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NATIVE ADVISORY COMMITTEE RESPONSE TO THE
REPORT OF THE TASK FORCE ON ABORIGINAL PEOPLES
IN FEDERAL CORRECTIONS

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Canada, Ministry of the Solicitor General
NATIVE ADVISORY COMMITTEE RESPONSE

TO

THE REPORT OF

THE TASK FORCE ON ABORIGINAL PEOPLES

IN FEDERAL CORRECTIONS

JUNE, 1989

CONTENTS

	<u>Page</u>
Dedication	ii
Composition of Native Advisory Committee	iii
SECTION 1 Where We're At	1
SECTION 2 What We've Seen	8
SECTION 3 What We Hope to See	51
APPENDICES	
Appendix A Recommendations Defined as Having Immediate Resource Implications	
Appendix B Primary Responsibility for Implementation of Recommendations	

DEDICATION

This report is dedicated to all those involved in seeking better programs for Aboriginal offenders. We are grateful for all those who have gone before us and helped bring us to this point on the trail. More than ever, we realize that improving programs for Aboriginal offenders is a journey - not a destination.

NATIVE ADVISORY COMMITTEE

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* Sam Augustine died during the time of our deliberations. Sensing that he could not participate in the detailed discussions, he asked his friend, Noel Knockwood, to pass on his profound wish that all who address this issue should do so in a mood of compassion and mutual respect.

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SECTION 1

Where We're At

The Native Advisory Council welcomes the Report of the Task Force on Aboriginal Peoples in Federal Corrections, and their effort to identify ways of improving opportunities for Aboriginal offenders to be socially re-integrated as law-abiding citizens, through improved penitentiary placement, through improved institutional programs, through improved preparation for temporary absences, day parole and full parole, as well as through improved and innovative supervision.

We also wish to acknowledge the leadership provided by Commissioner O. Ingstrup in initiating the Task Force, involving key elements of the Ministry of the Solicitor General, as well as other ministries, and ensuring that the subject be given a high priority.

The Native Advisory Council shares this sense of urgency; appreciates the opportunity to respond to the report; and is committed to the provision of not just advice, but assistance, in relation to those aspects of the report that we support.

Nevertheless, the Native Advisory Council is practical and pragmatic. Our membership represents all major native voluntary organizations providing direct service to the Aboriginal offender. As such, we are abundantly aware of the practicalities and problems involved. We face them daily.

The Ministry has an agenda of broad ranging issues. We have an agenda, one single point, improved services for Aboriginal offenders. We hope that the concern and attention to this issue, generated by the development of a Task Force report, will be

sustained and result in better practices and programs. We will strive to make this happen. With the support of the Correctional Service of Canada, the National Parole Board and other member agencies of the Ministry of the Solicitor General, as well as the Aboriginal community, it will happen.

One could almost say it must happen. It must happen because patience and understanding are not limitless qualities. Aboriginal offenders have been a concern of the Ministry of the Solicitor General since its inception in 1967.¹ The Aboriginal offender has been the subject of recurring reports; each one welcomed, carefully considered and, subsequently, only partially implemented. We suffer from a legacy of long-standing needs and unfulfilled recommendations. Two examples may illustrate this point.

The current Task Force Report recommends increased Aboriginal employment within the Ministry of the Solicitor General. The aforementioned 1967 report recommended, "Indians and Eskimos should be hired much more frequently than is now the case to work with Indian and Eskimo offenders in all aspects of law enforcement, judicial and correctional services."

The current Task Force Report recommends a policy be developed to address the need for awareness and sensitivity amongst Ministry staff and officials of the ways and culture of the Canadian Aboriginal nations, and that an appropriate training plan be developed for the correctional components of the Ministry.

The 1967 report stated, "Non-Indian staffs with a caseload that includes any large number of Indians or Eskimos should be given

¹ Indians and the Law, Canadian Corrections Association (now the Canadian Criminal Justice Association), 1967, Dr. Guy Monture and W.T. McGrath.

special training to help them understand the unique problems and point of view of Indians and Eskimos."

The Task Force Report expresses continuing concern for adequate residential and post-release services for Aboriginal offenders. These range from alternatives to all Aboriginal institutions where programs and services could be provided within an Aboriginal cultural context to the indirect supervision of parolees placed in private homes. A separate study initiated by the Allied Indian Metis Society of British Columbia, disclosed that nine reports submitted over the past 22 years have made similar general recommendations - almost one every two years. In addition, and of particular interest to the Allied Indian Metis Society, there were seven more specific reports related to the development of a native community residential centre, or camp, in the Pacific Region. The cumulative effect of these 16 reports has not resulted in the establishment of such a facility.

Even as we welcome the addition of the Task Force Report on Aboriginal Peoples in Federal Corrections as yet another major report, we realize that this is not unexplored territory. The study is not a new path leading to a new horizon, but moves, as it must, along a well-worn trail that, until now, has led to an impasse. As one researcher stated, "Although many of the same types of conclusions and recommendations continue to issue forth from these studies, current policy and practice does not reflect them."²

² The Feasibility of an Indian Operated Camp for Indian Inmates Emerging from B.C.'s Provincial and Federal Correctional Institutions, Linda D. Locke, AIMS Society, Vancouver, February, 1984.

As a consequence, Aboriginal offenders, Elders and organizations maintain their hope despite recurring cycles of reports, encouraging recommendations and disappointing outcomes.

Currently, these hopes have been rekindled and even raised.

This resurgence of hope is directly related to the development, acceptance and promotion of the Mission Document for the Correctional Service of Canada and for the National Parole Board. The specific leadership that the Commissioner has given to both these Mission Documents and to the Task Force Report is well recognized and accounts, in no small measure, for greater expectations from the Aboriginal community.

Looking at the CSC Mission Document alone inspires such hope.

"We will accommodate, within the boundaries of the law, the cultural and religious needs of individuals and minority groups, provided the rights of others are not impinged upon." (Core Value 1)

"Accepting that offenders can best demonstrate their ability to function as law-abiding citizens in the community, we will provide programs, assistance, and supervision to support the gradual release of offenders at the earliest time that release can be safely affected.

We recognize that the establishment and maintenance of positive community and family relationship will normally assist offenders in their reintegration as law-abiding citizens.

Involvement of community organizations, volunteers, and outside professionals in program development and delivery will actively encouraged." (Core Value 2)

"Respect for the dignity of all individuals, the rights of all members of society, and the potential for human growth and development will form the basis of our participation in national and international corrections." (Core Value 4)

In the light of the foregoing discussion on previous reports, the following is also significant:

"We believe that through a sense of history and a desire to learn from past experiences, we can shape our future and strive for excellence in achieving our Mission." (Core Value 5)

In terms of strategic objectives, expectations are further raised by the following:

Strategic Objective 1.7
To respect the social, cultural and religious differences of individual offenders.

Strategic Objective 2.2
To ensure that the special needs of female and native offenders are addressed properly.

Strategic Objective 5.1
To develop our policies with a recognition of the need to demonstrate accountability.

Strategic Objective 5.10
To pursue our Mission in a way that exemplifies at all times our values and guiding principles so that our integrity is never compromised.

The Mission Documents of both the National Parole Board and the Correctional Service of Canada, together with the advent of the Report of the Task Force on Aboriginal Peoples in Federal Corrections, has created a focus on credibility amongst Aboriginal leaders, citizens and offenders. No one questions the expressed desire or the seeming determination. However, we await the delivery.

No one denies that some progress has been made, but all agree that much more progress is required - especially if the ultimate objective stated in the Task Force Report and shared by the Native Advisory Committee is to be reached - a reduction in the

numbers of Aboriginal offenders in federal penitentiaries, but also an increase in their successful reintegration with the community.

This is a time for action - a time to move forward, together.

The pace of our progress will be dependent in part on greater mutual understanding, requiring significant efforts by all those involved. Certainly there is a need to appreciate that Aboriginal ways are different. As one member stated, "What makes sense to us, may be appear to be nonsense to others." These ways have served and will continue to serve Aboriginals. These ways have existed for thousands of years and have been confronted by European values for only two to three centuries.

We must cope with mutual misconceptions, and move towards mutual understanding.

Federal correctional agencies must become more aware of and sensitive to Aboriginal ways. At the same time, federal corrections must make the effort to explain opportunities for Native communities and organizations to play an increased role in the criminal justice system.

Aboriginal communities, especially those considering more self-determination, will have to give careful and knowledgeable consideration as to what this will mean in terms of criminal justice and correctional programs.

Federal corrections must also recognize that Aboriginal communities and organizations have resources to address problems facing the Aboriginal offender. They may be different, they may be less structured, they may be less discernable, but they exist. However, access to these resources can only be achieved if the

Aboriginal community senses a degree of participation and self-determination. A strategic working partnership must be forged with the Aboriginal community if real and continued progress is to be made. The Native Advisory Committee pledges itself towards the achievement of that strategic partnership.

There is more than ample evidence that progress can be made. As one observer stated, "(We) must recognize that the extent of successful Indian adaptation... is nothing short of astounding. For every desperate personal explosion, there are tens of people who, despite incredible challenges to every basic value and source of self-esteem, refuse to give up or give in... They have shown amazing strength, warmth, adaptability, faith and patience in the face of the most fundamental social and personal earthquakes imaginable. The degree of violence and drunkenness... pronounced as it is, should be seen not as evidence of failure, but as proof of their success, so great is the magnitude of change required of them."

"(Aboriginals) are in reality a remarkable people. How they are treated will say a great deal about what kind of people mainstream Canadians really are. Aboriginals deserve our attention and patience, not because they were here first, but because they simply deserve it."³

With mutual understanding, compassion and respect, we can develop a working strategic partnership that promises a brighter future - for both the Federal Service and the Aboriginal offender.

