutors, judges and aftercare services.

There is evidence that community justice programs contribute to community capacity building. Community justice programs typically have a justice council or Advisory Board that may include members of the community, representatives from the police, Crown, court, probation, victim services, Elders, etc. To continually develop to meet the needs of the community and clients, community justice workers take training in a variety of skills including conflict resolution, crisis intervention, probation services, victim assistance, circle sentencing and legal education.

A statistical analysis of the impact of five AJS community justice programs was undertaken for the evaluation. Two of the five projects were found to have significantly reduced the likelihood of offenders committing another offence following participation in the program, while the results of the remaining three projects were inconclusive. Since the analysis was restricted to only five projects, these results cannot be generalized to the whole AJS. However, the analysis was able to clearly measure a quantifiable outcome for some of the projects funded under the AJS, indicating that some impacts are being made on rates of crime and incarceration in Aboriginal communities. With more information over time it will be possible to provide more conclusive results.

Very little information is available on cost-effectiveness of Aboriginal community justice programs. A sample of some cost-effectiveness studies of AJS community justice programs suggests that by diverting offenders and thus reducing incarceration, some cost savings can be realized.

5. ABORIGINAL JUSTICE LEARNING NETWORK

5.1 Overview of the Aboriginal Justice Learning Network (AJLN)

The Aboriginal Justice Learning Network (AJLN) is managed through a National Co-ordinator's Office in the Department of Justice in Ottawa. The AJLN was intended to be a broad-based voluntary network of representatives of the conventional justice system and Aboriginal communities from across Canada. Together, they work for change in the administration and provision of justice services by and for Aboriginal peoples. The two main activities of the Learning Network are the exchange of experiences and the delivery of educational material. Specifically, the AJLN was established in 1996 with a mandate to:

- act as a vehicle of communication between the current justice system and Aboriginal communities;
- help ensure that Aboriginal women participate as full partners during both the negotiation and implementation of community justice programs;
- inform enforcement officers, prosecutors, judges and members of Aboriginal communities of the objectives, values and mechanics of the approaches to justice in the agreements; and
- help communities and the current justice system implement community-based justice programs, with a focus on ensuring that the new approaches are fully integrated into the day-to-day operation of the mainstream justice system.

5.1.1 Role of AJLN

The AJLN serves as a vehicle for development, evaluation, communication, education and information sharing on alternative, restorative justice processes that are consistent with Aboriginal values and traditions. It promotes understanding of the implications of cultural differences and of the dynamics of ethnocentricity, especially in relation to the justice system. To accomplish these aims, the AJLN has three basic roles. They act as a link that enables groups from across Canada to share ideas and information and to stay informed about developments in the field. These might include local or regional programs, conferences, new publications, court decisions or new legislation. The newsletter, *LINK*, with a circulation of 3,500, is the main tool for this activity. Secondly, they offer free resources, publications, and videos on aspects of Aboriginal justice, community programs and similar initiatives. These may be ordered directly

from AJLN. The third role is to provide funding and other support for projects that offer creative solutions to the various issues related to Aboriginal community justice. The AJLN has supported several conferences, workshops and training programs across the country dealing with such subjects as sentencing circles, dispute resolution, victim services, and legal issues.

5.1.2 Organization of AJLN

Currently three staff support the work of the AJLN, one on a part time basis. These positions include a National Coordinator, a Program Research and Support Analyst and an Administrative Officer. A number of individuals have also been hired on a contractual basis to assist in the coordination of the AJLN Advisory Committee meetings and provide advice to the Director General and the AJLN National Coordinator. The National Coordinator is responsible for the management, leadership and direction of the AJLN in its support role to the AJS. There have been four National Coordinators since the inception of the AJLN; the most recent began July 1, 2000.

In July 2000 the Program Research and Support Analyst position was created to provide information for use by senior staff in the negotiation of Aboriginal justice programs, and to provide technical advice to funding recipients on the establishment and implementation of financial management, administration and reporting practices and procedures. The Coordinator's Office distributes resources such as publications and videos, provides funding to support innovative Aboriginal justice projects, and helps in organizing and publicizing important events in the field. The Co-ordinator's Office works closely with the AJLN Advisory Committee, which advises the Deputy Minister of Justice and the Learning Network as a whole regarding proposed activities.

The work of the Advisory Committee is described later in this section.

5.1.3 Operational Resources

The AJLN budget has been financed directly out of the Aboriginal Justice Strategy (AJS) budget. The AJLN Description and Operational Plan in July 1996 suggested that the Directorate would be supporting the Network with 4 FTEs. There are currently 3 FTEs allocated to the AJLN. In addition, a budget of \$750,000 per annum was approved for AJLN activities over a five-year period. Each year since 1996 the originally established budget for AJLN was reduced. In 1999/2000 the actual expenditures by the AJLN were \$612,241.87, the remainder of the

(\$658,000) allocated budget was transferred to cover the cost of the new Métis settlements under self-government in the AJS. The 2000/01 approved budget is \$608,000, which is almost 20% less than the budget called for in the Operational Plan, July 1996.

In fiscal year 1999/00, approximately 34% of the AJLN budget went to professional services (contracts and funding proposals) and 23% to Advisory Committee meetings (travel, hospitality, rental of space for meetings, Electronic Data Processing equipment and honoraria for Elders).

The AJLN supports a range of project proposals, with the majority being conferences, workshops and symposiums. As the focus of the AJLN is on community-wide benefits, they do not offer funds for individual tuition for academic studies, but will fund skills-based training, e.g. evaluation methods and procedures. The AJLN will undertake research but will not fund research by other organizations.

AJLN has worked with Aboriginal peoples through tribal councils, specific communities, down to the individual members of Aboriginal communities. The AJLN is also pursuing more formal agreements with a variety of Aboriginal organizations. A review of the project files reveals that most of the proposals are 2-3 pages in length with broad objectives.

5.2 Activities over the Past Five Years

Since 1997, the AJLN has supported numerous conferences, workshops and training seminars that focused on information sharing. The conferences and workshops funded by the AJLN were organized by Aboriginal organizations across Canada. There have been approximately thirty conferences and forums funded by AJLN since the mid-term evaluation in October 1998. While many conferences discussed alternative justice approaches, and had cultural presentations, they also focused on the needs and interests of particular groups involved (i.e. policing and corrections).

These conferences encouraged linkages between Aboriginal communities and cross-jurisdictional sharing of information. A mixture of individuals from the mainstream justice system and Aboriginal community members participated in each conference. Aboriginal people played prominent roles and Aboriginal culture and traditions were inherent in the structure of each gathering. Many of the presenters at these meetings and conferences were Aboriginal people from various Aboriginal organizations. In addition, AJLN staff conducted several workshops and presentations at conferences on the AJLN.

The AJLN carried out the following activities over the past five years:

- Creation of an Advisory Committee to guide AJLN with input from those directly involved in the field with Aboriginal communities (community justice workers, judges, lawyers, elders, etc.);
- Production of videos in support of restorative justice and other relevant issues such as Aboriginal youth, urban Aboriginal communities and building relationships between Aboriginal communities and the mainstream justice system;
- Design and implementation of a Web site in March 2000; (<http://canada2.justice.gc.ca/en/ps/ajln/>)
- Creation and distribution of a newsletter – entitled *LINK*;
- Direct support for AJS Regional Coordinators; e.g. networking, funding conferences to assist in developing communities that wish to begin a justice program;
- Conferences and workshops ranging from circle sentencing, community support and youth conferences;
- Working with Aboriginal communities, including Elders, youth and women, and Community Justice Workers; e.g. trouble-shooting in community justice programs, sharing experiences and best practices;
- Delivering key training initiatives in support of networking, training and support to community justice initiatives.

A few examples of projects funded by AJLN are:

- AJLN produced an award winning video on progressive communication initiatives between police and urban Aboriginal people in East Vancouver; “A Matter of Trust” (winner of an American Film Festival award, 1998). This and their other videos are provided free of charge.
- AJLN has contributed funding and assisted by networking to support a broad range of community justice initiatives including: Community Justice Forums, Victim Services, Health/Justice Workshops and Circle Sentencing.
- AJLN has set up and catalogued a key video resource guide for Aboriginal peoples who may be interested in subjects ranging from mediation to peace making, through to policing. This guide is provided free to individuals, schools, community groups and justice related organizations.

There remain a number of key challenges that have been identified by the AJLN, including the following:

- Delivering effective initiatives within challenging fiscal constraints;
- Enhancing the visibility of AJLN;
- Broadening the scope of networking across the country; and
- Broadening the training capacity and fostering growth for self-sustaining, community engineered initiatives and programs.

5.2.1 The Resource Challenge

As identified in the mid-term evaluation, the high turnover and limited number of staff in the first two years of the Strategy continued to be a problem over the last two years. The senior managers left and there has never been the full complement of support staff that was identified in the operational plan. The AJLN has had two National Coordinators since the mid-term evaluation in October 1998 and was without a Coordinator for almost one year. Currently only three staff support the work of the AJLN, one works on a part time basis. A number of individuals have also been hired on a contractual basis to assist in the co-ordination of the AJLN Advisory Committee meetings and provide advice to the Director General and the AJLN National Coordinator. The limited number of staff within AJLN created difficulties in undertaking the work of AJLN and supporting the AJLN Advisory Committee. In addition, it has also increased the workload and responsibilities of the National Coordinator. Furthermore, the approved budget of \$750,000 per annum was reduced each year, so that the budget for fiscal year 2000/2001 stands at \$608,000.00.

Therefore, while the AJLN has encountered many staff and budget problems, its activities appear to be consistent with its mandate. However, the mandate was too broad to be completely addressed within the timeframe. In particular, the AJLN was not able to "ensure that the new approaches are fully integrated into the day-to-day operation of the principal justice system".⁴⁸ This will need to be examined if the AJD seeks renewal, to determine if this is to be a continuing part of the proposed mandate.

⁴⁸ Aboriginal Justice Directorate, Aboriginal Justice Strategy: Operational Plan, (Ottawa: Department of Justice, October 1996) p. 14.

