

## My Winston Churchill Memorial Trust Travelling Fellowship in Canada. (2008)

Patrick Candlish-Stuart – Probation Officer

Report.

### Cognitive approaches to offending behaviour in indigenous peoples

***“A love of tradition has never weakened a nation, indeed it has strengthened nations.”*** Sir Winston Churchill *speech in the House of Commons, November 29, 1944*

#### Foreword

In February 2008 I was awarded a travelling fellowship to visit Canada to look at Cognitive programmes with Indigenous people, namely the Cree and the Inuit. Unfortunately two weeks after being awarded the fellowship I suffered a life threatening Brain Haemorrhage. This rather set my plans back but with the permission of the Trust I was able to put my fellowship on hold. It took nearly four months before I could return to work on a part time basis and there was the added problem of having another aneurysm that was still in need of surgery, thus put my fellowship in doubt. In December of 2008 I underwent further surgery which was unsuccessful and so was then on the waiting list for a more invasive procedure. Again this placed my fellowship in an uncertain position as despite the Trust placing it on hold I felt that any further delays would make the fellowship impossible. So inspired by those who had already completed their 2008 fellowships I decided that now was the time for action as I had come to realise on a very personal level that life is for living and that completing my fellowship would be a life changing experience and an opportunity not to be missed. I spent some time consulting with my doctor and my specialist and it was accepted that with the right medication I would be fit enough to complete the fellowship.

In April 2009 I set about re-establishing the contacts in Canada that I had made the year before. I must say that one person in particular was a great help and assisted me in developing contacts directly in the communities and accessed the institutions and correctional facilities that I planned to visit. That person was Diane Archambault Administratrice Régionale du Québec for Aboriginal initiatives of the Correctional Service of Canada based in Laval, Montréal. With the further assistance of her senior manager Suzanne Leclerc the Intergovernmental Relations Officer of the Correctional Service Canada based in Ottawa. Without the help of these two senior members of the Correctional Service of Canada my travel and experience would have been somewhat muted.

## Background

The focus of my fellowship was to consider cognitive approaches to offending behaviour in indigenous peoples, when considering this it is important to first understand the difference in attitude between indigenous and the colonising Canadians, and why the Aboriginals merit study as a separate group. The background and attitudes held by both the First Nations indigenous peoples and those held by the “incomers” or rather the migrants who now make up the majority of Canadians and in the case of my study the people of Quebec.

In 1763 King Charles II issued a Royal Proclamation designed to protect the Aboriginals by ensuring their independence. However the rules that had been put in place through the Proclamation have since been used as justification to dictate what was best for the natives. The Indian Act of 1876 was introduced and remains in place today, introduced restrictive guardianship which reduced the First Nations status to that of a minor group within Canadian society. Many were placed on reserves and denied certain rights. Over time and in some cases as the result of Aboriginal cultural exclusion from their community for their offences, some have moved into the urban areas but have struggled to integrate into Quebec society (Indian and Northern Affairs Canada 2005 p1).

For many years contemporary relations between Quebecers and the Aboriginal peoples has been based on poor acknowledgement of the Aboriginal role in the development of the province. This is evidenced through the virtual disappearance of the Aboriginal peoples from the historical landscape, characterized in their disappearance from teachings in school. By the mid 1970's they had been all but excluded from historical text post 1760. They were no longer allies or enemies, and had in the popular view become conquered and assimilated. The frustrations of the Aboriginals smouldered and eventually erupted in several battles with the authorities. An incident at Oka in 1990 brought the situation to a head and resulted in the death of a police officer (Indian and Northern Affairs Canada 2005 p.IV).

The Oka Incident was a land dispute between the Mohawk community of Kanesatake and the town of Oka, Quebec. It began on July 11, 1990, and lasted until September 26, 1990. The result was one direct death, and was the first of a number of well-publicised violent conflicts between First Nations and the Canadian government in the late 20th century. The Mohawk nation had been pursuing a land claim that included a burial ground and a sacred grove of pine trees near Kanesatake. This brought them into conflict with the town of Oka, which was developing plans to expand a golf course onto the land. The crisis raged on for many weeks with blockades including a major road bridge to Montreal.

On July 11 the mayor asked the Sûreté du Québec (SQ), Quebec's provincial police force, to intervene with the Mohawk protest, claiming that criminal activity had been

practiced around the barricade. The Mohawk people, in accordance with the Constitution of the Iroquois Confederacy, asked the women, the caretakers of the land and "progenitors of the nation", whether or not the arsenal they had amassed should remain. The women of the Mohawk Nation decided that the weapons should only be used if the SQ fired on the barricade and to use them as defensively as possible. A police emergency response team swiftly attacked the barricade deploying tear gas canisters and flash bang grenades in an attempt to create confusion in the Mohawk ranks. It is unclear whether the police or Mohawks first opened fire with gunshots, but after a 15-minute bullet exchange, the police fell back, abandoning six cruisers and a bulldozer. The police's own tear gas blew back at them. During the fire fight, 31-year-old SQ Corporal Marcel Lemay was shot in the face and died a short while later. The incident outraged non indigenous people and they blamed the First Nations for being obstructive without understanding what the land meant to them. The situation became so bad that eventually the national army was brought in and used mechanized equipment mobilized around Montreal and reconnaissance aircraft staged air photo missions over Mohawk territory (Oka Crisis 1990). Horrific though the incident was it actually became a catalyst that has encouraged a change in attitudes and encouraged the development of reconciliation between cultures.