³ Rupert Ross, Assistant Crown Attorney, Court House, Water Street, Kenora, Ontario, Dancing with a Ghost: Exploring Indian Reality, 1987.

SECTION 2

What We've Seen ...

General Reaction

The Native Advisory Committee is pleased that the Solicitor General, the Honourable Pierre Blais, has released the Report of the Task Force on Aboriginal Peoples in Federal Corrections and sees it as "... a comprehensive base for action on matters which fall exclusively within the jurisdiction of his Ministry." We are heartened by his statement that he "... relies heavily on the advice given him by Aboriginal peoples, especially those directly involved in the delivery of service to Aboriginal offenders and that he looks forward to our submissions on the Report." (Minutes of March 14, 1989, Meeting of the Native Advisory Committee with the Minister)

He, and all those associated with the Report, especially Commissioner O. Ingstrup, are advised that the recommendations have the general support of the Native Advisory Committee. The Report represents an agenda for action for agencies within the Ministry, but especially those concerned directly with federal corrections (i.e., the Correctional Service of Canada and the National Parole Board). While there may be differences in detail and both discussions and diversity in relation to strategies, the reaction to the recommendations is basically one of acceptance.

The Report has made major contributions to a subject that has been the topic of a series of reports.

1. A Snapshot - The Report has captured many of the outstanding recommendations of previous reports. It provides, in large measure, a catalogue of unmet needs and an agenda for

immediate action on previously well-documented and well-substantiated needs. Indeed, since it so well captures the efforts of the past, it is surprising that there is little or no acknowledgement of previous contributions to the subject. The references list only one major report specifically focussed on the native offender, and no reference at all is made to Parliamentary Committee Reports bearing on the subject. This includes the last report of the House Committee on Justice and the Solicitor General, chaired by the Honourable David Daubney. The latter report devoted a full chapter to the Aboriginal offender, including twelve recommendations highly supportive of the thrust of the Task Force Report. Many of the recommendations could have been strengthened by the provision of a historical context making it clear that this field had been plowed many times before and planting is overdue.

A similar observation could be made in relation to the work of this committee, conveying as it has, since its inception, the views and concerns of native organizations, Elders, community leaders and offenders. The major recommendations having the greatest potential program impact are not unique, but merely wrapped in a different package.

It is discouraging to consider the length of time required for recommendations to be reflected in reality - for philosophical pronouncements to be converted to practice.

A most significant example, overlooked by the Task Force Report, was the Report of the National Conference and the Federal/Provincial Conference on Native Peoples and the Criminal Justice System, held in Edmonton, February 3-5, 1975. All of the Ministers responsible for criminal justice in Canada met with Aboriginal leaders before and after their

federal/provincial conference. A conference of Ministers spelled out numerous recommendations including, "native persons should be closely involved in the ... delivery of services associated with criminal justice and native peoples," and "programs, particularly of a social, cultural or educational nature, special counselling services and community-based work programs, such as forestry camps, must be made more available to native inmates and must be tailored to their special needs."

This is more than a familiar refrain repeated in the Task Force Report. It is a basic, fundamental concept or foundation on which future developments can be built.

As in other recommendations of the Task Force, the Native Advisory Committee is pleased that, while not fully implemented, those recommendations and guidelines are not lost and, at least, resurface on today's agenda.

2. Standards - The Task Force Report provides a new and potentially productive approach to many of the issues when it suggests the development of standards. This is of particular significance in relation to the overall or program thrust of both the Correctional Service and the Parole Board. For example, the existing Commissioner's Directive on Native Offender Programs would seem to apply only in "... operational units responsible for a significant number of native offenders... where appropriate and feasible."

At present, the determination and definition of terms like "significant number" and "appropriate and feasible" are far too subjective and at variance with the Mission Documents of

both the Correctional Service of Canada and the National Parole Board.

In full recognition of the challenge presented and the onus for the provision of service from all of the agencies represented, including voluntary direct service, we propose that the significant number should be one or more. In addition, "where appropriate and feasible" should be deleted.

Flowing from this principle, there is an obvious need for standards relative to those areas identified in the report such as native liaison services, waivers, access to segregation and dissociation, provision of services by provinces and territories, security clearance of Elders' sacred bundles, and the provision of sweats, as well as other significant aspects of programs for Aboriginal offenders.

This represents a considerable task, but the prize of equitable, fair and humane service on a national basis is worthy of the effort required.

In general, the Report, in terms of its recommendations, is more pragmatic than dramatic, and while the authors will never be accused of being ivory-towered or having had their heads in the clouds, their feet are certainly on the ground.⁴ It is the hope of the Native Advisory Committee that the organizations represented on the Task Force can get their feet moving on the path to progress. This progress

⁴ This comment relates in considerable measure to the recommendations, but perhaps even more so to the strategies where, in our opinion, insufficient emphasis is placed on the need for involvement of native communities and organizations.

will be measured not by further philosophical statements, pronouncements, principles or possibilities, but by the provision of people to create programs that reflect the stated philosophy in reality.

The impact of this Report can be subsequently measured by two yardsticks. One... "a change (presumably a reduction) in the numbers of Aboriginal offenders in federal penitentiaries, but also an increase in their successful reintegration with the community" (Page 31, Task Force on Aboriginal Peoples in Federal Corrections). And two, the tangible, realistic and appropriate changes in the experience of any single Aboriginal who is ultimately the responsibility of federal corrections.

The report is focussed primarily on federal correctional services and most particularly on the Correctional Service of Canada. There are a total of 61 recommendations (see Appendix B), and of these, 56 are the designated, direct and primary responsibility of the Correctional Service of Canada. Twenty-five would seem to fall primarily within the jurisdiction of the National Parole Board, and 13 could be seen as requiring the major involvement of the Secretariat.⁵

The Native Advisory Committee sees itself as having three roles in the implementation process.

1. The promotion and monitoring of the implementation of those recommendations and strategies which it endorses.

⁵ The totals exceed the 61 recommendations due to the fact that some recommendations require the participation of more than one agency.

2. The provision of advice based on experience and sensitivity to the problem of the Aboriginal offender.
3. Assistance and participation in the implementation of mutually agreed upon recommendations and strategies.

In short, while we advocate movement, we are not asking the Ministry to "go it alone". We are asking the Service to enter into a strategic partnership. To carry these concerns and commitments forward, we offer and urge acceptance of our support in relation to implementation of our response to the Report's recommendations and related matters. This is an extension of Recommendation 78 of the Report of the House Standing Committee on Justice and the Solicitor General calling for a joint advisory committee on native offenders upon which would be represented major native organizations involved in criminal justice matters. It also reflects on the reported remarks of the Minister that he relies heavily on the advice given by Aboriginal peoples, especially those directly involved in the delivery of services to Aboriginal offenders.

We strongly support the Minister's position on who is best qualified to speak on behalf of Aboriginal offenders. Certainly it is those organizations who have gained their expertise through experience working with both federal corrections and the Aboriginal offender.

Specific Comments

For ease of consideration, the more specific comments of the Native Advisory Committee are discussed in order of presentation in the Report.

CHAPTER 1

Mandate and Activities

The Task Force was asked to address the process of dealing with Aboriginal offenders. This gives rise to two comments.

1. Aboriginal offenders are not a single group. The Aboriginal community exists in a pluralistic society and is, in itself, a pluralistic society with significant differences between status and non-status Indian, Metis and Inuit, plus tribal differences within the Indian community. It is said that some Aboriginals "fall through the cracks" in terms of the provision of services from government, especially the Department of Indian and Northern Affairs. On the other hand, the Correctional Service of Canada, the National Parole and native voluntary service organizations must provide equitable treatment to all Aboriginals. (Also, contrary to the Report, Aboriginal people comprise 3%, not 2.5%, of Canada's population according to the Canadian census of 1986.)
2. It is also worth noting that the term "Aboriginal people" is far from well understood by the Canadian public. According to an index of familiarity study conducted by Statistics Canada in 1986, only a tiny fraction of respondents correctly identified this term as encompassing the Indian, Inuit and Metis peoples. Only a slight majority would include the Metis, and only about 4 out of 5 Canadians consider Indians and Inuits to be Aboriginal people. Since many of the recommendations require the support of the larger community, the choice of terminology has significance. In a national omnibus poll conducted for the Correctional Service of Canada by the Gallup Corporation in

October 1984, 66% of the respondents were in favour of programs especially developed to assist native offenders. There seemed to be a clear understanding of the subject matter. For example, in the Pacific Region, 60.3% were in favour, while 39.5% were opposed. Only .2% were uncertain. If the term Aboriginal offender had been used, there might well have been confusion. In any event, terminology is extremely important for subsequent communication activities. If the term Aboriginal is to be employed, then it must be clearly defined at the very outset.

Our final observation on the mandate is that it focusses on "improved services" and programs and we would have preferred the addition of the terms "adequate and appropriate".

The description of the Ministry of the Solicitor General and its component agencies is helpful as an orientation to the neophyte. The same can be said for the section on Indian and Northern Affairs Canada. However, we found the material related to the Department of Secretary of State to be somewhat sparse and vague. All of this material seemed to duplicate material offered later in the Report regarding these same ministries. Again, the Department of the Secretary of State information was extremely sparse, referring to six programs without providing any further elaboration. In addition, the Department of Justice would seem to be credited with supporting criminal courtworker services to natives, but it is our understanding that these programs are not supported nor operative in Saskatchewan and the Atlantic provinces.

