

Aboriginal Gangs

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A Report to the Correctional Service of Canada
on Aboriginal Youth Gang Members
in the Federal Corrections System

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A. INTRODUCTION

The author of this report was contracted by the Correctional Service of Canada ("CSC") to review the program needs of "Aboriginal youth gang members" in the federal correctional system and to make recommendations on program needs and direction.

Elder Arvol Looking Horse and Mr. Darrell Phillips, who helped to organize the itinerary and helped us to follow the protocol of the federal institutions, assisted the author in his work.

Meetings and other events were held with Aboriginal inmates, wardens and managers, program workers, and Elders of the following institutions: Edmonton Institution, Stan Daniels Healing Centre, Bowden Institution, Drumheller Institution, Saskatchewan Penitentiary, Riverbend Institution, Stony Mountain Institution, and Rockwood Institution.

In addition, meetings with other individuals were held, some who were involved in security matters, policy, programs and Aboriginal people who work in the field of corrections but were not employees of the federal or provincial governments. Meetings were also held with some of the "Aboriginal youth gang" members who were in the Remand Centre in Winnipeg, Manitoba.

The contents of this Report are based on oral submissions made by the Aboriginal offenders and the Elders who freely expressed their opinions and hopes. Given the nature of the visits and the short time spent in each institution, the author makes no comments on the strengths or weakness of any of the institutions. In any event, the task given was to determine what is available now to meet the program needs of a specific population within the institutions and to recommend what more could be done.

Rather than standing the risk of being presumptuous by offering new educational or personal growth programs or models for healing, the author will remark on his findings and offer an approach on how to address current issues and future challenges for CSC and Aboriginal peoples.

If the recommendations in this Report are deemed helpful and result in improving the lot of Aboriginal offenders in federal prison, the credit should go to all those individuals, Aboriginal offenders, Elders, wardens, policy-makers, and others whose views helped the author formulate the perspectives contained in this Report. If no positive result comes as a result of this Report, the author will take that credit alone.

In the course of examining the different issues facing the correctional system, in relation to the emergence of offenders who have organizations, it became apparent very early in the task that the problems and challenges associated with "Aboriginal youth gangs" members within the federal prison system cannot be addressed in isolation from the general population. The tendency of the institutions has been to focus on issues of security and violence inside the institutions. The author makes no comments on security issues, as the task given was more specific to services and programs for a specific group of Aboriginal inmates. That is not to suggest that the recommendations made by the Security Task Force are not relevant to the current situation. For that matter, the issue of a safe correctional environment is very much a policy and program issue and not just about security measures.

There has to be, perhaps in the future approaches suggested in this Report, greater attention given to the relationship between healing and security. After all, non-violence is not just a duty of the citizen but that of the state as well. Insofar as institutional violence is dealt with by the use of reciprocal force or violence, the idea of a safe correctional environment cannot be achieved.

In this Report, the place of the "gang member" within the correctional institutions is not treated as a matter requiring a segregated policy. To the contrary, while recognizing there may be justifiable differential treatment, such as a specific program for disengagement or disaffiliation, it would be advisable to treat all Aboriginal offenders with fairness and justice, respect and equal access to opportunities. As one wise Elder pointed out, "there is only one Earth and we all have to live here".

B. AN HISTORICAL PERSPECTIVE

The original societies and cultures of the First Peoples have been diminished by more than a century of colonization and the virtual dislocation of Indigenous traditions, cultures and institutions. Canada, as a country, has been a very busy beaver in its determined efforts to take away Indigenous rights and freedoms. It is most certainly directly responsible, by its past and present laws and policies (that removed Indigenous peoples from their lands and territories) for the breakdown of the Aboriginal economies and institutions of self-sufficiency and self-governance.

The prevalence of social issues and problems that now plague the original Peoples should not come as a surprise to anyone, including the provincial governments, who have also played a significant role in the diminishment of Indigenous land rights and the tribal economies of Aboriginal people. For more than a century now, the destruction of Indigenous customs, traditions, spirituality and social institutions (e.g. family unit) that were formerly successful in maintaining orderly and peaceful Indigenous societies - has resulted in weakening the inherent capacity of the Aboriginal Peoples to deal effectively with their social problems, needs and development.

Today, Indigenous societies and cultures are not what most policy-makers think of as "a people in transition" who need the "tools of modern society" to survive in a global world and economy. On the contrary, the First Peoples are in a state of crisis as their way of life becomes more threatened and marginalized within Canada. In more ways than not, the Indigenous Peoples and their cultures are an "endangered species" who have become victims of the loss of habitat (i.e. land) that used to sustain their ways of life and would have guaranteed to them a dynamic future to grow and mature "as a Peoples". In other words, their survival as a distinct group is more in doubt today than fifty years ago. Yet, their only real hope for survival, as the *Royal Commission on Aboriginal Peoples* pointed out, is the restoration and enhancement of their distinct Indigenous cultures and of Nations with land and resources to support the growth and progress of their people.

The over-representation of Aboriginal Peoples in the criminal justice system in Canada is but one indicator of how difficult it is today for Aboriginal Peoples to make a good life within Canada. The emergence of Aboriginal youth gangs and the fear and threat they represent to Canadian authorities of social control is a mere reflection of the enormous challenges Aboriginal people have in trying to survive "as Canadians."

The challenges facing the Correctional Service of Canada in managing the Aboriginal populations within their various kinds of correctional institutions pales in comparison to the daunting task that Aboriginal peoples and their leaders face in meeting the immediate needs of their populations. In addition, Canadian governments still tend to be in a state of denial concerning their obligations to respond in a just manner to the grievances and aspirations of the Aboriginal Peoples.

