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**CREATING HEALTHY,
JUST, PROSPEROUS AND
SAFE COMMUNITIES IN
SASKATCHEWAN**

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INTRODUCTION

Creating a healthy, just, prosperous and safe Saskatchewan requires leadership and planning. This chapter discusses the need for a plan based on inclusion, integrated services, and shared responsibility and resources. Its goal is social and economic development and promoting community. Social conditions in First Nations and Metis communities must improve to decrease crime, victimization and violence.

A youth participating at the Roundtable on Crime Prevention suggested it is time to rethink crime prevention:

And we did a bit of play with words here and thought that maybe we could use, instead of saying crime prevention all the time, we could maybe start talking about community promotion and create a sense of that among our youth, and from an early age, so that from – whether we're talking about the far North, in a small community, or a large city, or your part of the city, that we could be promoting our part of the communities to our children, our youth, so that that sense of pride and self-esteem is attached to that.

Community promotion aims to improve quality of life in social and economic terms for all, especially those excluded from mainstream policy development and decision-making, such as First Nations and Metis people. The proposition is through improving the quality of life for all residents of Saskatchewan, justice reform will be realized.

To obtain justice reform, justice must be returned to the community. The idea of returning justice to the community is not new. It has been referred to as community renewal, community justice, community inclusion and community development. In the current discussion it will be referred to as community promotion. Community promotion means the community rallies together to build on the positives within, while identifying and resolving social problems. This can reduce crime, and create safe and healthy communities. For communities to take on this task and for justice to be returned to the community, positive social and economic policy must be developed.

In many instances I think we would have experiences of bureaucracies who want to maintain control and power over the programs that are under their various departments. It truly is our view that we cannot solve these problems on our own, that we cannot, in fact, even identify some of the challenges on our own, but that community ownership is critically important to first addressing and, secondly,



solving the challenges we face, and that community capacity is critically important, too ... Now for Saskatchewan communities to be successful at addressing these issues, they have to be able to shape policies, identify issues, craft solutions, implement solutions and evaluate initiatives. (Speaker, Saskatchewan Justice & Corrections and Public Safety Presentation)

For decades, governments have tried to create policy and programs to solve community problems without appreciating fully the many factors responsible for them. The role of government, with respect to justice and other matters, has been gradually changing. It is moving away from responses to problems such as crime and towards building partnerships with communities. Governments now recognize they cannot respond to social issues alone.

But I think what I've tried to do with the Meadow Lake Tribal Council and the nine communities that we work with is offer some – or listen to what they're telling us as guiding principles in developing programs. What I mean by that is it very much has to come, whatever is developed in their community or whatever the needs are in the community, it's the communities that need to drive the process around that. (Speaker, Meadow Lake Community Dialogue)

Examples of this shift in policy are:

- The federal government's Safer Communities Initiative, which includes a "community mobilization program" to help Canadians develop crime prevention in their communities.
- The Privy Council Office's "Urban Aboriginal Strategy" introduced in 2004 to address the socio-economic needs of urban Aboriginal people. In the Budget 2004, the Government of Canada indicated their commitment to working with its partners – provincial, territorial and municipal governments, service providers, First Nations and Metis organizations and others – on practical solutions to the important issues of First Nations and Metis people in urban communities.

Both recognize solutions are tied to partnership with community and with those most affected. Recent Saskatchewan government approaches are based on the need for social, health, prosperity, autonomy and fiscal and political accountability. For instance, the Strategy for Metis and Off-Reserve First Nations People (MOR) is intended to deal with these needs.

The MOR Strategy was developed for Saskatchewan in response to the *Report of the Royal Commission on Aboriginal People* (1996). It is intended as a practical approach to create self-reliance for Metis and off-reserve First Nations people over the next 20 years.



Its goals are:

1. Success in primary, secondary and post-education.
2. Prepare Metis and off-reserve First Nations people for participation in a representative workforce.
3. Build a representative workforce and build First Nations and Metis economic opportunity.
4. Improve individual and community well-being.

The MOR Strategy is based on principles the Commission supports, including involving First Nations and Metis people in decision-making and the design and delivery of services.

In 2000, Canada's First Ministers signed the Early Childhood Development Agreement. It recognized the importance of children's early years and the effect these years have on their future.

Aboriginal Head Start (AHS) was implemented off-reserve in 1996 and on-reserve in 1999 and given ongoing funding to promote healthy early childhood development of First Nations children. These plans are supposed to improve conditions to ensure that all young children can be healthy, safe and secure, ready to learn, socially engaged and responsible. Supporting parents and communities is the best way to do this. Early involvement has been important in improving quality of life for each child. The Commission applauds this approach and realizes adequate resources are needed if it is to continue.

KidsFirst is a program that gives the province's children a better start in life. Funds have been provided for support of vulnerable children up to the age of five. KidsFirst draws on cooperation between government and partners such as health districts, school divisions, communities and First Nations and Metis organizations for support of vulnerable children up to the age of five and their families. The program includes a program to locate and support pregnant women with substance abuse problems to prevent fetal alcohol spectrum disorders.

A NEW CONVERSATION: COMMUNITY PROMOTION

Community promotion starts a new conversation about justice reform. This conversation is based on recognition, that government and the criminal justice system alone cannot solve the problems that lead to crime and dysfunction in a community.

Communities may be defined by geography, as in the case of neighbourhoods or towns, or by shared goals and experiences. Communities vary extensively in their capacity to deal with crime. Some do not have the infrastructure in

A copy of the Early Childhood Development Agreement can be obtained at:
http://socialunion.gc.ca/ecd/toc_e.html

Information about the Aboriginal Head Start (AHS) program can be found at:
http://www.hcsc.gc.ca/dca-dea/programs-mes/ahs_main_e.html

Information about the KidsFirst strategy can be found at:
<http://www.sasked.gov.sk.ca/>



place even to begin to develop crime prevention plans. Others have already formulated plans with concrete goals, objectives, and activities. (National Crime Prevention Centre, 2004)

Community promotion means problem solving and identifying community strengths and weaknesses. The focus is on successes. It includes traditional First Nations and Metis justice by stressing First Nations and Metis values and customs. It builds relationships between community and the criminal justice system.

We do have our internal programs; one is the residential school healing, to work with parents and child. And we have a youth worker. I don't know how far you want me to go here, but we have a crime prevention worker, a portfolio counsellor ... (Speaker, Cote Community Dialogue)

Improving quality of life by dealing with social and economic problems will also strike at the root causes of crime. The goal is to provide the best possible community environment in which people flourish, not solely to prevent crime.

Communities want to be involved in planning the programs and policies that affect them. They are prepared to take responsibility for what is happening in their communities.

What we see, what we see happening around us is that, yes, we want things to go right for our people, we want things to happen in a proper, positive way. We don't want this negative energy always pulling at us, pulling us down and ruining us as First Nation people. We want to be – we want to have equality. We want to have what we had, what our ancestors had. But we cannot have that if we do not open our eyes and start fixing what's happening within our own community, our own lives. (Elder, Treaty Four Community Dialogue)

The idea of “community renewal” or exploring local solutions requires government to become a “facilitator.” The “facilitator” has an important role in strengthening the ability of a community to meet its objectives. This involves rethinking how to use community resources and encouraging better use of them in the interest of problem solving. This approach will assist justice reform and fits well with the idea of community promotion.

As the delivery of government services shifts to communities, so too must the resources needed to carry out the responsibilities. This does not always occur. “Offloading” is the term used to describe transfer of responsibility without transfer of resources.

... the communities have to take that responsibility, but if you're going to download that responsibility you have to ensure that proper funding and resources are put in place.



There has to be training for the people that are going to take on this task. (Mayor of Pinehouse, Beauval Community Dialogue)

As the role of government changes, care must be taken to ensure that difficult issues, such as crime, are not overlooked. It is important that community promotion plans cover social and economic planning, and crime prevention.

A SOCIAL AND ECONOMIC POLICY PLAN OF COMMUNITY PROMOTION

Long-term social and economic policy on promoting community must cover social inclusion, poverty elimination, education, employment, housing, health, resources and urbanization.

Social Inclusion

A measure of social inclusion is the degree to which people are represented in social and economic life. Marginalized groups include many visible minorities (First Nations and Metis among them), people with disabilities, single parents, the poor and the homeless.

Violence, family instability, alcohol abuse and poor education can be found in many communities. Those who commit crimes often had a childhood in which they were exposed to drug and alcohol use, physical and sexual abuse, and poverty. The marginal position of many First Nations and Metis people along with loss of culture and community has contributed to offending behaviour.

According to Statistics Canada (2003a), in Saskatchewan, First Nations and Metis people represent 13.3 per cent of the population in 2001. By 2021, this will increase to 19.5 per cent. Almost 40 per cent of the First Nations and Metis population is age 14 or younger. These figures show a need to accelerate the inclusion of First Nations and Metis people in the social and economic life of this province. Accessible education, skills training and development will lead to inclusion.

Barriers exist to First Nations and Metis participation. Those most marginalized are children and youth, women and the disabled. Creating social and economic policy through First Nations and Metis eyes will help increase their participation.