Principles

The Native Advisory Committee accepts the principles on which the Report was based. However, in relation to Principle 1,

restriction to matters within the Solicitor General's responsibilities, it is felt that one of these responsibilities is to create better understanding of and support for the criminal justice system including the correctional process. Keeping in mind the Report of the House Standing Committee on Justice and the Solicitor General, Principles 1 and 11 and Recommendation 1, calling for increased efforts of all federal participants in the criminal justice system to make public education a high priority, we feel that the Report should have recommended more efforts devoted to increasing the awareness of Aboriginal people to the workings of the system and potential opportunities for participation in improving it.

In relation to Principle 5, reference is made to monitoring the implementation of recommendations and we have already recommended such a mechanism involving this Committee.

We would recommend two additional principles.

The first of these is that Aboriginal-specific services must be provided to each and every Aboriginal offender - even if there is but one: in an institution; in a region; or in the whole Services. The Mission Documents and the Charter of Rights substantiate this position.

Finally, we repeat the fundamental principle that Aboriginal direct-service agencies, working with Aboriginal offenders, are the preferred and most promising avenue to gain access to existing resources in the Aboriginal communities. A shared responsibility, a working strategic partnership will provide access to these resources. As one member stated, "It is not always necessary to create new services. Many exist. It is a question of cultivating these resources and making effective contact. A contract with a Native direct-service correctional

agency provides more than a service; it provides access to a total supportive network."

CHAPTER 2

Legal Context

The presentation is straight forward and well set out. However, we wish to place particular emphasis on the concept of "systemic discrimination" and the coexistent need for equal opportunities and remedial measures in the development of improved, adequate and appropriate programs. Both the Correctional Service of Canada and the National Parole Board should develop remedial programs, but also greater staff understanding that such programs are required in order to make access and benefits available and to avoid systemic discrimination.

Social Economic Context

The statistics on violent death have special significance for correctional programs. Our hope is that when the report is converted into programs, that special attention will be given to the provision of programs related to the control of aggression and substance abuse in an Aboriginal context.

The Health Context

A similar hope is expressed in relation to ensuring that health concerns of Aboriginal offenders and their more holistic orientation will be reflected in life skills programs.

A Spiritual Context

Much of the material under this heading focusses extensively and perhaps unduly on Indians and on spiritual and cultural practices indigenous to Prairie Aboriginal people. For example, nowhere in the Report is there mention of the Long/Big House tradition that has great relevance for specific tribes and regions. Sensitive implementation must ensure that these differential concepts are recognized.

CHAPTER 3

Correctional Context

There are three major observations regarding this chapter which should be taken into account in using any of this material for the purposes of increasing public awareness of the Aboriginal offender and the correctional process.

1. It is recommended that the material regarding the role of governmental organizations be incorporated and presented as a cohesive whole rather than in two separate sections in the Report format.
2. That the relatively sparse information available from the Department of Secretary of State be provided in a more specific and operationally helpful manner.
3. That other governmental agencies with programs designed in part to gain Aboriginal participation be included. National Health and Welfare and Manpower Canada both have programs of specific applicability for Aboriginals.

4. In presenting some of the achievements of the various agencies, it would be fair to point out that these developments occurred, in large measure, as a result of the prompting and participation of Aboriginal organizations including the Native Advisory Committee and the direct service organizations represented upon the Committee. To do otherwise creates the impression that the innovation springs exclusively from within government.

Under the Case Management process, emphasis is placed on information required by correctional decision-makers. We believe that it is equally important that the offender is aware and takes appropriate advantage of programs opportunities available. This is relevant to all aspects of the correctional process and in particular to the subsequent discussion on the waiver process related to parole. We would also point out that it is reflected in the Mission Documents of both the National Parole Board and the Correctional Service of Canada. "We believe that respecting the right of all concerned individuals to be informed participants in the correctional process contributes to the quality of the process and the decisions made" (Mission Document, The Correctional Service of Canada).

The Native Advisory Committee meets more than twice yearly. The "twice yearly" is a minimum requirement.

Community residential services refers only to halfway houses and does not give recognition to the specialized residential services and camps developed in Alberta and, in the past, Manitoba. Again under the topic of supervision of Aboriginal inmates, the provision of supervision for inmates on parole and mandatory supervision is also available in British Columbia and Manitoba.

CHAPTER 4

Statistical Profile

The statistical information is helpful and it is convenient to have it incorporated in one source. The weaknesses in the statistical information available are addressed later in the Task Force Report and remedial action is recommended.

Some observations can be raised on the basis of the statistics.

1. While it is true that natives are greatly over-represented in multi-level security institutions, it is also true that they are over-represented in S-3 institutions. It would also be interesting to look at the distribution of Aboriginal inmates in Alberta where special residential facilities exist in comparison to, say, British Columbia or Saskatchewan where such facilities do not exist.
2. Where the text refers to criminal profiles creating impediments to the early release of Aboriginal inmates, it cites that 73% of Aboriginal inmates were guilty of crimes of violence compared to less than 60% of other inmates. It would be of interest to compare both groups in relation to institutional disciplinary records. As a hypothesis, it is submitted that the Aboriginal inmate is more cooperative and less subject to violence within the institution than other inmates. A review of disciplinary records and incident reports could help refute or substantiate this hypothesis. The extension of the hypothesis is that the problem may well be rooted in a higher degree of substance abuse. In an earlier study, researchers were only able to identify 10% of all Aboriginal offences resulting in admission to

penitentiary where no alcohol or drug abuse was involved.⁶ A clarification of these hypotheses could well have program ramifications in relation to the provision of substance abuse courses and anger control.

3. The statistics on conditional release represent a clear challenge to the Correctional Service, the National Parole Board, native correctional service organizations and native communities. There has been virtually no increase in the granting of day parole and the number of decisions to grant full parole has in fact decreased during the period April 1, 1984, to March 31, 1987. There is a clear and unequivocal challenge that is not being met by current programs and concerned organizations. If a catalytic spur is required to create change, surely this is it!

4. The statistics on parole decisions are disquieting. Especially, in the light of a report by one member of the Advisory Committee, that Aboriginal offenders with a conviction for a violent offence had been specifically advised not to apply for parole.

This makes the expressed hope of the Task Force, to reduce the numbers of Aboriginal inmates and increase the numbers of Aboriginal parolees, not just a criterion of success, but an all encompassing challenge.

Issues and Recommendations

The first group of recommendations relate to the statistical information base; research on Aboriginal females; and improved

⁶ Metis and Non-Status Indian Crime and Justice Commission, Harry W. Daniels, Chairman, Ottawa, 1978

access to and evaluation of research programs. We agree with these recommendations with the following qualifications.

Recommendation 1.2

The effort to improve the reporting on status and non-status Aboriginal distinction should be extended to also differentiate between Metis and Inuit.

Recommendation 2.1

The study of files at the Prison for Women to provide a detailed profile of Aboriginal female offenders in comparison with other female offenders should be referred to the recently announced Task Force on Federal Female Offenders in order to facilitate a coordinated approach and the most effective use of relatively scarce resources.

It may also be of interest to the Correctional Service of Canada to note that some native offender service organizations have computerized their operations. Their systems and technology should be considered in revising the current offender information system or for possible incorporation into the proposed offender management system currently under development. One such organization is the Native Clan of Manitoba.

Recommendation 4.3

The ongoing studies undertaken by the Ministry Secretariat should be assessed in collaboration with the Correctional Service of Canada and the National Parole Board to ensure that they are pertinent and applicable to practical problems. The same could be said for any future research projects related to Aboriginal offender issues. Such projects should, in their initial conceptual phase, be referred to the Native Advisory Committee for constructive comment; assessment of the availability of

Aboriginal expertise; and to ensure that matters of cultural significance are recognized.

CHAPTER 5

Case Decision Making

The Native Advisory Committee is of the opinion that liaison workers should play a more active and defined role as a recognized member of the Case Management Team. In making this statement, however, the Native Advisory Committee feels that the native liaison workers' role must be carefully described to incorporate Case Management functions; outreach responsibilities; program facilitation; as well as responsibilities as a coordinator of spiritual and cultural programs.

The general feeling is that, currently, too much is expected of too few. This includes being cast in the role of trouble-shooter and peace-maker when there are perceived or pressing problems involving Aboriginal offenders.

Such a role assessment may well be encompassed under the recommendation calling for national minimum standards for native liaison services, but it is mentioned here to emphasize the need and to ensure its consideration.

The Native Advisory Committee also expressed the opinion that, all too frequently, the Aboriginal offender is faced with unrealistic plans. The expectation may be that the Aboriginal offender is to be employed, but that offender may not know how to seek employment; be qualified for employment; or employment may not exist. On paper, there is a plan; in reality, there is frustration.

Issues and Recommendations

A. The Assessment of Aboriginal Offenders

Recommendation 5.1

In an assessment of psychological testing it is hoped that the consultation referred to will include native organizations offering direct service. Some, including the Native Clan Organization of Manitoba, feel they have significant contributions to make in this area, specifically in the use of the MMPI.

B. Use of Elders as Assessors

The Native Advisory Committee is of the opinion that Elders should not replace other professionals in providing general assessments to the National Parole Board. Further, we do not agree with Recommendation 7.1 in its current form as we feel it would place the Elder in a compromising position and place undue and unnecessary pressure on the Elder. We offer a substitute recommendation that Elders, upon the request of an inmate, be permitted to submit an evaluation of the offender's participation in cultural and spiritual programs. This contribution would improve the quality and comprehensiveness of information available to the National Parole Board for improved decision-making.

Further, on the subject of Elders, we would recommend that Elders receive an extensive orientation to the criminal justice system and to the correctional milieu in order that they not be compromised or even victimized by others within the system.

We are also of the opinion that the National Parole Board should develop closer relationships with the native community. While this would include greater representation on the Board itself and the development of and adherence to professional non-political criteria for appointment, it should also consider the establishment of Board offices in the provinces of Alberta and Manitoba.

