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To study Indigenous offender rehabilitation and reintegration

In Canada

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INDEX

COVER PAGE  Page 1
INDEX  Page 2
INTRODUCTION  Page 3
EXECUTIVE SUMMARY  Page 4
PROGRAMME  Page 5
REPORT  Page 7
CONCLUSIONS  Page 15
INTRODUCTION

William Somerville, (hereinafter in this Report referred to as “The Fellow”) gratefully acknowledges the support and assistance of The Winston Churchill Memorial Trust of Australia in the granting of the Fellowship enabling the travel and study of the subject matter. Further the generous support and assistance of Correctional Services Canada, Corrections Alberta, and Native Counselling Service of Alberta is gratefully acknowledged.

The Fellow was permitted to observe, participate in and gain knowledge about the practices utilised to assist Canadian Indigenous offenders and those at risk of becoming offenders to reintegrate into both their own communities and the Canadian community at large. Details and descriptions are contained in this Report.
EXECUTIVE SUMMARY

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The Fellow travelled to the Western Provinces of Canada and was mainly based in the offices and facilities of Native Counselling Services of Alberta. This organisation is owned and operated by Indigenous Indian, Inuit and Métis people. The CEO of the organisation is Allen Benson who is a status Indian, an acknowledged Elder and the holder of a Doctorate in Law. The organisation has been in existence for more than thirty five years and holds contracts with Correctional Services Canada to operate minimum security correctional centres, termed healing centres, and to provide programmes for Indigenous offenders in Federal custodial centres. The organisation also provides services to the Indigenous community in a number of social wellbeing programmes.

The Fellow also visited Federal custodial centres with security status from maximum to minimum to discuss and observe the rehabilitation and reintegration programmes with both staff and inmates.

The outstanding feature of the programmes is the utilisation of, and acceptance by the non Indigenous bureaucracy and community of the need and benefit of culturally and spiritually appropriate practices in developing rehabilitation, reintegration and healing programmes for Indigenous people. Offending and reoffending rates have been proven to be diminished by participation in the programmes in the twenty five years of their operation. Many previous participants are now settled in gainful employment and family life with a number employed presenting and facilitating the programmes from which they themselves have benefitted.

The Fellow has already been retained to develop, in a consultancy role, a programme for North Australian Aboriginal Justice Agency to assist Indigenous offenders with pre and post release issues. This programme will be developed in accordance with the learning from the fellowship studies. A comprehensive research project is contemplated in association with Cooperative Research Centre for Aboriginal Health to develop a project to provide training for Indigenous Elders and significant community members with the ultimate intention of establishing Aboriginal owned and operated programmes and facilities for the healing, rehabilitation and reintegration of Indigenous offenders. Arrangements are already being made to bring Canadian Indigenous Elders to the Northern Territory to assist with training.
PROGRAMME

On June 24th the Fellow arrived in Edmonton Alberta which is a Western Canadian Province situated on the Eastern side of the Canadian Rocky Mountains. Edmonton is the capital of Alberta and the head office of Native Counselling Services of Alberta (NCSA) is located in central Edmonton. The Chief Executive Officer is Allen Benson, a member of the Lake Beaver First Nation, an acknowledged Elder and the holder of a Doctorate in Law. Dr. Benson has previously visited Northern Territory as a guest lecturer and counsellor and the Fellow has previously met with him and he was the initiator of the invitation to visit Alberta for the Fellowship.

NCSA has 24 regional offices throughout Alberta and the North West Territories which are staffed to provide the various services or referrals when prescribed services are not available. The Fellow attended at a number of the regional centres but most time was spent in Edmonton in the head office, residential halfway houses and Stan Daniels Healing Centre.

NCSA arranged for the Fellow's attendance at Correctional Services Canada and the Provincial Department of Aboriginal Justice where a number of meetings were conducted. Further visits and meetings were arranged by Correctional Services Canada to allow visits to various custodial facilities of varying security ratings to meet with both staff and inmates.

Meetings with, and observation of the operations of Judges of the Courts and legal practitioners were conducted in order to ascertain the attitudes towards Indigenous specific rehabilitation and reintegration programmes as an alternative to or an adjunct to incarceration. As in Australia, Indigenous Canadians are over represented in both Federal and Provincial custodial institutions and in the Justice system.

Throughout the two month period the Fellow regularly participated in traditional sweats which are spiritual cleansing ceremonies of similar nature to Australian Indigenous smoking ceremonies and are conducted by Elders.