Poverty Elimination

Saskatoon Communities for Children, a child poverty group, reports that the level of child poverty in Saskatchewan has been improving. These rates are based on children of ages 14 and under.

According to the Saskatchewan Child Poverty Report (Hunter & Douglas, 2003):

- The rate of child poverty in Canada was 15.6 per cent for 2001.
- Saskatchewan's child poverty rate stood at 21.5 per cent in 1989, rose to a high of 24 per cent in 1994, fell to a low of 16.1 per cent in 1999 and now sits at 17.6 per cent (42,000) for 2001.

Marginal – the status of groups who do not have full and equal access to the cultural, economic, political and social institutions of society.

Information on Child Poverty in Canada can be found at <http://www.campaign2000.ca/rc/rc03/NOV03/ReportCard.pdf>



- Among First Nations children of ages 0 to 14 living off-reserve, the incidence of poverty is 55.9 per cent, with the majority of those children living in Saskatchewan's urban centres.
- The poverty rate for Metis children in Saskatchewan ages 0 to 14 is 36 per cent.

These rates describe a situation where the basic needs for food and shelter cannot be met. Difficulties obtaining food and shelter are constant for the poor in Saskatchewan. First Nations and Metis children are especially helpless.

The Executive Director of the Saskatoon Food Bank, Bob Pringle, reported:

Today, 82 per cent of our clients are on social assistance as compared to 50 per cent five years ago. The biggest increase in users has been single moms, two-parent families, seniors and students. This is the fourth year we've given hampers to university and SIAST students; we gave 600 to SIAST students in 2003 and 150 to U of S Students. In 2003, 1,850 Christmas hampers were handed out.

Several recent changes have helped people on social assistance enter the workforce. A recent report by the Canadian Council on Social Development (Jackson, 2001) finds these changes have reduced both the rate and depth of poverty among Saskatchewan families. The report says that while working poor were helped, those on social assistance were worse off.

The Saskatchewan government can further reduce poverty by increasing social assistance to families with children.

Education

The value of an education cannot be stressed too much. There is general agreement that education is tied to social and economic inclusion of First Nations and Metis people. The number of First Nations and Metis people with a higher education has increased. Large numbers of First Nations and Metis youth are found among those not completing school.

- About 50 per cent of self-declared Aboriginal students who reach Grade 10 go on to complete Grade 12. This compares to an 80 per cent rate for the overall Grade 10 population that completes Grade 12. (Sask. Learning, 2003)
- Credits earned (the average number of credits a year earned by Grade 10-12 students) is lower for Aboriginal students – about six credits compared to about eight for all students in provincial schools. (Sask. Learning, 2003)



Funds from the First Nations for post-secondary education for First Nation students is a concern that requires immediate attention. The First Nations have been unable to meet the demands of the increased tuition and living costs of their students. There are increasing numbers of First Nation students applying to their bands for post-secondary funding. Although funds are limited here as well, First Nations students can also apply to the Provincial Student Financial Assistance program. Metis students can apply for post-secondary certificate or diploma training funding through the Metis Employment and Training of Saskatchewan Inc. The provincial student financial assistance program is also an alternative for post-secondary funding.

Youth crime is often linked to not attending school. Efforts are needed to encourage youth not in school to resume their education in order to achieve employment.

It is clear that the status quo does not fully address the human capital needs of Aboriginal youth, which is problematic, given the importance of Aboriginal youth to the future Canadian economy. Strategies to ensuring Aboriginal youth stay in school have to focus on what works. This is accomplished by tapping into the expertise of the individuals directly involved. (Brunnen, 2004)

At a meeting with Elders at the Office of the Treaty Commissioner, the Elders repeatedly said, "education is the key".

There is a strong belief that education plays an important role in improving quality of life. A December 2002 report by EKOS Research about First Nations on-reserve said lack of education was the most important problem facing First Nations youth. The key reasons given for not getting post-secondary education were financial barriers, lack of interest, lack of qualifications, distance to post-secondary institutions and difficulty living outside First Nations communities.

Employment

Future labour needs in Saskatchewan make it important that First Nations and Metis people have the support they need to succeed in school so they can take part in Saskatchewan's economy.

Becoming part of the labour force is one way of social inclusion. Government can help to build partnerships between communities and employers.

But what the CDC (Community Development Corporation) is, is a community, the results of the community's efforts. That's what it is. The community decided many, many years ago, before I ever came to La Loche, that they wanted things

Metis students registered in the SUNTEP are eligible for tuition and course cost sponsorship.

The La Loche Community Development Corporation (LLCDC) provides a range of community development and community-based services that are offered to the village of La Loche, the Clearwater River Dene Nation, Descharme Lake and Garson Lake. The LLCDC coordinates and administers a number of justice services in the area, such as community justice, victim services, fine option, youth intervention, crime prevention and family violence prevention programs, as well as a Saskatchewan Aboriginal Courtworker Program and court translation services. The operation of the LLCDC at the community level allows these programs to work in a cooperative atmosphere that can meet all client needs. (Sask. Justice and Corrections and Public Safety, 2004, page 25)



to be different, they wanted to do the community business differently. And the result is now a million-dollar organization that supports and enhances community opportunities. And it encompasses programs like prenatal nutrition, all the way up to restorative justice and Alternative Measures and all of the agencies in between. (Speaker, La Loche Community Dialogue)

The MOR Strategy, the “Framework for Cooperation” and the Aboriginal Employment Development Program (AEDP) recognize the importance of employment. The AEDP program had signed on 53 partners as of March 2004.

At present, the Aboriginal unemployment rate is four times higher than the non-Aboriginal unemployment rate. Metis people were able to find more jobs in the past decade. However, First Nations people on reserves were not so fortunate.

Housing

Housing is important for quality of life for both family and community. Housing keeps children in school and reduces violence. All levels of government recognize it as something that must be dealt with. The home one lives in is more than a shelter or investment. Housing should be both affordable and safe.

The lack of housing in Northern Saskatchewan is of particular concern. The Commission was informed that sometimes there are “three families living in one dwelling.” Inadequate housing has been linked to child welfare problems and longer stays for children in foster care, as children cannot be returned home if parents have inadequate housing.

According to the April 2003 Auditor General of Canada’s report, poor housing on reserves has a negative effect on the health, education, and overall social conditions of First Nations individuals and communities. There is still a critical shortage of adequate housing to accommodate a young and growing population. Indian and Northern Affairs Canada and Canada Mortgage and Housing Corporation (CMHC) are the two main federal organizations that assist First Nations in meeting their on-reserve housing needs.

The Auditor General went on to say that the unacceptable housing situation on reserves is a long-standing problem. There is a shortage of 8,500 houses, which is forecasted to increase by about 2,000 units per year over the next 10 years. Further, about 44 per cent of the 89,000 existing houses require renovations. It has been the subject of numerous studies over the last 20 years, including an important study by the Royal Commission on Aboriginal People in 1996.

Women and children who are victims of family violence are unable to escape due to a lack of affordable housing. The Auditor General’s report indicated that the high levels of substandard housing and overcrowding are expected to continue. Housing on reserves is in a bad state and must be dealt with if the goal of a “healthy, just, prosperous and safe community” is to result.

An in-depth look at *Urban First Nations People Without Homes in Saskatchewan* was done by Saskatchewan Indian Institute of Technologies in 2000.



The Auditor General's report recommended that Indian and Northern Affairs Canada, Canada Mortgage and Housing Corporation, and Health Canada, in consultation with First Nations, should develop a comprehensive strategy and action plan to address the problem of mould on reserves as the mould contamination has been identified as a serious and growing health and safety problem for several years.

Saskatchewan has started a number of programs to deal with housing. The federal Human Resource Development Corporation (HRDC) recognizes the need for adequate housing and has started working on this problem.

Fetal Alcohol Spectrum Disorders (FASD)

First Nations and Metis communities face a number of health problems such as diabetes, HIV, fetal alcohol spectrum disorders (FASD), mental illness, and alcohol, drug and substance addiction. The health statistics for First Nations and Metis people are unacceptable. Life expectancy remains at 6.5 years shorter for Aboriginal women and seven years shorter for Aboriginal men below that of all Canadians. (Canadian Centre for Justice Statistics, 2000)

There is growing evidence that a significant number of adult and young offenders were affected by alcohol before they were born. This is often described as pre-natal exposure to alcohol that results in fetal alcohol spectrum disorders (FASD). FASD is the leading cause of cognitive disabilities. Because brain damage occurs when the child is in the womb, the result is not merely a matter of delayed development. It is permanent and cannot be reversed.

While First Nations and Metis people are not the only ones to suffer from FASD, their numbers are above average. Marginalization, which often contributes to substance abuse, results in more cases of FASD. Substance abuse while pregnant leads to organic brain impairment in the child. Persons with FASD often behave impulsively, leading them into conflict with the law.

The actual number of people with FASD is unknown. Estimates indicate that a large number of First Nations and Metis people in Canada are affected by alcoholism, either by being addicted themselves or from dealing with the addiction of a close family member. (See *Fetal Alcohol Spectrum Disorders and the Justice System* in Volume 2.)

