

ROYAL COMMISSION ON ABORIGINAL PEOPLES INTERVENOR PARTICIPATION PROGRAMME

Community Forums on Justice

The Native Courtworker and Counselling Association of British Columbia received a grant from the Intervenor funding programme of the Royal Commission on Aboriginal Peoples to assist in preparing a report on issues regarding aboriginal people and justice.

None of the funds received by the NCCA of B.C. were used on consultants, rather, the funds were used to hold a series of community forums throughout the province. This allowed the greater number of aboriginal people in the province to have input into the submission.

The forums began at nine a.m., with a discussion on our role and future direction. This part of the forum was important as it was our opportunity to be accountable to the aboriginal people of B.C. Our objective was to improve the Association, meet the needs of the aboriginal community and be involved in determining our future direction.

After a discussion of the NCCA of B.C., the forum turned to the broader issue of aboriginal people and justice. In this segment of the forum, we asked to hear views about the justice systems in B.C., and changes they wish to see. Also, the Association was interested in hearing of any negative or positive experiences with the justice system.

The community forums were very informal. We did not ask for anyone to prepare submissions or papers. Upon completion of the community forums, the NCCA received over one hundred and fifty (150) separate recommendations that were assembled in the attached report.

Unfortunately, we did not receive enough funds to visit every community, however we had a series of forums in the following communities throughout the province:

- | | |
|------------------|----------------------------|
| - Prince Rupert | (North Coast Region) |
| - Dawson Creek | (Northern Interior Region) |
| - Fort St. John | (Northern Interior Region) |
| - Cranbrook | (Kootenay Region) |
| - Kelowna | (Southern Interior Region) |
| - Prince George | (Northern Interior Region) |
| - Kamloops | (Southern Interior Region) |
| - Vancouver | (Lower Mainland Region) |
| - Campbell River | (Vancouver Island Region) |
| - Victoria | (Vancouver Island Region) |
| - Williams Lake | (Southern Interior Region) |
| - Surrey | (Lower Mainland Region) |

Format for Community Forums

The forums will be scheduled in two parts beginning with:

Purpose

The forums were facilitated by two members of the Executive Committee, Hugh Braker, a native lawyer, and Sharon McIvor, also a native lawyer, who reviewed the following objectives:

- NCCA of B.C. received a grant from the Royal Commission to assist us in preparing a submission to be made by us to the Royal Commission
- NCCA of B.C. wanted consultation with aboriginal communities before making submission
- NCCA of B.C. wants to network and receive participant's advice.

The discussion included:

- the role of the Association's direction and level of service
- objectives to improve the Association, make us more accountable to aboriginal people; how to meet their needs; and improve input in process of evolution of association's future (community input).
- participant's views on the justice system; including experiences with the justice system; recommendations; changes and how they have been treated by the justice system

History

The Native Courtworker and Counselling Association of British Columbia was formed in 1973 to provide courtworker services to native people in conflict with the law. At that time the Association wanted to act as a link between native people and the justice system by interpreting the legal system and by explaining native customs and traditions to justice personnel. The original objectives of the NCCA of B.C. were:

1. to increase native people's knowledge of the law; the legal system; and their rights within the justice system; particularly the right to counsel
2. to change the attitudes of native people toward the justice system
3. to change to concepts of native people held by judges, lawyers and other justice officials.

In 1980, those objectives were revised to reflect an increased emphasis on counselling services to:

1. provide native people with information and advice concerning their rights and responsibilities before the law
2. provide a counselling service to native people who are in conflict with the law
3. ensure that native people have the opportunity of participating fully in the justice system
4. to develop other programs related to the different kinds of law which affect native people.

Organizational Structure

To ensure native communities throughout British Columbia have adequate and responsible participation in the management of justice programs, the Board of Directors of the Association divided the province into 16 regions, in which one board member and one alternative board member is elected to serve a two year term.