C. The Need for Aboriginal Employees and Officials

It is noted that the National Parole Board has established a target whereby 2% of its staff (presumably including Board members), will be Aboriginal people by 1991. The Correctional Service of Canada has established a target for 1% of its staff to be Aboriginal people. These would seem to be modest targets in light of the fact that 3% of the Canadian population is Aboriginal. It is seemingly inadequate when, since 1976, natives have accounted for about 10% of all admissions to federal custody.⁷ A target of 10% would seem to be more realistic, especially since Aboriginal inmates composed 9.6% of the total population of federal institutions across Canada; 13.5% of the total population in federal institutions in the Pacific, and 32.7% of the total population of federal institutions in the Prairies. The 10% target should be considered as a minimum requirement, at least in the Pacific and Prairie Regions. Anything less than that is, in the words of one member of the Committee, "sucking swampwater."

⁷ Native and Non-Native Admissions to Federal, Provincial and Territorial Correctional Institutions, Sharon Moyer, Faigie Kopelman, Carol LaPrairie and Brenda Billingsley, Ottawa, Ministry of the Solicitor General, 1985.

Many of the institutions having disproportionate numbers of Aboriginal offenders are located near sizeable Aboriginal communities, and this provides both a further rationale and resources for increasing Aboriginal presence on staff. Certainly the increased presence of Aboriginal people on staff would be a major factor in increasing cultural awareness and sensitivity.

This target should apply equally and separately to both the Correctional Service of Canada and the National Parole Board.

While experience seems to suggest that Aboriginal staff serve best in social development roles, care should be taken to ensure that they are not placed in positions that limit the potential for career development. Moreover, their staff role should not preclude their working with all offenders.

Recommendation 9.1

We agree with the recommendation for increased Aboriginal staffing and the need to recruit bicultural Aboriginal people.

We are of the firm opinion that a separate task force is not required, but certainly some new initiatives and additional efforts must be made, especially if a target of 10% is to be realized. We are of the firm opinion that the Ministry of the Solicitor General not only could accept but should accept the offer made by agencies represented on this Committee to develop natives for employment within federal corrections. This approach would go a long way to providing the necessary support programs required by such individuals working in federal corrections. When necessary, as a result of job oriented problems and pressures, they could return to

the voluntary agency and not suffer the results of burn-out in spiritual and cultural isolation. While this initiative holds considerable promise, it can only be realized through the provision of the necessary resources for recruitment, training and emotional support.

Canada Manpower is a possible source of some funding, but the program would have to be expanded to ensure employment in non-federal operations. It would, on the other hand, provide a greater range of choice and flexibility within the program and would, by virtue of numbers, reduce the per capita costs to the federal correctional agencies.

Recommendation 10.1

We found the wording of the recommendation, "... to increase the number of Aboriginal people on the National Parole Board by appointing more Aboriginal community members", somewhat confusing. The issue was clearly stated, i.e., "an expanded number of Aboriginal Board members would tend to involve Aboriginal communities and increase communication and trust with Aboriginal offenders." We would hope that this recommendation would be interpreted to mean, "efforts should be made to increase the number of Aboriginal people on the National Parole Board, in all categories of membership, by appointing more members from Aboriginal communities."

Recommendation 11.1

It is recommended that an Aboriginal person be hired in each of the regional and national offices of the CSC and the NPB. We feel that this is one of the key recommendations of the Report. The Aboriginal position in regional and national headquarters of federal corrections should be one of leadership, capable of attracting the support of both the federal agency and the Aboriginal community. The present

position in the Prairie Region is classified as a WP-4. This level will not attract the leadership, expertise and respect required to "keep the faith" and "move mountains".

For several years, the Correctional Service of Canada has, in effect, had a pilot project in a WP-4 position in the Prairie Region. Successive incumbents have struggled valiantly but in vain to gain acceptance from the two cultures. The cost to the Service, to the development of native programs, and to individual incumbents, has been inordinately high and some have paid in the hard coin of burn-out, turnover, and even alcohol abuse.

In order to achieve a leader of sufficient status, experience and acumen to command the respect of all involved, serious consideration should be given to the implementation of an executive exchange with a native direct service organization to obtain the services of a recognized leader. Under this proposed initiative, it may not be necessary to "hire" the individual, but rather to contract for the services. Under this proposal, it may even be feasible to have an individual of the suggested calibre contribute to program development in both the CSC and NPB - rather than pursue dual talent hunts.

The Native Advisory Committee is prepared to participate in the development of the project; the determination of selection criteria; and in the final selection process, itself.

We can extend and expand the current project which has been characterized by individual pain and general frustration, or we can embark on a new venture of considerable promise. We feel the choice is obvious and critical to the development

of virtually all of the major initiatives proposed in the Report.

D. Role of the Police

Recommendation 12.1

We are of the view that police should not be asked to make pre-release community assessments beyond a factual reiteration of criminal involvement.

Recommendation 12.2

We feel this recommendation should be interpreted as, "other sources of information than the police should be used to obtain information regarding community acceptance of Aboriginal offenders."

Recommendation 13.1

We agree with Recommendation 13.1, but alternative methods of offender reporting must be established in communities prepared to assume that function. In this instance, the alternative is to police supervision. We would go beyond this recommendation and be prepared to work with the CSC, the Parole Board and the police in promoting and helping identify alternative supervisory resources.

E. The Need for Increased Awareness and Sensitivity

We are in general agreement with the recommendations on this topic. We strongly endorse the concept that training should be provided by Aboriginal individuals or agencies, virtually without exception. We would also encourage the development of a firm curriculum and evaluation criteria before any agreement is accepted. Moreover, there is considerable

experience in the western provinces to develop desirable and appropriate programs.

Specific standards should be developed for these programs. These standards should relate not only to the type of training, but also to ensure that priority for training is given to positions that involve significant ongoing relationships with Aboriginal offenders. At the successful completion of such training, certificates should be awarded to the graduates and their course performance should be considered as a factor in assessing subsequent career opportunities.

We have some hesitancy in endorsing Recommendation 16.1. To begin with, most agencies within the Ministry do not specifically hire staff with the precise expectation that they will work with Aboriginal offenders. Rather they hire staff to do a job which may involve significant interaction with Aboriginal offenders. Secondly, we feel that this recommendation may detract from the need to recruit Aboriginal staff. Moreover, staff hired in this proposed process may feel that their careers are "dead-ended" and that they are overlooked for promotions as a direct result of their successful work with natives. Finally, we are not convinced that Indian and Northern Affairs Canada has an exemplary model of recruitment that should be emulated.

We feel that the primary effort should be in recruiting Aboriginals and in the recruitment of non-Aboriginals capable of carrying out correctional responsibilities and amenable to cultural awareness and sensitivity programs.

F. Waivers

We strongly support Recommendation 17.1, .2 and .3 and have been led to believe that the Correctional Service of Canada, in cooperation with the National Parole Board, may already have taken steps to implement these recommendations. If this is not the case, we would then urge that consideration be given to a policy that requires:

- a. no waiver to be accepted unless endorsed by a native liaison worker; and/or
- b. no waiver to be accepted without an interview by a Parole Board member.

CHAPTER 6

Programs and Services

We find that the funding for Aboriginal programs is at the discretion of regional and local management. Not only do the funds vary, say from institution to institution, but they also reflect, in their use, the specific interests of local management. One glaring example is Alberta, which has developed an enviable number of programs including an array of varied residential programs quite unique and unavailable to Aboriginal inmates in the two other Prairie provinces or the Pacific Region.

Under anticipated increased restraints on expenditures, program managers will be encouraged to shop for program resources and frequently to opt for the "no-name" brand in preference to a proven quality program. (Indeed, it is reported that liaison worker services to Saskatchewan Penitentiary have been reduced from five to three day's service in order to meet budgetary limits.)

For these reasons, and to ensure fair and equitable provision of resources to the manager and quality programs to the offender, we would urge that standards be developed, not just for the frequency of sweats and the provision of liaison workers, but for the whole area of programs for Aboriginal offenders.

The provision of these programs will be dependent in great measure on the recruitment of additional liaison workers. As a beginning, Recommendation 18.1 calling for greater specificity in the Commissioner's Directive must be implemented. We are of the opinion that the implication of the criteria recommended in the Task Force Report is that programs specific to the needs of Aboriginal inmates are required whenever and wherever there is an Aboriginal inmate.

In relation to both the revision of the Commissioner's Directive and in the development of standards, this Committee is prepared to assist. This process should commence immediately and not await the outcome of the Correctional Law Review.

Recommendation 19.1 is endorsed but the provision of services to Aboriginal offenders in protective custody will require additional human and material resources.

This observation gains validity if emphasis is to be placed on community involvement in these programs and if the problem of sharing program space with inmates in general population cannot be effectively resolved.

o Spiritual Practices

The report acknowledges that most regions have established Councils of Elders, but it is of interest to note that their

existence is not reflected in the consultation process preceding the report.

In relation to these Councils, we are of the strong opinion that, where organizations represented on this Committee exist, that the advice of Councils of Elders should be channelled through our member organizations. This would ensure our awareness of the concerns of Elders and coordinate advice being offered to federal correctional agencies.

Recommendation 20.1

The issue of security clearance for Elders' sacred bundles is a chronic and unnecessary irritation. In our view, there is documentation that some institutions give rise to chronic complaints, while others have never been a problem. We would urge that practices followed at institutions where clearance of sacred bundles has never been controversial represent the standard operating procedure.

Recommendation 21.1

We endorse and encourage the provision of access to segregation and dissociation by Elders under contract. However, we are obliged to point out that this will have the anticipated effect of increasing their workload and the enhanced role must be reflected in the provision of resources.

Recommendation 22.1

The question of the minimum number of sweats and other ceremonies in any federal institution should be resolved by the development of the proposed development of program standards.