5.2.2 Enhancing the Visibility of the AJLN

Media and Information Sharing

The newsletter LINK was created in 1997 as a single page “flyer”. Though it has since expanded to a 6 – 8 page newsletter, there has not been a follow-up survey with recipients to assess its usefulness. It comes out at least bi-monthly, is distributed to over 3,500 recipients, and is available on the web site. LINK covers issues as diverse as Supreme Court rulings through to personal stories on AJLN members. The AJLN is currently broadening the scope of the LINK by involving members of Aboriginal communities more directly by soliciting their input and stories.

In the past, the Minutes of meetings and forums were always shared with Regional Coordinators and federal partners (i.e. Solicitor General, RCMP, PCO and DIAND). Federal partners are always invited to participate in the exchange of information first hand. These meetings and forums are summarized and disseminated in the LINK.

The AJLN Web Site

The AJLN took a long time to design their web site, only launching it in March 2000. Due to its recent beginnings, there is no information available concerning its usefulness as a forum for information sharing amongst Aboriginal groups. As well as general information on AJLN (its funding policies, mandate, and its structure), the web site provides a two way means of interacting with members of Aboriginal communities who are inclined and/or resourced to access the internet. Users can send comments or messages, and download resources such as the newsletter LINK. The AJLN website is currently limited in scope in terms of information sharing and research due to resource constraints.

Several government initiatives support programs that have relevance to what Aboriginal community justice programs are attempting to achieve. Some examples include the Aboriginal Healing Foundation, the RCMP, Correctional Service Canada, National Parole Board, and within the federal Department of Justice the National Crime Prevention Centre, Youth Justice Strategy, and Residential School Pilots. As this information is not available in one place, the AJLN Web site could be expanded to provide this electronic link.

A link to the Access to Justice Network (ACJ Net) needs to be installed on the AJLN Web site, along with other sites that would help communities to link with the people and organizations that

can share information, resources and training materials. The AJLN report that they intend to expand the web site in the near future.

The AJLN plans to post the proceedings of all AJLN-funded conferences and forums on the Web site. The AJLN also indicated that existing reports will be mined to contribute to the "best practices" documents, which will also be posted on the web site, thereby providing contacts for networking.

5.2.3 Broadening the Scope of Networking Across the Country

The AJLN Advisory Committee meetings, forums and conferences funded by AJLN have involved key players in the criminal justice system: police, Crown prosecutors, defense counsel, judges, correctional and parole officials, policy makers, academics and service providers. The AJLN-funded forums and conferences have facilitated discussion of Aboriginal and coordinated approaches to justice, promoted limited partnership building and encouraged better cross-cultural understanding. Women are usually well represented and active in the planning and delivery of information at these events.

There have been several workshops, conferences and training sessions that have either been fully funded or funded by the AJLN in partnership with other federal/provincial departments. Many of these conferences and training sessions were delivered and organized by Aboriginal people. A few communities were provided with funding to travel to another community to see their community justice program in operation. According to interview results, this approach enabled community members to design their justice program based on the lessons learned by the other community, which they believe allowed their program to become operational more quickly. Even though it is a costly means of training as only a few are trained each time, people interviewed thought it was helpful to learn from people who have implemented and developed the programs.

The conferences, community forums and meetings seem to have established relationships between Aboriginal and mainstream justice personnel in attendance. A review of the project files indicates that the conferences and forums allowed participants to network and establish contacts with different individuals from the criminal justice system. It is difficult to quantify the number of these relationships and to determine if the linkages endured after the conference.

Several conferences and workshops have focused on sharing information on Aboriginal justice processes and projects. Several people interviewed noted that the conferences and workshops have been useful in gaining a better understanding of Aboriginal and mainstream justice

processes. The workshops, forums and conferences have also provided an opportunity for both Aboriginal and mainstream justice personnel to discuss issues of mutual concern.

The forums and conferences have also involved community members who were not part of an existing community-based organization. This has provided a venue for community members to communicate concerns and needs to community justice personnel. Examples are the "Saskatoon Workout" (involving community justice workers from Alberta, Saskatchewan and Manitoba). This capacity building and knowledge building exercise was so successful that participants want to have a similar experience in the future. This model was repeated for an Ontario workshop in October 2000 which was also very successful. The lessons learned from these Workshops will be shared with the wider Aboriginal community through posting on the Web site.

5.2.4 Broadening the Training Capacity

The AJLN was supposed to develop a broad-based voluntary network of mainstream justice and Aboriginal community representatives, who together would constitute an alliance for change in the administration and provision of justice services for Aboriginal peoples. The AJLN was supposed to act as a vehicle for the development, evaluation, communication, education, and information sharing, on restorative justice processes that were consistent with Aboriginal values and traditions. In addition, it was intended to facilitate cross-cultural understanding between the broad mainstream justice system and Aboriginal peoples.

Examples of knowledge building and capacity building opportunities provided with AJLN funds include:

- Funding for circle sentencing training,
- Delivered training in family group conferencing,
- Produced a training video (delivered by the RCMP for communities across the country),
- Funding for training sessions on peacemaking for judges,
- Produced videos and educational materials, and
- Delivering training in provinces that are not yet participating in the AJS community justice programs.

A review of the minutes of the AJLN Advisory Committee meetings, interviews and project files all suggest that there is a strong desire for training materials that would assist community justice workers. Training materials are required particularly in the following areas: culture, traditions,

and mainstream justice; community building; implementing community justice programs; victim services; evaluation and administration of justice. Several community justice workers expressed a strong need for a better understanding of First Nations laws and traditions and the Canadian justice system. Cross-cultural training for key justice personnel such as lawyers, judges, police and others were identified as being important.

The RCMP has been developing a number of training strategies to facilitate change within the policing service to Aboriginal communities. In particular, the RCMP has developed training materials in the areas of crime prevention and community justice forums. They developed a video, which was funded by the AJLN, to provide recruits with training on restorative justice processes and, more specifically, community justice forums. The AJLN and RCMP could play a significant role in working together to promote their respective materials and distribute information to Aboriginal communities.

5.3 AJLN Advisory Committee

The purpose of the AJLN Advisory Committee is to act as an advisory body for the AJLN, by providing guidance, sharing experiences, and exploring options relating to the organization and activities of the AJLN. The mandate, composition, membership and activities are described in this section.

5.3.1 Mandate of AJLN Advisory Committee

The Advisory Committee of the AJLN provides advice and makes recommendations on the following:

- The general mandate, operation, and future goals of the AJLN as well as types of training and information sharing initiatives that are supported by the AJLN;
- "Best practices" with respect to establishing and maintaining linkages between government agencies, national, regional, community level organizations, as well as within AJLN National Coordinator's office in the Department of Justice and with other AJS federal partners;
- The Advisory Committee also identifies communities in need of AJLN assistance;
- Helps communicate the role and functions of the AJLN to the wider communities; and
- Advises the National Coordinator on acceptability of project proposals for funding under AJLN.

To fulfill its mandate Advisory Committee members:

- Establish Sub-Committees; and
- Act as liaison/resource persons for the Aboriginal Justice Strategy (AJS) through assisting AJS funded projects.

AJLN Advisory Committee

The AJLN Advisory Committee consists of fourteen members appointed by the Deputy Minister to serve a three-year term. The members must have the knowledge and expertise relevant to addressing Aboriginal justice issues. The National Coordinator acts as a resource person, technical advisor and liaison between the Advisory Committee and the Department of Justice. The AJLN supports the Advisory Committee by providing the human and financial resources required for the Advisory Committee to function.

The Elders Panel is a group of eight Elders, who attend Advisory Committee meetings. The Elders Panel was established to give voice to the respected Elders from across Canada. There were nine Elders on the Advisory Committee Elders Panel until August 2000, when two members left and one replacement was appointed. They open and close the Advisory Committee meetings with traditional prayers and ceremonies. Their advice and insight is sought on the overall direction of the Committee, and on specific issues, such as the role of women, youth and men in Aboriginal society. They speak of the role that Aboriginal people can play in addressing problems facing Aboriginal communities, and assist communities that are attempting to return to traditional teachings and ways.

The AJLN went through a period of significant growing pains following the cancellation of the national conference and a smaller meeting in 1997. The cancellation of the meetings reflected a reconsideration within the AJD of the overall AJLN strategy being followed, shifting its overall vision back to the original plan and establishing the National Advisory Committee to guide the Network. It took a significant amount of time, financial resources and energy to re-establish the focus of the AJLN.

The AJLN Advisory Committee has met six times since its inception in August 1998, at a cost of \$40,000 to \$50,000 for each meeting. In addition, each meeting takes an enormous amount of time for the AJLN staff to plan and coordinate. The Advisory Committee held its first meeting in Ottawa in October 1998. Governmental officials and other guests are invited to participate with

Advisory Committee members and Elders in each meeting. Meetings are usually two days, and four to six Elders attend each meeting.

The AJLN Advisory Committee has served as a focal point of discussion on Aboriginal justice issues. Interviews of members of the Advisory Committee revealed that some members believe they are in a position to act as ambassadors for the AJLN in the course of their work with the mainstream justice system. They take opportunities at speaking engagements and networking with colleagues to promote the ideas of restorative justice and Aboriginal approaches to justice. They encourage mainstream justice practitioners to incorporate community justice programs into the repertoire of alternatives to sentencing and incarceration. Through their employment in the mainstream justice system they are in a position to have a direct influence on the attitudes of non-aboriginal colleagues.