Through advertised and open meetings, these elections are open to all people of aboriginal ancestry over the age of nineteen residing within their respective regions. In addition, there are two board members appointed by the Lieutenant Governor in Council; namely a representative of the RCMP, and a representative from Corrections.

Board of Directors meetings are held every three months, with the Annual General Meeting held in June of each year. The officers of the society, known as the Executive Committee, are elected at each Annual General Meeting which consist of the President, Vice-President and Secretary-Treasurer.

Staffing

Under the specific direction of the Executive Committee, the Executive Director is responsible for administering and managing all of the executive activities for over seventy staff members of the Association, including the management of all the financial, legal, constitutional, and public relations requirements. Throughout the province, the Association not only employs native courtworkers, but also alcohol and drug counsellors, one bail and probation supervisor, family counsellors, family advocates, youth counsellors, and an employment program.

ROYAL COMMISSION ON ABORIGINAL PEOPLES
INTERVENOR PARTICIPATION PROGRAMME

Explanation of Purpose:

To conduct research and consultation in order to make specific submissions and recommendations relating to:

- a) Aboriginal people and the criminal justice system;
- b) Aboriginal people and the Canadian corrections system;
- c) Aboriginal child welfare including apprehensions and family court; and,
- d) Aboriginal youth and the law.

A) Aboriginal People and the Justice System:

One Band in the Southern Interior has rejected tribal policing, and wants RCMP Band/Municipal Federal agreement for policing. Would like more technical assistance from NCCA to bands who want tri-partite agreements. Need a neutral, non political organization to help with research and education. Difficult to do it within the band as there are different political/family interest which make it difficult to get services for the people. Would like to look at the concept of circle sentencing. Need people with good moral standards, respected in the community, who reside in the community who will be responsible for learning about culture, tradition and sit on panels.

Fines that are given to native people who cannot afford to pay and end up doing time. Justice system really hits poor people. Should look at other alternative diversion restitution community programs.

Misconception of non-aboriginal people concerning aboriginal people. Aboriginal people must bridge that gap (racism). Survey of low self-esteem - education system stereotypes native people. Majority of teachers know nothing of native people's culture or history or major issues affecting native people, and Metis people are often overlooked.

Disenfranchised urban Indians do not have extended family resources. Cultural reclamation is necessary.

Government should fund holistic programs to heal trauma of abuse experienced in residential schools. Language injustice, government should pay for schooling of future generations to teach native language. Also, should take on more counselling/referral functions because social problems are connected to people coming into conflict with the law. This will take more staff and will have to take a governmental commitment to healing and prevention.

Justice system does not deal with people's social problems, only the legal problem. Recommendation that lawyers training include dealing with people's cultural differences. Justice reality check, in jail reality alters. Justice system teaches denial of problems.

Also a jurisdiction issue - Awareness of all citizens on reserve about the authority of police. No faith and fear of justice system, native people will not lay complaint. Native courtworkers should lay complaint regarding complaints against the RCMP, Probation services, lawyers, social workers, etc. There needs to be an invitation from native communities to RCMP. Change in leadership of native communities sometimes frustrates relationship. RCMP is still perceived as being racist and their attitude is perceived as negative in nature.

Prostitution has increased with no legal assistance through legal services. In the Mount Pleasant area in Vancouver, the community is pushing prostitution out of their neighbourhood. This does not solve the problem, only moves the problem to another area.

In Lower Mainland, an aboriginal justice council and NCCA be formed (to include seven members of community, two elders, two youth) to review aboriginal justice initiatives.

Need cross cultural education workshops. NCCA resource people required for groups, in addition to act as a resource to Judicial training for judges.

Judge in certain communities has agreed to listen to sentencing from elders. Community input on sentencing sometimes ends up being harsher from communities.

In Northern Interior, the RCMP from both Alberta and BC are not in full cooperation with how to best service the people of their community. BC has jurisdiction but their responsibilities are limited because of the distances.

There are no social, health or governmental resource services in Northern Interior. Banking, grocery and other service industry infrastructure is unavailable to the community, in addition to limited recreational opportunities.