We find the pilot project on Community Chaplaincy in Toronto to be of significant interest and it may well have applicability in relation to Aboriginal communities. This might take the form of

expanding the current role of Elders and/or the creation of new work for specific Elders working with Aboriginal communities. We would welcome additional information on the Toronto project, and would urge that consideration be given to its possible application to Aboriginal community relations.

o **Federal-Provincial Exchange of Services Agreements**

The discussion suggests that most provincial inmates are transferred to a federal penitentiary for various reasons. We feel it should be acknowledged that most provincial inmates are transferred for security or custodial reasons. It is also our opinion that transfers to federal institutions are frequently used as a threat or control device with provincial inmates. This represents a management problem for those who work with transferred Aboriginal inmates and should be taken into account in initial orientation and special efforts made to reduce apprehension and anxiety.

We agree with the intent of Recommendation 23.1, but prefer if it was interpreted as "any new or renewed exchange of service agreement... should contain minimum standards for the provision of programs and services to federal Aboriginal offenders."

Federal programs should be seen as representing the minimal standards until such time as comprehensive national program standards are developed by this Committee. This is especially relevant to the plight of the federal female offender, who finds herself serving her sentence in a provincial institution under an exchange of service agreement. If anything, the transfer should enhance, not lessen, her program opportunities.

As in other areas, the transfer of service agreements emphasize the need for the development of practical but progressive

standards for programs to Aboriginal offenders. We are prepared, with the support of the Service, to develop such standards.

The agreement with Alberta for the operation of the Grierson Centre by the Native Counselling Services of Alberta may be used as an example of how the exchange of service agreements can be used to enhance the delivery of programs by Aboriginal organizations. However, we are led to believe that there have been difficulties encountered in the actual execution of the agreement in this instance. As a result, we urge that the Grierson experience, in its entirety, should be used as a learning experience to avoid any future repetition of these identified difficulties.

o Female Aboriginal Offenders

We share the concern expressed regarding female Aboriginal offenders and generally support the proposals. However, we request to be consulted by the Task Force on the Federally Sentenced Women in considering these and other initiatives that may be proposed in its comprehensive review of the federal female offender situation.

With specific attention to the need for residential services for released Aboriginal females, we would propose that the strategy be expanded to include placement in residences for native women with needs other than those of reintegration from a correctional facility, as well as consideration for placement in private homes along the lines of Recommendation 37.1.

o Inuit Offenders

We would urge that the comments regarding the maintenance of community ties should be elevated to the status of a recommendation.

Since Quebec has the major concentration of Inuit inmates, that region might be asked to play a lead role in developing programs for Inuit inmates. It may also be possible that the Northern Agreement might enable, with the assistance of Federal capital contributions, the provision of residential facilities.

In relation to the provision of enhanced communication between northern communities and Inuit inmates, it is our understanding that both the Northwest Territories and the Province of Quebec, as well as the Inuit community, have developed enhanced forms of communication with the Inuit and these services should be made available to Inuit inmates.

Very recently, the Service has received a special study on the Inuit offender.⁸ This report offers practical, pragmatic recommendations that, in terms of current operations, are relatively economical to implement. We would urge that those recommendations be acted on as quickly as possible to ameliorate some of the operational problems. In addition, we would stress some of the more general recommendations as deserving of priority consideration. These would include all of the recommendations that would enhance communication, meet dietary preferences, as well as those that might reduce the number of institutions in which Inuit are incarcerated and enhance the availability of special programs for them. We would particularly stress the need for the development of standards for programs and the reflection

⁸ The Inuit Offender, Carol Faulkner, April, 1989.

of these standards in all exchange of service agreements. Finally, we agree that an Inuit member be appointed to the Native Advisory Committee.

o Liaison Services

The background information on liaison services is incomplete. Our understanding is that there is now provision for a liaison worker in the Atlantic Region and, even at the time the report was written, there were liaison workers in the Pacific Region, although they are not mentioned in the report.

We strongly endorse the demonstrated need for training of liaison workers before they are assigned to institutions, but we would strongly suggest that the first priority should be given to a clear definition of the role of the liaison worker and the formula for the provision of liaison workers. Once these issues have been resolved, then an appropriate realistic training program can be developed.

We would further urge that the forthcoming National Native Liaison Workshop, scheduled for early November, provides an excellent opportunity to address these and related problems.

Recommendations 29.2 and 29.4

These recommendations calling for National Minimum Standards and a formula to determine the number of native liaison workers required in a region, should be implemented as soon as possible and we are prepared to assist in the development of both the standards and the formula.

As to Recommendation 29.2, the need is sufficiently obvious that the provision of a female native liaison worker for the Prison for Women should proceed without further delay. Indeed, her

presence would be of great assistance to the National Task Force on the Federal Female Offender in carrying out work not originally envisaged but flowing from the recommendations of this report.

o Release Preparation

Recommendation 30.1 calls for the development of resource manuals for use in release planning. It refers to benefits and services from various jurisdictions and we would urge that this be interpreted to mean all resources, including those offered by voluntary agencies and not just government organizations.

Recommendation 30.2

The proposed feedback regarding problems experienced by released Aboriginal offenders should also be addressed to members of the National Parole Board and to native liaison workers. In this way, all involved in the preparation of release plans and the release decision itself can become more aware of the reality awaiting the Aboriginal offender.

While we are in agreement with Recommendation 31.1, we would not encourage the acceptance of a three-day evaluation as the only or necessarily preferred model. Where distances are not a major factor, a system employing escorted temporary absences followed by an unescorted temporary absence and gradual release, has proven effective with Aboriginal offenders and this method should also be encouraged.

Recommendation 32.1 calls for the clear establishment of what release preparation tasks should be undertaken by each party. We feel that this issue should be resolved by the development of standards. We also feel that there should be a clear definition of the responsibility of the offender and that this should be

conveyed to the Aboriginal offender by the native liaison worker. We find the strategy proposed for Recommendation 32.1 calling for the assessment of benefits and services does not specifically address the issue within the recommendation which refers to release preparation tasks.

o Citizens Advisory Committees

Recommendation 33.1

The recommendation asks that the number of Aboriginal people on Citizens Advisory Committees be increased to reflect the proportion of Aboriginal inmates in institutions. We would hope that this recommendation could be expanded to include additional representation of Aboriginal people on committees that serve community operations, as well.

We cannot help but note that this is an interesting concept which might well be applied to Aboriginal representation on staff. (Indeed, our proposed targets for the Board and the Service has reflected this consideration.)

Moreover, we had difficulty identifying more than three Aboriginal members of Citizens Advisory Committees across Canada.

We are prepared to assist in the nomination and recruitment of prospective members. Indeed, we would urge the Service to give careful consideration to the representation of Aboriginals on other major advisory committees, including the Advisory Committees on Inmate Employment, Education, and other fields of endeavour.

o Facilities

We strongly support Recommendation 34.1 and would oppose the conversion of any maximum, medium or multi-level security facility to an all Aboriginal institution.

With equal fervour, we support Recommendation 34.2, especially if it relates to the concept of alternatives to maximum, medium and multi-level security institutions.

We do not feel that the possibility of contracting for space in existing provincial camps as part of the exchange of service agreements will greatly add to the availability of minimum security accommodation. Moreover, it is fraught with the recognized problem of even less spiritual and cultural awareness and sensitivity. Our much preferred option would be to encourage native organizations and communities to provide cultural and spiritual pre-release training centres in a minimum security setting. Valuable operational experience is available in the camps operated by the Native Counselling Services of Alberta. The Native Clan of Manitoba has also had experience in this area. In Saskatchewan, the Gabriel Dumont Institute is pursuing the possibility of operating a camp-type facility as well as establishing a half-way house for female Aboriginal offenders in Saskatoon. Most particularly, the Allied Indian Metis Society of British Columbia commissioned a report which spelled out our much preferred concept in considerable detail. We would encourage the Correctional Service of Canada to move towards the establishment of that type of facility as quickly as possible - not only as a means of testing the concept, but also to provide symbolic evidence of sincerity and commitment.

o **Information Provided to Aboriginal Offenders**

We cannot endorse too strongly the need for more effective provision of information to Aboriginal offenders. This requirement is emphasized in the Mission Documents of both the National Parole Board and the Correctional Service of Canada. This requirement should be taken into consideration when developing the formula for the provision of liaison workers.

Consideration should also be given to the possibility of contracting with established experienced Aboriginal service delivery organizations to help develop brochures and pamphlets in a style that enhances comprehension. Aboriginal inmates could also play an active part in such a venture as authors, consultants, and as critics.

o **Post Release Facilities and Services**

The Report stresses the need for community residential facilities in rural and northern areas. We agree that such a need exists but feel that it should not be met to the exclusion of existing or growing requirements in southern and urban areas. The mere fact that there are no existing Aboriginal facilities in the areas of Halifax, Montreal, Toronto, Kenora, Thunder Bay, Regina or Calgary, warrants careful attention. Elsewhere, in the Report, stress is placed on what is perceived as a significant migration from reserves to urban areas with an estimate that, in the near future, over fifty percent of all status Indians will reside off the reserve and presumably in more urban areas.

Recommendation 36.1

This recommendation calls for a long-term plan to improve post release services for parolees from northern areas. Subsequent strategy then focuses exclusively on community residential

facilities rather than the broader range of post release services including counselling, supervision and support.

It seems to us that while there may well be a need for a long-term plan, there are currently well documented needs and a body of knowledge that could be acted upon to begin meeting those needs. This body of knowledge includes the extensive experience of the Native Counselling Services of Alberta as well as a special research project conducted for the AIMS Society of British Columbia.