To help to focus the work of the Advisory Committee, Sub-Committees have been established from the members of the Advisory Committee:

- i) Educational Sub-Committee was established to bring together experts in the field of Aboriginal justice at various conferences. These experts educate Aboriginal and non-aboriginal peoples and organizations as well as governments to the pertinent issues and sensitivities encountered by Aboriginal peoples involved in the current system of justice. To this end, a Program Coordinators Workshop was organized for November 30 – December 2, 2000, to bring Aboriginal community justice workers together from several provinces and territories, with provincial and federal officials. The purpose was to discuss lessons learned and best practices in the areas of victim involvement and assistance, the use of volunteers, financial administration, evaluation and data collection, and community-police relations.
- ii) Financial and Renewal Sub-Committee assists the Advisory Committee to make decisions concerning funding proposals. They also assist in the development of a strategy for the renewal of the AJLN.
- iii) Support for Existing AJLN Programs is provided by the third Sub-Committee. Their role is to address issues of renewal, create an environment where the existing programs receive support and identify areas where there are gaps so that AJLN can help create change in such communities. To this end, an International Conference on Restorative Justice is being organized for September 20-24, 2001 in Winnipeg.
- iv) Public Relations Sub-Committee gathers articles and stories for the AJLN newsletter and assist in developing the AJLN Web site.

To reduce costs the number of meetings have been reduced from four a year to two. To increase the pace of work, the Advisory Committee Sub Committees will hold conference calls every six weeks, and to improve accountability, an annual progress report on the work of the sub-committees will be conveyed to AJD senior management. In addition, Advisory Committee Membership rules have been clarified so that if a member misses two consecutive meetings they are released from the Advisory Committee.

The use of sub-committees and reduction in the number of meetings appear to address concerns identified in the interviews regarding the cost of meetings and the slow progress of its work. Those who had knowledge of the AJLN and the Advisory Committee supported the role of the Advisory Committee to provide advice and recommendations to government representatives, as they believed the Committee would reflect the perspectives of community members. However, interview results indicated that many respondents from community justice programs and provincial/territorial governments were unsure of the role and activities of the Advisory Committee and the availability of funding. It was suggested in the interviews, that the AJLN could hold their meetings in smaller communities to further reduce costs, and present what they do in an open panel in an effort to increase awareness of the AJLN activities. It was also suggested that local community members could be encouraged to participate, specifically the community justice program staff could provide a presentation on their program and youth could assist in the entertainment portion, e.g. drumming and dancing.

Representatives from the Solicitor General attend Learning Network meetings and share information on which intervention strategies are most beneficial for the community corrections component of programs. However, officials from partner departments expressed the concern that with the Advisory Committee in place, the input of others seems to be sought less. The learning and exchange of views needs to be more inclusive again. They also indicated they are not clear what direction the AJLN is moving in.

5.4 Conclusion

During interviews for the final evaluation, community justice workers, Regional Coordinators and provincial/territorial representatives again expressed a need for various types of training, from program management to counseling for sexual abuse victims. Information products for judges and police officers could be prepared on topics ranging from restorative justice in general to circle sentencing in particular.

Without increasing the present complement of staff it would not be feasible to expand production of the training materials nor to organize the required training to meet the needs of the community justice programs and other justice personnel.

The resource materials prepared by the AJLN (e.g. video resource guide, videos "A Matter of Trust" and the "Donald Marshall Youth Camp") would get wider distribution if they were advertised on the Web site.

The Website could be expanded to include information on lessons learned about community justice programs. It could include models of community justice programs, materials and resources available for community justice programs, information on how to conduct self-evaluation, and how to build an infrastructure in the community to refer clients and provide services to the clients.

The Website could be enhanced as a source of referral to other Aboriginal community justice workers who could act as mentors to those wishing to begin a program, by opening chat rooms or providing resource people from established Aboriginal community justice programs.

In conclusion, though the AJLN has encountered many staff and budget problems, it appears to be addressing most of its original mandate. However, it is unrealistic and beyond the resources of the AJLN to ensure "that the new approaches are fully integrated into the day-to-day operation of the principle justice system" as expressed in the 1996 AJS Operational Plan. This objective should therefore be reconsidered should the Department seek renewal of the Strategy.

APPENDIX A

DESCRIPTION OF COMMUNITY JUSTICE PROGRAMS

British Columbia

Stikine Aboriginal Justice Program

The Stikine Aboriginal Justice Program serves four First Nation communities with a population over 1,600. Under this new program, a local justice council will be established in each of the communities. Local justice councils will operate pre- and post-charge diversion programs that use mediation, family group conferences, community conferences, sentencing circles and healing circles. Referrals will come from the individual, community members, RCMP and the Crown. Victim consent will be required before referrals are accepted. The program will employ a victim services worker. The development and delivery of a reintegration program will be considered under the Justice Program. Work is underway to establish links with other agencies and to negotiate protocol agreements with the Crown and the RCMP. Referral activity has not commenced.

Sto:lo Nation Justice Programs

The Sto:lo Nation House of Justice operates a pre- and post-charge program that serves twenty-nine communities with a population of 10,000 within the Sto:lo territory. The House of Justice has seven members chosen from the Sto:lo Nation and a program co-ordinator. It has developed operational procedures and principles to guide the implementation of the program. For diversion to take place the offender must be willing to take responsibility for their actions and the victim must give their consent. If consensus is not reached in the matter the case is referred back to the court system. The program uses mediation and family group conferencing. The House of Justice intends to expand its activities and to start an Elders Advisory Council.

Prince George Urban Aboriginal Justice Society Youth Diversion Program

The Diversion Resolution Committee and the program co-ordinator operate a pre- and post-charge diversion program for Aboriginal youths in the City of Prince George. The Committee uses community service orders, counselling and apologies as disposition methods. Victims are encouraged to participate in the program but participation is not mandatory for diversion. There are protocol agreements in place with the Crown, Youth Probation, and the RCMP. While this is an urban program, best efforts are made to make Elders available.

Wet'suwet'en Unlocking Aboriginal Justice Program

The Wet'suwet'en House Groups operate pre- and post-charge diversion programs for Aboriginal youths and adults in three communities with a population of approximately 2,400. The Wet'suwet'en House Groups are comprised of Chiefs and members. They use traditional structures and processes including cleansing feasts and community decision-making to resolve diversion issues. A number of different dispositions are used including counselling, anger management, parenting skills, domestic peace program, work services and mental health counselling. Victims may choose to participate but their consent is not a mandatory element of diversion. When victims do participate, they offer input into the process and assist in developing a disposition action plan. The infrastructure for this program has been completely rebuilt after a fire destroyed the files, financial records, and office equipment in 1997. This is a mature program, one that has handled a large number of referrals over the years and engages in substantial training activities. The program employs program staff and one facilitator for youths. Work towards protocol agreements with both the Crown and the RCMP are underway.

Gitx̱san Unlocking Aboriginal Justice Program

Serving more than 4,000 people in six communities, the Gitx̱san Unlocking Aboriginal Justice Program (GUAJ) operates a pre- and post-diversion program. The structure of the GUAJ is based on the House system, usually referred to as the matrilineal system. In a House system, the actions and behaviour of one reflect upon the whole of the House. Therefore, the entire House is affected by the offences of an individual. Diversion issues are addressed through community sentencing and mediation. The acceptance of a referral depends on House support of the offender and the victim as well as the offender's willingness to participate and the victim's consent. Referrals come from the individual, the RCMP, the Crown and other community agencies. The range of dispositions used include attending and participating in feasts, cleansing feasts, shame feasts, visiting with Elders and researching genealogy. For youths the dispositions used more often are curfew imposition, attendance at school and addressing relationships with siblings. There is also a six-week camp for male youths. A victims assistance program is offered under the program.

Yuuhlamk'askw Justice Program

The Nisga'a Tribal Justice Counselling Program will establish a diversion program for youths and adults for 4,000 residents of the New Aiyansh, Gitwinksihlkw, Lakatzap and Gingolx. It is based on a House mediation process that uses consensus decision-making. The Yuuhlamk'askw Committee is an advisory and client screening body and is comprised of representatives from

victims services, justice workers, the RCMP and the Crown. The program co-ordinator acts as a liaison among the Yuuhlamk'askw Committee, referral agencies and House groups. The Yuuhlamk'askw Justice Program will assist the Nisga'a in assuming greater responsibility in administering justice in their communities and build capacity for future justice programming provided under their Final Agreement. It reflects the Nisga'a's desire to have a community justice systems that include community resources and values in sentencing, mediate disputes based on their principles of justice (Ayuukhl Nisga'a) and expand the powers and scope of the responsibilities of the local Justice of the Peace.

Sechelt Indian Band

The Sechelt Indian Band Justice Program is a pre-charge diversion program for the 480 members living on reserve. The Justice Committee is comprised of 13 healthy community members who mediate disputes and facilitate culturally relevant dispositions. It employs a justice worker. Victim support is mandatory. Referrals are made by the RCMP and the Crown. The Justice Co-ordinator assists the implementation of justice initiatives. Sechelt views youths and youths initiatives as priorities for alternative measures programming. The band operates a youth camp, maintains a youth centre, and intervenes pre-charge with youths at risk. The Justice Program has a good working relationship with the RCMP and engages in crime prevention activities. For example, a band by-law permits the revocation of housing privileges for drug dealers and has been supplemented by anti-drug campaigns.

Alberta

Alberta Community Justice Programs

Although it is too soon to provide any outcome data, these programs are described below because they represent a selection of the types of programs delivered under the Aboriginal Justice Strategy in Canada.

The Miywasin Society provides pre- and post- charge diversion to adults and youth in and around Medicine Hat. This Alternative Measures program operates in conjunction with the Medicine Hat Youth Justice Committee, and in partnership with mainstream justice services (e.g. Crown prosecutors, police officers). The Program includes a reintegration component and victims service. They also provide community education to increase the awareness of diversion, and traditional justice values and approaches.

The Tsuu T'ina Nation Peacemaker Program is an innovative means of bridging the gap between the mainstream justice system and Aboriginal initiatives. They plan to establish a First Nation Court with an Aboriginal provincial court judge, Aboriginal prosecutors, and have court support services provided by First Nations members. The Peacemaker component consists of culturally based mediation and alternative dispute resolution provided by the community. Peacemakers will be appointed from qualified individuals, with an emphasis on representing the various families that compose the First Nation and with special attention to qualified youth and elders. The Program plans to address matters related to child welfare, family law, private disputes, disputes between an individual and the First Nation, alternative measures and diversion for criminal offences, and hopes to be able to expand its operations to include other federal and Band regulatory matters in the future.