Bands on northern Vancouver Island do not have a voice in sentencing or in family court.

Crown Counsel visitation to isolated communities should be in a day before instead of only the court day, to better prepare their cases.

Campbell River has victim assistance programs. A recommendation that native victim assistance programs from Northern Island for victims of sexual abuse crime.

Funding accessibility - waiting period for mental health services, parent counselling for children, family counselling i.e. behaviour problems or depression. Need for more native band services.

Native Courtworker of Counselling Association of BC (NCCA), is understaffed and underfunded, and there is always the threat of cutbacks and lack of funding.

NCCA strong, positive and stable agency to assist the native community in different areas throughout the province. Native courtworkers are available in court daily, always friendly, courteous and helpful. There is considerable request for more native courtworkers.

Native courtworkers should be more visible in community, with more community information workshops required about the court system and their rights and responsibilities before the law. Be more active in community awareness (on and off reserve) in informing of their role and availability of service. Public education workshop to let public know how to apply for courtworker positions. Need native law gazette or communication to liaison and develop a native law library.

More input from bands and tribal councils. Meetings should be advertised more to involve first nations people and non-native people to be made aware of present issues. Have more input to diversion programs within native communities. More community law education awareness for on reserve native people on native issues and issues that impact native people.

Public information on natives and cultural beliefs so discrimination will be curbed by eliminating ignorance. If the teachings were prominent the cries would be curbed and honour restored.

Posters for native courtworker services required in all communities, including public bulletins for advertised positions as Native Courtworker positions are not advertised enough.

Aboriginal initiatives underfunded. There is a need to encourage more aboriginal justice initiatives. Put justice issues forward to government and also inequality of funding between federal and provincial program.

Sentence reports from judges. Would like to see courtworkers more involved in process.

More native representation (legal counsel) for native people. Many cannot afford legal counsel and are usually represented by non native legal counsel.

Aboriginal people still falling through the cracks. Too many plea bargaining for a quick trial from innocent clients. Pre-sentence evaluation and inter-agency participation regarding alternative sentencing rather than quick guilty pleas.

Need courtworker for each band with a centralized coordinator. Waiting period for court cases too long. No band members involved.

The community of Fort Ware requires native courtworkers to be in their community prior to court to allow clients more time to meet. This communities' roads are easy accessible for drugs and alcohol. Alcohol is killing people in this community. Technical changes - no more traplines, fishing, hunting camps. Social isolation should be connected with services.

If a crime is detected on reserve i.e. murder - does the justice system treat it differently than off reserve?

B) Aboriginal People and the Canadian Corrections System:

No collective response to people coming out of jail/prison, no reintegration. NCCA could provide a network of services to provide services while incarcerated which will follow up when released. Rationale is to prevent re-offence and re-incarceration. NCCA is not restricted to reserve. Native courtworkers have gone with an offender to court but does not assist them in court proceedings. Prison Liaison Worker positions are essential.

Breakdown, provincially, 50% or more aboriginal people in correctional institute. Services are fragmented. Other means available are electronic monitoring, etc. Response to community responsibility is significant. A suggestion to have an older native person come to Kamloops Regional Correction Centre once a month to escort an aboriginal inmate out. If out with non-native person would still scheme to get away. If out with elder the person does not feel need to scheme.

Issues of representation, not enough aboriginal social workers, probation officers, etc. Systemic problems have to be addressed. There are many native people who would like to get involved in correction services but don't know how. Aboriginal people who go through screening process are automatically screened out because of systemic reasons.

Economics, low income people 98% of clients served are on income less than \$10,000 per year. Many aboriginal people do not have telephones to access alternative methods of sentencing such as electronic monitoring programs. Need to look at how accessible these alternatives are to aboriginal people.

More liaison required as aboriginal people believe Correctional officers view aboriginal people as problem rather than people. Guards only have eleven weeks training and mixed with old attitudes get reinforced over new attitudes. New training programs needed for new ideas. More liaison with probation officers in dealing with native clients so there is some representation and understanding. Internal changes have to be made such as bail and probation supervision services specifically for aboriginal people.