Finding realistic alternative futures for the Aboriginal youth involved in various "Aboriginal gangs" in Western Canada is not an impossible task but first it needs to be a goal for all concerned. Canada, "our strong and native land", must allow Aboriginal Peoples to become strong once again on their native lands. Is that a realistic prospect? It has to be. Otherwise the honest solutions we are looking for will become buried in another century of Canadian neglect and injustice towards the original Peoples of this land.

IT IS RECOMMENDED:

- 1. That all staff of CSC at all levels be required to take appropriate courses to help them understand the historical context for the CHALLENGES now facing Aboriginal societies;**
- 2. That these history courses be developed in collaboration with the Indigenous studies programs that now exist in several institutions of higher learning and with Aboriginal leaders in the field of education;**
- 3. That this new curriculum be promoted as part of the professional development of CSC staff and be recognized as a fundamental requirement for those workers that come into personal contact with Aboriginal offenders as well as those who make policies affecting the correctional programs and services.**

C. THE CHALLENGE FOR CORRECTIONS

For the Correctional Service of Canada, the issue of the over-representation of Aboriginal Peoples within correctional facilities is no longer just a matter of security and the good governance of correctional facilities. This issue calls upon the policy-maker and custodian alike to re-examine current correctional practices with the view of changing not just the offenders but the institutions as well.

What should be the new goals for the Correctional Service of Canada vis-a-vis Aboriginal offenders?

To understand what the new goals should be, it will be necessary for the federal correctional system to accept that change in the human condition of Aboriginal people is warranted and overdue. For the Aboriginal community the reduction of recidivism and a decline in the incarceration rates of Aboriginal offenders needs to be seen as part of a national strategy that finally begins to improve the socio-economic opportunities for Aboriginal people living in the cities, towns, villages, communities, and reservations.

What should be the new goals for the Correctional Service of Canada vis-a-vis the Aboriginal offender who is a member of an "Aboriginal youth gang"?

To understand how to respond to and how to help the incarcerated "youth gang members", it will be important to check traditional societal stereotypes about "gangs" and refrain from the standard prison culture attitudes and reactions to guide correctional policy and practice.

In this Report, these two related and inseparable questions will be answered from an Aboriginal perspective. The answers will be based on the author's experience and the information and knowledge acquired during the course of performing this review of current policy and practices towards Aboriginal offenders who may be or are currently active in "Aboriginal youth gangs".

IT IS RECOMMENDED:

- 4. That the development of an "Aboriginal youth gang policy" be accomplished over a fixed period of time with the meaningful participation of the "active" and "former" members of these "gangs" under the joint initiative of CSC and the Aboriginal leadership;**
- 5. That the new comprehensive policy on Aboriginal corrections be implemented to address the needs and aspirations of all Aboriginal offenders that are in federal prisons or institutions including the utilization of community-based approaches to corrections as an alternative to the current prison-based correctional system;**
- 6. That the national organizations of the Aboriginal peoples coordinate this policy approach to Aboriginal corrections by forming and mandating a national forum or mechanism to formulate the development of an Aboriginal corrections policy and strategy that will ultimately address the over-representation of Aboriginal people in correctional facilities.**

D. THE ISSUE OF LABELING

The former members and active members of "Aboriginal youth gangs" who are in prisons take great exception to the institutional practice of labeling Aboriginal offenders who are in custody into two broad categories: gang member or non-gang member. They see this as a license for the institutional authorities to exercise even more discrimination than the "institutional racism" allegedly practiced against Aboriginal offenders.

Many Aboriginal offenders complained about the lack of appropriate programs and of the discriminatory way access to programs can be granted or withheld as a form of reward or punishment. Access to and the actual provision of programs, which is in fact discretionary and a variable from institution to institution - is regarded by "Aboriginal gang members" as double jeopardy for them. By their definition of double jeopardy, they mean that they face the prospect of discriminatory treatment twice: once as an Aboriginal offender and again as a member or alleged member of an "Aboriginal youth gang".

Aboriginal people in remand or in correctional facilities share a common assessment of their place along the institutional path towards release. In their view, they are more likely to spend more time in jail than non-Aboriginal offenders are and more likely to be the last considered for transfers to medium and minimum security. The Correctional Service of Canada needs to review how and why Aboriginal offenders who make up the majority in some maximum security institutions do in fact end up (as is the case in most federal institutions in Western Canada) to be the minority in the medium and minimum security institutions.

Is this evidence of a discriminatory practice as alleged by the Aboriginal prisoners? The assessment by Aboriginal offenders of their potential to qualify for short-term release, or release to some community facility, or even parole is just as damning and severe. This issue of "first in and last out" goes to the heart of the credibility of the entire release system of corrections. It must also be examined and remedied.

It is this unequal practice of the present institutional path from jail to freedom that marks, for the Aboriginal offender, their understanding of their particular place within the federal system of corrections. It is not unlike the sense of alienation that Aboriginal people in Canada share in that larger picture of reward and punishment: how the wealth of the country is allocated to benefit certain but not all citizens. For the "Aboriginal gang members", it is a case of double jeopardy and the loss of hope for equal treatment.

Where does the labeling begin? One can readily see that labeling can be very much a result of self-identification. When one decides to join an organization such as the Manitoba Warriors, it is an act of self-labeling. However, when such groups get involved in criminal activities another form of labeling takes over. Societal labeling such as the term "gang" carries with it a cultural definition that is neither positive nor desirable.