The Métis Settlement Child and Family Services Authority, Region 18, administers the Métis Settlement General Council Alternative Measures Program. Justice services will be provided to eight Métis Settlements in Northwestern and Northeastern Alberta, in partnership with the Child and Family Services Authority, in an effort to enable each community to deliver alternative justice to its constituents. Mediation, Family Group Conferencing, victim-offender/community reconciliation, and other alternative dispute resolution approaches will be developed to address criminal, civil and/or family matters, in a manner consistent with their values and traditions. Program staff will develop early identification criteria for families at risk; so as to intervene early and successfully prior to situations reaching crisis level. Prevention programs will be developed to address justice issues and community safety and security, by encouraging respect for people and property. The Program will support the development of other programs and initiatives addressing community wellness and healthy families in relation to justice initiatives or concerns. Through public education, they plan to strengthen knowledge of traditional justice values and approaches, and increase conflict resolution and communication skills amongst community residents, which they can apply to daily life.

The Saddle Lake Tribal Administration Justice Program includes Family Group Conferencing and other alternative dispute resolution approaches, such as healing circles, to address the criminal behaviour of Young Offenders. They also address quasi-criminal behaviour for those 12 years of age, or younger with parental/guardian consent. The Program offers support services for Young Offenders to monitor and/or reintegrate them into the community after a court disposition or alternative measures diversion program, to decrease the risk of re-offending, while increasing community security / protection. They will develop prevention programs to increase awareness of, and to address the root causes of anti-social or quasi-criminal behaviour in children and youth. One goal of the program is to increase the sense of responsibility children and youth feel towards themselves/ peers/ family/ the community, and property. They plan to

develop, or increase the peace-making skills of youth and others, and to enable them to apply these skills to their daily lives. Another goal is to increase the capacity of the Saddle Lake community to intervene early and successfully with children, in an effort to prevent crises and involvement in the mainstream justice system. Through education they plan to strengthen community knowledge of traditional justice values and approaches.

The fifth Community Justice Program is operated by the Yellowhead Tribal Community Corrections Society, and involves the development of First Nations Custom Advisory Panels. They will serve five communities by establishing First Nations Custom Advisory Panels in each. Panels will use traditional methods to address conflicts in a responsible, trusting and transparent manner, in an effort to promote the integrity of the First Nation Government's activity, and to improve community confidence in the community's ability to act in the best interests of people. The Panels will address various issues, such as the resolution of conflicts, ethical behaviour, and political and community discord, in a fair, just, and orderly fashion. Three of the member First Nations will pilot the First Nations Custom Advisory Panels at the outset, with the other two First Nations. The Tribal Council will begin panel operations in the upcoming fiscal year.

Saskatchewan

Yorkton Tribal Council

The Yorkton Tribal Council represents seven First Nations. It provides services to its First Nation members in their communities and in the City of Yorkton. The YTC oversees two main initiatives, the Community Based Justice Initiative and the Urban Alternative Measures Program.

YTC Community Based Justice Initiative

The YTC Community Based Justice Initiative co-ordinates the development and implementation of community justice structures for its seven First Nation members, and is assisted by three staff members. The Justice Unit is active in several areas. First, the YTC Tribal Council Justice Unit operates a pre- and post-charge diversion program for adults and youths. Secondly, the Justice Unit oversees the development and implementation of community justice committees to operate diversion programs in each of the communities. Thirdly, it continues to develop alternative measures programs such as sentencing circles, healing circles, victim services and correctional services. It has protocols and guidelines for circle sentencing and healing circle activities. It has completed a youth camp proposal for the Mee-Naw-Shin Youth Camp. It is focussing on reintegration and the effective aftercare plays in addressing recidivism. It is considering running

a community-based support program for offenders and acquiring a judicial interim release worker as part of a reintegration strategy. It has links with the RCMP, the police management board and other justice agencies.

Yorkton Tribal Council Urban Alternative Measures Program

The YTC Urban Alternative Measures Program operates a pre- and post-charge diversion program for adults and youths in the City of Yorkton. It is a status blind urban initiative that seeks to address criminal activity in a holistic manner. The Advisory Committee is comprised of representatives from the Yorkton Tribal Council, Saskatchewan Justice, the police and the Crown prosecutor's office. It provides guidance and advice to the diversion program and works to strengthen relationships between agencies that are involved in the project. Two full-time caseworkers assist the Advisory Committee. The Advisory Committee utilizes family group conferencing and healing circles. Likewise, it uses community service work, apologies, counselling and spiritual programs as disposition measures. Victim participation is not a pre-requisite for program eligibility. Hence, victim participation is voluntary. Referrals come from both the Police and the Crown.

Prince Albert Grand Council

The Prince Albert Grand Council (PAGC) is the largest Tribal Council in Saskatchewan with twelve First Nation members and an on- and off-reserve population of more than 23,000. The PAGC oversees the Grand Council Justice Initiative.

PAGC Justice Initiative

The objective of the PAGC Justice Initiative is to develop and deliver alternative measure programs to the PAGC members. The PAGC Justice Planning Commission provides direction and support to twelve community justice committees. The Justice Commission and the community justice committees operate diversion programs using mediation, family group conferencing, healing circles and sentencing circles. The communities are at different stages of development and delivery and offer a variety of programs. Referrals attributable to each community justice committee vary and reflect the unique position of each First Nation. The most common program option selected is victim-offender mediation. The PAGC is involved in other justice-related activities such providing community-based support for incarcerated members and pre-policing training. It is developing and implementing a spiritual healing lodge, police management boards and a men's aftercare spiritual lodge.

Prince Albert Urban Alternative Measures Program

The Prince Albert Urban Alternative Measures Program operates a pre- and post-charge diversion program. This urban program is status blind and is a co-operative effort involving various community service agencies working in partnership with justice service agencies. These agencies make up an Advisory Council that oversees the program with the assistance of two full-time staff members. It uses mediation and family group conferencing. Victim-offender mediation is used most often. Program dispositions are varied the most commonly used ones are apologies, restitution and community service orders. Referrals are from the Police and the Crown. Victim involvement is necessary for victim-offender mediation and the program is based on victim support.

Aboriginal Women’s Council of Saskatchewan, School Mediation Program

Established in 1998, the School Mediation Program is status blind and employs two school mediation workers. The goal of the School Mediation Program is to teach youths in Prince Albert Primary Schools how to resolve conflict effectively through the use of mediation. It is a preventative strategy, one that hopes to help children avoid coming into contact with the legal system. It has an emphasis on responsibility, offender accountability, collective action and the reparation of harm. The program operates in conjunction with, and is an integral component of, the Prince Albert Urban Alternative Measures Program. Typically the mediation involves several individuals and addresses schoolyard and in-school disputes such as physical fights, harassment and gossip. It also holds community awareness sessions at community schools.

Saskatoon Tribal Council

The Saskatoon Tribal Council (STC) represents seven First Nations. It has assisted five of its First Nations to develop and deliver community-based justice programming. The remaining two First Nations, Mistawasis and One Arrow, have made their own community justice initiative arrangements but retain links to the STC. In addition, the STC oversees the Urban Youth Circles Program.

Saskatoon Tribal Council Community Based Justice Initiative

STC has adopted a phased approach to developing and implementing justice initiatives and is following the principles set out in “Partnerships for Justice” a report that reflects the concerns, priorities and objectives of its First Nations. STC has assisted five of its member First Nations to develop and deliver community-based justice programming through community justice

committees. A Justice Technician Committee, made up of community members, oversees the development of justice initiatives in each community. The community justice committees operate pre- and post-charge diversion programs using community sentencing, healing circles and mediation. There is an emphasis on the inclusion of Elders in the alternative measures programs. STC is active in a fine-option program. It plans to extend its services to include family violence programs and is developing an early release program. STC engages in extensive community and outreach services. It has links with other agencies such as the mediation services and friendship centre.

One Arrow Community Based Justice Program

The One Arrow First Nation Community Justice Committee, comprised of six community members, operates a pre- and post-charge diversion program. In delivering the program, it uses healing and sentencing circles as well as family group conferences. It provides education and awareness training to schools and other community-based institutions. In its three years of operation the Justice Committee has held one sentencing circle and three mediations. It has directed its resources at developing a strategic plan that reflects the needs, priorities and goals of the community. It works at including all community members. As a preventative measure, the Justice Committee has responded to the lack of recreation for youths in the community by organizing activities for the evenings and weekends. The Justice Committee runs networking and outreach activities. The Program has developed links with other agencies within the community and surrounding areas.

Mistawasis Community Justice Pilot Project

The Mistawasis Community Justice Council is comprised of six to nine members and operates a pre- and post-charge diversion program for its community members. It also runs a fine-option program. The objective of the alternative measures programs is to improve the wellness of the community and bring together community resources. The Justice Council delivers the diversion program through sentencing circles, mediation and family group conferencing. A large part of its activities are post-charge and release work. It assists clients who require letters of support, recommendations for sentencing and information and referrals. The Justice Committee intends to establish a release circle to offer support to offenders with reintegration and has already drafted an early release protocol. It wants to development community homes to keep offenders in the community. Community awareness of the programs is achieved through its outreach activities and the distribution of brochures and newsletters. For example, it holds community workshops and visits incarcerated community members. It has links established with other justice and social services agencies.

STC Youth Circles Program

Sponsored by STC, the Urban Youth Circles Program is a diversion program for youths in the City of Saskatoon. The program is operated by a Steering Committee comprised of representatives from the STC Urban First Nations Services, the Saskatoon Police Services and Social Services. The Screening Committee uses family group conferencing. Referrals are assessed by a number of factors including the victim's willingness to take part in the diversion program, whether agencies other than the STC Youth Program are available and the offender's criminal record. Counselling, community service orders and apologies are the most commonly used dispositions. Although the program is status blind, 98% of the referrals are Aboriginal youths. Testimonials regarding the program indicate that it has made a difference for those who have participated by facilitating and initiating a healing journey for families and drawing attention to the power of forgiveness. The workers spend recreational time with the youths to ensure they are not thrust into a circle with unknown participants. Community involvement is important and a number of links have been established with other agencies.