Crimes committed that are alcohol and drug related and who are sentenced to Alouette River, require a minimum of nine months incarceration. Service provided for sentences less than nine months are provided with no addiction, violence, or sex offender counselling.

The issue of banishment from native communities for crimes committed. Need to work with native communities on healing. It is perceived by many participants that offenders get a slap on the wrist no matter how serious or minor the offense, and does not address the offenders problem.

Referrals to other community resources or communication to help offender and family in other areas of life i.e. addictions, abuses. Have offenders go through "healing" sentence while waiting for court and continue through sentence and life. Make it a mandate between offender, band member, band counsel, and family to heal together. Workers should work with inmates to do proper assessment.

Circuit court - native people sentenced in Lower Post, Dease Lake, Cassiar, jail sentence is in Prince George although Whitehorse is closer. Yukon is federal, BC is provincial. Told contract would be with BC to pay Yukon. Should look at jurisdiction issue.

C) Aboriginal Child Welfare Including Apprehensions and Family Court:

Family court services, there is a cultural and language barriers. Without family counselling there are likely to be a family breakup. Emphasis should be placed back on the family as their responsibility. Has to be resources put into place.

Another process has to be put into place so family matters are not put into court system. Mediation is one avenue. Court is not a satisfactory experience. Court system is very confrontational. Adversarial/confrontational is not aboriginal way.

Victim services is good idea and sorely needed. This program has been of great benefit as people are served better. Small communities have limited services.

Solutions for native communities to take control of their native child welfare systems. Intervention may be necessary, apprehension may not be the wisest. Child should not be removed from their homes. Remove problem from home. Child should not be punished nor should they be placed in non-native homes.

Resources should be provided to keep children in their homes when parents are required to take counselling.

Native Courtworkers should be assisting in cases where bands are asking for assistance to represent them.

In isolated communities, parents must constantly travel out of the community to access services and this puts continual pressure on them to find adequate child care. There is no form of public transportation available and driving children a minimum of one hour on bad roads to the nearest service is unacceptable.

Custody or maintenance access to clients (mediation process) consent orders. Family services do not help, do not mediate. Recommend native mediation services.

Allegations of sexual abuse. Cases can drag on for up to a year. This including the cost of legal counsel puts strain on families living in community. A band initiative includes elders and youth counselling programs but the issue of sexual abuse makes elders uneasy to deal with. There is a great need for more sexual abuse counsellors, both for the victim and the abuser.

Volunteers should be used. Need to increase visibility in the community and need to know more about victim compensation through government.

Native Courtworkers need to be more visible and provide more workshops to include abuse groups, including verbal abuse.

NCCA should be funded for family and court services.

Bands throughout the province should have control over their own child welfare. Social problems are connected to people coming into conflict with the law, but it takes more staff and a government commitment to healing and prevention. More negotiating with the Ministry of Social Services regarding child welfare services to keep it out of the courts.

There is a need for a 24 hour native crisis line.

There is an urgent need for more native foster parents.

There is one safe home in Surrey. There needs to be a native women's recovery home. New initiatives need accountability.

D) Aboriginal Youth and the Law:

Band elders asked council to pass a bylaw to make parents ultimately responsible for youth actions i.e. vandalism.

Young offenders should never be raised to adult court under any circumstances. Any chance of rehabilitation would be next to impossible. Community responsibility has to be fostered.

When youth gets into problems, we focus on the youth and ignore the family in many instances the problem is well beyond the youth. Need to focus on the family as a whole.

Alternative measures programs for youth to prevent gang recruitment is required. More services required for activities such as sports and youth conferences, youth centres, and more interaction with youth groups and working relationship in community development and cross culture programs.

Circle sentencing in Cranbrook area for youth helps regain their cultural identity, through the use of geniograms (tracing family tree).

On Vancouver Island, the Cowichan Diversion program that is run by the Friendship Centre has elders on their Board, and through the cooperation of the RCMP and crown counsel, youth first offenders appear before them.