When members of, say, the Manitoba Warriors or Indian Posse get involved in criminal activities, these societal definitions are automatically applied to them. The fact that these groupings may lack organization or the leadership culture of "white" gangs or lack the capacity to be involved in "organized gang crime" is to the general public of little or no meaning. After all, for the general public and their politicians - crime is offensive and needs to be controlled if not stamped out. In essence, "Aboriginal youth gangs" have become by their self-labeling, the enemy to be defeated with the full force of the law and law enforcement.

The Correctional Service of Canada needs to re-evaluate the labeling of gang members. The approach taken by the police and the courts in the labeling of "Aboriginal gang members" as members of a criminal organization is a response to the public's fear of gangs and a reaction to public pressure by "white" politicians, with the help of the white media, to create the image of Aboriginal youth as dangerous and violent criminals.

The rush to accept the labeling by police and the courts should not aggravate the assessment of the true nature of the crime and the offender. In fact, the practice of adopting the criteria of police, the findings of courts, and "guilt by associations" all need to be reviewed. The focus should be to find a more realistic and factual profile of the nature of the "Aboriginal youth gangs" and their significance or impact on the mission of the correctional facilities.

One problem of the label, "member of X gang", is its subjectivity, inflexibility and finality. Things change, people change. Memberships happen, memberships are abandoned. Not so for the labeling process, it remains its own truth never to be modified once logged. The grantor of the label becomes the membership clerk of a fictitious list that exists to serve the ends of the justice system. Certainly there are members in the various organizations labeled by society as "Aboriginal youth gangs." But neither the police, the courts nor the correctional intake officers can know for certain at any given time who is an active member and who is a mere acquaintance or uninvolved friend to an active member or for that matter who has disassociated themselves.

How useful is labeling when it comes to the correctional mission to educate, train, help or transform individuals into contributing members of society? To the extent that it produces discriminatory treatment and to the extent it retards the potential to help offenders to transform their lives with the help of the Correctional Service of Canada, the current practice of labeling is not productive but is in fact counter-productive. Labeling helps entrench the institutional culture that says: nothing can be done to help "these kind" of offenders.

IT IS RECOMMENDED:

- 7. That the labeling practice of "Aboriginal youth gang members" be reviewed and replaced with a different classification system that does not entrench nor encourage the perpetuation of stereo-typical labels, nor result in the negative discriminatory treatment of certain offenders;**

8. **That the current practice of punishing "membership" in "gangs" be seen for what is: a punitive measure to discourage "gang affiliation" that is more likely to meet resistance rather than its intended purpose;**
9. **That CSC develops a different strategy for the object of gang disengagement that recognizes the power of kindness and the incentive of real opportunities as the two primary foundations for encouraging and assisting members of "Aboriginal youth gangs" to actively adopt new and more positive lifestyles.**

E. THE ISSUE OF APPROPRIATE PROGRAMS

To date, with the exception of the work being done by Elders, most of the programs operating within the correctional system have been designed by non-Aboriginal people based on the values and culture of the dominant society. The orientation of many of these programs reflects current trends and developments by the different schools of thought in criminology, sociology, psychology, psychiatry and educational pedagogy, and which do not necessarily encompass Aboriginal realities. Aboriginal offenders are expected to conform to these methods of addressing their negative or anti-social behaviours.

The issue of race relations, the oppression of Aboriginal peoples, the role of assimilation, the impact of poverty, the importance of Aboriginal self-determination, the Aboriginal relationship to the land, and the associated social problems in Aboriginal communities are not afforded the same level of significance in providing answers or solutions to the problem of the over-incarceration of Aboriginal people.

The so-called professional approach rooted in the culture of non-Aboriginal people is both inadequate and inept not just in assessing individual profiles but in providing the help these same individuals may need to overcome some personal needs or problems towards their recovery or future development. In fact, the assessment models and the language of professionals do nothing to transform lives. In many cases they only contribute to demoralizing individual initiative for personal reformation and retrenching a system that tends to keep Aboriginal offenders serving out their time with no hope for rehabilitation, personal growth or development.

Listening to the grievances of Aboriginal people leaves little doubt about their reduced hopes and expectations of a system that adopts the wisdom of professionals who in most cases have little to no contact or relationship to Aboriginal people and their communities in their personal lives.

Whether existing programs of CSC are appropriate or not, there is also a significant concern that they are not accessible to all Aboriginal offenders. For those Aboriginal offenders who do complete one or more of these Core Programs, there is also the concern that whenever assessments are being made on requests for transfers or other privileges granted to offenders who complete these Core Programs, they do not get the equal recognition and reward accorded to non-Aboriginal offenders who take these same programs. This is not to suggest that these programs are of no benefit at all.

To the contrary, the majority of Aboriginal offenders who voiced opinions on the Core Programs expressed some personal benefit to having taken and completed one or more of the Core Programs such as anger management.

Who is the teacher? Who is the healer? The issue of who is the educator and the healer is an important one to consider in terms of future policy changes. For instance, objections were expressed on the practice in some institutions of remaking former guards into instructor or teachers. The idea of having qualified and trained personnel in the delivery of Core Programs is essential to the notion of learning and healing as a result of taking the core program.

Furthermore, more qualified and trained Aboriginal people need to be recruited as teachers and healers (i.e. counselors, and other professionals) which is not necessarily happening with the exception of the role of Elders and their helpers. This presents a serious problem of not just employment equity but racial equity within the work place throughout the CSC. It is difficult to argue against facts for equity such as the high percentage of Aboriginal offenders in the western correctional institutions while comparing those statistics to the minority status of Aboriginal employees within the entire system.

Another equally strong view was shared with the author that more culturally-appropriate programs are needed that would address Aboriginal perspectives on healing, recovery and personal transformation for growth and development. CSC needs to recruit Aboriginal educators and Aboriginal educational institutions for the explicit purpose of helping to design and deliver educational and healing programs that are culturally-appropriate and effective.