Federation of Saskatchewan Indian Nations

The Federation of Saskatchewan Indian Nations (FSIN) operates and supports three justice programs, namely the Community Justice Training, the Justice Secretariat and the Meyo Maatawin Day Program.

FSIN Community Justice Training

The FSIN has developed the FSIN Community Justice Training strategy to support the development and delivery of community-based justice initiatives in Saskatchewan First Nation communities. The program contributes to the development of alternative measures programs in a number of ways. First, it conducts surveys to ascertain the justice needs of its First Nations members. Secondly, it provides community justice development workshops and technical advice to First Nation communities. Thirdly, it distributes training material and resources at the Tribal Council and First Nation level. The key tool is its comprehensive training curriculum. Training sessions and workshops address four general and distinct program-areas, namely diversion or alternative measures, community sentencing and peacemaking, mediation and arbitration in family and civil cases, and tribal courts. In addressing develop and delivery for these program-areas the workshops focus on topics such as pre- and post-charge diversion, mediation, community service orders and community awareness of justice issues. The training sessions also focus on discreet but related topics such as public legal education, the role of treaties, conflict

within a committee, building partnerships, writing proposals, funding and budgets, strategic planning and vision-gathering ideas. It has developed a handbook entitled “Directory of Aboriginal and First Nation Justice Services and Programs” that provides descriptions of alternative justice programs and community justice committees.

FSIN Justice Secretariat

The FSIN has created the Justice Secretariat to develop justice policy. The Justice Secretariat provides a co-ordinated policy approach on behalf of FSIN members and Tribal Councils. It examines justice issues, develops policy and provides advice. Its activities are broad and comprehensive and it acts as a liaison between First Nations, Tribal Councils and all levels of government. Specifically, the Justice Secretariat provides policy and program advice on alternative measure programs like sentencing circles, justice of the peace courts, community corrections, community justice committees, sentencing circles, mediation models and family group conferencing. The Justice Secretariat finalized the *Indian Justice Commission Act* which administers the activities of the Saskatchewan Indian Justice Commission, completed a draft set of Indian Council regulations, and finalized the *Indian Policing Act* to oversee the future development of a stand alone FN police service throughout Saskatchewan. It is continuing to work on a sentencing circle protocol, peacemaker tribunal legislation and a FSIN community justice employment and training package. It is also developing an FSIN PMB training package as well as FSIN / RCMP protocol for on-reserve chase and arrest. Finally, it is making recommendations to the province on the *Young Offenders Act*.

FSIN Meyo Macitawin Day Program

Operated out of a local high school, the Day Program is a culturally sensitive youth outreach program that provides an alternative to custody for high-risk Aboriginal youths in the City of Saskatoon. The Day Program is an urban diversion program. It accepts youths who have either dropped out of school and are considered at high risk to commit crimes, or those who have already demonstrated criminal behaviour and are likely to continue further into such activity without effective intervention. It is a 12-week program that runs a variety of programs and activities aimed at reducing recidivism through rehabilitative practices. There are sessions on confidentiality, peer pressure, taking responsibility, budgeting, violence, trust building, goal setting, victim empathy, family planning, self-esteem and alcohol/drug abuse. It provides skill development and organizes activities and work placements. It employs dispositions such as cultural activities with Elders, building a sweatlodge, smudging, talking circles, sweatlodge ceremonies, picking sweet grass and sage, cultural crafts, life skills program, anger management, resume/job skills, literacy, and attendance in healthy lifestyles groups. It has field trips to

museums, nature hikes, pow-wows, feasts, canoeing and a cultural camp. The environment the program operates in is one that reinforces positive feelings, self-control, problem-solving skills, life-skills and self-management. The program addresses anti-social attitudes and feelings, anti-social peer associations and attempts to replace boredom, anger and hopelessness with meaningful activities. It has established links with John Howard Society, youth farms, hockey clubs, community health units, social services, YMCA/YWCA, friendship centres, justice agencies and life-skills agencies.

Aboriginal Women's Justice Initiative: Lowering the Risk for Aboriginal Women and Children Entering the 21st Century

The Aboriginal Women's Council of Saskatchewan sponsors the Aboriginal Women's Justice Initiative, a status blind initiative, which serves the entire Province of Saskatchewan. The objective of the Justice Initiative is to support the development of alternative measures programs that specifically address women and child issues. Its objective is to draw attention to the impact crime has on women and children. The Justice Initiative is a policy resource organization and its method of delivery is workshops and referrals services. It offers workshops and clinics as capacity-building tools and information vehicles. The initiative provides information, assistance and support to communities to enable them to take an active role in the design of alternative measures programs. It is expanding its role as a networking, referral and information source and is building partnerships with other agencies that address social issues. The workshops have had an empowering impact on community members. Women and youths are speaking out about their pain, trauma and experiences of abuse. Similarly, the workshops have assisted in assuring women and children that they are not alone, their struggle is not unique and there is help.

Agency Chiefs Tribal Council Community Justice Initiative

The Agency Chiefs Tribal Council (ACTC) serves three First Nation communities and operates a number of programs aimed at fostering wellness and building community morale. The ACTC Community Justice Initiative supports the development and delivery of alternative measures programs. All three communities have community justice committees that operate pre- and post-charge diversion programs. The community justice committees use community sentencing and employ dispositions such as apologies, community service work and restitution. An impressive number of links have been established with other agencies in the neighbouring communities. Through the ACTC, training is provided to each First Nation community. Elder's forums and mock sentencing circles are used as part of staff training. ACTC is developing additional programs for pre-charge diversion, victim-offender mediation and Aboriginal policing.

LaLoche Community Justice Development Project

The LaLoche Community Development Corporation oversees the development and delivery of alternative measures programs for its 2,100 residents. The LaLoche Justice Committee operates a pre- and post-charge diversion program that utilizes mediation, sentencing circles and family group conferencing. It has taken a proactive approach to youth issues and has developed a youth camp program. There is a victim services program and an Aboriginal support group for women victimized by crime. The number of referrals has increased each year.

It is an inclusive program that promotes community participation. The Justice Committee organizes community functions, sharing circles, workshops and provides activities for 'restorative justice week' and 'drug and alcohol awareness week'. A community code of ethics is being developed and a five-year plan on family violence prevention has been drafted. There is an emphasis on Elders and the knowledge they have to share with the community.

Onion Lake Cree Nation Tribal Justice Program

The Onion Lake Cree Nation Tribal Justice Program is a pre- and post-charge diversion program that seeks to restore and reintroduce traditional justice practices. The Justice Program utilizes community-based sentencing and corrections. It operates pre-release circles to support the reintegration of offenders into the community. The Tribal Justice Committee has ten members. The Justice Committee members are trained in not only alternative justice processes, but also sexual abuse, suicide and residential school effects. The Justice Committee is developing a victim services program and has adopted a declaration of victim's rights. In response to high rates of youth criminal activity, it has taken proactive measures and established the Onion Lake Mewasin Centre for Youth. The centre offers a place for youths to go and 'hang out'. There are links with other agencies. Outreach and community activities include the circulation of a community newsletters and questionnaires for feedback. It hosts workshops on crime prevention, community feasts, healing lodges, sober dances, pow-wows and sports tournaments. The Justice Committee is examining how and whether to begin addressing sexual abuse crimes.

Beardy's & Okemasis First Nation Justice Initiative

The Beardy's and Okemasis First Nation Justice Initiative serves the 2,200 residents of Duck Lake. The Justice Committee is comprised of nine members and operates a pre- and post-charge diversion program. It uses victim-offender mediations and sentencing circles. Referrals come from the high school and the RCMP. A protocol and policy are in place for sentencing circles.

Meadow Lake Tribal Council Community Justice Programs

The Meadow Lake Tribal Council (MLTC) serves nine First Nation Communities with a total population of 9,000. There are eight MLTC community justice committees, one in eight of the nine communities. The community justice committees are comprised of six members. Each member is sworn in before the community. The community justice committees operate pre- and post-charge diversion programs. In implementing the programs a range of methods may be used such as community sentencing, healing circles, sentencing circles, healing lodges, mediation and family group conferencing. The diversion programs are adapted to meet the individual needs of each First Nation community. There are victim services and young offender programs. The number of referrals varies among the First Nations with some communities not receiving any referrals because of low crime rates. The majority of the referrals are post-charge diversions made by judges. The Elders play an important role in the diversion program and MLTC may shift from community justice committee to Elder justice councils. MLTC is also working on a cultural wilderness camp proposal.

Battlefords Tribal Council Community Justice Initiative

The Battlefords Tribal Council (BTC) is developing and implementing community-based justice initiatives for six of its seven member First Nation members. It has a First Nation Justice Committee Manual and a five-year strategic plan that sets out its needs, priorities and goals. The Steering Committee and co-ordinator provide guidance and direction to the Justice Initiative. Five First Nations have community justice committees operating pre- and post-diversion programs. The community justice committees use mediation and community sentencing. The majority of the diversions are addressed through victim-offender mediation. There is work on establishing victim services programs. The BTC and the First Nations have links with other justice and social service agencies.

TFHQ Tribal Council Community Justice Initiative

The Touchwood File Hills Qu'Appelle Tribal Council (TFHQ) has sixteen member First Nations. The TFHQ has a 5-year strategic plan that focuses on community-based restorative justice that incorporates First Nation values and traditions. The mandate is to develop and deliver alternative measures programs for youths and adults. The objective is to support renewal of the spirit and community wellness. There are eleven community justice committees in operation. Each community is unique and operates its own model of justice. Community awareness and involvement is assured through workshops and the distribution of brochures and newsletters. TFHQ through the Justice Initiative participates in other justice initiatives including

crime prevention, reintegration and interim release. For example, it is considering employing a victim services worker in each community, starting a women's halfway house and starting a men's community reintegration post-release residence. It intends to sponsor summer camps for young offenders, direct an anti-gang recruitment video, hold an annual restorative justice conference and establish a crime prevention research centre. Finally, it is looking at the role of mediation and the circle process in child protection cases.