In 1996 the severity of the problem facing Aboriginal peoples was brought further to the attention of the government through a Royal Commission report that concluded that "the justice system has failed the Aboriginal peoples", noting that a major indicator of these failing was an increasing over representation of Aboriginal peoples in the criminal justice system.

Today there are a growing number of issues in the Indigenous population and particularly in the youths as they struggle to find their identity both individually and culturally while globalization has taken hold. Some become involved with drugs and alcohol and most worrying gangs, often referred to as Hells Angels. Since the mid 1990's there has been a positive shift in recognising the rights and culture of the Aboriginals. There has been serious progress through a Truth and Reconciliation process that has acknowledged the poor treatment of Aboriginals and begun a healing process which will ultimately recognise the failings of the past, accepting the hurt and suffering inflicted helps move towards a more inclusive society that allows for diversity, cultural difference and recognises the culture of the Indigenous people.

## Fellowship

## Montreal

I arrived in Montreal on the 16 June 2009 almost a year to the day from when I had originally planned to travel. My first impression was that of an international city that had a huge number of events and festivals, often overlapping, that celebrated the multi-cultural diversity of the population. From jazz to comedy, international film, Cuba and (of great interest to myself) the First Nations festival that was a celebration of colour, culture, dance and crafts.

My time here was to be spent looking at the state criminal justice process as a guest of the Correctional Services of Canada (CSC). My guide was Diane Archambault Regional Administrator of Québec for Aboriginal initiatives. An individual who has worked in the Aboriginal aspect of the Correctional Services for many years and as such had a wide knowledge of the different cultural needs, diversity and problems faced by such individuals when coming into contact with the criminal justice system. Diane had arranged a number of visits for me to several different correctional institutions and prisons. They ranged from a minimum security institution to the Reception Centre Special Handling Unit (SHU) at Staine-Anne-des-Plaines Canada's highest super-maximum security prison. This gave me the opportunity to see how programme work and cultural beliefs can be used to address offending behaviour and assist offenders to reconnect with their spiritual and cultural collectives, their communities.

The Reception Centre or SHU at Staine-Anne-des-Plaines introduced me to some of the most serious high risk offenders in Canada and here I began to learn how diverse the needs of the Aboriginal people are. How the loss of contact with that culture had a profound effect on behaviour and how this was being readdressed by the CSC. Here I met with an Elder called Delbert Samson who delivered both spiritual instruction and offence focused work. He explained to me how he would deliver a 'healing circle' and work on a one to one basis with the offenders. The programme room was set out for a session with a healing mat in the centre, some eagle feathers, and a leather hat that was used to burn Smudge Sage and Cyprus leaves, herbs for healing and used in many spiritual ceremonies. Interestingly the healing mat had a circle in the centre divided into quarters which were coloured red, black, white and yellow to represent all the different human races, tribes and cultures that make up the world.

We discussed all the aspects of Delbert's work and concluded that much of it is about encouraging the offender to recognise their feelings, to feel with their heart and to open up letting out their pain, "from the heart". The aim being to encourage the offender to think with his heart as well as his brain. Delbert explained it was about letting the offender once again become a 'human' and express the hurt, pain and anger and to talk about the barriers and experiences in life to enable the offender to then move forward, not by trying to change the past but to face the issues that have held him back, to recognise their place in society and be aware of the

issues, responsibility and behaviour that goes with it.

Working in conjunction with Delbert was an Aboriginal liaison officer, Marc Chene. Marc explained to that he was a Mohawk and that to understand the First Nations you had to look at history and their view of their situation. Until recent years many First Nations or Indigenous people considered themselves to be at war with the incomers. Marc went on to explain that the situation came to a head in the Oka Incident. He also informed me of the issues involved when young people lose their identity and how that often leads to them joining gangs, such as the notorious Hells Angels. Once a member of a gang it is very difficult to leave, leading to involvement in criminal activities such as drug smuggling, inter gang battles and often murder. It should be remembered at this point that the Hells Angels are not exclusively Aboriginal and are often made up from all parts of Canadian society. Involvement often starts when an individual first enters the prison system as many gang members are in custody. A new form of currency becomes apparent, such as when released the offender may be expected to run drugs in their own community as a form of payment for protection and commodities whilst in custody, perpetuating the problems. This is not an issue that is being ignored in the Correctional systems within Canada but like in United Kingdom and other countries it is a problem without an easy solution and often once you fix one aspect a new route appears.

As part of the work being done to recognise the needs of the Aboriginal prison inmates an area outside had been converted into sacred ground. Here there was a tepee and a sweat lodge (a tented sauna type structure with very little light). Delbert uses this area for one to one sessions and some small group work. It is considered very special and recognised throughout the country as an essential aspect of the healing; it shows respect for their spiritual needs. The sweat is a very dark and hot place where the sacred herbs are burnt and the Cyprus branches are used to put water on the hot stones in the centre of the lodge. These stones are called grandfather and grandmother and represent the spirits of the ancestors. When they have been used they are also shown respect and are placed in a pile, the 'grave yard', so that they too can return to the earth. Delbert spoke highly of the sweats as being a place that the offender is often initially uneasy, but that it provides them with a womb like security that is very successful in encouraging the release of the anger and the pain that is held in their hearts.