The latter project placed particular stress on spiritual and cultural awareness to be embodied in a pre-release, culturally oriented training centre situated in a forestry setting. In preparing this report, a survey was conducted of all similar facilities throughout North America and a unique program was developed that focused on spiritual and cultural involvement, the development of responsibility and work habits, life skills, the avoidance of substance abuse and responsibility to the larger community.

While a long-term plan should be developed, there is sufficient evidence and knowledge available, not only for planning but for immediate action.

In relation to a comprehensive plan, Aboriginal organizations with extensive experience in community-based residential correctional programs could provide advice and encouragement to Aboriginal communities wishing to provide private home placements or group residential services.

The Correctional Service of Canada, in seeking advice and assistance, should give primary consideration to agencies who specialize in correctional residential programs for Aboriginal

offenders. There are other Native organizations that offer some residential facilities to Aboriginals, but may not have the same focus on service - especially to the offender. They may also focus more specifically on Status Indians and have an extensive and diverse range of interests. In some instances, there may even be an undue emphasis on advocacy at the expense of direct service and a productive partnership.

o **Substance Abuse Program**

Recommendation 38.1

The Committee welcomes the deserved emphasis placed on substance abuse programs. We also appreciate the initiative that has gone into new programs in this area including the Native Inmate Liquor Offender Program. However, we cannot entirely agree with Recommendation 38.1 which seems to suggest that the implementation of Aboriginal-specific substance abuse programs should await the development and approval of new programs based on existing demonstration projects.

The need is sufficiently obvious that it warrants immediate action to transform the best of both new and long established proven programs, such as the traditional Alcoholics Anonymous program, within an Aboriginal context.

Some of the existing training programs to prepare Aboriginals to bring substance abuse programs to inmates are very effective in motivating the potential instructors. Unfortunately, it would seem that these same programs do not provide sufficient stress or development on implementation techniques and instructional skills. The end result is a highly motivated instructor, frustrated by an inability to mount a successful, continuing program. The more promising approach might well be to provide a

skilled coordinator to provide on-job training and supervision to those struggling to mount sustained, successful programs.

Recommendation 39.1

Undoubtedly, there will be a need to develop, again on an urgent basis, a strategy to deal with small numbers of inmates and the National Native Alcohol and Drug Abuse Program is a welcome resource.

Recommendation 40.1

The Ministry of the Solicitor General should indeed examine the possibility of increasing the extent to which Aboriginal treatment centres accept released offenders. But it should do more than that, and through the Correctional Service of Canada and the assistance of the Native Advisory Committee, eliminate existing impediments.

o Contracting for Services

Recommendation 41.1

The clear cut statement that Aboriginal-specific contract programs should be delivered by Aboriginal control services has our full support.

In addition to Adult Basic Education, Life Skills, and Substance Abuse Counselling, specific Aboriginal programs should also include programs of Anger Control and Sexual Behaviour programs.

The Ministry should act on this recommendation in discussions with central agencies in developing a special process for awarding such contracts. In the light of similar recommendations in other reports, including the Report of the House Standing Committee on Justice and the Solicitor General, calling for programs to be operated "... for Native people by Native people,"

these dedicated negotiations should meet with success. They should also open up the possibility for long-term multi-year contracts.

CHAPTER 7

The Aboriginal Community

We are of the opinion that increasingly, Aboriginal communities will be in a position to offer post release services. We feel that this development could be enhanced and stimulated through a more assertive communication program focused on these communities in relation to the correctional process and the plight of the Aboriginal within that process.

As our submission to the House Standing Committee on Justice and the Solicitor General stated, "The need is of sufficient magnitude that it can only be addressed by a cooperative and consolidated effort ... using the best available resources and expertise available from the voluntary organizations, especially those with experience in the field, and respected opinion leaders."

In relation to urban communities, the Task Force indicates that "...There has been a significant migration from reserves to urban areas." The report suggests that thirty to thirty-five percent of status Indians now reside off reserve and that the figure may rise to over fifty percent in the near future. This observation does not seem to be universally supported by research. While urban areas were the recipients of the greatest number of Indian in-migrants, they also contributed in even larger numbers of Indian out-migrants. In terms of net migration, (in-migrants minus out-migrants), Indian reserves were net gainers. Urban metropolitan areas had a net loss of two percent of all Indian

migrants in 1976 to 1981 compared to a net gain of six percent of all Indian migrants in the preceding decade.⁹

Recommendation 42.1

We agree with the Task Force thrust towards the creation of a more effective communications program focussed on Native communities.

We feel, in keeping with the Recommendations of the House Committee on Justice and Legal Affairs, that a specific functional team involving the Secretariat, the National Parole Board, Correctional Service of Canada and the RCMP Communications Services augmented by appropriate resources from the Secretary of State and Indian and Northern Affairs along with the National Advisory Committee should be charged with the responsibility of developing a communications plan to meet this need.

Some of the provinces have related experience which may also be helpful. For example, the Ministry of Correctional Services in Ontario has translated some of its publications into Aboriginal languages.

One of the key elements in any outreach program for Aboriginal offenders will be the leadership, imagination and coordination available at the regional level if our proposal for Aboriginal program responsibility centres are accepted (see comments on Recommendation 11.1).

As stated earlier in this report, the most effective outreach program would involve those organizations operated by Aboriginals

⁹ Andrew J. Signor, The Social Demographic Conditions of Registered Indians, Canadian Social Trends, Statistics Canada, Winter 1986 Edition.

and giving specific direct service to Aboriginal offenders. They, along with Elders working with the Service, can provide access to existing resources within both structured and unstructured Aboriginal communities; identify and expand an extensive supportive network for the offender; and place federal corrections in a position where it can cultivate and develop, but not necessarily, create services.

o **Expansion of Services**

Recommendation 43.1

Because of the diversity of programs and responsibilities split amongst departments and jurisdictions, we would urge that the primary responsibility and leadership for provision of service rest with the Correctional Service of Canada. This responsibility flows from the responsibility of the Service as custodian. It is further supported by the Mission Document. Certainly the Service should seek cooperation of other departments, levels of government and non-governmental organizations. However, in the final analysis, the responsibility for seeing that the service is actually delivered, rests with the Correctional Service of Canada.

The services should meet prescribed national standards, drafted initially by the Native Advisory Committee, and subsequently negotiated with the Correctional Service of Canada to set the existing expectation for the provision or expansion of services. Such standards should not be "carved in stone" but seen as dynamic and developed to reflect achievements and new expectations.

A concerted effort must be made to open the doors of Aboriginal Service Organizations for released offenders. Here again, the placement of recognized Aboriginal leaders in both national and

regional headquarters should be of significant assistance. Organizations represented on the National Advisory Committee are committed to providing support and assistance.

Given these commitments and due to the fact that most of these organizations have regional operations and networks, we question the need to establish a position of a national facilitator to develop grass-roots community and agency support. It would be preferred to reserve such a position for use in the development of previously discussed national program standards.

o **Enhanced Authority for Decision Making**

Recommendation 44.1

We welcome the expressed desire of Aboriginal community leaders to have their advice sought before releasing an inmate into the Aboriginal community. This interest may provide an opportunity to work towards their involvement in the provision of much needed services.

In this regard, the Ministry of the Solicitor General should consider and promote pilot projects on Aboriginal parole services with interested Aboriginal communities.

In addition, serious consideration should be given to regional consultations and conferences to acquaint Aboriginal communities of program needs of the released offender and potential roles that they might play.

Recommendation 45.1

The provision of information about specific inmates to members of the community in advance of release should be approached with some caution. Care must be taken not to create additional obstacles for the offender trying to become re-established.

Legislation regarding privacy also imposes limitations. Certainly seeking the offender's consent would help to provide significant safeguards.

o **Legislation**

Recommendation 46.1

This recommendation raises the question as to whether the capability to expand service delivery by contract with Aboriginal organizations needs to be reflected in enabling legislation. The National Advisory Committee is willing to withhold judgement on that issue pending consideration of the Correctional Law Review. In the meantime, however, we would urge the Ministry of the Solicitor General to stimulate, initiate and expand the provision of services to Aboriginal offenders through contractual arrangements. In this way, there will be a broader base of experience upon which to base the decision regarding enabling legislation.

o **Self-Government**

The Native Advisory Committee agrees that the issue of Aboriginal self-government is a high priority for Aboriginal leaders and the communities they represent. We also agree that most native communities are preoccupied with issues of education, child welfare, economic development and health rather than criminal justice issues.

However, we note that one exception might be crime prevention through social development. Such an approach obviously overlaps health, welfare, education and economic development and adds a significant element of strengthening the overall quality of life, especially family life. This broader coordinated approach may

provide opportunities for the discussion leading to the specific needs of released offenders.

In relation to those communities where self-government has been manifest such as the James Bay and Northern Quebec, Northeastern Quebec, the Cree Naskapi and the Sechelt Indian Band, significant contacts should be made to explore the possibility of establishing mutually beneficial pilot projects which could help point the way to future developments with other communities.

Recommendation 47.1

This recommendation suggests that the Ministry of the Solicitor General should continue to monitor Aboriginal self-government negotiations so that it can respond to any correctional implications. This strikes us as being a far cry, from the provision of leadership in correctional matters. We would much prefer the Ministry to exercise, directly and through representatives of the Native Advisory Committee, a more assertive approach by making the expertise of correctional administrators and the leaders of Aboriginal correctional agencies available to communities for consultation relative to negotiations. It may well be that one reason why correctional matters are not reflected in the agreements is that Aboriginal communities are neither aware of the needs nor their potential to help meet them. The Ministry of the Solicitor General and the Native Advisory Committee could move to provide the Aboriginal community with the necessary correctional expertise. This would result in a much more positive outcome than merely awaiting the results of negotiations.