Métis Family & Community Justice Services Community Justice Initiative

Since 1992, the Métis Family and Community Justice Services (MFCJS) Community Justice Initiative has been offering social and justice services and programs to Aboriginal peoples in Saskatchewan. A survey conducted in 1997 entitled "Perceptions of Justice" identifies the justice concerns and priorities of the communities MFCJS serves. The objective of the Justice Initiative is to develop and support the delivery of alternative measures programs for the Métis communities it serves. MFCJS recognizes that long-term capacity building takes time and continues to focus the Justice Initiative program on development and implementation issues. Three communities have developed a community-based justice system. However, there has been no referral activity. MFCFS focuses on crime prevention and youths. It operates the native courtworker program, the foster parent program and the reunification program. It has started a store front school program and a youth camp. It has a victims services program and is working on running a 'cultural day' program. It is addressing trust issues between the RCMP and Métis communities and the lack of understanding of restorative justice models. In 1998 a Métis Elders Conference was held, entitled "The Wisdom of Honouring Our Métis Elders" to bring together Elders from different communities to promote linkages and to discuss justice, social and health related issues. The conference produced a Networking Handbook.

Regina Alternative Measures Program

The Regina Alternative Measures Program is sponsored by the Regina Aboriginal Human Services Cooperative (RAHSC). RAHSC is an umbrella organization comprised of eight different human service agencies that serve Aboriginal peoples in the City of Regina. RAHSC, assisted by a Youth Advisory Committee operates a status blind pre- and post-charge diversion program that is available to youths and adults in the City of Regina. The focus is on the rehabilitation of the offender and healing of the victim. RAMP uses mediation, family group conferencing and healing circles. Dispositions used include community service orders, anger management counselling, restitution, apologies, Aboriginal cultural activities, personal work service and donations to charity. The family group conference program operated under RAMP is considered to be the leading urban program in Canada. Hence, family group conferencing is the

most used diversion tool. While victim participation is desirable, it is not always possible. RAHSC aims to reduce reliance on the formal justice system and increase the use of alternative measures as a response to offenders and offences. At the same time it wants to build community capacity to respond to crime by expanding community structures.

Manitoba

Awasis First Nation Family Justice Initiative: The Mee-noo-stah-tan Mi-ni-si-win Project

The Awasis Agency of Northern Manitoba has established the Mee-noo-stah-tan Mi-ni-si-win Project, a unique system of family justice, premised on resolving conflict in a manner similar to family group conferencing. The purpose of the Awasis First Nation Family Justice Initiative is to assist families in addressing child and family concerns outside of the regular child and family services and justice systems. This alternative model for family justice has two components, a community-based conflict resolution process and the appointment of an individual to deal with a number of matters under the *Child and Family Services Act*. The project brings together family, extended family, community members, Elders and community service providers in the resolution of child protection concerns through the use of properly trained O-kwes-ki-mo-wews or family mediators. The mediators use a combination of traditional peacemaking and family mediation skills. The project is designed to target cases such as abandonment, neglect and children deemed 'out of control'. It is intended to be a bottom-up program, developed at the community level, designed and operated by community members for community members. It is expected that Family Justice Committees will be established in each of the fourteen communities by 2001. For the first year of operation, the Family Justice Committees will not address serious cases such as child abuse. The individual, child and family services, Elders, Chief and Council, community organizations and members may make referrals.

St. Theresa Point First Nation Youth Court

The St. Theresa Youth Court was developed in 1992 in response to community concerns regarding youth crime and severe substance abuse. It is a youth diversion program with several levels of decision-making. First, as a pre-requisite, the family must support and consent to the program's approach. Secondly, once a referral is made, the Youth Court will determine which of the five procedures available it will use. Thirdly, a Local Conferencing Team, comprised of six members representing Elders, adults and youths, deliberates on the appropriate disposition. Finally, a Local Magistrate, an Elder appointed by the Chief and Council approves or rejects the Local Conferencing Team's recommendations. There are no restrictions on referrals. Victim

involvement is encouraged, but not a necessary element for diversion. The Youth Court may use the following five options to address diversion: the youth court process; the alternative measures program; a Chief and Council meeting; the peacemaker process or mediation; or the provincial court system.

Waywayseecappo Aboriginal Justice Program

Waywayseecappo Aboriginal Justice Program serves the 1,500 residents of Waywayseecappo First Nation. The Elders Panel sits with the provincial court and offers advice and recommendations on sentencing. The Elders Panel also speaks with victims, offenders and their families in an attempt to resolve disputes informally within the community. The Justice Program, with the assistance of a Community Justice Worker, is developing a diversion program and alternative measures programs. The Justice Program has links with child and family services, Manitoba Youth Centre, the RCMP, the court, probation services and social services. It intends to expand its services to include crime prevention and family violence and family dysfunction programs.

Aboriginal Ganootamaage Justice Services of Winnipeg Inc. Community Council Diversion Program

The Community Council Program is a three-year urban pilot project for Aboriginal people in the City of Winnipeg. The objective is to have the Community Council operate a pre- and post-charge diversion program. The project began as an initiative of the Aboriginal Council of Winnipeg. The Community Council Diversion Program is developing and implementing a culturally appropriate Aboriginal diversion program that involves Elders in all aspects of programming. The Community Council is comprised of Aboriginal Elders, community members and a Co-ordinator. In addition, the Community Council is developing a healing action plan that addresses the needs of the victims and the accused as well as their families. Decisions are reached through deliberation and consensus. There is a protocol agreement with the Crown.

Hollow Water Community Holistic Healing Circle

The Hollow Water Community Holistic Circle Healing Program (CHCH) is an Aboriginal community justice program that focuses on the prevention, intervention and healing of victims, offenders and communities from the effects of sexual abuse and family violence. In 1987, when a specialized culturally appropriate program could not be located to address the epidemic of sexual abuse in their community, the CHCH model was developed. Since that time, the program has become nationally renowned for its innovative 13-step approach to addressing sexual abuse.

The CHCH serves the communities of Hollow Water, Manigotogan, Aghaming and Seymourville in Eastern Manitoba. For every one offence there are about eight people involved in the healing process and the healing process can take three to five years. Similarly, the assessments undertaken to determine the victimizer's eligibility in the program can take up to four months. CHCH provides assessment reports of sexual offence cases to the courts. The CHCH staff counsels all parties and their extended families, they run circles and support groups, investigate new disclosures, go to court with victimizers and manage court-ordered assessments. In addition, they prepare PSR and provide traditional healing therapy. CHCH now accepts referrals for other offences. It accepts referrals from other communities. Future plans include the building of a healing lodge, efforts to re-establish the role of women in the community, reorienting policy programs and healing models, emphasizing economic development as treatment, developing a youth camp and looking at more general diversion for adults and youths in conflict with the law.

Manitoba Keewatinowi Okimakanak Inc (MKO)

MKO operates a pre- and post-charge diversion program for ten of its twenty-six First Nation communities. The total population served is almost 25,000. It has developed the First Nations Justice Strategy. This program marks a return to traditional ways of dealing with wrongdoing in First Nation communities. The program has two components. First, there is the magistrate's court. Secondly, there is the local justice organization. The magistrate's court is the court of first appearance and it operates in Cree. It is made up of an Aboriginal magistrate and a Crown representative. Next, the community justice programs, either a community justice committee/panel or an advisory/Elders council address the diversion. Each community develops its own style, where justice is administered in a way that accounts for their unique needs. Nine communities are accepting diversions and provide conflict resolution to their residents. The Justice Strategy has eight community justice workers. Victim participation is encouraged, but not a prerequisite for diversion. The standard dispositions are used.

Ontario

Aboriginal Legal Services of Toronto Community Council Project

The Aboriginal Legal Services of Toronto (ALST) Community Council Project is an urban diversion program. The mandate of the ALST Community Council Program is to accept Aboriginal offenders charged under the *Criminal Code* or *Narcotics Act* who have been diverted from the court system to an Aboriginal Community Council. The objective is to reduce the frequency of criminal activity by Aboriginal offenders in Toronto. There are more than thirty people on the Community Council. However, a Panel of three hears each case. The Community Council uses community conferences as a method to address its diversion cases and selects from a wide range of dispositions that include community service orders, apologies, restitution, referrals to native agencies or non-agencies, traditional counselling, employment education, self-help and meetings at ALST. Efforts are being made to expand and increase the role of Elders in the program. There are plans to expand the programs available under ALST-CCP to include programs for family violence, child welfare and young offenders. Victim consent is not required for diversion. The Community Council has links to other agencies and engages in outreach. A protocol with the Crown has been established, as well as with the RCMP and courtworkers.

Nishnawbe-Aski Legal Services Corp. (NALSC) Restorative Justice Program

The Nishnawbe-Aski Legal Services Corp. (NALSC) serves thirteen communities in three zones Timmins, Fort Hope, and Sioux Lookout. The NALSC Restorative Justice Program operates a pre- and post-charge diversion program. It employs a restorative justice worker in each zone. NALSC uses community conferencing or justice circles to address diversions. It usually selects treatment and counselling dispositions but it also selects community service orders, fines, restitution, treatment or traditional healing. Victim participation is not required for diversion. Nevertheless, a high percentage of victims chose to participate in the program. The program is well supported by referral sources, especially the Crown. Protocol agreements are in place with the Crown and social services.

Thunder Bay Aboriginal Community Council Program

Sponsored by the Thunder Bay Friendship Centre, the Community Council Program is an urban alternative measures program. The Community Council operates a post-charge diversion program for Aboriginal adults and youths in the City of Thunder Bay. The program employs a co-ordinator to oversee the operations. Through this program, Aboriginal offenders receive direction for long and short term planning and rehabilitation. If the client completes their

assigned plan charges are dropped. The Community Council employs the standard dispositions and most often selects education and prevention programs. Generally, the Crown makes referrals to the Community Council but referrals can come from duty counsel, legal aid and courtworkers. Victim consent is not required for diversion. The Friendship Centre has been in operation since 1964 and has strong links with other agencies.