The final four weeks of the Fellowship was spent as a participant in an intensive programme culminating in certified graduation as a facilitator of the programmes “In Search of Your Warrior”, “Spirit of a Warrior” and “TAPWE
Youth Warrior” Indigenous specific programmes for Men, Women and Youth respectively for life skills, anti-violence, and general wellbeing.
The nation of Canada is a federation of provinces originally populated by Indian and Inuit (Eskimo) people. As with Australia, Canada was colonised by the British with subsequent involvement of the French. Colonisation originally on the East coast forced the Indigenous peoples Westward and later colonisation from the West coast directed the native peoples towards the central prairies and plains. The colonisers relied on the theory of Terra Nullius to occupy lands and disenfranchise native peoples. Indigenous Americans put up some resistance and were rewarded with the development of treaties and land grants of small reservations. A process not dissimilar to the Australian “stolen generation” known as residential schools was developed. Control and operation of residential schools were substantially handed to the churches and involved the authorities taking all native children of school age from their families and placing them in boarding schools often at a great distance from their homelands and teaching literacy, numeracy and non Indigenous life skills in an ill-conceived plan of assimilation. The Canadian Government as with the Australian Government has recently made a public apology but has also provided for a just compensation process. There are also provisions for greater self determination and benefit for “status natives”. Status natives are people recognised as being Indian, Inuit or Métis (part Indian)

The process of colonisation worldwide created similar problems for Indigenous people. The consequences of colonisation in Canada have been very similar to those in Australia. Native people are over represented in the criminal justice system, have higher rates of recidivism, have poorer health, and have lower education levels and greater shortages of accommodation than non-Indigenous Canadians. Despite popular belief in both Australia and Canada Indigenous people have lower rates of substance abuse and addiction than non-Indigenous peoples. It is more publically exposed and a consequence of the aforementioned disadvantages rather than the oft quoted “firewater myth" that Indigenous peoples have a genetic metabolic inability to drink alcohol. In about the mid twentieth century Indian elders and leaders derived a programme based on Alcoholics Anonymous 12 steps to sobriety. The “Red Road to Wellbriety” is strongly based in Indian spirituality and culture and has
become a basis for many other programmes for the general wellbeing of Native people of Turtle Island (North America).

In about 1960 a group of West Canadian Native Elders including Chester Cunningham and Stan Daniels became concerned at the over-representation of Native peoples in the prisons and the failures of the system to effect any rehabilitation, reintegration or correction. At the same time a groundswell movement of native prisoners started requesting, demanding and revolting in support of permission to observe and follow some of their traditional culture and ceremony whilst incarcerated. As a result of prison revolt and hunger strikes the Elders were invited by Corrections Canada to enter the prisons and consider what may be necessary and advantageous. As a result Native Counselling Services of Alberta (NCSA) was formed and started development of various programmes. Initially Elders were invited into the prisons and permitted to use traditional medicines and ceremonies to reunite offenders with their culture and spirituality. From that time on Corrections Canada have developed a large number of culturally and spiritually appropriate programmes which have been followed by many of the Provincial Justice Departments.

In 2003 in consultation with Aboriginal stakeholders, Corrections Canada developed a policy titled “The Aboriginal Corrections Continuum of Care” to be incorporated in the Department’s strategic plan. The Continuum was developed to address new approaches to Aboriginal offender needs. Research had shown that the major factors contributing to Aboriginal offenders’ success upon release were their participation in spiritual and cultural activities, as well as programmes (preferably delivered by Aboriginal people) and the support they received from family and community.

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The continuum is often diagrammatically depicted using the Medicine Wheel which reflects research findings that culture, teachings and ceremony (core aspects of Aboriginal identity appear critical to the healing process. Representing the cycle of life from conception to return to the Spirit World the Medicine Wheel is a reminder that correctional interventions developed and implemented for Aboriginal offenders must take into consideration the past, present and future direction of Aboriginal peoples as a whole and as an individual. Surrounding the diagrammatic Medicine Wheel of the continuum is the Aboriginal community which includes both on-reserve and urban communities made up of First Nations, Métis and Inuit peoples. The continuum recognises that Aboriginal communities must be involved in supporting Aboriginal offenders during their healing journey and reintegration, as they link offenders to history, culture and spiritually. The continuum also reflects the importance of community support and involvement at every step during the administration of a sentence.