To give me a clear understanding of the situation and the work being done I was given a tour of the SHU, the high security unit, it houses up to fifty inmates at present sixteen of whom are Aboriginals, approximate 31/32% of the institutes population, which is highly disproportionate to the Aboriginal population of Canada which is approximately 2.7%. The SHU has a central view station where all the guards are situated in which there is a spiral staircase that gives them access above all the rooms (not the cells). This is to give access if they need to deploy gas or use live ammunition. Each corridor is separated so that only one set of cells have access

with one another to prevent further risk issues. I was informed that from time to time someone will have a disagreement and need to be moved for their own safety. It was policy not to allow more than one corridor to have access to the communal rooms at any one time, that's an approximate maximum of 12 individuals. Marc Chene informed me that part of the reason for the large disproportion in this institution was due to such incidents as Oka and other struggles.

On the same site as the Reception Centre SHU was a Low Security or Open prison. Here inmates are allowed to live in separate houses that hold approximately five to a house, there are also two "condos" in which house a similar number of offenders live. These comprise of long term violent offenders and sex offenders. I was introduced to two offenders, both Aboriginals, one of whom had been in prison for the past 22 years. I did not ask what his offence was but was informed it was violent. They were both very open about the work that they have been involved in through the healing circle and how they have found it very good in addressing issues in their lives and offending behaviour. However this is very hard to measure as both remain in the prison system and have not had to put it into practice in society. They gave me a tour of their sacred land where there is a tepee and a sweat lodge under construction, they also have a purpose built long house with a wood burner, although at the time of my visit there was some dispute about its use and fire regulations.

The offenders showed me the crops that they were growing; corn, potatoes, salad and smudge sage for their ceremony's. They also had a row of Cyprus which they shared with other prisons on an exchange / barter system. The inmates were upset that they are no longer allowed to grow tobacco. However this was due to tobacco being banned in public buildings and work places, and incidents of other inmates stealing it to smoke. Diane informed me that the current rate for one cigarette is \$50. Now even guards are not allowed to smoke anywhere on the prison site, I may add at this point that the site is 2 miles directly away from anything and that they cannot smoke until they reach the public highway. Quite an incentive for any smoker to consider giving up.

The work being done in this low level unit was about providing the spiritual needs of the offenders whilst being realistic in its approach to the issues that may face the offenders on their eventual release. So whilst it acknowledge the inmates needs for identity and spiritual guidance it did not ignore the realities of their situation. The use of the houses rather than cells gave inmates responsibility for their own meals, budgets etc, preparing them for life back in society. Many of them will now be excluded from their own communities for their offence, this being part of the culture of many of the Aboriginal tribes. This in itself has thrown more issues at both the offender and the Correctional Service with new demands on the halfway house system, a system much like that of the bail hostel in the UK.

My final prison visit was a very different occasion and took place at a medium secure

unit called Cowanville. Here I was to take part in a 'Pow Wow', the first to take place there. The celebration was held on their designated sacred ground. This gave me an ideal opportunity to talk with a number of Indigenous offenders and gain some insight into the work that had been completed with them, gaining their positive and negative views on their individual progress. The offenders were very willing to talk about issues that they had encountered and how these had contributed to their offending. However they were just as willing to inform me of the work they had done with the Elder and how this had given them a new perspective on their future behaviour and how to approach problems using strategies that they had developed.

The Pow Wow was a ceremony in which I was allowed as a guest to participate, a very uplifting event that was also about saying good bye to one of the inmates who was moving to a low security prison. The Elder washed everyone with smudge sage smoke whilst chanting and dancing in full traditional dress. I was invited to take part in the drumming and chanting and at the end I was presented with the gift of a dream catcher that the inmates had produced themselves. It was an experience like no other and one that made me feel as if I had gained more insight into the ways of the Indigenous and been made welcome in a sacred spiritual ceremony. After the dancing and the ceremony I was able to talk with senior staff members of the prison about how they approached the work with the indigenous looking at the methods they used to when dealing with the diverse cultures.

In the following days I spent most of my time at the Festival of the First Nations which was being held in Montreal and gained information and contacts that have informed my report and gave me insight into the cultures that I was about to travel to on the Hudson Bay. I also visited with a community group called 'Leave Out Violence' (LOVE), that work with children trying to address their "gang" culture and teaching them to turn from knives and guns into other forms of expression such as poetry, art, photography and film making. Again through the acceptance that the past cannot be changed but that all individuals inform the present and the future through the decisions they make. They recognised that young people who turn to violence have often been victims themselves and through LOVE were able to recognise the hardships they endured but rejected violence by using their own understanding of suffering to approach life in a more compassionate and wiser way. The organisation provided them with a 'let out' so that expression of their 'straight from the gut' experiences can inform and help others to avoid violence.

