Vancouver Area Community Corrections and Aboriginal Justice: A Review of Aboriginal Federal Offenders and Sentencing Alternatives

by

Jana V. Nuszdorfer

B.A., University of Colorado at Denver, 2010

Research Project Submitted In Partial Fulfillment of the
Requirements for the Degree of
Master of Arts

In the
School of Criminology
Faculty of Arts and Social Sciences

SIMON FRASER UNIVERSITY

Fall 2012

Approval

Name: **Jana V. Nuszdorfer**

Degree: **Master of Arts (Criminology)**

Title of Thesis: ***Vancouver Area Community Corrections and Aboriginal Justice: A Review of Aboriginal Federal Offenders and Sentencing Alternatives***

Examining Committee:

Chair: Sheri Fabian, Ph.D.
Senior Lecturer

Margaret Jackson
Senior Supervisor
Professor Emerita

Neil Madu
Supervisor
Lecturer

William Glackman
External Examiner
Associate Professor, Criminology
Simon Fraser University

Date Defended/Approved: November 23, 2012

Partial Copyright Licence

Abstract

Operating under Vancouver Area Community Corrections, the Vancouver Parole Office is committed to reintegrating federal offenders on conditional release into the city of Vancouver. The establishment of collaborative justice between Correctional Services Canada (CSC) and t he Aboriginal community is relatively new and has altered the procedures imposed on Aboriginal offenders serving their sentence. This paper reviews the trajectory uniquely assigned specifically to Aboriginal federal offenders by CSC. Specifically, the individual roles and partnerships assumed by CSC staff and Aboriginal community members are examined, with a focus on the implications this parallel system has on Aboriginal offenders. In particular, the unique challenges that affect Aboriginal offenders are explored. These include urbanization, government funding, the convergence of Aboriginal and Western justice, and disparities in definition of terms. Until the Canadian government and the Aboriginal community can articulate their intent, communicate expectations, and define terms and requirements in dialogue with each other, neither system will adequately assist Canada's Aboriginal population.

Keywords: Aboriginal offenders; Aboriginal justice; Correctional Services Canada; Community-based corrections

Subject Terms: Aboriginal offenders; Aboriginal offenders—Community-based corrections; Aboriginal justice; Maintenance programs

This project is dedicated to my parents for their continuous support throughout this journey. Thank you.

Acknowledgements

There are a number of people I would like to acknowledge who have assisted me in the completion of my project. First, I would like to say a huge thank you to my senior supervisor, Margaret Jackson, for your guidance and support. It has truly been a privilege working with you. I would also like thank my supervisor Neil Madu for teaching me "not to sweat the small stuff". You have both provided me with endless encouragement and without your constant support, I am certain that the long distance process would have been far more of a challenge.

I am grateful for the staff at the Vancouver Parole Office who welcomed me into their routine for three months. Specifically, Amanda Santiago and Zureen Khan, who acted as role models and demonstrated the responsibilities associated with becoming a parole officer. I am so thankful to have had the opportunity of working with two intelligent, dedicated, and fun young women. You both are truly an inspiration.

I would like to thank my family to whom I credit all of my achievements. You have always encouraged me to challenge my limits and for that I am very grateful. I am especially thankful to my amazing friend R.I. for her constant positivity and enthusiasm in both school and life. Finally, I would like to give a special thanks to the Faculty of Criminology and the friends I have made along the way. It has been a pleasure working, learning and laughing with all of you.

Table of Contents

List of Acronyms

ACCC	Aboriginal Corrections Continuum of Care
ACDO	Aboriginal Community Development Officer
AJP	Aboriginal Justice Programs
AJS	Aboriginal Justice Strategy
ALO	Aboriginal Liaison Officer
CJS	Canadian Justice System
CMP	Community Maintenance Program
CPO	Community Parole Officer
CRS	Custody Rating Scale
CSC	Correctional Service of Canada
F.I.R.E	Mnemonic device used to assess offender rehabilitation
ICPM	Integrated Community Program Maintenance
IPO	Institutional Parole Officer
MBIS	Motivation-Based Intervention Strategy
NPB	National Parole Board
PO	Parole Officer
WAVS	Warriors against Violence Society

1. Introduction

According to the Correctional Services Canada, parole officers are “key to the goal of successfully reintegrating offenders into society” (Correctional Service of Canada, 2012b). Parole officers are trained to interpret offender behavior and accurately assess the risk and distinctive needs of their clients in order to maintain public safety within our communities. The responsibilities associated with offender supervision and assistance are demanding for parole officers who must monitor the general population of federal offenders. Supervision becomes increasingly difficult, however, when dealing with the special circumstances of the federally incarcerated Aboriginal population.

The challenges associated with effectively monitoring Aboriginal offenders are unique, and the responsibilities of community parole officers are heightened when offenders are approved for conditional release and placed into the community. Problems related to effective monitoring and support are derived from a number of factors, some of which stem from the inability of the Canadian government to communicate with Aboriginal people. As a result, the needs of the Aboriginal population often go unmet, resulting in their admission and re-admission into correctional facilities. This is evident in the overrepresentation of Aboriginal offenders in the Canadian justice system.