Integrating Aboriginal culture and spirituality within Correctional Services Canada, the continuum

- Starts at intake, to identify Aboriginal offenders and to encourage them to bridge the disconnect with their culture and communities;
• Leads to paths of healing in institutions to better prepare Aboriginal offenders for transfer to lower security and for conditional release;

• Engages Aboriginal communities to receive offenders back into their community and support their reintegration; and'

• Ends with establishment of community supports to sustain progress beyond the end of the sentence and prevent re-offending

The means of implementing the continuum includes

• Contribution of First Nation, Métis and Inuit Elders throughout the sentence to meeting the cultural and spiritual needs of diverse Aboriginal offenders. They provide guidance and leadership in correctional planning/intervention for those who are encouraged and wish to follow a traditional healing path

• Employment and support of Aboriginal Liaison Officers who ensure the unique histories and needs of individual Aboriginal offenders and of their communities are understood and met. They provide liaison between offenders and non-Aboriginal staff to ensure spiritual and cultural needs are addressed

• Employment of Aboriginal Correctional Programme Officers who deliver programmes within institutions to address behaviours that place Aboriginal offenders at risk of re-offending

• Provision of Pathways Healing Units which provide a traditional environment within institutions for Aboriginal offenders dedicated to following a traditional healing path

• Provision of Healing Lodges (minimum security) which are Corrections or Aboriginal community owned and operated facilities that offer culturally appropriate services and programmes in an environment that incorporates Aboriginal peoples’ values, traditions and beliefs

• Employment of Aboriginal Community Development Officers who work with Aboriginal offenders who have expressed an interest in returning to their communities. Under legislative provisions these officers work with the communities to develop a plan for reintegration of the offender. These release plans are submitted to the National Parole Board for consideration in making a decision as to granting of a conditional release
• Employment of Aboriginal Community Liaison Officers who support Aboriginal offender reintegration in urban communities.²

From the fellows point of view the important aspect of the above policies and strategies is that they are supported by the Canadian Parliament, bureaucracy, all staff and the community at large. All of the implementations are in place and were observed in operation. Anecdotal evidence gained from talking to a number of Aboriginal offenders in various stages of the continuum indicates positive attitudes to reintegration and personal growth. Statistical evidence clearly shows positive results in reintegration, employment, social behaviour, wellness and reduced recidivism. A further important aspect of the continuum and its implementation is that almost all Aboriginal positions listed are filled by Aboriginal people and all (including resident Elders and visiting Elders) are employed on the same contracts and entitlements as non-Indigenous staff.

Prisons and correctional institutions and non-custodial sanctions in Canada are governed by both the Federal Government and the Provincial Governments. All people sentenced to two years or more come under Federal jurisdiction and are controlled by Correctional Services Canada. Those with two years or less are incarcerated or supervised by Provincial Departments of Justice. Provincial departments have developed strategies similar in nature to the Federal Continuum of Care, although some not as comprehensive or as well implemented.

Healing Centres appear to be one of the most valuable new directions taken in Canada. There are seven centres spread over Canada. One is specifically for women offenders and the other six are for men. Six of the centres are owned and operated by Corrections Canada and the seventh; Stan Daniels Healing Centre (SDHC) is owned and operated by Native Counselling Services of Alberta pursuant to a contract with Correctional Services Canada (CSC). The six operated by CSC were purpose built and developed following the success of SDHC. All six centres were built and are run in close consultation with.

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nearby Indigenous communities and have provisions in place to ultimately be owned and operated by that community.

The healing centres are custodial facilities for holding selected minimum security offenders (referred to in all centres as clients). Clients apply for admission and are interviewed and screened for suitability. The centres are open to non-Indigenous offenders provided they agree to comply with and participate in traditional and cultural programmes. Over the duration of their stay at healing centres clients usually cascade through the various security ratings ranging through minimum, escorted day leave, unescorted day leave, work leave and full day leave. The rate of the cascade is dependent on performance. The programmes offered in the various centres vary but adopt similar general principles and are substantially on a traditional basis. The central theme of all the centres is a ceremony room constructed and utilised specifically for traditional activities. Each centre has at least one resident Elder and several visiting Elders. Elders conduct all traditional sessions and are available for and encourage one on one meetings and discussions with clients. On Monday mornings Elders conduct pipe ceremonies for all clients not involved in work or other programmes and staff. Pipe ceremonies involve the sharing of a traditional pipe, prayers, sharing and group discussion usually on personal matters. Each Friday at SDHC all clients unless excused attend a sweat session. Sweat sessions are conducted in specifically purpose constructed sweat lodges. There is some similarity with Australian Aboriginal smoking ceremonies in that the important concept is a cleansing process. Sweat lodges are low well insulated tepees with a fire pit dug in the centre. Hot rocks are placed in the pit and water poured over the rocks produces heat and steam. There is lots of traditional drumming, singing and prayer. The fellow was privileged to participate in a number of sweats and observed a number of emotive apparent transformations in some previously violent offenders as well as experiencing some personal healing. Healing centres also offer programmes in substance abuse, employment training and placement, traditional craft, computer operation and maintenance, community services and personal growth and wellbeing. A very powerful programme dealt with later in this report is “In Search of Your Warrior for men, “Spirit of a Warrior” for women and “TAPWE Youth Warrior” for youth. These programmes have
been developed and are copyrighted to NCSA but have been made available in all healing centres and a number of federal institutions.