### Chisasibi

Leaving Montreal I travelled by plane 900 miles north to a village called Chisasibi a Cree village with a small Inuit community. Here I had planned to work closely with the police and observe their role in the community however when I made contact with the police chief he was quite obstructive and denied having had any contact

from the CSC or myself. I suspect this was due to a misconception that I would be judging the community and pointing the finger of blame at the police. Initially this was a setback however I soon re-assessed my situation and decided to take a different approach by walking around the village and talking to people I met along the way. I made contact with several individuals that were willing to assist me in my endeavours. One whose identity I will not disclose, for convenience I will call him Dave, explained to me that he had a colourful past. Dave was living in Montreal working for Montreal/Quebec radio as a journalist when he became involved with drugs and alcohol, he lost his job and turned to crime to feed his habits, eventually he ended up in prison and described this as being a revolving door for him as no sooner was he released then he would be caught for a new offence and returned to prison. Whilst in custody Dave became involved with the Hells Angels and became a member and a serious player becoming well known in prison as the Big Chief.

Dave quickly set up connections with his community and links for importing drugs, alcohol and tobacco. He was released from prison, returned to his community and carried on with his work with the Angels. Explaining how this involvement became more violent, including domestic violence. He described how his situation became very unstable and claimed that he was close to committing murder or being killed himself. Things continued like this for some time when his then partner, also a drug and alcohol user began to report him to the police for domestic violence and other issues in what he described as her manipulating him as blackmail to get more drugs from him.

It was then Dave began to realise that he needed to change. I asked him if he had considered the damage he was doing his community and others and he told me it was not until a man came to him for cocaine with no money but offered to leave the family support cheque that he could cash the next day. This was when Dave realised that children would be left to go hungry and were suffering from other's drug use. He recognised that his problems began as a child when both his parents were alcohol abusers and often left him and his siblings to go without so that they could have a drink. Dave could now see that he was responsible for other children going hungry and so made the move to Chisasibi to live with his mother in a bid to change. He also went to social service and spoke with them telling them he needed help, from this point things started to change. He reflected that it was after completing the alcohol and drugs programme in prison he had returned to his life in the old community he began to reflect on what he had learnt and what he needed to change to address his violent behaviour, his drug and alcohol use and his impact his behaviour had on his community.

When Dave moved to Chisasibi he gave up the drink and drugs and has now worked with the Elders, the Band Council and is giving back to the community. He has a new partner with whom he shares 10 children and he makes sure that there is food for them so they don't go hungry and gives them love in his efforts not to perpetuate the

pain and harm of his life. One other issue Dave told me of about was his experience in the residential schools where children of Aboriginals were placed away from their families and where they would be educated to see their way of life as savage. They were taught not to respect the old ways and some children never returned. This causes him pain having been one of these children, his fathers and grandfathers pain from losing their lands and being persecuted by the 'white man', this is a big thing for him to talk about as this pain is deep and of great importance in that it has informed how his people view themselves and how they view their treatment over a number of generations.

Another person I met was a man called Jodie House who usually worked as a guide, however when I explained my reasons for being there and my part as a Winston Churchill Fellow he offered to assist me with my goal. Jodie introduced me to his family and they welcomed me into their home and showing me great respect whilst also talking with me as an equal. He also introduced me to Abraham Cox who was a Cree elder and a previous chief. We talked for some time which was really good and gave me a good insight into the way of the Cree. He described the work that is often carried out in the bush with young people to address criminal behaviour and to assist in encouraging them to connect with their ancestors, learning to respect and to take ownership of their own deeds.

I was invited to attend a joint Police, Band council and youth council meeting about the organization of a bike rally. This was very informative and showed the working relationship with the police in a better light. This also gave me a better understanding of the conflict between the police and the community. There were other areas of raised heat in this relationship and a lot was down to Chisasibi being Alcohol free, with by-laws enforcing prohibition. A real issue when in the next village some 50 kms away alcohol was freely available, making the road between the two notoriously dangerous. Later that evening Jodie's father and brother took me to their lodge some 40 km into the Bush, taking me over the Hydro electric dam, the construction of which has polluted their rivers and flooded sacred lands. At the lodge there was a Tepee and sweat lodge. Outside we could hear wolves howling nearby as we sat in the lodge talking. Jodie's father checked the windows telling us a story of when he was there last year when a bear had tried to climb in through the window.

The next evening I was treated as a guest to a meal with Jodie's mother Nelly. Roast goose cooked traditionally over the fire in a tepee. Nelly is a retired social worker and we talked for a long time about different aspects of integration that have affected the Cree, sadly most of the impact of integration and globalisation is negative. Nelly could understand the pressures that this had on the youth of the tribe and recognised that their culture would need to adapt. The time spent in Chisasibi has given me a clear insight into Cree society and afforded me preparation for my next community.

### Whapmagoosti/ Kuujjuarapik

Whapmagoosti or Kuujjuarapik is some 250 miles further north of Chisasibi, a reserve of two communities one Cree and one Inuit, Whapmagoosti being Cree and Kuujjuarapik Inuit. I arrived by aeroplane as it is the only direct access other than by ship to this remote reserve. The reserve is on the shore of Hudson Bay and despite it being summer when I visited it was possible to see the ice flows in the bay. The two communities live separate lives divided by culture and to such a degree that they have separate police forces, schools and social services. It was easy to know which community you were in as the Inuit had tarmac roads and the Cree dust roads.