FASD is 100 per cent preventable. Health Canada says FASD can be prevented by avoiding alcohol and other drugs during pregnancy and preventing conception if these substances are used.

Preventing FASD requires long-term planning. There are community-based organizations that address FASD, including the Saskatchewan Institute on the Prevention of Handicaps and a number of communities that recognize the problem and want to deal with it. The Women's Commission of the Prince Albert Grand Council initiated community services to their FASD members. They also



The Saskatchewan Institute on Prevention of Handicaps is a non-profit organization that helps the people of Saskatchewan learn to prevent handicapping conditions in children. Formed in 1980, the Prevention Institute is the only one of its kind in Canada. The Prevention Institute is working to create province-wide awareness of preventative measures to reduce the incidence of handicapping conditions in children. Our goal is to ensure that all children have the best possible chance at a healthy life. For more information you can go to their website at <http://www.preventioninstitute.sk.ca/fetal.html> (Saskatchewan Institute on Prevention of Handicaps)

provide community-based initiatives to screen and assess children who may have the disorder in order to begin the life long planning that will need to take place. There are community-based responses that have potential if they are adequately resourced.

- Prince Albert Grand Council operates four band-based Early Childhood Intervention Programs. There is concern that there will soon be no funding.
- KidsFirst operates a similar screening and assessment program off-reserve.
- The Northern Inter-Tribal Health Authority member partners consist of the Lac La Ronge Indian band, Peter Ballantyne Cree Nation, Meadow Lake Tribal Council and the Prince Albert Grand Council. They are working to develop an integrated multidisciplinary approach that builds upon community capacity to address the issues surrounding FASD.

These communities have strengths, skills and knowledge to address FASD. These strengths include wellness, education, family, parenting, traditional knowledge, Elders and mentors, interagency co-operation, early childhood education, land and leadership. It is recognized that building community assets combined with collaborative interagency approaches can assist in the overall health and social well-being of the entire community.

Identifying and assessing people with FASD must take place. Assessing people appearing before the courts is important to ensure that those with cognitive disabilities such as FASD have the full protection of the law. Assessments ideally require a team of, among others, a physician and a psychologist. Such assessments in Saskatchewan are limited and this has probably resulted in keeping disabled persons in the criminal justice system. Schools require training in order to recognize the disability, to refer for assessment and provide appropriate education. Police also require awareness training so that children under twelve with suspected FASD are referred to agencies where they receive the services they need to prevent them entering the young offender system. And, police and prosecutors need greater awareness of FASD in order to respond appropriately to those who commit crimes in terms of the use of discretion.

The offending pattern for persons with FASD is unique. Neuropsychologist Dr. Jo Nanson stated: "Show me a charge sheet that is full of breaches, impulsive acts and absent of fraud and you will probably have an FASD offender."

These youth remain unfit to stand trial as long as their charges are outstanding. However, the Attorney General may direct a stay of the charges at any time. While these youth with FASD may always have a cognitive disability, they may not always be unfit to stand trial or under the jurisdiction of the Review Board. Therefore, educated care and due diligence needs to be exercised to ensure that accused have the capacity to understand the charges before they are laid unless the Attorney General directs a stay of the charges, which can occur at any time (Saskatchewan Health, 2004).

FASD has a tremendous impact on the Courts in terms of the manner in which those with FASD can process information. Judge Sheila Whelan of the Provincial Court of Saskatchewan commented that persons with FASD often make poor witnesses due to their disability. For instance, there may be a need for the Court to take special care to ensure that questions posed are understandable. Sentencing poses further concerns since people with FASD may readily agree to terms and conditions without the capacity to comply. Persons with FASD are detained by the courts as there is nowhere for them to reside except in the environments which in many cases contributed to their offending behaviour. Structured living environments are required if persons with FASD are to be dealt with outside of the criminal justice system.

The creation of a Therapeutic Court has been suggested as one solution. This court would have the knowledge, training and the resources available to respond. (The creation of therapeutic courts was recommended in the Commission's third interim report and is addressed in greater detail in Chapter 6 - Justice Institutions.)

The philosophy of corrections, both old and new, poses problems when applied to those with FASD since the main objective of incarceration is deterrence to correct behaviour. However, one must have cognitive capacity to correct the behaviour. People with FASD are impulsive, do not learn from experience and cannot transfer learning from one situation to another. They do not think their actions through. Therefore they cannot benefit from incarceration or programs as they are now structured. The more recent philosophy of restorative justice requires a person to be able to understand the harm caused and have an ability to feel remorse. Persons with FASD feel remorse but it is short-lived. A person with FASD cannot be treated. They can be improved by treating secondary disabilities such as mental health and alcohol and drug problems.

One of the big things in regards to all of this, and I really feel that this has to be a health issue as well, because we have many FAE, FAS children who end up in the justice system and we have no other place for them. They get into trouble. There's no resources at school, there's no resources at Health. There's no resources on the reserve to deal with these problems. No one-on-one for the schools, their budgets are always being cut back, and Justice seems to be the catchall.

So for myself, that's one of the issues, like I would really like the Commission to put in its report that we need more linkage between Health and Justice and Education in regards to FAE and FAS children. As all of us know, most of these kids are First Nations because we've had a chronic alcohol problem in our communities for years as a way of dealing with issues that we didn't want to deal with, we've been covering them up and drowning them. So for myself, that's one thing that I would really, really like to have more work and more time to be spent on FAS and FAE children that we have to deal with. (Speaker, Stakeholders Roundtable)



Any FASD management strategy must be long term and multi-disciplinary. FASD has lifelong implications; therefore long-term individual service plans are required for children, youth, and adults. The strategy must include a full range of services: prevention, assessment, education, employment, independent living, life skills training and parental assistance. At present this range of services does not exist in all communities or in sufficient depth.

The Commission is aware that the Government of Saskatchewan has conducted community consultations and is in the process of creating an FASD framework, which hopefully, will provide a full range of services to meet the needs of persons with FASD.

There is little doubt that this undertaking will be costly. However, the cost of continuing to ignore the problem is greater. (See Chapter 9 - Aboriginal Justice in Saskatchewan 2000-2021: The Benefits of Change for an analysis on the costs of incarcerating persons with fetal alcohol spectrum disorders and other mental health disorders.) A recent British Columbia judgement awarded autistic persons with \$45,000 per year for support services. The average yearly cost of processing an FASD person through the criminal justice system culminating in incarceration in the federal system is \$108,277 for a male and \$155,589 for a female.

Elders suggest a cultural approach to dealing with FASD, through restoring the traditional honour of womanhood and procreation:

... the young girls should be taught about womanhood. The rites of passage ceremony has been neglected since the first institutionalized children in residential school ... a Mohawk woman, works in Edmonton in the Red Room Healing Society in a community centre in the Beverly district. She had women, grown women, go through the ceremony, even though they were grown up. The women told me, the upper lift and the hurt for not having had the experience of that ceremony; they felt good about it when the ceremony was over. There was something lacking in them without realizing, but their souls felt it. Even though it was done later in life it had a positive effect. These ceremonies, rites of passage, have come back in our communities. They should come back in our communities for our Grade 5 and 6 that are 10, 11 and 12 year olds. They are in their tender years, their vulnerable years. They will learn their duties as upcoming adults in sexuality and God behold if any of us are a part of that abuse system with our young people.



Whatever we do to that child we are responsible for that child's behaviour for the rest of their lives and we distort their soul, their inner being, their whole behaviour in the future is affected by what is happening to them...(Elder, OTC Elders Dialogue)

Recommendation 2.1

This Commission recommends:

- 2.1.1 That the Government of Saskatchewan finance a long-term targeted fetal alcohol spectrum disorders (FASD) strategy that includes prevention, intervention and follow-up to address the lifelong disabilities caused by alcohol use and abuse.
 - 2.1.2 That the governments of Canada and Saskatchewan, Federation of Saskatchewan Indian Nations and Metis Nations - Saskatchewan collaborate on a fetal alcohol spectrum disorders awareness training program that will be delivered to all people who work with children and youth and their families, including the police, to create a level of awareness.
 - 2.1.3 That the Saskatchewan Police College deliver a fetal alcohol spectrum disorders training module to all new recruits to provide an understanding of fetal alcohol spectrum disorders.
 - 2.1.4 That the Government of Saskatchewan, primarily child welfare and health authorities, review the legislation and policy as it relates to the provision of services to people with fetal alcohol spectrum disorders to ensure that they are not excluded by virtue of their IQ and to ensure that support services are provided to families, in the absence of protection concerns.
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Other Disabilities

The general First Nations and Metis population suffers from other disabilities that go undiagnosed and untreated. This may be particularly true of the offender population. Lack of treatment of these disabilities sometimes results in imprisonment. About 19 per cent of offenders in federal prisons are believed to suffer from some form of disability – learning, cognitive disability or mental disorder. (Correctional Service of Canada, January 2004) There are two mental health units in the federal prison system. These are located at the Saskatchewan Penitentiary in Prince Albert and the Regional Psychiatric Centre in Saskatoon. Provincial centres estimate about 18 per cent of their prisoners have major emotional needs which would benefit from psychiatric treatment, counselling or therapy. There is no mental health unit in the provincial correctional system, although some services are provided by community resources to serving offenders. There are only limited mental health services in the young offender system. (Sask. Justice and Corrections and Public Safety, 2004)

The Office of Disability Issues (ODI) was established in September 1998. This office provides leadership in the development and co-ordination of policies, programs and services across government.