Aboriginal educators are currently applying the histories and traditions of their Aboriginal societies in their work to understand and solve many of the social and economic challenges facing their people. With their extensive knowledge and experience in both the fields of education and healing or wellness, CSC efforts to address the needs and hopes of the Aboriginal correctional populations would be greatly advanced by employing that knowledge and experience within all levels of the correctional service.

Aboriginal experts in both education and healing areas understand the value of traditional knowledge. For them, the paramount principle for the personal development and advancement for Aboriginal people is the active engagement of their students in both holistic education and personal healing and recovery. Providing victims of foster placements, adoptions, physical or sexual abuse, alcoholism or drug additions, with education or skills for employment will not be adequate to prepare them for a new life "OUTSIDE". It will be necessary to help them heal "INSIDE".

These curricula that combine education and healing can be adapted to provide the Aboriginal offenders in CSC institutions with the kind of education that will challenge them to change their lives through personal self-determination, individual growth and self-empowerment. Aboriginal history, self-knowledge through culture and history, anger management in traditional ways, knowing conflict resolution, dealing with addictions, addressing racism, personal self-determination, employment opportunities, and changing lifestyles are just a few examples of potential new programming that can be developed jointly with Aboriginal educators and healers.

Aboriginal educational institutions and Aboriginal healing centres can also help in developing more Culturally-appropriate programs within federally-managed correctional facilities.

Instead of maintaining the status quo of the Core Programs, CSC needs to expand the envelop by inviting qualified Aboriginal educators and their educational institutions - such as community colleges and Aboriginal healing centres - to help in the development and delivery of new CSC Core Programs that will address the real needs of Aboriginal offenders and strengthen them in their journey to transform their lives forever.

IT IS RECOMMENDED:

- 10. That CSC begin to actively involve the educational and healing institutions of Aboriginal peoples throughout Canada as a direct measure to developing and offering educational and counselling opportunities to Aboriginal offenders that are more culturally-appropriate and effective in addressing their needs and aspirations for personal growth and development;**
- 11. That, to the extent possible, the educational and healing of Aboriginal offenders be conducted by Aboriginal people who have the knowledge and experience necessary to address the educational and healing needs and expectations of the Aboriginal person;**
- 12. That CSC utilizes contractual arrangements with Aboriginal educational and healing institutions as a means of providing the kind of programming that will not only be more appropriate but would have built-in to this arrangement, the kind of Aboriginal community participation and responsibility that is currently missing within the Core Programs now offered by CSC.**

F. THE ELDERS AND THEIR WORK

One of the major reforms introduced by CSC has been to engage the Elders from Aboriginal societies and seek their assistance in helping Aboriginal offenders address their troubles and personal issues. This initiative, while still young in terms of its introduction into correctional services, has already made important contributions to the rehabilitation mission of CSC. But as with all new initiatives, the work of the Elders has not been without some problems particularly when one understands that "traditional ways and spirituality" is not and can never be a "program" much less a program that operates from 9 to 5. Nor can it always be "synchronized with the security measures and movements within the Institutions.

The role of the Elders and the work that they do requires a kind of freedom that correctional facilities, by their nature and culture, are wont to give. The issues involving the role of Elders have much to do with the age-old struggle between forces of assimilation and the determined resistance of traditional people. If for some ignorant reasons, the Elders find that their beliefs, ceremonies, and work are being compromised, rather than changing their ways, it is more likely they will just pick up and leave.

Traditional people do not care what "authority" may be demanding that their traditions and spirituality conform to the workings of the correctional institutions. As history demonstrates, Elders have already survived the past efforts of churches and the Parliament of Canada to treat their traditional ways as illegal and evil. It is not possible that they will willingly agree to render their work as "a program of CSC".

It is important for policy makers and managers in the correctional services to understand that the role and work of the Elders is not a program of CSC. It is distinct, and, it must be given the freedom to remain separate and apart from the Core Programs of Correctional Services. It is neither possible nor realistic to expect the Elders or their helpers to become servants of the Federal Crown. Any efforts to integrate the work of the Elders or to try to dictate or control their work will be met with resistance and disapproval. The Elders and their work cannot be defined in the same way that the role of a social worker or correctional officer can be easily defined and classified. In this regard, CSC must adapt to the traditional ways and not attempt to redefine the work of the Elders through policy or operational manuals.

Many of the active members of the "Aboriginal youth gangs" voice respect for their traditional roots. The work of the Elders can help them develop an alternative identity to their current "colours." In fact, those former members who have voluntarily left their "gang" affiliations have stated publicly that their desire and commitment to find an alternative live-style prompted their decision. They choose the traditional way of life.

What do the Elders do? What do the ceremonies accomplish? What is the traditional way of life? It is not just the Elders who should know the answers to these questions. This knowledge is available through the Elders and their helpers to all individuals who wish to learn about traditional knowledge and spirituality.

To participate in the traditional way of life is not an easy choice and will not be for everyone. It is a hard life due to the commitment one is required to make in changing their life. Two basic codes of conduct, for instance, are to acknowledge the always-presence of the Creator in one's life and to live one's life in a responsible and productive way. Alcohol, drugs and violence are not part of this way of living.

The work of the Elders can best be understood through participation in ceremony. It is ceremony where many of the basic values of traditional life are best explained, understood and applied. Observation and book knowledge of traditional ways are helpful in building awareness but the essence of that way of living can only be experienced in practice. Consequently, not everyone will know what the Elders do and what the ceremonies accomplish.