My contact here was a Cree Police chief called Brian Jones who welcomed me and introduced me to all his staff. The police station had wire covering the windows, and Brian informed me that it was not unusual for someone to drive past and shoot at the station. He informed me that there was a total of 1400 people in the two communities and that in the previous year 2008 there had been 1300 arrests including a triple murder. The main issues in town were drug and alcohol related with a very high level of domestic violence. I had arrived after a very busy weekend for both police forces. The alcohol shipment had been delayed and all arrived on the Friday, as a result the reserve was a hot bed of violent, drunken behaviour and there had been so many arrests that they had to release people so that they could use the cells for others, much like a conveyer belt. By the Monday the police had shipped a number of prisoners down country to Amos where a court was sitting and could process the most serious of the offenders from the weekend. The others, I was informed, would have to wait for 6 to 12 months for the travelling court to process them for their offences.

In discussion with Brian I was made aware that over the past year or so he had been given permission to intercept mail on 4 occasions. This resulted in a large number of drug seizures and based on the evidence he recovered was able to estimate that approximately 3 million Canadian Dollars were being drained from the local economy and going to the drug dealers in places such as Montreal. He told me that he has asked for more funds to deal with these problems but always the answer is no. He has asked for some of the proceeds of crime money but this all goes to the Royal Canadian Mounted Police (RCMP) and Sûreté du Québec and was informed that the arrests and value of drug seized also goes on the RCMP statistics. The suspicion being that this was to allow the situation/status quo to remain and so politicians in the south can talk about the First Nations communities being a boiling pot of drugs and alcohol, the implication being how poorly these people cope. However with a bit more resource and a lot of change, including the introduction of Magistrates facilities and access to the postal delivery service for drug searches things could easily improve. However it remains the case that the RCMP take the proceeds and statistics for any drug seizures and the local police carry the cost of sending prisoners to Amos. This can cost around \$3300 per prisoner including the officer that

travels with them and overnight accommodation plus weather delays. While the community is carrying the cost it cannot direct resources to address other issues.

Part of the programme that Brian had set up for me was time with Probation, Social Services and the Youth offending team, he also arranged meetings for me with the Cree Band Council and with the Mayor of the Inuit. My first meeting was with Social Services where I meet with a Social Worker called Linda who spent several hours with me discussing the issues of the reserve and of the two communities which although both Aboriginal were both very, very different in attitude and in the treatment of one another. We talked about a broad range of community issues and was invited for tea the following night with her and her partner George the Chair of the Band Council and of the Elders (not that they have one as it is a circle). One of the clear issues from our discussion was that some in the community tended to hide behind the past and failed to recognise that they have a contributing role in and ownership of their futures.

I also had a discussion with Charlie, the youth offender worker based in the same building as the social services, he explained that they see their clients on a weekly basis and that he works to find them ways in which they can complete their community service. He can also deal with a young person when they admit their guilt, he will sentence them and they agree and sign an agreement without going to court and without getting a criminal record, by-passing some aspects of the criminal justice system. Charlie completes one-to-one work with offenders and encourages them to address their behaviour, and assists in addressing their offence whilst not having to wait 6/12 months for a court to sentence. The work done in one-to-ones is based once again on ownership, impact and consequences, working closely with the police service to encourage the offender to spend time working with the community in a way that allows them to recognise the cost of their offending on their own community.

I had a meeting with the Mayor of the Inuit, Lucassie Inukpuk. I was informed that he held some rather negative views of the Criminal justice system as he felt it conflicted with the Inuit way of life and culture. He was willing to listen and answer questions but was uncomfortable with some of the issues. We spoke about the possibility of a joint Inuit/Cree magistrates court which he saw as having some real advantages although could not see how funding would support any joint committees or joint working party claiming that these issues would not get funding as the Inuit get their money from the Providence whilst the Cree from the federal government. He was preoccupied with money and explained that the Inuit need to divide any money between the nine settlements when you do that what seems a lot soon becomes very little. I accepted this but struggled to convince him to understand that any money towards improvement was good. I challenged him on his statement that the Inuit and Cree could not work together and suggested that they must have done so before to implement the alcohol By-Laws, a subject that he was uneasy with, and

indicated that he would partake in a drink from time to time. Also it should be noted that he was not in agreement with the outlawing of some behaviour that we would find abhorrent, this must be taken in context, this is a culture that have lived to western rules since being moved to the reserve not that many years ago. It is sad but very clear that the Inuit and others may need to wait for this generation to pass before they can start to make positive movement forward, and adapt to the new pressures that face their society.

On a personal note it was my impression that many in this community are living to values 35 to 40 years in the past in that men rule the roost. They drink, beat their wives and abuse their children. It is acceptable for a male Inuit to have an affair, even expected at times but if a woman even hints at such thoughts this is considered unacceptable and the husband is then justified in beating her before going to sleep with his mistress. There are some woman starting to make their voices heard but this will take time and an adjustment in social acceptance before it becomes the norm, a change that could not come soon enough. I would like to qualify this by pointing out that this is not the case for all the Inuit.

At a meeting with the Band Council I was conscious of representing my profession and being a diplomat for the Fellowship and the UK in making positive connections between Cree and West Cumbria communities, with a hope for future contact and collaboration. It was suggested that I hold a meeting with David Masty of the Justice Committee to look at recommendations for reduction of crime and restorative justice. He obviously wanted to make some changes but was lost for how to do so. He told me that they do have camps for younger people to spend time in the bush with Elders which are very positive and similar to those I talked about with Abraham Cox of Chisasibi. However David was worried about so many young people going to prison so we looked at how the community could help in reducing this and we considered that whilst waiting to go to court offenders could spend time with the Police, Social services, Fire department, Ambulance the Justice committee and elders, to learn about how their crime impacts on the community as a whole and learn the problems that it causes for the victims. By using the agencies involved in picking up the pieces as a way of developing understanding of the impact and the consequences of their actions. I also suggested that people from these agencies speak in school about the consequences of actions from fire to domestic violence, from fun smashing windows to the impact on their family and the cost to the community.