For more information, contact:
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The 2001 report of the Auditor General states substance abuse in one of the seven factors contributing to criminal behaviour.

Nearly two-thirds of offenders entering federal correctional systems have drug abuse problems. In Saskatchewan, 74 per cent of adults imprisoned in 2001 self-reported they frequently abused alcohol and drugs, and suffered serious problems.

In 2001-2002, the number of people admitted to alcohol and drugs services in Saskatchewan was 20,796; of this number, 48 per cent were First Nations and Metis. – Saskatchewan Health presentation

A dry reserve is one where the residents pass a bylaw making it illegal to possess alcohol.

There is common belief that offenders commit crimes because they choose not to follow the rules and that imprisonment will change their ways. However, people with mental disabilities are not changed by the experience of prison. These offenders often are unable to change their behaviour without help. There are people with disabilities who will continue to be imprisoned until community based mental health help is available.

The number of adult and youth offenders with mental disorders or disabilities needs to be known. Without knowing how many there are and what treatment they need, creating community based treatment will be difficult. The general belief is that a number of offenders in prison should be treated in the community. Those with mental disabilities should not be put in prison simply because other systems failed to provide help.

The Commission believes there is a need for more professional training in the criminal justice system to help recognize mental disability so that offenders can access proper treatment. For more information see Chapter 4 – Restorative Justice: Restoring Justice in Saskatchewan.

Alcohol, Drug and Substance Abuse

Just recently we had a workshop on drugs and drug dealers. We're trying to combat the drugs and drug dealing that's happening in our community, is what we're doing. The first workshop wasn't very successful; we've just had one so far. But we're not giving up there, we're going to continue to try and see – we had one recovering drug addict that came in and educated us on how they go about scamming the doctors and stuff like that. Just simple, little things that we overlook. But he educated us real good and we know where to go from there now. (Speaker, Cote First Nation Community Dialogue)

The link between crime and alcohol and drugs is well known. The solutions are not simple. No single approach can deal with a community's alcohol or drug problem. There are several treatment methods: education, intervention and cutting off supply. This is what is done on dry reserves. Good results have come from programs that respect First Nations and Metis culture, involve the family in treatment and are both intense and long lasting.

According to the Prince Albert Grand Council's Annual Report for 2002, over the past 25 years, 10 First Nations Addiction Treatment Centres have been set up in Saskatchewan. There are six adult alcohol residential treatment centres, two solvent abuse programs and two outpatient programs. These programs all have a cultural element – cultural teachings and presentations by Elders.

Alcohol, drug and substance abuse must be dealt with forcefully if offences and victimization are going to be reduced in First Nations and Metis communities. No plan to improve quality of life can succeed without putting a stop to alcohol, drug and substance abuse.



Gambling

Raffles, bingo, scratch and win, lotteries, sports betting, casino games, slot machines and video lottery terminals (VLTs) are all forms of gambling. Gambling has become a part of our lives. Many of us flip a coin to see who pays for coffee, buy raffle tickets to support a charity, join a sports pool during playoffs, play bingo or VLTs, or go to the casino for entertainment. For most people, gambling is not a problem. However, for some, gambling has become their only activity and is a health issue. Saskatchewan Health provides province wide services for problem gamblers. They include coordinated education and prevention programs for individuals and communities. Outpatient counselling is also available.

The Prince Albert Grand Council has started a program to encourage responsible gaming. Community based groups are an important part of the program. We encourage such approaches.

Resources

Many service providers complained to the Commission about the enormous amount of work they had to go through in a short time to receive funding for crime prevention. The National Crime Prevention Strategy, they said, put difficult demands on communities wanting funds. Community based justice organizations said they spent more time trying to obtain money than they did on actual crime prevention. There is a need for a funding method that is more streamlined and meets the needs of both community and government.

The Canadian government established the National Crime Prevention Strategy to reduce crime and victimization by tackling crime before it happens. The national strategy is based on the principle that the surest way to reduce crime is to focus on the factors that put individuals at risk: factors like family violence, school problems, and drug abuse. The strategy provides communities with tools, knowledge and support they need to deal with the root causes of crime at the local level. The National Crime Prevention Centre (NCPC) administers the gang strategy and provides funding to many First Nations and Metis communities across Saskatchewan. An example is the gang strategy done by the Federation of Saskatchewan Indian Nations. Many Saskatchewan First Nations and Metis communities receive funding through the NCPC.

Although the program is a federal initiative, a committee that includes the province and representatives from the community, so that provincial priorities are met, vets decisions as to which projects receive funds. NCPC has recently been moved from Justice Canada to the newly created department of Public Safety and Emergency Preparedness. While the Commission is recommending that the province in partnership with communities create a long-term targeted prevention plan for Saskatchewan, NCPC will continue to be a valuable partner in meeting Canada's safe community agenda.

Problem Gambling
Help Line
1-800-306-6789

The *National Crime Prevention Strategy* aims to reduce crime and victimization by tackling crime before it happens. The approach is based on the idea that the best way to reduce crime is to deal with factors that put people at risk – family violence, school problems and drug abuse.

This approach gives communities the tools, knowledge and support to deal with the root causes of crime.
<http://www.prevention.gc.ca/en/aboutus/ncpc.html>
or
<http://www.caledoninst.org>



Recommendation 2.2

This Commission recommends that the governments of Canada and Saskatchewan streamline the funding process for crime prevention interventions in consultation with communities and provide core-funding arrangements to programs that have proven successful.

Urbanization

On January 30, 2004, the Government of Canada announced it supports urban development priorities that were identified by people in the core area of Regina. "The money will go to help address priority needs in those neighbourhoods, thus enhancing opportunities for Aboriginal youth and revitalizing that area of the city. Priorities include urban housing, youth integration programs, and community projects. It is a model that has become an example of what can truly be accomplished when everyone, all levels of government, the community and the private sector, come together to support the vision of the community," said Federal Minister of Urban Aboriginal Affairs, Denis Coderre.

In recent years cities have grown in importance in the economic and social landscape of Saskatchewan. City governments play an important role in public policy. They must be partners with First Nations and Metis people in new social and economic policy plans. "Aboriginal people are an essential component of future labour force development and the shape of urban cultures," according to Graham and Peters, authors of *Aboriginal Communities and Urban Sustainability*.

About 50 per cent of all First Nations people live in cities and towns. The percentage of Metis people is closer to 70 per cent. (Statistics Canada, 2003a) There is much discussion over who is responsible for providing services. The Royal Commission on Aboriginal Peoples said this debate was a barrier to improving quality of life for urban Aboriginal communities.

That Canada, Saskatchewan and Saskatchewan First Nations enter into a social union framework agreement, like the agreement that endorses a shared policy agenda, provides the foundation for subject-specific matters, as an interim measure until such time as the interim agreement is displaced by a new governance process in justice. (Speaker, FSIN Health and Social Development presentation)

Social and economic policy must first make sure First Nations and Metis people receive services to which they are entitled. While the Commission sees a need to continue discussions on self-government and self-determination, the jurisdictional confusion that urban First Nations and Metis people face must be cleared up. Clearly, more research is needed to understand the problems facing urban First Nations and Metis communities.

Recommendation 2.3

This Commission recommends that the Government of Canada, in consultation with the other orders of government, develop Saskatchewan First Nations and Metis Peoples Social and Economic Policy Plans focused on improving quality of life for First Nations and Metis people.

Further, that the Implementation Office be responsible for monitoring and reporting on progress.

The plans must develop policy through taking into consideration the practices and customs of First Nations and Metis people including, but not limited to, the following goals:

- eliminate poverty;
 - improve educational attainment;
 - increase employment;
 - provide appropriate housing;
 - promote health especially in the areas of addictions, including fetal alcohol spectrum disorders;
 - transfer of resources to the community; and
 - respond to the realities of urbanization.
-

In addition to developing long-term Saskatchewan First Nations and Metis Peoples Social and Economic Policy Plans there is also an urgent need to begin targeted crime prevention.

CRIME PREVENTION TO DATE

Although there have been advances in education, health and governance in many Saskatchewan First Nations and Metis communities, the rates of sexual assault, family violence, child sexual abuse and other forms of violence remain high. The Saskatchewan crime rate is almost double the national average. Crime is a serious concern to those who spoke to the Commission.

Both Canada and Saskatchewan respond to crime mainly through enforcement, punishment and imprisonment. Canada incarcerates 20.6 per 10,000 youth, Saskatchewan incarcerates 35.3 per 10,000 youth according to Juristat, Vol 24 No. 3. (Marinelli, 2004) The Metis Family & Community Justice Services Inc. said: "Prevention and intervention activities relating to crime and offending is a reasonable and healthier way of dealing with crime" than enforcement, punishment and imprisonment.