The traditional way of life, for the educational value of this Report, is a code of conduct. It is a set of beliefs and teachings that help people to live in a good way. For instance, let me set it out more succinctly in language that will give CSC an understanding of why the work of the Elders is so valuable in reaching the mission to change or transform "criminals" into productive citizens. Traditional knowledge is more than just good human values that instructs a person on how to conduct themselves and how to treat others with respect and dignity. Here are some of the "lessons" or "teachings" of traditional people:

1. Non-violence is a personal duty and a way of life;
2. Kindness is a strength and a way of life;
3. Honesty is truth and a way of life;
4. Sharing is empowering and a way of life;
5. Individual self-responsibility is uplifting and a way of life;
6. Self-forgiveness is an act of love and a way of life;
7. Caring for yourself and others is spiritual and a way of life.

There is more to the work of Elders than what is repeated above. There is a deeper awareness of the self and others that is the essence of many of the teachings and ceremonies. There are also teachings that deal with the spiritual needs of humanity. What others call, "spirituality" the Elders know only as their principle obligation: universal prayer.

The work of the Elders is not easy. Sometimes the rules and guidelines of the correctional system and institutions make their work even more difficult. This is not just unfortunate, it needs to be reviewed and changed so that the important work of the Elders can be facilitated and supported even more.

From this brief account of the Elders and "a very small bit" of their work, it is obvious to see the relevance of their work in relation to the mission statements of CSC. Yet, what is even more encouraging is the positive and voluntary response of so many Aboriginal offenders who wish to learn about the traditional way of life. Their participation in ceremony will make them evaluate their past life and help them build a better one without the usual exams, tests, or assessments that make up the work of the professional people and others who work for the correctional system. For many that choose this hard life, it will become over time and practice a true choice and a real second chance.

IT IS RECOMMENDED:

- 13. That access to the Elders not be compromised by the security or punitive measures of the correctional system as the belief system of traditional Elders requires them to treat all human beings with the same sense of equality and justice;**

- 14. That CSC does not regard or treat the Elders and their work as just another core program as this classification fails to recognize and acknowledge the full scope and breadth of the impact of ceremony and the traditional belief system in transforming the lives of individuals and groups;**
- 15. That the workers at correctional facilities become more aware and supportive of the role of Elders and their helpers.**

G. THE ISSUE OF SEPARATE PROGRAMS FOR MEMBERS OF "ABORIGINAL YOUTH GANGS"

One of the questions taken to the members of the "Aboriginal youth gangs" who are incarcerated in federal institutions in western Canada was, "do you want separate programs for yourselves?"

In order to carry out the objects of the contract, the author requested to meet with the leaders and members of "Aboriginal youth gangs". As it turned out, given the current institutional climate surrounding Aboriginal youth gangs, it was not an easy decision for them to agree to meet. By doing so they risked perpetuating a system of labeling they have grave concerns about. In these group meetings the issue of "labeling" was discussed at length. Several participants complained that the labeling process that began with the city police and was refined by institutional intake workers was unfair to them. Some indicated that they were never members of gangs and others had voluntarily disassociated themselves from such membership.

There were also allegations of "double jeopardy" in that "opportunities" for transfers and releases to take programs, to receive visitors, and to participate in traditional ceremonies were being withheld solely on the basis that these prisoners were still "active" members of their respective "gangs". The majority of Aboriginal prisoners who attended the meetings with the author, felt that they are not getting a fair shake in the distribution or allocation of institutional programs and other "opportunities" as a direct result of their "gang" affiliation. Consequently, the majority of the participants at these special meetings with the author had a great aversion to being singled-out or segregated from the general population. Identification as an "active gang leader or member" meant the loss of such "opportunities" solely based on what was perceived as, and may well be, a decision to bust the gangs.

Given the above circumstances, and given that a zero tolerance for gang affiliations has developed within the institution, it is difficult to expect that members of "Aboriginal youth gangs" could or would conceive of "special" approaches or programs for themselves. This may also explain some of the reluctance on their part to participate in meetings with the author.

These allegations need to be reviewed, as there appears to be a general consensus amongst Aboriginal offenders that this is in fact how the correctional system currently operates.

Another important complaint, important as it affects the person's opportunity for early release, is the view by Aboriginal offenders that they do not seem to get the same "benefit" from taking the Core Programs. It seems to them that the administration rewards non-Aboriginal people who take these programs, particularly in the area of transfers to medium minimum or community facilities. The expression, "what is the use of all these programs" was often repeated concerning parole services, for instance, which they perceive to be simply ignoring their individual initiatives to reform their lives. In other words, there is a feeling of injustice being felt by Aboriginal prisoners who believe that there is a preferential treatment being accorded to "white" prisoners. If this complaint has merit, CSC is susceptible to a complaint of discrimination under human rights legislation.

This brings forth a point of view that questions the very purpose of the Core Programs. Are these programs purely for personal growth, awareness, and development? Or, are these programs part and parcel of the awarding of "opportunities" by the system to those offenders who are making efforts to "turn their lives around." Many Aboriginal offenders take these programs for different reasons, as do those in the general population. These reasons range from escaping boredom to wanting to increase their chances for parole.

What is the CSC official position on the Core Programs? If Core Programs are provided simply for personal development and healing, such policy should be clearly stated and understood by all. However, if the Core Programs are related to such "opportunities" as transfers and releases, the policy on the Core Programs should be explicit on that point. In other words, the policy purposes of institutional Core Programs must be honest and not be clouded by perceptions of preferential treatment for some or be employed by the administration and parole services as the basis for granting reward or punishment unless that purpose is clearly stated.