David spoke about a deaf offender that they are working with who recently broke into the nurse's house and attempted to force himself on her. He told me about his drug use, his full involvement in sport and the fact that both his parents were drinkers. It was considered that he may be lacking support, praise and recognition from his parents for his achievements, he may have problems with self esteem and lack the skills in getting a partner and have issues in recognising the boundaries of what is

acceptable and what is not. I suggested that the parents encouraged to take some responsibility for his behaviour and that they should assist in addressing his issues, mainly through showing some support and recognising his sporting achievements. There is also some serious work to be done in addressing his sexual knowledge, understanding and boundaries. Here was where Probation would be a great support but this is up to the State and would involve the need for a conviction.

Before leaving for Ottawa I went for dinner with Linda and George and found that in respect for George and for myself, Linda had prepared the meal then left so that "the men" could talk. George and I spoke for nearly two hours and we reflected on the issues raised in the Band Council meeting at which he had been present. He informed me that the council would take on board my suggestions but that like all things in this community it would take time. He was willing to talk on all matters and told me some stories about growing up in the bush then having to settle in one spot. How his parents and grandparents had taught him the fundamental things about survival in the bush and his way of life including being part of the earth and being made of the same stuff as the trees the fish and animals. He told me they had walked next to a river and he had rolled two rocks from the top of the gorge into the river as he wanted to see and hear them. His grandfather had said to him that this was wrong as the rocks had wanted to be where they were. This he struggled to understand but later he had learnt to use an axe and chop down trees but carried on chopping down more trees regardless. His father had stopped him and asked if he was going to use the trees, to which he had said no. His father explained to him that he had killed the tree and stopped its energy and in a year it would be tinder he said that at this point he began to understand how he impacted on the world and that he could use a tree but must only take what he needed and no more.

We spoke about religion and how so many stories in the bible are based on stories from before. He told me that the bible story of an angel visiting Mary was based on an even older story in which a similar thing happened in Egypt a few hundred years before and about Genesis being based on the stories of the First Nations view of creation, George made a strong case and it is true there is no other story like it in the bible. It was because of the similarities in these stories and scriptures to those of the First Nations that many Aboriginals had turned to western religion and taken a place in the modern day church.

Whilst in Whapmagoosti/ Kuujuarapik I also spent time with Probation staff who were willing to share knowledge and working practices. It was also through this co-operation that consideration was given to better use of the resources in such a remote place. Considerations that were shared with the police force, and it was seen that working together they could manage offenders in the community whilst assisting offenders to address their behaviour before they are seen by a court, that often being over a 6 month wait. My conclusions and proposals at the end of this report have been greatly inspired by the work that Brian Jones is trying to bring into this

community. I was privileged to work with him and to try and assist him in the development of new ways of working. Looking at offending behaviour from such a multi organisational and community approach whilst making the offender fully aware that they own their offence and the consequences and cost of that behaviour. Will be a powerful tool in reducing crime.

### Ottawa

On leaving the villages I went to the capital Ottawa here I was the guest of Suzanne Leclerc the Intergovernmental Relations Officer at the Head Quarters of the Correctional Services of Canada. While there I met with Alvin Kube, Manager of Aboriginal Relations, and with Terry Richardson, Director General for Restorative Justice. This gave me an opportunity to consider some of the real practical issues that they have had to deal with in developing the CSC approach to the Indigenous Aboriginal offenders. It was clear from what I have already seen in the Correctional Institutions such as those at Staine-Anne-des-Plaines that positive work has begun. It has given the Service cause to look at these offenders with new eyes and recognition that through the use of their own cultural and spiritual identity and working in conjunction with cognitive based practices positive outcomes can be achieved.

The Department of Justice prepared a consultation paper in May 2000 entitled *Restorative Justice in Canada*. The paper gave an overview of the philosophy and nature of restorative justice and its application and considered the need for relevant legislation. It posed a number of questions that would consider the role of government and community in the application of restorative justice, the effects on the victim, the community and the offender. It also gave consideration to the appropriate process, offences to include or exclude and training requirements. Since this time a greater understanding of cultural process within some of the Indigenous societies has developed (Robert B. Cormier 2002). Terry Richardson made me aware that in Inuit society there is already some form of restorative justice in the form of Inuit Qaujimajatuqangit (IQ). The IQ principles consider resourcefulness, community and individual relationships, collaboration and consensus. In consultations the Inuit would commonly refer to restorative principles when in discussion about appropriate justice systems. So despite having spent a number of years adapting to the justice system imposed by central government the Inuit view of restorative justice has allowed them the opportunity to use their own methods to resolve conflicts, "addressing many of the shortfalls of mainstream processes" (Tim Stemple 2007).

Whilst in discussion with the head of departments in CSC HQ I was impressed at the attitude that was clearly about ensuring that any programmes and justice initiatives were Aboriginal/First Nations sensitive. How consideration was given to the processes already in place in individual societies in such a way as to also develop

the processes on a national level, learning from the First Nations and Inuit. It is through these collaborations that future programmes and new ways of working can and will be developed.