Professor Rick Linden defines crime prevention in his paper *Crime Prevention in Aboriginal Communities* as "the anticipation, recognition and appraisal of a crime risk and the initiation of some action to reduce that risk." A participant at the Crime Prevention Roundtable defined it as "any intervention that enables individuals to make choices, caring for people with judgment and rebuilding communities."

To read more on Crime Prevention you can obtain Prof. Rick Linden's paper at <http://www.ajic.mb.ca/crime.pdf>

This report was prepared to provide information to help the Aboriginal Justice Inquiry Implementation Commission make recommendations.



Regardless of definitions, crime prevention, as the Federation of Saskatchewan Indian Nations said in its presentation, must include “working collaboratively with First Nations to respect their culture, to respect their jurisdiction, to respect their values, their languages.”

A number of crime prevention methods have been used. First attempts were mainly police-based. Then came crime prevention by reducing opportunity. This uses security systems, locks and bars. More recently, lighting and open spaces in parks and parking lots have been used. Municipal planners use environmental design to prevent crime.

One of the strongest vehicles for preventing crime is community based policing. Here the police work with the community. Police are viewed as vital to community safety and their partnership is welcomed. For more information on this form of policing see Chapter 5 – Policing.

Social development often reduces the reasons for criminal behaviour. This approach to crime prevention is based on the belief that crime is usually caused by poor social conditions and is a sign of other problems. Some factors associated with criminal behaviour are lack of social involvement, family or peer participation in crime, lack of employment skills, substance and alcohol abuse, inadequate education, poverty and family dysfunction. (Human Services Integration Forum presentation)

Crime prevention is community building. Some projects funded throughout Saskatchewan are teaching children cultural values (Ahtakakoop Cree Nation), researching gangs (Federation of Saskatchewan Indian Nations), creating safe youth environments (Green Lake), and city mentorship and literacy programs.

Many projects report not having enough funding and not having a system to measure results. In spite of this, the available funds did allow communities to look at ways of making their communities safer. Longer term funding with increased funds to measure results is requested.

WHAT WORKS?

The United Nations Commission on Crime Prevention and Criminal Justice (2002) suggests governments invest in programs to reduce crime and its costs to victims and the public. They suggest that crime prevention plans need:

- Clear goals and a balance between prevention and criminal justice.
- All levels of government responsible for creating programs.
- Partnerships among agencies responsible for justice, policing, school and families.
- Public participation and raised awareness with senior officials.

Saskatchewan Justice helps communities to deliver culturally sensitive justice services that promote community responses to crime, encourage family participation, respond to victims’ needs and hold offenders accountable. (Sask. Justice 2000-2001 Annual Report)

The entire report is available at <http://www.unodc.org/pdf/crime/commissions/11comm/14e.pdf>



Successful crime prevention programs cannot always be transferred from one community to another. There are some clear guidelines developed by the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), regarding people living in First Nations communities. These guidelines call for research and evaluation that are locally relevant. Community members must be involved in decision-making and respect must be shown for local customs, traditions, values and history. (Funk & Wyrick, 2001)

Following is a discussion of what successful crime prevention programs must contain:

1. Target Specific Risks

The consistent message in the literature is that crime prevention must be designed for specific risks.

A successful example is Regina's Auto Theft Strategy, of which HEAT is one component, which targeted youth who were stealing cars. The program identified the youth, found out what they needed and provided thorough supervision. The result was a dramatic drop in car thefts.

The Regina auto theft strategy has been effective in implementing a number of innovative approaches and techniques to address the issue of young offender auto theft. It is also evident that the Regina auto theft strategy was developed in an attempt to respond to the specific needs of the community, at-risk youth and young offenders in Regina. A review of the strategy indicates a number of specific positive elements. (Speaker, Regina Friendship Centre Community Dialogue)

2. Community Based Enrichment Programs

Community based enrichment programs have also been successful. The most successful provide supervision during times of greatest risk. They contain activities that enrich social behaviour. The goal is to develop and maintain social skills and beliefs.

Programs for gangs must be comprehensive because youth join gangs to fill many needs. If several services are offered they must be co-ordinated. For example, a weeklong canoe trip may be an excellent experience, but is unlikely to overcome years of antisocial learning from a gang. Well-financed, wide-ranging programs make a difference. It is important for youth to have input into program development. Gangs are dealt with in more detail later in this chapter.

For more information
contact OJJDP at
810-7th St NW
Washington, D.C. 20531
(202) 307-5911
<http://ojjdp.ncjrs.org>



3. Early Intervention

Those who made presentations to the Commission spoke of the promise of youth and the need to start at problems early. Research shows early intervention improves children's success in development and education, improves the functioning of the family and provides long-term benefits for society. Programs based on the idea that early solutions reduce delinquency or conflict with the law have been successful.

4. Arts, Culture and Recreation

Art, music, drama are powerful pathways to replenishing, reigniting hope. (Jevne, 2004)

Sport, art and recreation provide healthy alternatives to drinking and drug use, commonly associated with crime. Well-designed recreation programs increase confidence, social skills and school success in children, youth and adults, says the Canadian Council on Social Development.

In a paper prepared for the Manitoba Justice Inquiry, Professor Rick Linden warned, "While many people assume that recreation programs will prevent crime, there is surprisingly little evidence to support this belief. In fact the Congressional Review pointed out that recreation programs may actually increase criminality if high risk youth are allowed to mix with low-risk youth without a strong intervention to establish positive group norms."

First Nations and Metis participation in sport, culture and recreation has recently increased. There is a determined effort to create opportunities for First Nations, Metis and non-Aboriginal to "play" together. Playing together is a way to establish healthy relationships and reduce racism. Activities such as story telling and drama honour cultural diversity and heritage.

The Commission saw what young people can do through theatre and heard directly from them the difference it makes in their lives. The Commission also heard about programs that use theatre, clowning and murals to increase self-esteem, social interaction and life skills training.

A proactive targeted plan that is community based to guide the development and implementation of crime prevention programs and strategies is required. This strategy will build partnerships, advance public education and awareness of best practices of community safety through crime prevention.

Recommendation 2.4

This Commission recommends that the Government of Saskatchewan, in partnership with First Nations and Metis communities, design a proactive targeted Saskatchewan Crime Prevention Strategy by April 1, 2005.

Some examples of successful youth programs are Saskatchewan Native Theatre, Prince Albert's Kamamakus and Regina's Street Culture Kidz.



THE SASKATCHEWAN CRIME PREVENTION STRATEGY

Necessary components of the Saskatchewan Crime Prevention Strategy should include:

- Target specific risk factors.
- Community based early enrichment programs.
- Family based intervention.
- Identify strengths of individuals and family, and find solutions in the community.
- Collaboration among existing service providers that deal with offending and victimizing behaviour.
- Recreation, arts and culture.
- Initiatives that improve the lives of at-risk children and youth.
- Sufficient funds (equivalent to costs of keeping someone at risk in the criminal justice system).

Recommendation 2.5

This Commission recommends that the Government of Saskatchewan divert funds currently spent on reacting to crime in the criminal justice system, to proactive targeted community based prevention projects.

One goal of the Saskatchewan Crime Prevention Strategy must be to address the disproportionate number of First Nations and Metis people in the criminal justice system.

Before working to prevent crime and reduce the number of First Nations and Metis people in the criminal justice system, it is necessary to understand why people are in the system in the first place. There are two popular explanations.

The first involves the relationship between crime and unfavourable social and economic conditions in First Nations and Metis communities. When approaches are developed to improve these conditions, they are referred to as “crime prevention through social development.”

This can be taken one step further. The social and economic disadvantages can be viewed as the results of colonization. Such results are linked to the practices and harms caused by European settlement. Self-government and self-determination are then seen as part of the solution to the number of First Nations and Metis people in the justice system.

The second explanation examines the inability of the present justice system to respond properly to First Nations and Metis people. This view speaks to a number of shortcomings in the system, such as the lack of understanding of the culture and needs of First Nations and Metis people. Other problems are the absence of local community based services and the insufficient number of First Nations and Metis people working in the justice system.

Both explanations lead to colonization as being at the root of the problem. Colonization denied First Nations self-determination and caused exclusion from mainstream society. Living in poverty without opportunity for employment, people turn to alcohol, putting their families in crisis and despair.

Few behavioural investigators have explored, experimentally, the issues of family interactions, relationships and social systems. This is of particular pertinence to Aboriginal families who have experienced varying degrees of fragmentation induced by colonization. This process has contributed to the depletion of vital resources, impaired parenting skills and disrupted psychosocial development of individuals. Also many children and youth were not only placed at serious risk but deprived also of the essential family nourishment and support. (Samuelson & Robertson, 2000)

Knowing about the influence of colonization on families, relationships and social systems is important for understanding the numbers of First Nations and Metis people in the criminal justice system. Racism is also an important component in the interaction between the criminal justice system and First Nations and Metis people. For more information see Chapter 7 – Eliminating Racism: Creating Healthy Relationships in Saskatchewan.

In considering this situation, one must ask why it is that First Nations and Metis people are more often held without release before trial and arrested for minor infractions or system generated offences, as opposed to other groups. It has been suggested the numbers of First Nations and Metis people in the system are a result of the way the system operates. If we are to change the outcome, the rules or guidelines of the criminal justice system must change. See Chapter 6 – Justice Institutions for more information on how changes can occur.