Another issue that was raised in relation to the granting of privileges or "opportunities" is that it appears to the Aboriginal offenders that the Elders and their work is not valued as being "on par" with the standard institutional programs. This alleged second-class treatment of Elders is claimed to be more evident in the decisions made by some members of the National Parole Board who do not accept or, perhaps, do not understand or give proper value to assessments made by Elders. It may well be a situation of the Parole Board guidelines or standards not being quite appropriate when it comes to assessing the work done with Aboriginal offenders by traditional Elders.

The introduction of the idea of "Elder assisted hearings" in some of the institutions may help in the long run to address the perception that the "professionals" have a stronger voice and sway with the Administration or with the Parole Board than do the Elders and their work. This issue, of course, is not a "pure" correctional service matter but the way that Elders' views or opinions or assessments of Aboriginal offenders is summarily dismissed in some cases may well result in ultimately devaluing and undermining the Elders and their work.

Concerns were also expressed as to the denial of access to the Elders due to "gang affiliation". When one understands the work of the Elders, it is easier to appreciate that this is antithetical to the work of the Elders who do not place any preconditions on those who seek their help. The work that they do cannot be judgmental or discriminatory against certain classes of prisoners.

The phrase, "All My Relations", which is heard in certain ceremonies, is an expression of the inclusiveness and unity of life. To put this in the context of Canadian language, it means that we are all equal in the eyes of the Creator.

In other words, it would not be possible for the Elders to deny the leaders and members of "Aboriginal youth gangs" access to or participation in their Circles, Healing work, or any ceremony. There can only be one kind of "zero tolerance" in the traditional way - zero tolerance to the idea that someone can be beyond reclamation. "Traditional ways" is a hopeful message that spirituality can transform even the worst or lowest of persons.

What are the implications of this statement for the managers and administrators of CSC? It means that the notion of "gang affiliation" as grounds for the denial of access to the Core Programs cannot apply to the work of the Elders. One need bear in mind, that once a commitment is made to pursue the traditional way of life certain personal choices have to be made. For instance, alcohol or drugs cannot be consumed if one chooses to take this road towards a traditional lifestyle. Violence and crime also have no place in the traditional way of life.

Any one of the Aboriginal prisoners can be given a chance to experience this way of life, without any preconditions such as the requirement for "gang disaffiliation." The choice for a different lifestyle will become apparent as one engages in the road of traditional knowledge and spirituality. One can try to fake it but no one can fake it forever. It is a personal choice without preconditions. You come as you are but if the teachings are followed in one's daily life, you will not remain the same. Your life will improve as you transform into a self-reliant, confident and responsible human being. That message of transformation, the Elders know, is the Creator's promise to the first Peoples when the ceremonies were first given to them, a long, long time ago. It is a belief rooted in the idea that ignorance can be replaced with the enlightened knowledge of one's self in union with the rest of creation.

Who in CSC can deny access to this knowledge and way of life? Who in CSC can capture the Elders and their work by making it into just another program? These are not rhetorical questions. In fact, the answers provided by CSC may well result in a complete reconsideration by the Elders themselves of their role and place in correctional facilities.

Another concern expressed to the author was in relation to the commonplace use of "THE HOLE" for controlling the behaviour of offenders. Many stories about the use of this so-called security measure were related to the writer. Whether for punishment, correcting behaviour, or as deterrence, it would be wrong to assume that such hard or harsh measures of security will lead to transforming a single wayward Aboriginal offender towards a more positive or productive life. If used as a tool to curb inmate violence or to punish Aboriginal participation in Aboriginal youth gangs, it will fail just as miserably as the "tough" policing practices have failed to deter Aboriginal youth from participating in youth gangs. It is obvious that the notion of gang busting via "CSC gangbusters" will lead only to more problems for Corrections, particularly should the administration begin to use their powerful tool - security - as the sole basis for dealing with the Aboriginal youth gang populations in the various institutions. That would not just be unwise, but it would serve to entrench rather than disengage gang affiliations or activity.

Strong security and the punishment models do not work well with the Aboriginal people. There is a psychological explanation for Aboriginal resentment towards heavy-handed policing or security. In the collective memories of the Aboriginal societies, hard measures by white society have always been met the same way - with resistance. The choice is clear to CSC: to develop approaches for dialogue and real opportunities for wellness and personal transformation as opposed to building a fortress of resistance and animosity.

Perhaps, in another time and a different place, the response the author received to the idea of separate programs for members of "Aboriginal youth gangs" might have been different, particularly if the result of the differentiation was to be a positive outcome for them. What is clear, however, is that it will be impossible to address the special problems or issues that this inmate population has or presents without some focus on their organizations with the goal of prevention, intervention and transformation. For that reason, special initiatives for dialogue and communications should be set up as well as introducing new programs that focus on alternative lifestyles to gang affiliation and Organization. The development of such new approaches has to be done in a participatory way that ensures that the inmate populations are consulted and involved.

IT IS RECOMMENDED:

- 16. That the issue of "gang affiliation" be considered as a program matter more so than as a matter of security, to enable members of "Aboriginal youth gangs" an equal opportunity to address their educational or healing needs together with the general population or separately (if they so choose) as members of the same -gang- free from the fear of discriminatory treatment by the correctional system;**
- 17. That the members of the "Aboriginal youth gangs" who decide to voluntarily and openly disassociate their affiliations be granted the opportunity to participate in new programs (yet to be developed) designed for and with them to reinforce their personal choices and commitments for new and improved lifestyles;**
- 18. That a new program be developed with the participation of Aboriginal leaders and members of the "Aboriginal youth gangs" aimed at transforming the "gang" organizations into groups whose new aims and objectives no longer involve criminal activity but seek solutions to the issues and problems in society that led them to crime such as poverty, racism and lack of equal opportunity;**
- 19. That access to existing core programs or to the work of Elders be made available to all Aboriginal offenders regardless of their organizational affiliations.**

H. THE ISSUE OF ABORIGINAL RESPONSIBILITY AND AUTHORITY

This report will introduce some new ideas that can be further developed with the active involvement of the Aboriginal community in the actual development and implementation of policy, projects or programs aimed at addressing the issues surrounding the existence and the incarceration of Aboriginal youth gangs in the western provinces.