The return to urban Canada allowed me some time for reflection on the restraints of the service and the Indigenous people's expectations. During my visit all the agencies that I worked with were pleased to help and willing to discuss methods and treatments that work and those that have less effective outcomes. My time in Northern Quebec has been a real eye opener, giving me a much broader understanding of the problems faced by both the Indigenous people and the system of government that now enforces their laws, both wanting to achieve a common goal. I witnessed several techniques and methods for addressing offending and cultural issues. This informed me well of the continuing work being done on each side and on reflection I can only conclude that now the relationships between the Indigenous people and the Canadians has moved on to truth and reconciliation. The development of the correctional services in dealing with this diverse group and the recognition of their part in society and what they too have to offer makes me believe that there will be positive developments in the future. That the relationship between the Indigenous communities and the CSC will become one that works for them both and for the good of Canadian culture, society and rehabilitation of indigenous offenders.

### Conclusion and Proposal.

The Canadian government has taken some very positive steps to try and address the disproportionate numbers of Aboriginal people in the criminal justice system. From the initial eye openers of the Oka incident and the Royal Commission report of 1996 the criminal justice system has acknowledged the need for a diverse approach. Recognising the unique factors that may have influenced the Aboriginal offender in bringing them into contact with the courts and having consideration of their heritage, cultural connections and needs when sentencing, acknowledging the need to allow for Aboriginal beliefs in the criminal justice system (Strategic Plan for Aboriginal Corrections 2009).

The use of the cognitive model in the delivery of interventions has to some degree needed to be adjusted and recognition must also to be given to the cognitive approaches already in some societies within the Aboriginal group. "The cognitive model reasons that since "faulty thinking patterns" seem to be instrumental in propelling offenders toward re-involvement in criminal activities, programs should try and change the way offenders think, not the way they act" (Fabiano. E, Porporino. F, Robinson. D, 1990). The offender often ends up in a cycle of offending, to address this offenders need to be encouraged to develop relevant skills such as thinking logically, objectively, and without over-generalising whilst taking into account of the methods already developed within the cultural group.

The delivery of cognitive programs with offenders employs a variety of visual, audio aids, games, puzzles, reasoning exercises and Socratic teaching methods and group discussions. These methods have again needed to be developed through the Elders (in the prison setting) who whilst not necessarily being experts in the field of Cognitive Behaviour theory have developed the use of such approaches so as to work alongside the cultural, spiritual needs to the Aboriginal offender, and thus delivering culturally specific cognitive work. The methods used are a combination of one to one work and group work and lack the appearance of therapy so engaging the individual further. There remains a basic need to develop this work further through delivery of such approaches in the community, on the reserves, and through it reducing the incidents of Aboriginals needing to enter the prison system. There also remains the need for further development of location specific initiatives such as the work being pioneered in Whapmagoosti/ Kuujjuarapik, where the collaboration of services is recognised as a powerful tool in addressing behaviour, although at present due to the complex governmental set up in that community some areas remain unable (although willing) to work together.

At this time there are a number of different schools of thought about how to reduce offending and reduce the impact of crime. A number of projects are looking at restorative justice methods such as the North Wales police who announced that they are looking at programmes in which the offenders apologise to their victims. Chief constable of North Wales Police Mr Mark Polin stated that "we will be seeking to deal with crime and anti-social behaviour in terms of penalty by not just arresting people but seeking the most appropriate method to provide the incentive to the offender to stop their offending," (BBC News 2010/01/04). The direction of this initiative was to deal with anti social behaviour and alcohol related crime.

In Venezuela a project named "Project Alcatraz" is being run by a businessman named Alberto Vollmer in which gang members are given an opportunity to address their behaviour and find new goals. This programme has been so successful that initially he asked one or two gang members to join and within two weeks the whole 22 members of that gang were on the project. Similarly new gangs heard of the work being done and asked to join as well. The aim of this project is to initially isolate the gang members from society by working with them up a mountain for three months and then giving them access to employment within the company that Mr Vollmer ran. Teaching them about goals and getting them to realise that these dreams or goals are not achievable whilst they committed the offences that they did and that only by stopping this behaviour could their dreams become a reality, "my future relies on me" (Radio 4 In Business -Sunday 3 January 2010).

Restorative justice working alongside cognitive programmes may assist offenders in recognising the impact of their actions, on the victim, society and the negative impact it has on themselves. The lesson for me has come from the traditional healing

approaches that themselves are consistent with the understanding of the restorative justice concepts (LaPrairie, 1992; Roach 2000). As I have seen on a personal level the Indigenous approach has much to teach us and as we recognise the rich traditions and accept their influence in development of new initiatives, it is hoped we will all take more positive steps in the recognition of diversity, cultural values and the importance of teaching offenders that they own the consequences of their actions.