The Saskatchewan criminal justice system is engaged in responding to socially harmful conduct that, at least with respect to Aboriginal offenders, stems largely from a deep and pervasive connection of social deprivation and social need. Hence a system that is oriented toward seeing crime as coming from personal choices to act deviantly and destructively runs the risk of never adequately addressing the criminogenic social condition that lies behind offending. (John Whyte, Saskatchewan Institute of Public Policy)



Green and Healy in *Tough on Kids* (2003) speak to further problems with the present system. They quote an interview between the Honourable Chief Justice Edward Bayda, Court of Appeal for Saskatchewan, and CBC Radio. The Chief Justice expressed his frustration in sentencing a young offender whom he described as having no job, no education, no material goods to speak of, no real sense of his own dignity or worth, alcoholic parents, a violent upbringing, and a life without direction and purpose. The Chief Justice wondered what the outcome might have been if he had power to sentence this young man to the guidance of the Elders rather than to jail. A system that could do what is right for such a young man is needed.

Dr. Ronna Jevne, in a paper prepared for the Commission, *Magnifying Hope: Shrinking Hopelessness*, talks about the high number of offenders from First Nations and Metis populations who emerge from conditions of hopelessness. "The insidious erosion of humanness is a major factor in hopelessness. Many of these are cultural and systemic factors. What we do know is, that anytime a person or a collective of persons are silenced, one of two things happens. They get angry and/or despairing, both of which are understandable responses to a life situation that has foreclosed on possibility." Communities involved in removing social injustices give hope to victims. Disadvantage and breakdown in relationships are barriers to success and bring about crime.

Dr. Carol LaPrairie, a principal researcher for Justice Canada, has looked for causes for the high number of First Nations and Metis people in prisons. She suggests crime prevention must be better targeted to decrease the number of imprisoned First Nations and Metis people. LaPrairie states in her paper entitled *Dimensions of Aboriginal Over-Representation in Correctional Institutions and Implications for Crime Prevention (1992)*, that "for too long, the response to the over-representation phenomenon has been broad-based programming such as improving access to court workers, cultural sensitivity training etc. in the hope that these initiatives would reduce the numbers of Aboriginal people entering correctional institutions."

Her research shows it may be possible to target geographic areas and particular groups of First Nations and Metis people who are most likely to commit crime and end up in prison. She feels there is an abundance of education, employment and job creation for First Nations and Metis people. However, these benefits may not be sufficiently related to criminal justice issues or to the First Nations and Metis groups most vulnerable to make a difference. LaPrairie believes that those in charge must target their programs to prevent crime at the groups most at risk.

The task for all governments, including First Nations and Metis governments, is to improve life chances of those most likely to commit crime. It is necessary to identify those people and follow up with a targeted response that is community based.

Social and economic disadvantage can have a big impact. An improved condition along with recognition of the right of First Nations and Metis people to self-determination is the goal of justice reform.



YOUTH IN CONFLICT WITH THE LAW

The Commission was asked to deal with concerns about youth in conflict with the law. A youth in conflict with the law may be someone in a young offender facility or one who may be known to authorities but not convicted of a crime. An at-risk youth is one who may offend in the future. "At risk" can be applied to youth not in school, involved in gangs or living on the street.

Communities are struggling to find ways to reduce the number of youth engaged in criminal and other anti-social activity. Communities understand this is a complex problem and that there is no one solution.

And that was one of my concerns is that we had never given up our inherent right over our youth. And somewhere along the way we lost that inherent right. And at the same time, we lost our traditional ways of dealing with our young people, and we need to get back to some of those ways. We need to do some research. (Speaker, Montreal Lake Community Dialogue)

It is widely believed that many of today's First Nations and Metis families are in crisis and offer little support to their children. Many youth in dialogues with the Commission spoke of the impact of their parents' alcoholism on their lives. They spoke of the lack of money preventing them from participating in sports. The only school graduation they expected was "to the streets." Many of the youth in young offender facilities felt nothing worked for them, not family, not school, not recreation. Some of these youth feared that things would not be different upon their release.

There are a few persistent offenders. Estimates are that fewer than five per cent of youth commit two-thirds of the crime. Therefore, effective programs targeted at persistent offenders will prevent much of the crime.

Who are these youth?

Saskatchewan's youth in conflict with the law are mainly First Nations and Metis. They are likely to have been born into poverty and suffer from health problems and maltreatment. They probably have been put into the child welfare system and ended up in custody. Many of these youth had childhoods with difficult behaviours and poor social skills. They came from families with poor supervision and discipline and substance abuse. Their parents were usually unemployed. They experienced violence, abuse and neglect. They failed at school. They are more likely to have grown up in areas of high poverty with poor housing, neighbourhood violence and crime.

For most young people, behaviour that brings them into conflict with the law is part of growing up, of testing limits, of taking risks or of asserting independence. It may also point to boredom and the absence of anything better to do. As the

In 2000-2001, 75 per cent of youth in custody in Saskatchewan were First Nations and Metis. (Sask. Justice, 2004)



Canadian Training Institute says in *Youth Justice in Canada: a Resource Manual*, occasional offending by young people can be reduced by helping them deal with stress associated with the turmoil of growing up.

The Present Approach

The operation of the youth justice system is much more than a matter of law. The forces that lead to the reliance on the youth justice system and custody are a complex mixture of legal influences, social and demographic conditions, and practices and resources in education, health, child welfare and the criminal justice system. While there has been a significant focus on the law affecting the youth justice system, the collective impact of these factors has sustained a high number of reported youth crime and a high volume of youth being charged and sentenced including a high per capita use of custody. (*Saskatchewan Youth Services Model: Reducing Reliance on the Youth Justice System*, Government of Saskatchewan, 2000)

Saskatchewan locks up more of its youth than any other province (35.3 per 10,000 youth) but lower than the Northwest Territories (132.9) and slightly lower than Nunavut (37.6). Saskatchewan's rate is almost four times that of Quebec. Professors A. Doob and J.B. Sprott of the University of Toronto have written about this in the *Canadian Journal of Criminology*. High imprisonment rates, they suggest, are the result of how the local culture deals with youth. They argue most young people commit crimes. Most young people in Canada, do numerous things that could land them in youth court, if they were caught and charged. The difference among provinces is thought to reflect the decisions of those running the youth justice system.

If the system continues like this and if police and prosecutors continue to use courts and jails in response to youth crime, the rate will remain high. If the differences among provinces are the result of the decisions of those running the youth justice system, these decisions must be looked at. Police and prosecutors are gatekeepers. An independent review appears necessary.

This Commission's second interim report recommended guidelines for using discretion. Recommendation 1 states:

That Saskatchewan government, First Nations, the Metis Nation and the police work together to create a set of guidelines for the use of police and Crown discretion that ensures that First Nations and Metis youth will be diverted into culturally appropriate programs or services.

Clearly, Saskatchewan's response to youth offences and victimization relies heavily on imprisonment, due in part to public pressure to get tough on crime. The public believes that imprisonment reduces crime. However, it does not.

The 2001-02 Canadian youth incarceration rate was 20.6 per 10,000 youth aged 12 to 17 (excluding Quebec and Ontario 12 to 15 year olds). (*Juristat*, Vol 24, Number 3)



PREVENTION STRATEGIES

Bad Kids?

"If you were interested in creating a criminal, you'd have a pretty good chance
If you took someone from a seriously troubled home
Put them into a string of foster homes,
Or group homes...
Changed their social worker on a regular basis
Change everything
Keep changing
Change everything.

If you really wanted to create a criminal
You'd let a young person drop out of school,
Let them run away from home at an early age,
And let them look for comfort in alcohol or drugs.

And somewhere ...
... somewhere ...
In their lonely and painful existence
You'd let them be abused.
Physically, sexually or emotionally abused.

And when they looked for help –

...Because sometimes we do look for help ...
If we know where to look...

If you wanted a kid to become a criminal,
You'd see to it that there wasn't any help available.

When the people who could help them,
Who want to help them,
Just don't have enough time ...

That's when we fall through the cracks.

You see kids as "trouble,"
Instead of "troubled."

"Most of all,
If you want a kid to become a criminal,
You treat him like a criminal."

(transcript from *Bad Kids? How to Create a Criminal*, an award-winning video, inspired by a quotation in the National Strategy on Community Safety and Crime Prevention 1997 publication, *Young People Say*)

Prevent Children From Entering the System

Many people throughout the dialogues told the Commission of the strong link between children who have been in the child welfare system and becoming involved in the criminal justice system. This link, noted in the Manitoba Justice Inquiry in 1999, has been verified in recent research.

It is estimated that over 25,000 First Nations and Metis children are in the care of Canadian child welfare systems. There has been a 71.5 per cent increase nationally in the number of First Nations children entering care since 1995 and

numbers are not decreasing. This suggests little has been learned from the devastating effects of residential schools. There are currently three times as many children in care than attended residential schools at their height in the 1940s. (Blackstock & Bennett, n.d.). Residential school victims and children raised in the child welfare system share several features. Both are children taken from their homes who no longer belong to a family or community. These children lose their language, their culture and their identity. This is not only damaging, it is contrary to the *Convention on the Rights of the Child* (CRC).