The importance of the active participation of Aboriginal leaders, Elders and communities in providing leadership and assistance in Aboriginal-controlled efforts to reclaim youth gang members and to guide their youth to alternative lifestyles must be recognized as the next policy measure within the Correctional Service of Canada. This recognition of Aboriginal authority and responsibility will help to pave the way for Aboriginal people to take responsibility for the delivery of correctional services and the prevention of youth crime within their communities.

To the Aboriginal inmates the lack of community support and programs for them after their release from prison remains one of the main issues requiring immediate attention. Unfortunately, given the wide range of issues facing the Aboriginal communities, including the full array of social needs and problems associated with extreme poverty, the Aboriginal leaders and the grassroots people have little in the way of time or resources to address those issues important to the Aboriginal offenders.

At times this lack of appropriate response from the Aboriginal community is seen as a lack of interest or caring for the needs of their people who have "graduated" from correctional facilities. A community that is unable, due to its lack of revenue, to address the basic human needs of food, housing or income cannot be expected to be able to respond to or to meet the needs of their people who upon release from prison return home to the exact same situation that contributed to their incarceration. When unemployment conditions are extremely high, a community cannot be expected to provide jobs when none exist for many. In fact, any correctional programming that may be available by the federal government at the community level is limited and in most cases available only as a pilot project. Given current funding levels, even the healing centres strategy cannot be expected to satisfy the great need for community corrections that now exists in all Aboriginal communities.

On the other hand, governments, as do the courts, seem to realize that the prison approach to crime prevention in Aboriginal communities is not appropriate, but reforms seem forever lodged in the horizon with no real hope of community-based corrections replacing the prison system. Yet, most expectations for the Aboriginal people to take control of corrections are frustrated by the status quo approach to Aboriginal involvement in the field of corrections. It is not that the Aboriginal people are sick and need to be incarcerated for their crimes, the problem is the criminal justice system and the whole correctional system is sick. A dysfunctional system cannot be expected to heal anyone least of all the Aboriginal people who are victimized by the Canadian system of justice.

Aboriginal people have to be shown respect from non-Aboriginal governments. They have to be provided with the human and fiscal resources needed to improve the quality of life for their people.

In terms of corrections, their authority as self-governing peoples must be acknowledged by the Correctional Service of Canada if Aboriginal people are to take back the responsibility of dealing with issues associated with juvenile or adult corrections and crime. In addition, taking responsibility will require appropriate allocations of fiscal resources needed to build initiatives and approaches that heal offenders rather than just incarcerating them. Aboriginal Nations and their leaders have an important inherent jurisdiction to transform their people and communities from that oppressive position of poverty to that of people and communities free to enjoy a high standard of life.

In the context of corrections, Aboriginal leaders and their communities, when given the proper resources, will be able to provide to those returning Aboriginal offenders all the necessary assistance they will need to rebuild their own lives.

The mission to alleviate crime in the Aboriginal communities cannot be dictated by non-Aboriginal governments or their agents of social control like the police and correctional facilities. The authority and responsibility of the Aboriginal Nations must be recognized and accepted not as a precondition but as a practical imperative to finding lasting solutions that up to now have eluded the criminal justice system.

Many Aboriginal leaders see the criminal justice system as akin to the residential schools. It is said that the residential schools took away Aboriginal children and hid them away from the influence of their family, relatives, communities, and cultures. The courts and correctional facilities isolate Aboriginal youth and the adults today like the federal government and churches did to the Aboriginal children in industrial and residential schools in the past. Today, Aboriginal youth, men and women are locked up in federal prisons without the comfort and influence of their families, communities or cultures.

How do you heal someone in the prison? How do you help someone to amend his or her ways and go "straight"? Can you, in fact, help or heal an Aboriginal person from an institution like a prison when a great deal of their "baggage" can be traced to the residential school experiences (theirs or their parents and relatives) or from the fallout of the child welfare agencies? The power and control that non-Aboriginal society displayed in both residential schools and child welfare agencies is merely being replaced by correctional facilities. Little healing and personal transformation can possibly take place within a controlling and oppressive environment.

Let the Aboriginal people and leaders find the real solutions to the problems that others caused in their misguided quest to assimilate the Aboriginal peoples. Lawmakers and policy makers who are themselves captives of their own society are not likely to know and understand the condition of the Aboriginal societies much less be able to provide to the Aboriginal offenders a real hope for change or transformation. For that reason, and others such as racial misunderstanding, there is ample evidence that the Aboriginal communities and leadership have to become more involved in determining and running the programs and services that are needed by the Aboriginal people in correctional facilities throughout Canada.

IT IS RECOMMENDED:

- 20. That CSC begins a dialogue with all major Aboriginal territorial, provincial and national organizations with the goal of developing laws, policies, programs, services, facilities, and strategies that are sensitive and accountable to the needs, aspirations and development of the Aboriginal offenders and their communities;**
- 21. That CSC provide to the national Aboriginal organizations the financial and human resource capacity to enable their active and effective participation in the joint development with CSC of an Aboriginal corrections policy and strategies, designed to address the developmental and wellness needs of the Aboriginal offenders and to substantially decrease the over-representation of Aboriginal offenders in the federal correctional system throughout Canada;**
- 22. That this report and other related CSC documents and information be used as the basis for dialogue involving the Assembly of First Nations, the Metis National Council, the Congress of Aboriginal Peoples, Pauktuutit, the Native Women's Association of Canada, and the Metis Women of Canada;**
- 23. That the new correctional services Commissioner makes these recommendations for the development of Aboriginal perspectives and approaches to corrections one of her immediate top priorities.**

I. CONCLUSIONS:

There are no conclusions, just a perspective and an approach to find conclusions to serious social justice issues that have not, to date, been properly addressed by Canada or by the Aboriginal peoples.