As a result of my fellowship I have been able to gain the support of my Probation Area and working in conjunction with my local Crime and Disorder Reduction Partnerships (CDRP) to pilot a community programme aimed at reducing re-offending, encouraging offender ownership of their own offending and to take responsibility for the cost such behaviour has on their own community and the long term impact it has on the victims. The Programme is called the Community Offender Ownership Programme, the CO-OP. This programme has been developed with the knowledge I have gained in the communities that I have visited and the work being carried out by the CSC. I would like to state that my main area of inspiration has come from two individuals; Abraham Cox an Elder from Chisasibi and Brian Jones the Cree Police Chief from Whapmagoosti/ Kuujjuarapik. I hope that in some small way I can contribute to this development with the Band Council and through contact with Brian Jones, and that the development of the Community Offender Ownership Programme, will benefit both Whapmagoosti/ Kuujjuarapik and my own community of West Cumbria. I intend to provide further feedback on the programmes progress by mid June 2010 after the piloting of the Programme in Cumbria.

#### The Community Offender Ownership Programme (CO-OP).

The aim of this programme is to encourage offenders to take ownership of the impact of their offending upon the community in which they live. To encourage the offender to recognise that they are part of the community and that they have responsibility to that community for the cost of their offending. It will also encourage the community to take ownership of their offenders.

As the acronym suggests this programme is reliant on the co-operation of a number of organisations/agencies and on the community. These agencies will be the Fire Service, Ambulance Service, Police and Social Services and members of a selected community Group (it is envisaged that these will be from the older generations).

It is accepted that there will always be a new generation of offenders that replace those that have addressed their behaviour or have moved on. However it is an aim of this programme to have an impact on a wider level not just through direct contact with the offenders. It is hoped that as offenders begin to become aware of the impact and cost of their offending they will begin to engage with the local community and that some level of respect will be developed through understanding and trust, rather than direct enforcement. In the long term it is hoped that better role models will

develop and the younger generations will get to see more positive peers and positive parenting. In the longer term reflected in a reduction of new offences and offenders.

What is expected of partnership Agencies:

- To provide a member of staff that is prepared to deliver the impact of crime sessions to small groups of offenders.
- To provide these sessions once or twice a month (dependant on numbers).
- To be prepared to provide a feedback to Probation and record attendance.
- To allow the member of staff to attend briefings to clarify the content of the sessions that will be delivered by each service.

What is expected of the community group:

- This will be made up of a group of three to five individuals from the community (target group –the elderly).
- The group will be encouraged to talk to offenders about the impact of crime on their lives and how it affects their perception of respect.- Guidance will be provided by a qualified probation officer.
- The same group will be expected to receive feedback (if possible) from the offender at the 16 week point – the last session of the programme.
- This will always be run by a member of probation staff.

**Outline of the CO-OP structure**

Week 1

- Attend with a partnership agency for impact of crime session.
- Attend supervision with Probation.

Week 2

- Attend with a partnership agency for impact of crime session.
- Attend supervision with Probation.

Week 3

- Attend with a partnership agency for impact of crime session.
- Attend supervision with Probation.

Week 4

- Attend with a partnership agency for impact of crime session.
- Attend supervision with Probation.

Week 5

- Attend with Community Group for impact of crime session.
- Attend supervision with Probation.

Weeks 6 to 15

- Attend appointments with Probation

Week 16

- Attend Community Group – Offender to explain how they own their own behaviour and to explain their understanding of the impact that their behaviour has on others and the community.

-----O-----

"Courage is what it takes to stand up and speak, Courage is also what it takes to sit down and listen." Sir Winston Churchill.

## **Bibliography**

Allberto Vollmer *Project Alcatraz*

<http://www.proyectoalcatraz.org/english/presentation.htm>

BBC News (2010/01/04) *Restorative justice 'stepped up'*

[http://news.bbc.co.uk/go/pr/fr/-/1/hi/wales/north\\_west/8439297.stm](http://news.bbc.co.uk/go/pr/fr/-/1/hi/wales/north_west/8439297.stm)

Canada, Law Commission of Canada (1999). *From Restorative Justice to Transformative Justice: Discussion Paper*. Ottawa.

Fabiano. E, Porporino. F, Robinson. D, (1990). Rehabilitation Through Clearer Thinking: A Cognitive Model Of Correctional Intervention. <http://www.csc-scc.gc.ca/text/rsrch/briefs/b4/b04e-eng.shtml>

Indian and Northern Affairs Canada.(2005). *Aboriginal people –fact and fiction: Transcontinental publications – Commission des droits de la personne et des droits de la jeunesse (Quebec)*.

LaPrairie, C. (1992) Aboriginal crime and justice: Explaining the present, exploring the future. *Canadian Journal of Criminology*, 34, p 281-297.

Oka Crisis (1990): [http://en.wikipedia.org/wiki/Oka\\_Crisis](http://en.wikipedia.org/wiki/Oka_Crisis) Accessed 21/01/2010

Radio 4 In Business (Sunday 3 January 2010). Allberto Vollmer *Project Alcatraz*: <http://www.bbc.co.uk/programmes/b006s609>

Roach, K. (2000). Changing punishment at the turn of the century: Restorative justice on the rise. *Canadian Journal of Criminology*, 42. P249-280.

Robert B.Cormier.(2002). *Restorative Justice: Directions and Principles Developments in Canada*. : Corectional Services of Canada : Ottawa.

Strategic Plan for Aboriginal Corrections (2009). *Innovation, Learning & Adjustment 2006-07 to 2010-11*: Correctional Services of Canada. <http://www.csc-scc.gc.ca/text/prgrm/abinit/plan06-eng.shtml>

Tim Stemple. (2007). *Facing the Questions. (Variations on a theme: Restorative Justice and Canadian Inuit)* www. csc-scc.gc.