Across Canada, more than 120 agencies deliver child welfare programs under provincial laws. In Saskatchewan in 1995 there were only six agencies. By 2003 there were 17. The recent increase in the number of children coming into care is in part due to the increase in services provided on reserves. Before the creation of these agencies, provincial welfare services were not readily available to on-reserve families.

These agencies provide services on reserves under *The Child and Family Services Act*. They try to balance the culture of the communities they serve with a child welfare law that is based on the child's individual rights. The concept of child removal or apprehension is a foreign concept to the traditions of First Nations communities of a communal parenting system that allows for the transfer of parental authority from one community member to another in times of stress. (Blackstock, Trocme & Bennett, 2003). The Government of Saskatchewan's recent legislative changes recognize the value and importance of kinship care.

In urban areas, about half of First Nations children and 42 per cent of Metis children are being raised in one-parent families (Statistics Canada, 2003a). There is a greater share of First Nations children, youth and families living in poverty than among all Canadians. A number of these children and their families move frequently both within urban areas and between reserves and the inner city, increasing their instability. It is estimated that a First Nations or Metis child living in a city may live in five different places in a year. (Speaker at EGADZ, Saskatoon) The effect of moving on education is devastating.

Research has shown that when a child moves from one school to another it takes them about two months to adjust, and if you move a child more than twice a year, depending on the individual child, or more than once it puts their whole year at risk. And if a child is more than a year behind his peers then the chances that that child is going to drop out of school are greatly, greatly increased. (Speaker, Regina Friendship Centre Community Dialogue)

All governments must take immediate action to strengthen First Nations and Metis communities and families so they can better care for their children. Many of the youth involved in the justice system are products of the failed child welfare system.

In November, 1989 the United Nations adopted the United Nations Convention on the Rights of the Child (CRC) outlining the rights children have as members of the human race.



The child welfare system, even though it was designed to provide a safe and healthy environment for young people, has in some cases proven to be a direct cause of youth ending up in the youth justice system. (Speaker, Saskatchewan Youth in Care and Custody Network presentation)

Justice officials told the Commission youth in conflict with the law often are in need of other social services. Some suggest children and their families are denied social services because of policy changes. These changes limit services to only those children and youth who are in need of protection. A northern court judge told the Commission that child welfare services must be expanded to include prevention. Youth at risk need these services before they come before the courts. These concerns point to the need for an approach that meets all of the needs of young people.

The link between the child welfare system and offences by youth must be addressed. First Nations Child and Family Service Agencies should consider taking on responsibility for youth probation and other community based justice programs. This extra responsibility would result in root causes of offending behaviour being dealt with by those who understand family circumstances. To change the role of the community and the government in children's lives there needs to be a transfer of resources and responsibility. Government must stop being a provider of services to children and their families and become the facilitator of the services needed by the community.

Establishing, listening, accepting and supporting as chief governmental actions will not be easy. Playing a subordinate role in determining need and playing only a supportive role in meeting need are threatening to public officials and to the public sector unions. (Whyte, 2002)

To provide preventive services that meet the needs of the First Nations and Metis families in cities, the Commission asks all governments to find ways to jointly fund services to children, youth and their families. These jointly funded services will make sure that children and youth are not denied services as a result of disputes between different governments or between governments and First Nations and Metis communities. The Northern Health Strategy, according to Duncan Fisher, Assistant Deputy Minister, Saskatchewan Health, is an example that places the needs of people first. This strategy is built on principles developed by and for northern residents. It is based on the concept of holistic primary health care that considers the physical, mental, emotional and spiritual health of individuals, families and communities. It identifies health promotion and illness prevention as cornerstones. It considers the North's unique language and the cultural and social economic situation. The partners are the residents, Saskatchewan Health, Northern Inter-Tribal Health Authority, Northern Regional Health Authorities and the Government of Canada.



The *First Nations Child and Family Services Joint National Policy Review* looked at current national policy and reached agreement on several recommendations. It was overseen by a joint steering committee co-chaired by the Assembly of First Nations and the Department of Indian Affairs and Northern Development (Saskatchewan region). This committee was composed of an equal number of First Nations and Indian Affairs representatives and a representative from Health Canada. The committee wrote 17 recommendations. These recommendations ranged from supporting First Nations self-government in child welfare to increases in levels and flexibility of funding to increase community ability to care for children. (McDonald & Ladd, 2000). These recommendations have not been acted upon. All parties must resume discussions and implement recommendations.

The Commission was advised that the increase in the number of First Nations children in care can be partly blamed on federal policy that provides funds after children are removed from the parental home under Directive 20-1. This policy does not support preventive or family support services. Therefore, for Child and Family Services Agencies to provide help they must remove children even if a preventive service might better serve their needs. Off-reserve, children under provincial child welfare authority receive a number of services that children and families on reserves do not.

Recommendation 2.6

This Commission recommends that the Department of Indian and Northern Affairs Canada review the funding arrangement with First Nations Child and Family Services agencies to ensure that services to prevent children from coming into care are funded.

Research by Samuelson and Robertson (2000) has found that the influence of role models in the home and in the community, and identifying with one's gender and culture are important in determining behaviour. They found that any problems in these areas could be overcome by the positive influence of a strong family. Therefore, strengthening family can reduce the number of children coming into care.

Resources within our youth were brought to our attention. Peer mentoring was suggested as a model. An example is the Caring, Helping, You and Me Sharing (CHUMS) program in Tisdale. This volunteer mentoring program matches high school with elementary students to promote healthy lifestyles and increase awareness of support agencies in the community. While not created with gangs in mind, this program does include elements of early intervention and social development. This Commission supports the development of peer-mentoring programs in schools.

Strengthening Family

People taking part in the dialogues with the Commission said that a child needs a setting to receive values and knowledge if culture is to be shared. The family forms that setting. Every child needs parents, grandparents and caregivers to

For more information contact the CHUMS Program Coordinator at Box 2864, Tisdale, SK SOE 1T0



teach rights and obligations. First Nations and Metis people believe that their own traditions will triumph. The youth participants saw a need for family, support, education and caring mentors.

Many of today's youth have parents who are unable to provide what they require so the Young Offender system ends up adopting kids. (Green & Healy, 2003)

The need to restore culturally based parenting practices is recognized so that First Nations and Metis peoples are able to sustain and pass on cultural values from generation to generation. There is a role in all systems to pay attention to cultural teachings and traditions. (Halverson et al, 2002).

... one of the first steps should be to provide the tools, programs, and financing to the First Nations to help re-introduce traditional parenting skills back to the culture. People have also suggested a number of ways of improving parenting. For example, parenting courses should be compulsory in high school, proactive support should be available for parents who are having difficulty raising their children or adapting to their parenting role, and that early intervention should be taken with parents who are having difficulties controlling or dealing with their children. (Linden, 2001)

Many parents say they are overwhelmed. They need to take a break but have no one to turn to for childcare. Lack of family or a network to provide help is a concern, as children are at risk when parents cannot cope.

Children are taken into the child welfare system when they need protection or where no adult is willing or able to care for them. When families are in crisis, and lack skills to properly parent, children are at risk. There are more single parent families. They suffer a higher degree of stress. A lack of parental supervision is noted, which is blamed on stress, unemployment, disabilities and poverty.

To prevent children from entering the child welfare system, to reduce youth crime and ultimately make our communities safer, single parents require help.

Recommendation 2.7

This Commission recommends that all governments increase supports to single parents, including providing adequate social assistance, respite, parenting knowledge and skill development.

Parenting centres or co-operatives for young parents were proposed. These centres would operate on a 24-hour, seven-day basis and provide young parents with a safe place to get help. Parenting centres would provide relief and a chance to learn cultural values and the skills of parenting. They could provide those with



skills a chance to further the health and safety of others. Young parents who benefited could in turn contribute their time and skills to young parents. Such a centre could be established in any community and need not be expensive.

The goals of a parenting program are to enable parents to learn to understand the needs of their children, provide guidance to children and to learn the parenting values of their culture.

A number of “young parent” programs are currently in existence in various communities throughout Saskatchewan:

- KidsFirst (8 communities and the North).
- Teen and Youth Parent Program (13 services delivered by community based organizations).
- Staff in five Community Resources and Employment regions.
- Early Childhood Intervention Program (ECIP) (16 programs provincially).
- Community Action Program for Children (CAPC) (31 of the 35 off-reserve programs provide family support and parenting components).
- Canada Prenatal Nutrition Program (CPNP) (11 of the 12 off-reserve programs provide direct support).
- Aboriginal Head Start (AHS) Program (16 off-reserve programs).
- Nobody’s Perfect Parenting Program (in 2002-2003 a total of 45 Nobody’s Perfect Parenting sessions were held).

Recommendation 2.8

This Commission recommends that the Government of Saskatchewan facilitate a discussion with youthful parents regarding the concept of parenting centres/co-operatives to provide youthful parents respite, parenting knowledge and skill development.