Whitefish Bay Saa Sii Tonitiwin Justice Program

The Saa Sii Tonitiwin Justice Program serves one community. The Justice Committee operates a pre- and post-charge diversion program for adults and youths and assists the court in sentencing of Naoakamegwaning First Nation members. The Justice Committee has nine members. It uses community conferencing and mediation to address diversion cases and employs standard disposition orders such as substance abuse counselling. In addition, it provides probation assistance. Although it has dealt with sexual assault offences, the Community Council is re-examining this issue. A protocol agreement with the Crown is in place. Referrals come from both the RCMP and the Crown. Victim participation is not required for diversion.

United Chiefs and Councils of Manitoulin (UCCM)

The United Chiefs and Councils of Manitoulin (UCCM) is a Tribal Council representing seven First Nation communities on Manitoulin Island with a population of over 10,000. The Project Justice Committee oversees the development and delivery of pre- and post-charge diversion programs and a sentencing advisory program for the communities. Six of the seven communities have established community justice committees that provide justice services to their residents. These programs are based on three fundamental principles present in traditional Anishinawbe law, namely accountability, making amends and healing.

Six Nations Court Program

The Six Nations are proposing the development and implementation of alternative measures programs for the Six Nations residents. It has two objectives. First, conduct consultations with the 10,000 community members to determine the level of support for alternative measures programs, most significantly the implementation of a Six Nation Court Program. Secondly, develop an alternative measures program. Community consultations were undertaken, and the results were that, community members were supportive of the program proposal. However, further information efforts will be necessary. This program proposes to establish a court, presided over by a judge or a justice of the peace from the Six Nations community. The Six Nation Court will deal with charges laid on the Six Nations reserve. A pre- and post-charge

diversion program and a community sentencing panel were also a part of the consultation process. It is projected that the Six Nations Council will be ready to implement its justice program, as defined by their community consultation process by April 2000.

Garden River First Nation Diversionary Justice Program

The Garden River First Nation Diversionary Justice Program oversees the operation of a post-charge diversion program for the 1,665 Garden River community members. The Elder's Council, made up of five people, deliberates on diversions by using a healing circle. The youths and adults are accepted into the healing circle, where dispositions and action plans are developed. The most common disposition is counselling but other dispositions are also used. Not all referrals are accepted as some are determined to be inappropriate for this alternative justice forum. Referrals come from the Crown and native courtworkers.

Québec

Conseil de la Nation Atikamekw Youth Justice Initiative

The Conseil de la Nation Atikamekw is developing a Youth Justice Initiative for the Atikamekw communities of Manouane, Obedjiwan and Weymontachie. The communities have a population of approximately 5,000. This initiative represents a culturally appropriate alternative to the mainstream child protection and young offender systems. All three Atikamekw communities are engaged in developing innovative and culturally relevant alternatives to mainstream child protection and young offenders systems. It will be a comprehensive intervention program for young people. It will include pre- and post-charge diversion that uses community sentencing and mediation. It will also use family group conferencing, Elder's councils and healing circles. Essentially, this program will build on the family and child services activities being carried out in the communities.

This program is also unique in that both Québec and Canada are active in the developmental stage primarily to address jurisdictional issues. Tripartite participation takes the form of an Advisory Committee comprised of representatives from the three communities, Québec and Canada. This committee meets on a quarterly basis and offers guidance and direction to the program development. Currently, a full-time youth worker is employed who has full authority under the child welfare system to investigate and intervene in all matters relating to youth protection. The willingness on the part of Québec to delegate responsibilities normally reserved for the Directeur de la Protection de la Jeunesse to a community member is significant because

the individual will also have responsibility for young persons under the *Young Offenders Act*. Québec, and in particular the Department of Social Services may consider permanent changes to the *Child Protection Act* and its welfare system to enable and facilitate the transfer of authority over Aboriginal children to responsible community individuals. A complete social policy document has been prepared and approved by leadership and community members. Quebec and Canada also support it.

Nova Scotia

Mi'kmaq Young Offender Project

The Mi'kmaq Justice Institute has been operating a pre- and post-charge diversion program since 1995 under the Mi'kmaq Young Offender Project (MYOP). The MYOP serves Mi'kmaq communities on Cape Breton Island and the Mainland. It seeks to cultivate a culturally relevant community justice program that meets the needs of the Mi'kmaq community members. It believes Aboriginal youths must be held accountable for their crimes and must actively seek reparation. The Justice Institute uses justice circles as a form of victim-offender mediation. The Justice Institute uses a variety of dispositions that include community service orders, victim service orders, apologies, donations to charities, counselling, writing an essay, thanking police, observing court and abstaining from alcohol. Referrals come from police agencies, community agencies, justice officials and community members. MYOP has extensive links with other agencies and supports community activities. Volunteers from the community are encouraged to play an integral role as youth justice leaders. Accordingly, volunteers given orientation training. There is also a training session on victims issues.

Newfoundland

Innu Justice Diversion Project

The Innu Justice Diversion Project was sponsored by the Innu Nation of Sheshatshiu Labrador. The Diversion Program served the Innu of Davis Inlet and Sheshatshiu. The objective of the program was to develop and implement culturally appropriate crime prevention measures, public legal education programs, mediation programs and recreational activities. Two full-time staff and five part-time staff were employed by the diversion project when it was operational.

Yukon

Teslin Tlingit Tribal Justice Project

The Teslin Tlingit Tribal Justice Program is intended to be intrinsically linked with other Teslin Tlingit human services to facilitate a holistic approach to addressing anti-social behaviour and the health of all community members. The Peace Council is comprised of five Clan Leaders. It oversees a pre- and post-charge diversion program and provides advice to the circuit court. The Peace Council operates as a Peace Court. Protocol agreements are in place with the Crown and referrals are from both the Crown and the RCMP. The Peacemaker Council utilizes a number of dispositions such as restitution, counselling and community service orders. The most common disposition recommended is counselling for alcohol. The consent of the offender and the victim is required for diversion to take place. Victims are provided with support and are informed of both the process and the progress.

Southern Lakes Justice Committee

The Southern Lakes Community Justice Committee is an Aboriginal and non-Aboriginal initiative that serves two communities. The Justice Committee operates a pre- and post-charge diversion program. It uses community sentencing and mediation. While the victim's opinion is influential, it does not constitute the basis for accepting or rejecting an application for diversion. There are victim and offender support groups operated under the program. It has held nine sentencing circles, three victim-offender mediations and assisted with probation in nineteen cases. Referrals come from the individual, police, Crown and other community members. Protocol agreements are in place with the RCMP. It has strong links with other community agencies. It also promotes training and education for its members, staff and community members.

Haines Junction Community Justice Program

The Haines Junction Community Justice Committee operates a pre- and post-charge diversion program for the residents of Haines Junction. The Justice Committee has six members and is assisted by one staff member. It uses a community sentencing and mediation program to address referrals. The aim of the project is to prevent crime and encourage the community to play an active role in crime prevention. Sentencing circles facilitate community participation in sentencing. Healing circles address the harms associated with crime. Talking circles are used to address disputes before they become serious acts or criminal events. The Justice Committee is considering participating in a crime stoppers program. Sources for referrals include the

individual, Crown, RCMP and community members. Protocol agreements are in place with the RCMP.

Tan Sakwathan Skookum Jim Diversion Program

The First Nation Diversion Steering Committee runs a pre- and post-charge program for Aboriginal youths in Whitehorse. The Steering Committee is comprised of twelve members and is co-sponsored by the Skookum Jim Friendship Centre and the Council of Yukon First Nations. It is an urban diversion program. Referral to the program means that the youth will attend twelve consecutive workshops based on traditional and cultural values and family communication. The Steering Committee uses family group conferencing to deliberate on diversions. Adults that play a prominent role in the youth's life are included in the process as part of the youth's support system. Tan Sakwathan means the good path and aptly symbolizes the purpose of this program, namely encouraging youths to choose which path in life they will take. A full-time home-skill worker works with the youths and their families and a part-time co-ordinator assist in running the program. This program is unique for two reasons. First, more females have been referred than males. Secondly, the program includes as many people as possible in addressing the referral. The program has links with justice agencies, Aboriginal agencies and community resources. Protocol agreements are in place with both the Crown and RCMP.

Liard First Nation Community Justice Initiative

The Dena Keh Justice Program serves the 650 Kaska and other First Nations living in the City of Watson Lake and provides assistance to another justice program serving the 200 Kaska living in the Lower Post, British Columbia. The Dena Keh Council operates a pre- and post-charge diversion program and provides sentencing advice. The program is unique in that it provides sentencing advice through its family conferencing process. It uses family conferencing and the Dena Keh justice model. It encourages the elders, volunteers and service agencies to participate in the process and seeks to integrate traditional values and practices into the criminal justice system. Consultations are held with the victim as well as with the victim's family and the offender's family. A program co-ordinator and a family facilitator support the work of the Dena Keh Council. The RCMP makes referrals.

Kwanlin Dun Community Social Justice Program

The Community Justice Committee serves Kwanlin Dun adults and youths living in the City of Whitehorse. It operates a pre- and post-charge diversion program with an emphasis on reintegration and prevention programs. The Justice Committee is assisted by a large staff and a

victim support worker. The Kwanlin Dun Community Social Justice Program has four goals. First, to promote awareness and understanding of behaviours and actions that can cause and prevent crime. Secondly, to assist the community in resolving its own disputes. Thirdly, to empower the community to assume greater responsibility for its justice issues. Fourthly, to support the community in its healing after it has been harmed. Efforts are being made to provide information to community members about the program through meetings. Comprehensive training activities have taken place and links have been established with community, regional and national level agencies.

Northwest Territories

Deline

The Deline Justice Committee operates a diversion program and provides sentencing recommendations to the circuit court for a community of 840 residents. The Justice Committee is made up of seven members and there is one program co-ordinator. The Justice Committee uses mediation and dispositions to address the diversions. Although the program serves both youths and adults, the emphasis is on youths. A youth drop-in centre was established in its first year to compliment and augment the work of the Justice Committee. The youth drop-in centre is an early intervention initiative that offers youths cultural, educational and recreation programs as alternatives to criminal activity. Storytelling and drumming programs are part of the diversion program. The on-the-land program (bush camp) relies on assistance from the Elders and uses traditional teachings and skills. This bush camp provides youths at risk with an environment to share their emotional burdens and thoughts. Referrals come from the RCMP and the circuit court.