The statistical and anecdotal established evidence of results of the Aboriginal based programmes and facilities have led to the justice system utilising the programmes. Discussions with Judges and practitioners indicate sentences will often specifically provide for participation in one of the programmes.

NCSA have, based on successes with offenders have developed initiatives to work with those at risk of offending in order to bring about healing prior to offending as a crime prevention and community wellbeing concepts. NCSA operates Cunningham house a 70 bed halfway house. All rooms are self contained with some having provision for couples and children. Many people who are released on parole or without condition make use of the facility. All meals are provided and programmes for clients are made available. The facility has been purpose built funded by Federal, Provincial and Municipal Governments and with clients either receiving benefit or employed paying rent is self sufficient. A further initiative of NCSA is the development of a programme specifically designed to deal with gang crime and antisocial behaviour. Youth gang involvement in organised crime, drug distribution and prostitution is a substantial problem in Canada, more advanced than in Australia but it is significant that it has developed very quickly from a situation similar to Australia and a proactive approach could prevent a similar outbreak.

In Search of Your Warrior and its associated programmes was developed by Aboriginal Elders and arose following a video developed over two years by a group of "lifers" who related the strong connection between their criminal violent behaviour and their upbringing and social disadvantage in their early years. The video "Rage", canvasses childhood issues and family violence, adolescent issues and community violence, young adulthood and the escalation of violence and prison and the cycle of violence. Based on the apparent healing of the participants the Elders saw benefit in developing a programme for general distribution. The programme has a strong Aboriginal spiritual basis and is based on traditional methods. Various aspects of the presentation could comfortably sit within the definitions of non-Indigenous concepts of group therapy, cognitive behavioural therapy, psychotherapy,
emotive therapy and counselling. The intensive programme runs for a minimum of 6 weeks, 5 days per week. Issues dealt with using varying techniques include self esteem, anger management, racism, grief, health, relationships, forgiveness and parenthood. Also incorporated are traditional activities such as pipe ceremonies, healing circles, collecting traditional medicines, sweats and traditional crafts. The fellow had an opportunity to observe a group of participants going through the programme and observe their behaviour and attitude both before and after the programme. The observations are in line with the known statistics of outstanding results. Many previous participants are now working in healing centres, presenting programmes and living productive and happy lives. The fellow was privileged to have been invited to participate in an intensive 4 week training programme and to graduate as a facilitator of “In Search of Your Warrior” and its associated programmes. Developed with the programme is a comprehensive objective and subjective assessment tool which produces an individual report in understandable and quantifiable terms. The reports have the full respect of the Courts and Parole Boards and are fully utilised in their determinations.
CONCLUSIONS

Canada and its Provinces have well advanced initiatives, innovative programmes and facilities to assist Aboriginal offenders and those at risk of becoming offenders. Governments and departments are fully supportive of the benefits of Aboriginal based and presented programmes for the rehabilitation and reintegration of offenders. Parliaments have enacted legislation mandating the provision of Aboriginal orientated programmes and facilities. Strong support for the initiatives has been provided by non-Government Organisations who in turn have received support from Governments to provide the vital community support. Uncontradictable statistics have shown that the introduction of Aboriginal based methodology has reduced the re-offending rates and led to offenders becoming law abiding citizens making a valuable contribution to their community and the community at large. The key to the success of the concept appears to be the input of Aboriginal Elders and communities and the acceptance of this input as of value by the non-Indigenous community at large and Governments.

It is proposed to produce a “PowerPoint” production extracted from this report and including extracts from DVD presentations obtained during the Fellowship. Requests have already been received from two Government Departments and Aboriginal organisations for presentations on Canadian reforms. Discussions are in progress for funding for a full time twelve month research project in association with Cooperative Research Centre for Aboriginal Health to research and implement the concept of an Aboriginal owned and operated facility providing services and programmes similar to those operating in Canada but strongly based in Australian Aboriginal culture and spirituality.

In order to have any beneficial effect in altering the disproportion of Aboriginal representation in the Justice and Corrections systems in Australia steps must be taken to provide culturally appropriate healing programmes for offenders and those at risk of becoming offenders. It is often said and accepted by the writer that the deep seated causes of anti-social and criminal activity derive from dysfunction in the community. Viz: Reintegration assumes an initial integration and how does one integrate into a dysfunctional and unintegrated community and family. The Canadian experience is that people
participating in and completing programmes have returned to their communities and families in positions of strength and brought about positive change.