Recommendation 2.9

This Commission recommends that the Department of Community Resources and Employment engage community and the various government departments and agencies providing services to children and their families, and together develop local community plans to strengthen family through provision of culturally relevant, parenting skill training.



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Community Conversations

The Commission learned about an activity directed at the roles and responsibilities of families. In this activity, a community is invited to discuss these roles and responsibilities with the goal of developing a community code. The community would discuss how parents are expected to behave towards children, how children are expected to behave towards adults and how children are expected to behave towards each other. The discussion would look at the strengths of the community and point out areas needing improvement. This social survey would provide the foundation for a stronger community and one that is more responsive to its children and families. The goal would be to affirm that system of family, community and caring where every individual is nurtured through childhood into adulthood. Examples of such codes exist in First Nations communities in Canada and in other countries. Samson First Nation in Alberta has a Code of Responsibility that addresses community relationships.

My community of Ochapowace has a community vision and it is to be an independent, proud, prosperous, unified First Nation with our own values, culture, language and land. We established that in 1992 as a community and we have been working towards that vision for over 10 years now. And the Commission on First Nations Justice Reform, I am hoping through implementation, that this will be able to assist our community in moving towards our community vision, and especially in the area of justice. For us, we look at what we call restorative justice. And what does that mean to us, for us, as First Nations people? For Ochapowace that means ownership, first of all. We want to take ownership; we want to take responsibility for our own issues, our own problems, and our own challenges. (Speaker, White Bear First Nation Community Dialogue)

The Issue of Gangs

The issue of gangs was addressed in the Commission's second interim report. The commission served notice that *"long term steps must be taken to foster healthy families and positive role models for youth"* and that *"all levels of government must make the consequences of criminal gangs a priority for youth education."*

As communities separate along ethnic, language, cultural and economic lines, there is risk of further marginalization for First Nations and Metis people. Gangs made up mostly of young adult men have been a result. These young men want to belong, to have a family-like unit. They want greater self-esteem and more practical things like money, security and excitement. First Nations and Metis gangs have become widespread in Western Canada.

The Commission has learned about the influence of gangs through talks with adult gang members in prison, youth gang members confined as young offenders, Elders and prison staff. Gang members feel trapped and unable to quit, especially

while serving their sentences. Elders spoke of their frustration in trying to work with gang members who want to break away, but whom gang leaders intimidate.

Our dialogues confirmed facts that are well known:

- Gangs have a powerful hold on their members.
- Leaving a gang is often impossible.
- Recruitment is aimed at an increasingly younger age group.
- The problem has spread from cities to rural and First Nations and Metis communities.

The Federation of Saskatchewan Indian Nations in *Alter-Natives to Non Violence* reports that gangs, like families, provide youth with a sense of belonging. Many First Nations and Metis youth feel disconnected from community and family when they arrive in a city.

Gangs are good for people who have nobody to run to, like if they have no family, no support. They're good for people who want to live on the streets, want something that's not there. (Youth, Kilburn Hall Youth Centre Dialogue)

Preventing gangs needs an approach that begins at home, continues in elementary school and lasts for a long time. A successful program is built on education, prevention and intervention. American gang researchers Goldstein and Kodluboy recommend a comprehensive intervention plan. They suggest discipline by itself fails to "recognize the unique nature of gang related problems ... and does little to support families and communities in responding to gang activity. A discipline policy alone is no more effective in addressing the gang problem than is police suppression alone. What is needed is a comprehensive strategy involving all the stakeholders." A comprehensive intervention plan involves public education, gang resistance training, family intervention, school programs, social skills training, job counselling, community development, community policing, information on gang members' needs and participation of community leaders.

A submission by the Qu'Appelle Valley Friendship Centre raised youth involvement in gangs as an area of concern:

Our Spirit Eagle Youth Group program, which operates with federal funding from Heritage Canada's Urban Multi-Purpose Aboriginal Youth Council, functions as a key anti-gang program in our community, providing a range of recreational, personal development and cultural-based activities to predominantly high-risk Aboriginal youths. This program is designed to meet the needs of youth that might otherwise be drawn to gang-related activity.

Copies of *Alter-Natives to Non Violence* can be purchased at local bookstores.



An example of success is the Montreal Preventive Treatment Program. It shows how an elaborate crime prevention approach can deal with early childhood risks including gang involvement. This program was designed to prevent antisocial behaviour among disadvantaged boys who revealed disruptive behaviour in kindergarten. It demonstrated that parent training and child skills development could steer antisocial children away from crime and gangs. Parent training was combined with social skills training for boys 7 to 9. Parents received 17 training sessions on monitoring children's behaviour, positive reinforcement, effective punishment and managing family crises. The boys received 19 sessions on social skills and self-control. Small groups containing both disruptive and non-disruptive boys were trained by coaching, peer modelling and role-playing. An assessment showed short-term and long-term gains, with less delinquency, substance use and gang involvement at age 15. (Centre for the Study and Prevention of Violence, 1996)

Inner city youth complained to the Commission about the presence of gangs and the pressure they face to join one. They suggested ways should be found to inform youth of the dangers of gang membership and to help youth wishing to leave gangs.

There's a lot of gangs out there. Some of them are out there recruiting, they're looking for those young girls, you know, they could have in their corner. They're also looking for those guys that think – you know, get them involved in drugs, you know and they give them those drugs and from there, they get them to do a little bit more. There needs to be orientation, like the services are there to help you find a place and all that. (Elder, Kilburn Hall Youth Centre Dialogue)

Alter-Natives to Non Violence supported the main suggestions of *The Edmonton Aboriginal Youth Gang Task Force Final Report* (2003). These were safe houses, anonymous health services, strong youth support networks, youth involvement in program development, peer support, self esteem, inclusive community, focus on whole family needs, targeted services and more Aboriginal culture.

The whole gang experience is one that begins at a very young age. I think there is a real need for us to begin asking for education to begin at a very early age. (Speaker, Saskatchewan Native Theatre Community Dialogue)

The *Alter-Natives to Non Violence* report recommended a plan of three to five years to prevent and reverse the rise in youth gang membership. Metis Family & Community Justice Services (MFCJS) supported this. In their submission, MFCJS recommended:

A youth strategy be developed...a long-term strategic plan that is comprehensive to address and reverse the rise in youth gang membership in Saskatchewan.

It is common knowledge that much of the gang recruitment occurs in youth correctional facilities. In order to stay alive and be part of the crowd, youth will willingly choose or get recruited into a gang. Due to distorted media coverage of gangs, youth carry a positive image of being a part of a gang life and seldom receive the news about the reality of gang life. This information is found later when it becomes too late to make a choice whether to stay or to leave a gang.

The Canadian Training Institute's *Literature Review on Youth Violence* was written to develop ways to deal with youth involved in gangs. The report says that gang members are a small proportion of the adolescent population. But they commit the majority of serious youth violence. Rates of violence are higher in schools with gangs. Gangs are present in large cities, but also in suburban and rural



schools. Youth violence is more vicious today than in the past and is more likely to cause serious harm. More young people, both male and female, are carrying weapons. There is an increase in hate-based or racist crime. School violence is of concern because younger children are getting involved and include more acts of random violence.

The Canadian Training Institute has also produced a gang exit and intervention plan, *Breaking the Cycle*. It is designed to increase skills and leadership and help youth involved in gangs to return to school or find jobs.

Recommendation 2.10

This Commission recommends that the governments of Canada and Saskatchewan, Federation of Saskatchewan Indian Nations and Metis Nation – Saskatchewan build strategies to respond to gangs that includes: education, prevention and intervention, and that information about gangs be provided to parents, schools and communities.

CONCLUSION

Two important things must change to return justice to the community. First, the role of government in the design and delivery of services must change. Second, how services are delivered must change. These two elements will shift the response of criminal behaviour from the criminal justice system to the community.

To return justice to the community, governments must be leaders and helpers, not providers of services. Communities must be involved in promoting themselves by discovering their needs, identifying their strengths and providing services to improve social and economic well-being.

And then some of the suggestions that I would give on how I think the justice system can be improved would be the community input to make the rules, instead of the rules coming from Ottawa to us for us to follow their rules. Because that's what it is, it's mostly bureaucrats making rules for us to follow. Because we know what our community is about as community people. (Speaker, La Ronge Community Dialogue)

The success of community development and crime prevention depends on collaboration among governments, non-profit organizations, business and communities. Their goal must be to strengthen children, families and communities.

A holistic approach that brings together services from several departments and agencies in different levels of government is essential if justice is to be returned to the community. The Government of Saskatchewan has begun this approach

The Manitoba Project
Gang-proof
Website is
<http://www.gov.mb.ca/justice/gangproof/index.html>



through a number of initiatives, the Human Services Integration Forum, the Regional Intersectoral Committees and Complex Needs Case Protocol (as referenced on page 48 of this Commission's third interim report and in Chapter 8).

This Commission recognizes that recent legislation respecting privacy and access to information may restrict sharing of information key to integrated service delivery and encourages governments to review such legislation to remove existing barriers. Some suggest that integration of services must be legislated to ensure integration occurs.