J. SUMMARY OF RECOMMENDATIONS

1. **That all staff of CSC at all levels be required to take appropriate courses to help them understand the historical context for the CHALLENGES now facing Aboriginal societies;**
2. **That these history courses be developed in collaboration with the Indigenous studies programs that now exist in several institutions of higher learning and with Aboriginal leaders in the field of education;**
3. **That this new curriculum be promoted as part of the professional development of CSC staff and be recognized as a fundamental requirement for those workers that come into personal contact with Aboriginal offenders as well as those who make policies affecting the correctional programs and services;**
4. **That the development of an "Aboriginal youth gang policy" be accomplished over a fixed period of time with the meaningful participation of the "active" and "former" members of these "gangs" under the joint initiative of CSC and the Aboriginal leadership;**
5. **That the new comprehensive policy on Aboriginal corrections be implemented to address the needs and aspirations of all Aboriginal offenders that are in federal prisons or institutions including the utilization of community-based approaches to corrections as an alternative to the current prison-based correctional system;**
6. **That the national organizations of the Aboriginal peoples coordinate this policy approach to Aboriginal corrections by forming and mandating a national forum or mechanism to formulate the development of an Aboriginal corrections policy and strategy that will ultimately address the over-representation of Aboriginal people in correctional facilities;**

7. **That the labeling practice of "Aboriginal youth gang members" be reviewed and replaced with a different classification system that does not entrench nor encourage the perpetuation of stereo-typical labels, nor result in the negative discriminatory treatment of certain offenders;**
8. **That the current practice of punishing "membership" in "gangs" be seen for what is: a punitive measure to discourage "gang affiliation" that is more likely to meet resistance rather than its intended purpose;**
9. **That CSC develops a different strategy for the object of gang disengagement that recognizes the power of kindness and the incentive of real opportunities as the two primary foundations for encouraging and assisting members of "Aboriginal youth gangs" to actively adopt new and more positive lifestyles;**
10. **That CSC begin to actively involve the educational and healing institutions of Aboriginal peoples throughout Canada as a direct measure to developing and offering educational and counselling opportunities to Aboriginal offenders that are more culturally-appropriate and effective in addressing their needs and aspirations for personal growth and development;**
11. **That, to the extent possible, the educational and healing of Aboriginal offenders be conducted by Aboriginal people who have the knowledge and experience necessary to address the educational and healing needs and expectations of the Aboriginal person;**
12. **That CSC utilizes contractual arrangements with Aboriginal educational and healing institutions as a means of providing the kind of programming that will not only be more appropriate but would have built-in to this arrangement, the kind of Aboriginal community participation and responsibility that is currently missing within the Core Programs now offered by CSC;**
13. **That access to the Elders not be compromised by the security or punitive measures of the correctional system as the belief system of traditional Elders requires them to treat all human beings with the same sense of equality and justice;**

14. **That CSC does not regard or treat the Elders and their work as just another core program as this classification fails to recognize and acknowledge the full scope and breadth of the impact of ceremony and the traditional belief system in transforming the lives of individuals and groups;**
15. **That the workers at correctional facilities become more aware and supportive of the role of Elders and their helpers;**
16. **That the issue of "gang affiliation" be considered as a program matter more so than as a matter of security, to enable members of "Aboriginal youth gangs" an equal opportunity to address their educational or healing needs together with the general population or separately (if they so choose) as members of the same "gang" free from the fear of discriminatory treatment by the correctional system;**
17. **That the members of the "Aboriginal youth gangs" who decide to voluntarily and openly disassociate their affiliations be granted the opportunity to participate in new programs (yet to be developed) designed for and with them to reinforce their personal choices and commitments for new and improved lifestyles;**
18. **That a new program be developed with the participation of Aboriginal leaders and members of the "Aboriginal youth gangs" aimed at transforming the "gang" organizations into groups whose new aims and objectives no longer involve criminal activity but seek solutions to the issues and problems in society that led them to crime such as poverty, racism and lack of equal opportunity;**
19. **That access to existing core programs or to the work of Elders be made available to all Aboriginal offenders regardless of their organizational affiliations;**
20. **That CSC begins a dialogue with all major Aboriginal territorial, provincial and national organizations with the goal of developing laws, policies, programs, services, facilities, and strategies that are sensitive and accountable to the needs, aspirations and development of the Aboriginal offenders and their communities;**

21. **That CSC provide to the national Aboriginal organizations the financial and human resource capacity to enable their active and effective participation in the joint development with CSC of an Aboriginal corrections policy and strategies, designed to address the developmental and wellness needs of the Aboriginal offenders and to substantially decrease the over-representation of Aboriginal offenders in the federal correctional system throughout Canada;**
22. **That this Report and other related CSC documents and information be used as the basis for dialogue involving the Assembly of First Nations, the Metis National Council, the Congress of Aboriginal Peoples, Pauktuutit, the Native Women's Association of Canada, and the Metis Women of Canada;**
23. **That the new correctional services Commissioner makes these recommendations for the development of Aboriginal perspectives and approaches to Corrections one of her immediate top priorities.**

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