SECTION 3

What We Hope to See

The Report of the Task Force on Aboriginal Peoples in Federal Corrections is extremely helpful in many ways. The background portions of the report could well form the basis for orientation programs for Aboriginal peoples coming to work in federal corrections. The report captures major recommendations contained in a number of previous reports. It also identifies significant initiatives that should be undertaken. In another sense, it represents a catalogue of needs. But above all, it should represent an agenda for action and an opportunity for a strategic partnership.

There may well be those who claim that action must be postponed in the light of economic restraint. There is also emotional restraint. We submit that the Aboriginals have restrained themselves for a generation or more on the unimplemented recommendations of approximately one significant report every two years.

There is a need to recognize this responsible restraint. There is also a need to reward the faith that the Aboriginal community has invested in the Ministry's sincerity and willingness to cope with identified problems. There is also the need to build on the hope and optimism generated by the presentation of this report and the Mission Documents of both the Correctional Service of Canada and the National Parole Board.

The emphasis should be on affirmative action in relation to the recommendations within the report and our response. Certainly we would like to see such action. Further delay will make subsequent remedial initiatives much more difficult (and may even require yet another report!). We would like to see a commitment

to acting on the report that reflects the values within the Mission Documents. We would hope to see concerted and continued action on specific demonstrable achievements, especially in the relation of the provision of people and programs.

Without spelling out precise priorities, we would like to see implementation proceed basically along the following lines:

1. The selection and placement in national headquarters and each of the regions of Aboriginal leaders, with demonstrated abilities in the provision of direct correctional services, to spearhead a revitalized development of programs.

(Probably the best means of achieving this is through a contractual arrangement with an established direct-service Aboriginal correctional organization. This would help preserve the autonomy and support of the incumbent. Since the Prairies has the largest Aboriginal population, the current position should be maintained, as well, to provide a reasonable level of administrative assistance.)

2. The acceptance of appropriate staffing targets for the CSC and NPB and the appointment of more Aboriginal peoples to these positions.
3. The provision of special programs to all Aboriginal offenders regardless of their limited numbers in specific institutions or regions.
4. The development of program standards and related matters, such as the realistic appraisal of the role of Elders and liaison workers and a formula to determine their appropriate numbers in the ensuing program.
5. The manifestation of a greater will to serve the Native community, especially in relation to community-based programs. This would include the establishment of a National Parole Board presence in Alberta and Manitoba.
6. The recruitment of additional liaison staff, preferably through arrangements with existing Native direct-service correctional organizations, and appropriate orientation and training programs for them.
7. The development and implementation of orientation and on-going training programs for non-Aboriginal staff to increase their sensitivity as well as their understanding of

the need for remedial programs to overcome systemic discrimination. Non-Aboriginal staff completing these programs should receive certification and their achievement taken into account in subsequent decisions affecting their careers.

8. A substantive increase of residential and related services for the reintegration of Native offenders with special attention to the needs of the specific region and female Aboriginal offenders.
9. A concerted and coordinated effort to increase effective communications with Aboriginal communities and organizations. This "reaching out" endeavour will heighten their awareness and their participation in helping meet these well documented needs.
10. A commitment to convene a national conference on Aboriginal peoples and corrections, patterned somewhat along the lines of the National Conference and the Federal-Provincial Conference on Native Peoples in the Criminal Justice System, held in February 1975.

This conference might well be held in 1991 and should involve all ministers responsible for correctional programs, hosted and led by the Solicitor General of Canada. In addition to being a general conference on the Aboriginal offender and corrections, it would also be a federal-provincial conference of all ministers responsible for corrections.

In another context, it would provide federal correctional agencies and the Native Advisory Committee, along with other involved organizations, with a catalyst for action and a target date for sharing with others our combined achievements.

In summary, we would like to see the Ministry demonstrate responsible sensitivity and commitment by the provision of key leadership positions in national and regional headquarters; the development of standards and the initiation of activities that will create tangible results in the provision of appropriate and realistic programs.

The Native Advisory Committee has offered both commendation and criticism of the report. Where there has been criticism it has

been constructive and we have not shied away from also making commitments - commitments that, if taken up, will be reflected in appropriate, adequate and realistic program opportunities for the Aboriginal offender.

We are prepared to play a promotional, participatory and monitoring role throughout the process. We are prepared to forge an effective partnership.

Among the commitments we have made is the commitment to assist in communicating the response of the Ministry to our responsible advice on the recommendations and related strategies. This is a significant commitment which can enhance the continuing relationship between the Ministry, especially the Correctional Service of Canada and the National Parole Board, and all Aboriginals as we resume our journey and, hopefully, go forward together.

Our combined progress will be measured against demanding criteria. These are:

1. Whether we are perceived as having taken responsible and responsive action.
2. Whether our efforts result in fewer inmates within institutions for shorter periods and more parolees in the community for longer periods.
3. Whether our efforts are discernable to and touch each Aboriginal offender under federal jurisdiction.¹⁰

¹⁰ The application of this criterion includes consideration of those transferred to provincial or territorial programs.

The first criteria is the easiest to meet - the last two will take imagination, energy, sustained effort and our combined continuing commitment.

This is what we hope to see. We hope that it is a shared vision and one that will soon become reality.

APPENDIX A

Recommendations Defined as Having Immediate Resource Implications

- 8.1 Increased Aboriginal employment within the Ministry of the Solicitor General would be a first step towards addressing perceived deficiencies in trust and communication between Aboriginal offenders and correctional administrators.
- 9.1 It is recommended that Aboriginal staffing be approached in a manner which recognizes the many difficulties encountered by Aboriginal people who work in the correctional system, and the need to hire staff who can function in both Aboriginal and non-Aboriginal societies.
- 10.1 Effort should be made to increase the number of Aboriginal people on the National Parole Board by appointing more Aboriginal community members.
- 11.1 It is recommended that an Aboriginal person be hired in each of the regional and national offices of the CSC and NPB.
- 13.1 It is recommended that alternative methods of offender reporting be established in those communities prepared to assume that function.
- 15.1 To implement the above policy, it is recommended that the Secretariat in consultation with the Agencies develop training proposals for training on Aboriginal cultures for presentation to the Solicitor General. The consolidated proposals would form a training plan for the correctional components of the Ministry that would be assessed annually.
- 18.1 The Commissioner's Directive should specify that programs specific to the needs of Aboriginal inmates are required whenever:
- (a) sensitivity to the needs of Aboriginal offenders by other inmates is a factor (e.g. group counselling);
 - (b) language is a factor;
 - (c) differences in cultural approaches to learning require different techniques; and

- (d) the problems addressed by the programs have a different basis for Aboriginal inmates than for non-Aboriginal inmates.
- 18.2 The correctional system should make available programs which are particular suited to serving the spiritual and cultural needs of Aboriginal offenders. Where numbers warrant, programs should be offered for the treatment, training and reintegration of Aboriginal offenders which take into account their culture and way of life.
- 19.1 The Correctional Service of Canada should ensure that Aboriginal service organizations recognize that the provision of services to Aboriginal offenders in protective custody is included in contractual agreements.
- 23.1 Any new exchange of service agreement with provinces or territories should contain minimum standards for the provision of programs and services to federal Aboriginal offenders. At the earliest opportunity, existing agreements should be amended to include such standards.
- 24.1 Because of the geographical distribution of women incarcerated in the Prison for Women, ways must be found to increase the opportunities for incarcerated women to meet regularly with their families.
- 25.1 Where appropriate, Aboriginal-specific programs must be developed for Aboriginal female offenders even though such programs may be less efficient than programs for males given the low number of participants that may result.
- 27.1 Adequate bed space must be found for released Aboriginal female offenders in key locations across Canada.
- 28.1 It is recommended that CSC provide programming specifically designed for Inuit offenders.
- 29.1 Aboriginal liaison services should be restored to the Atlantic Region as soon as possible.
- 29.2 A formula should be developed for use in determining the number of Native liaison workers required in each region.

- 29.3 A female Native liaison worker should be assigned to the Ontario Region for the Prison for Women.
- 29.4 National minimum standards for Native liaison services should be developed.
- 34.2 Consideration should be given to establishing alternatives to all-Aboriginal institutions where programs and services could be provided within an Aboriginal culture context.
- 36.1 It is recommended that the CSC develop a long-term plan to improve post-release services for parolees from northern areas. Such a plan should include the introduction of halfway houses and requirements for supplementary information, counselling and community reintegration services.
- 37.1 Consideration should be given to the use of alternatives to halfway house facilities, such as the indirect supervision of parolees placed in private homes.
- 38.1 CSC should proceed with the implementation of Aboriginal-specific substance abuse programs when the recently approved demonstration projects have been completed.
- 39.1 CSC should develop an alternative strategy for dealing with the small number of inmates, such as utilizing existing treatment expertise available through NNADAP-sponsored treatment programs.
- 40.1 The Ministry of the Solicitor General should examine the possibility of increasing the extent to which Aboriginal treatment centres accept released offenders.
- 42.1 The Ministry of the Solicitor General must develop and implement a strategy for dissemination of information on corrections, especially on release, to Aboriginal communities and organizations. The information should be linguistically suitable.
- 46.1 It is recommended that enabling legislation be developed to provide explicit authority for Aboriginal communities or organizations to assume control of certain correctional processes that affect them if such legislation is deemed appropriate by the Correctional Law Review.

- 47.1 The Ministry of the Solicitor General should continue to monitor the federal government's agenda for Aboriginal self-government negotiations to ensure that it is aware of, and responsive to, any corrections implications in the negotiations.