Lutsel K'e

The Youth Justice Committee operates a youth diversion program for the 300 residents of Lutse K'e located on the east Arm of Great Slave Lake. It is comprised local representatives, works with the Elders Senate and is supported by a part-time co-ordinator. It sponsors crime prevention and community healing activities. The Youth Justice Committee also oversees territorial programs such as the Fine Option Program, Community Service Orders Program and the After Care Program.

Yellowknives

The Yellowknives Community Justice Committee serves the 700 residents of Dettah and Ndilo. The alternative measures program reflects an interest on the part of the Yellowknives First Nation members to take back greater control over justice. The sixteen member Justice Committee is comprised of eight Elders and eight adults. The Justice Committee operates a pre-charge diversion program for youths and adults. The priority of the Justice Committee is to encourage youths to exercise respect for themselves, other people and the land. It seeks to create harmony between Dene and Canadian laws. It does this by contributing to and building upon current crime prevention activities and by working with the RCMP to divert young people in conflict with the law. The Justice Committee currently employs one justice co-ordinator and has strong links with other resources and agencies in the community. For example, it works with the Chekoa program to provide youths with academic assistance, the provision of recreational activities and the facilitation of self-esteem and self-awareness initiatives.

Fort McPherson

The Fort McPherson Community Justice Committee operates a pre- and post-charge diversion program for both Aboriginal youths and adults. It assists in reintegrating offenders back into the community. In addition, it oversees the territorial Fine Option Program. The Justice Committee is comprised of six community members and has extensive links with community and regional agencies. The program has a full-time justice co-ordinator and between twelve to twenty volunteers. The Justice Committee uses family group conferencing and community sentencing. Offenders participate in community service work, follow curfews, complete research or write essays, make apologies, attend counselling or participate in cultural and traditional life-skills workshop. It intends to expand the scope of programs to include probation and parole. Similarly, it is in the process of developing other crime prevention programs such as a traditional on-the-land program or bush camp.

Inuvik

The Inuvik Justice Committee has been actively involved in the criminal justice system since 1994. The Justice Committee is involved in three activities and programs. First, it operates a pre- and post-charge diversion program for youths and adults. Second, it provides assistance to circuit court sentencing. Thirdly, it participates in parole and reintegration through an early release program administered by the Turning Point Screening Committee. In carrying these out, it oversees the territorial Fine Option Program and disposition orders. There are eighteen

members on the Justice Committee assisted by a full-time justice co-ordinator. Extensive links have been established with other community agencies.

Fort Good Hope

The Fort Good Hope Justice Committee operates a pre-charge diversion program for youths and adults. The program is provided to the 800 Fort Good Hope community members. There are nine members on the Justice Committee assisted by a justice co-ordinator. Two part-time coaches help run the young offender diversion program. In addition, the Justice Committee oversees the territorial Fine Option Program, provides support and advice at sentencing and operates an on-the-land program. Like other Northern community justice programs, the Justice Committee has placed a strong emphasis on crime prevention. Consequently there are links with social and economic agencies in the community. The Justice Committee plans to further develop its alternative measures programs to include sentencing circles and family group conferencing. In addition, it intends to expand its operations to include a youth on-the-land summer camp.

Wrigley

The Pehdzeh Ki First Nation Justice Committee has ten members. In selecting committee members an effort is made to have representation from all the families in the community. The Justice Committee operates a pre-charge diversion program to serve the 177 residents. It uses community conferencing and standard dispositions. The Justice Committee also executes probation orders, administers the territorial Fine Option Program and oversees an early release support program. The early release program works with offenders after they are released from jail to encourage a healthy lifestyle. It offers guidance and counselling, referrals for employment and assists in re-establishing the individual's connection to the community. The Justice Committee works with the RCMP to implement preventative measures programs aimed at youth. It is also involved in a number of programs that address employment preparation, emotional support and crime prevention. It acts as a centre for the community by providing a venue for the residents to share their concerns and raise issues. It intends to establish a justice of the peace panel to sentence community offenders.

Nunavut

Pangnirtung

The Kanguit Justice Committee of Pangnirtung is comprised of nine committee members and operates a diversion program for youths and adults. The diversion program serves 1,300 residents. The Justice Committee is sponsored by the Hamlet of Pangnirtung and was established by amalgamating the youth committee and the adult committee. It employs one part-time co-ordinator. The RCMP and social services agencies are responsible for making referrals to the Justice Committee. Like other Northern communities, the Justice Committee's activities include not only the diversion program but also other programs that address youth issues and crime prevention in the community. For example, it administers and delivers an on-the-land program for youth at risk that addresses self-esteem and cultural identity. It also holds traditional sewing sessions for community members.

Sanikiluaq

The Inuqtiirijit Justice Committee operates a youth and adult diversion program for the 630 residents of the Hamlet of Sanikiluaq on Sanikiluaq an island located in Hudson's Bay. The RCMP and territorial court make referrals to the program. It is expanding its services to include a traditional on the land and hunting program for youths at risk. It is also working on community awareness initiatives.

Rankin Inlet

The Rankin Inlet Justice Committee operates a diversion program in Rankin Inlet for 2,000 residents. The Justice Committee is comprised of nine members, which is a combination of Elders and youths. The Justice Committee works closely with the RCMP to provide alternatives to the court system for adults and youths that come into conflict with the law. A community conferencing model is used and it employs dispositions such as community service orders, apologies, financial restitution and participation in the lands program. Victims are consulted, but their consent is not required for diversion. The Justice Committee assists in the administration of a fine options program. It employs one committee facilitator and two part-time staff to administer the alternative measures program and a lands program co-ordinator to oversee the lands program. The Justice Committee is considering expanding its role to include the reintegration of offenders back into the community. It would use an early release parole program, a reintegration program and other reorientation support programs for returning community members. It is already involved in early release work by writing letters of support

for inmates. Similarly, the Justice Committee is proposing several special projects as preventative measures. For example, it is considering the provision of traditional counselling, a soap stone program to encourage creativity and carving and building a sod house, a traditional building used to resolve conflict.

Cambridge Bay

The Cambridge Bay Community Justice Committee oversees a pre- and post-charge diversion program for 1,400 community members. It also participates in community sentencing by providing advice to the territorial court. The Justice Committee is comprised of eight members, a mixture of youths, adults and Elders. A youth worker and part-time program facilitators assist the delivery of the diversion program. The Justice Committee draws on a variety of programs and disposition options. It participates in a fine-option program. The Justice Committee offers programs that focus on crime prevention and community wellness. First, it has developed creative art workshops for young offenders that provide instruction in carving and jewellery making. Secondly, it operates a young offender on-the-land program that teaches traditional skills and knowledge and facilitates feelings of belonging and self-esteem. Thirdly, it offers support and counselling to youths returning to the community through a young offender reception program. Fourthly, it runs reintegration and cultural activities that includes an igloo-building project for young men and an Effie doll project for young women. Victim assistance is provided and a victim support program is being developed.

Clyde River

The Sulugak Justice Committee operates a youth and adult diversion program for the 710 residents of Clyde River located on Baffin Island. Referrals are from the RCMP and territorial court. It also operates a land program.

Pond Inlet

The Pond Inlet Justice Committee serves the 1,200 residents of Pond Inlet. The Justice Committee focuses its efforts on youth at risk and crime prevention. It operates a pre- and post-charge diversion program for adults and youths and provides assistance to the court for sentencing. The Justice Committee uses mediation as a diversion tool. The Justice Committee provides reintegration services and provides counselling for returning community members who have been incarcerated. It oversees a fine-option program and a youth program. As part of its prevention program the community operates an on-the-land program for youths and is unique in operating separate land programs for females and males. The RCMP and territorial courts make

referrals to the diversion program. Community involvement is encouraged and there are monthly workshops in the local high school.

Iquluit

The Iqaluit Adult Justice Committee, a parallel committee to the Youth Justice Committee, operates an alternative measures program for adults in the Municipality of Iquluit, population approximately 4,405. It will provide the same services and use the same methods as the Youth Justice Committee but operate as a separate entity.

Coral Harbour

The Coral Harbour Community Justice Committee operates a pre- and post-charge diversion program for 700 residents. The Justice Committee is comprised of seven community members chosen from Elders, youths, and adults. The Justice Committee utilises family group conferences and healing circles. It has developed and implemented an on-the-land program for the both the winter and summer seasons. The land program requires enthusiasm as well as emotional and financial support from the community. While the land programs are the focus of the initiative it also oversees a fine-option program. The Justice Committee has used a variety of dispositions including community service orders, counselling, land program participation, Justice Committee meeting attendance and restitution orders. The Justice Committee plans to implement pro-active and culturally relevant prevention activities such as the construction of a sod house.

Cape Dorset

The Uquajjigiatitt Community Justice Committee in Cape Dorset not only operates a pre- and post-charge and diversion program for adults and youths in the community, it also provides sentencing assistance to the circuit court. Serving a population of about 1,200, the Justice Committee is comprised of nine members both Elders and adults. The Justice Committee focuses on prevention and outreach. The dispositions used include mandatory community service work, the use of apologies, the provision of counselling, land program attendance, school attendance, curfew setting and attendance at justice committee meetings. There is one full-time co-ordinator and five part-time program facilitators. The facilitators operate the on-the-land program, a men's healing group, a women's healing group and an elder and youth program that focuses on learning traditional ways. The territorial circuit court, which visits every three months, was able to cancel one visit because the Justice Committee had successfully addressed all the matters on the docket. The Justice Committee is involved with the community by visiting

agencies and schools as well as sponsoring social events and outreach activities. It hosts a radio show to ensure community awareness of the program and to offer a venue for feedback. In the future, it intends to develop a healing group for women to offer more support and develop options for victim participation.

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