Youth court judges are more than willing to allow bands to take over community-based diversion program (Port Hardy, BC). Community panels are made up of elders, social workers and band counsellors. Native courtworkers participate by doing assessment of client community work projects.

Courtworkers should deliver workshops to youth and communities around education of legal rights and community mobilization related to diversion and programs. Native teachings for high school students of all ethnic backgrounds.

First time young offenders should be required to look at family of origin and community in which they live. Usually drug and alcohol, trouble at school, acting out are only symptoms and they need to look at family and community. More support to correct the re-offending young offender. Youth and elder liaison program. Volunteer support system for those needing morale support and advice.

**NATIVE COURTWORKER AND COUNSELLING ASSOCIATION OF
BRITISH COLUMBIA**

**INTERVENOR PARTICIPATION PROGRAMME
STATEMENT OF REVENUE AND EXPENSES
FOR THE PERIOD ENDING AUGUST 31, 1993**

REVENUE

Government of Canada Grants **\$27,000.00**

EXPENSES

Forms By Regions

Prince Rupert	\$1,945.74
Dawson Creek & Fort St. John	\$2,541.25
Cranbrook	\$2,768.58
Kelowna	\$1,622.00
Prince George	\$2,233.69
Kamloops	\$1,372.51
Vancouver	\$1,148.63
Campbell River	\$624.68
Victoria	\$593.18
Williams Lake	\$2,201.15
Surrey	\$1,657.11

Final Board Approval **\$5,591.48**

Professional Fees **\$5,200.00**

Office Supplies **\$500.00**

TOTAL **\$30,000.00**

EXCESS (DEFICIENCY)
OF REVENUE OVER EXPENSES **(\$3,000.00)**

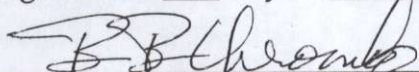
MAXIMUM AMOUNT OF CONTRIBUTION **\$30,000.00**

STATEMENT OF CERTIFICATION

I/We attest and certify that the following statements are true regarding this final financial statement, as required under Part I, Section 2, Clause 2.5 of the Contribution Agreement of November 30, 1992, between the Government of Canada, represented by the Chairman of the Intervenor Participation Program of the Royal Commission on Aboriginal Peoples, and the Native Courtworker and Counselling Association of British Columbia.

- The funds received through this Agreement have been used solely and exclusively in the performance of work as described in Parts II and III of the Agreement.
- All other sources of revenue received in relation to the performance of activities described in Parts II and III of the Agreement have been fully declared and reported herein.
- The expenses reported herein were incurred solely and exclusively in the performance of work as described in Parts II and III of the Agreement, and are claimed in accordance with all of the terms and conditions established in Part III, Section 1 of the Agreement.
- The amounts reported herein include the costs for the Goods and Services Tax, and any other applicable taxes.
- All of the expenses reported herein have been paid, and no claims or liens against any of these costs are known to exist or to be in effect.
- Any funds received through this Agreement that were in excess of the amounts required and expended in the performance of work as described in Parts II and III of the Agreement, and reported herein, have been repaid to the Receiver General for Canada, in accordance with Annex 1, Clause 18 of the Agreement.
- This financial statement is a full and final accounting of all costs and expenses incurred in the performance of work as described in Parts II and III of the Agreement; and no future claims will be submitted against the Government of Canada for any costs and expenses not reported herein.
- Proper accounts and records of revenues and expenditures related to the performance of activities described in this Agreement, including all invoices, receipts and vouchers, have been maintained in accordance with generally accepted accounting principles and practices; and will be retained for audit purposes, if required, for a period of at least three (3) years after the expiry of the Agreement, in accordance with Annex 1, Clause 13 of the Agreement.

Signed this 08 day of February 1995.



(Signature)

Brian B. Chromko

(Name in Print)

Executive Director

(Position/Title)

Native Courtworker & Counselling Assn of British Columbia

(Organization)