TOTAL - 27 RECOMMENDATIONS

APPENDIX B

**Primary Responsibility for
Implementation of Recommendations**

R E C O M M E N D A T I O N	A G E N C Y				
	CSC	NPB	SEC	NAC	RCMP
1.1 The Correctional Service of Canada should examine the possibility of updating information on the ethnicity of inmates at points after admission.	X				
1.2 Efforts should be made to improve the reporting of the status and non-status Aboriginal distinction.	X				
2.1 A study should be conducted of Prison for Women files from several years in order to provide a detailed profile of the characteristics and processing of Aboriginal female offenders and a comparison with non-Aboriginal counterparts.	X			X	
3.1 Statistics on inmate participation in programs should provide a breakdown of the numbers and ratio of participating Aboriginal and non-Aboriginal offenders.	X				
3.2 Procedures should be developed by the Correctional Service of Canada to collect and regularly report on the numbers of Aboriginal offenders residing in CRC's and CCC's on a given day.	X				
3.3 Procedures should be developed by the Correctional Service of Canada to collect and regularly report on the use of exchange of services agreements for Aboriginal offenders.	X				
4.1 The Correctional Service of Canada should examine the feasibility and means of recording the community of origin of Aboriginal inmates as part of its ongoing information reporting.	X				

LEGEND: CSC - Correctional Service of Canada
 NPB - National Parole Board
 SEC - Ministry Secretariat
 NAC - Native Advisory Committee
 RCMP - Royal Canadian Mounted Police

R E C O M M E N D A T I O N

AGENCY

CSC NPB SEC NAC RCMP

4.2	The development of the Offender Management System should be monitored to ensure that information on Aboriginal offenders can be readily accessed.	X				X	
4.3	Ongoing studies being undertaken by the Ministry of the Solicitor General should be assessed by the Ministry Secretariat in terms of the completeness of their coverage of Aboriginal offender issues. Studies should be developed in coordination with the Correctional Service of Canada and National Parole Board to address any gaps that may exist.			X			
5.1	The current assessment tools criteria and procedures being used should be evaluated as to their validity for Aboriginal offenders. Where specialized techniques, such as psychological testing, are involved, the appropriate professionals of professional organizations should be consulted.	X				X	
6.1	It is recommended that the detention provisions contained in the Parole Act be specifically assessed as to their applicability to Aboriginal offenders, with a view to determining how they are being applied to Aboriginal offenders.	X	X				
.1	It is recommended that Elders, upon request of an inmate and the Elder's acceptance, be permitted to submit an assessment to the Parole Board on behalf of the inmate. such assessments would be given the same weight as other professional assessments.	X				X	
1	Increased Aboriginal employment within the Ministry of the Solicitor General would be a first step towards addressing perceived deficiencies in trust and communication between Aboriginal offenders and correctional administrators.	X	X	X	X		X
	It is recommended that Aboriginal staffing be approached in a manner which recognizes the many difficulties encountered by Aboriginal people who work in the correctional system, and the need to hire staff who can function in both Aboriginal and non-Aboriginal societies.	X	X	X	X		

RECOMMENDATION	AGENCY				
	CSC	NPB	SEC	NAC	RCMP
17.2 It is recommended that waivers be closely monitored and in a detailed fashion.	X	X			
17.3 It is recommended that the National Parole Board and CSC develop a clear national policy concerning waivers and ensure that the policy is understood by all decision-makers.	X	X			
18.1 The Commissioner's Directive should specify that programs specific to the needs of Aboriginal inmates are required whenever:	X	X		X	
(a) sensitivity to the needs of Aboriginal offenders by other inmates is a factor (e.g. group counselling);					
(b) language is a factor;					
(c) differences in cultural approaches to learning require different techniques; and					
(d) the problems addressed by the programs have a different basis for Aboriginal inmates than for non-Aboriginal inmates.					
18.2 The correctional system should make available programs which are particular suited to serving the spiritual and cultural needs of Aboriginal offenders. Where numbers warrant, programs should be offered for the treatment, training and reintegration of Aboriginal offenders which take into account their culture and way of life.	X			X	
19.1 The Correctional Service of Canada should ensure that Aboriginal service organizations recognize that the provision of services to Aboriginal offenders in protective custody is included in contractual agreements.	X			X	
20.1 To complement the national directive, regional instructions and standing orders should be developed addressing the issue of security clearance of Elders' sacred bundles and ensuring sensitive handling of those bundles.	X			X	

RECOMMENDATION	AGENCY				
	CSC	NPB	SEC	NAC	RCMP
21.1 The issue of access to segregation and dissociation should be addressed by giving contracted Elders the same status as Chaplains.	X			X	
22.1 Guidelines should be developed regarding the minimum number of sweats and other ceremonies in any federal institution. The guidelines must reflect a balance between inmate needs and institutional requirements.	X			X	
23.1 Any new exchange of service agreement with provinces or territories should contain minimum standards for the provision of programs and services to federal Aboriginal offenders. At the earliest opportunity, existing agreements should be amended to include such standards.	X			X	
24.1 Because of the geographical distribution of women incarcerated in the Prison for Women, ways must be found to increase the opportunities for incarcerated women to meet regularly with their families.	X			X	
25.1 Where appropriate, Aboriginal-specific programs must be developed for Aboriginal female offenders even though such programs may be less efficient than programs for males given the low number of participants that may result.	X			X	
26.1 The Ministry should explore the potential to develop a holistic approach that treats a variety of problems within the context of a single program for Aboriginal female offenders at the Prison for Women.	X			X	
27.1 Adequate bed space must be found for released Aboriginal female offenders in key locations across Canada.	X			X	
28.1 It is recommended that CSC provide programming specifically designed for Inuit offenders.	X			X	
29.1 Aboriginal liaison services should be restored to the Atlantic Region as soon as possible.	X			X	
29.2 A formula should be developed for use in determining the number of Native liaison workers required in each region.	X			X	

RECOMMENDATION	AGENCY				
	CSC	NPB	SEC	NAC	RCMP
29.3 A female Native liaison worker should be assigned to the Ontario Region for the Prison for Women.	X			X	
29.4 National minimum standards for Native liaison services should be developed.	X	X		X	
30.1 Information should be compiled in reference format regarding the benefits and services various jurisdictions provide to conditionally released Aboriginal offenders. Such reference material should be provided to institutions and post-release facilities for use in assisting inmates with release planning.	X	X		X	
30.2 Case management officers and parole staff should be provided with feedback and suggested action regarding problems experienced by released Aboriginal offenders in obtaining programs and services, required documentation, education and health services.	X	X			
31.1 Mechanisms should be developed to improve communication and ensure that halfway house staff and the inmate understand what can be realistically achieved during the inmate's residence there. The exchange of information should clearly establish what release preparation tasks should be undertaken by each party.	X	X			
32.1 The exchange of information should clearly establish what release preparation tasks should be undertaken by each party.	X	X			
33.1 Wardens should ensure that the number of aboriginal people represented on Citizens Advisory Committees increases to ultimately reflect the proportion of Aboriginal inmates in institutions. The addition of Aboriginal people to the Committees would assist in assessing unmet cultural needs and in identifying and recruiting volunteers and other resources to improve programs and services.	X			X	
34.1 Proposals to convert existing federal institutions to all-Aboriginal facilities should be rejected.	X			X	

RECOMMENDATION	AGENCY				
	CSC	NPB	SEC	NAC	RCMP
34.2 Consideration should be given to establishing alternatives to all-Aboriginal institutions where programs and services could be provided within an Aboriginal culture context.	X	X		X	
35.1 Information about the correctional and parole processes should be presented to Aboriginal offenders in a manner which is better adapted to their approach to learning.	X	X		X	
36.1 It is recommended that the CSC develop a long-term plan to improve post-release services for parolees from northern areas. Such a plan should include the introduction of halfway houses and requirements for supplementary information, counselling and community reintegration services.	X			X	
37.1 Consideration should be given to the use of alternatives to halfway house facilities, such as the indirect supervision of parolees placed in private homes.	X			X	
38.1 CSC should proceed with the implementation of Aboriginal-specific substance abuse programs when the recently approved demonstration projects have been completed.	X			X	
39.1 CSC should develop an alternative strategy for dealing with the small number of inmates, such as utilizing existing treatment expertise available through NWADAP-sponsored treatment programs.	X			X	
40.1 The Ministry of the Solicitor General should examine the possibility of increasing the extent to which Aboriginal treatment centres accept released offenders.	X		X	X	
41.1 Where possible, designated Aboriginal-specific contracted programs should be primarily delivered by Aboriginal-controlled services.	X	X	X	X	
42.1 The Ministry of the Solicitor General must develop and implement a strategy for dissemination of information on corrections, especially on release, to Aboriginal communities and organizations. The information should be linguistically suitable.	X	X	X	X	

RECOMMENDATION	AGENCY				
	CSC	NPB	SEC	NAC	RCMP
43.1 The Ministry of the Solicitor General, together with other federal departments, must develop appropriate mechanisms to ensure that the needs of Aboriginal offenders are understood by Aboriginal organizations with mandates to serve those needs.	X	X	X	X	
44.1 Whenever an inmate seeks release to an Aboriginal community with a regular and recognized leadership, such as a band council, the views of that leadership must be sought. In addition, the community's leadership must be able to propose any special conditions for accepting an inmate into the community, provided that the conditions are legal.	X	X		X	
45.1 Adequate information about inmates should be provided to appropriate members of the community or organization's staff in advance of the inmates' release to those communities and organizations.	X	X		X	
46.1 It is recommended that enabling legislation be developed to provide explicit authority for Aboriginal communities or organizations to assume control of certain correctional processes that affect them if such legislation is deemed appropriate by the Correctional Law Review.	X	X	X	X	
47.1 The Ministry of the Solicitor General should continue to monitor the federal government's agenda for Aboriginal self-government negotiations to ensure that it is aware of, and responsive to, any corrections implications in the negotiations.			X	X	