The special circumstances pertaining to Aboriginal offenders are enhanced when offenders are released to urban areas, such as Vancouver. The current project illustrates the procedures pertaining to Aboriginal federal offenders released on conditional release to the Vancouver Parole Office, operating under Vancouver Area Community Corrections. Conditional release refers to the gradual reintegration of offenders into the community, and includes various levels of submission, including: escorted or unescorted temporary absences (orchestrated by the correctional facility), day parole, full parole, or statutory release (imposed by the National Parole Board

(NPB)). Essentially, conditional release is a cost-effective, highly supervised method for offenders who have met specific minimum requirements in the institution, to complete their sentence under a "less restrictive" fashion within the community (Zinger, 2012).

The current project is based on a thirteen week practicum completed by the author with the Vancouver Parole Office. The experience allowed the author to engage with multiple staff members including parole officers, Aboriginal Liaison Officers, program facilitators, and Aboriginal offenders over the thirteen week period. In addition, the author had the opportunity to be informed on these issues by several members of the Aboriginal community including Elders, healing lodge staff members, and family members of the Aboriginal offenders.

This project highlights some of the key observations that were made during that period and addresses issues pertaining to Aboriginal federal offenders placed on conditional release to the community of Vancouver. In addition, the collaboration of the Correctional Service of Canada and Aboriginal communities, with the support of academic studies, surveys, and literature is examined.

Prior to exploring the collaborative components of Aboriginal Justice and CSC, a summary of pivotal strategies taken by the Canadian government is necessary in order for readers to fully understand the decisions and procedures conducted by CSC and the Vancouver Parole Office. The current work will begin with a brief outline of initiatives taken within the last fifty years by the Canadian government. The third section will identify different roles and positions employed by both CSC staff and Aboriginal community members, with a brief description of their assumed responsibilities. In the fourth section, offender maintenance programs offered by CSC in Vancouver will be examined. Section five will discuss potential challenges faced by offenders on conditional release in Vancouver including a lack of community, effective management, re-admission to correctional facilities, in addition to suicide, self-harm and offender safety. This section also highlights the importance of open communication and collaboration to address issues pertaining to conflicting definitions of terms and ideologies held by both the Canadian government and Aboriginal communities. The final section of the current project concludes with a brief discussion of future challenges CSC may face as a result to the growing population of Aboriginal offenders, as well as

recommendations. The combination of Westernized punitive measures and Aboriginal justice approaches require close collaboration between the Canadian government and Aboriginal community members, and until both parties effectively communicate their objectives and the means of reaching those objectives, Aboriginal overrepresentation in Canadian correctional facilities will persist.

2. Aboriginal Justice in Canada: A Literature Review

From the beginning of an offender's trial to their warrant expiry date, the judicial procedures and legal alternatives proposed for Aboriginal federal offenders have changed significantly in Canada in the last fifty years. Prior to exploring the responsibilities allocated to CSC and Aboriginal parolees, it is important to discuss the pivotal decisions and amendments that have taken place, not only within CSC but throughout the Canadian government, in attempt to decrease Aboriginal presence from the Canadian justice system (CJS).

Aboriginal overrepresentation in the CJS has transpired for decades, though it was not until the 1970s that the Canadian government attempted new "culturally sensitive" tactics. Some of the initial approaches include "indigenization" (Palys & Victor, 2005), an attempt made by the Canadian government to engage in:

> Native collaboration in policing, (e.g. Circular 55, Royal Canadian Mounted Police Program 3B), the appointment of native courtworkers, measures to increase accessibility (e.g. the provision of interpretation services, native legal aid), the introduction of fine options and intermediate sanctions in sentencing, and the provisions o cultural sensitivity "training" for justice system officials. (Clairmont, 1996, p. 125)

Essentially, the Canadian government first decided to incorporate individuals from the Aboriginal community to hold government positions in law enforcement and crime prevention. However, their responsibilities were minimal and did not properly infiltrate the Aboriginal community. The growing population of Aboriginal offenders in Canadian prisons demonstrated that "factors including substance abuse, generational abuse and residential schools, low levels of education, employment and income, substandard housing and health care" (Mann, 2009): factors that have been identified as leading Aboriginals to engage in criminal activity, were not being addressed effectively. Aboriginal offenders were relatively unresponsive to the idiosyncrasies of CSC

procedures and the limited contributions provided by the Aboriginal community, both inside and outside of the institutions.

The pursuit of Aboriginal autonomy continued to progress as the demise of the Canadian Aboriginal population became acknowledged by factions across the country. Slowly, the importance of Aboriginal independence and sovereignty became widely accepted. For example, a report produced by the Royal Commission on Aboriginal Peoples (RCAP) publicly recognized that "The justice system has failed the Aboriginal people" (Aboriginal Affairs and Northern Development Canada, 1996). It was not until 1999 that the rights of indigenous people to self-governance and self-determination were acknowledged by both Canada and the international community (See the UN Declaration on the Rights of Indigenous Peoples; Palys, 1999).

A critical point in the pursuit of Aboriginal justice was the Supreme Court of Canada decision R v. *Gladue* (1999), which led to revisions of the Criminal Code (section 718.2(e)) and significantly altered the manner in which Aboriginal offenders were sentenced in court. The revisions made to the Criminal Code compelled judges to consider the past of an Aboriginal offender prior to sentencing (R v. *Gladue* 1999; R v. *Williams*, 1998). Essentially, judges from that point forward were required to consider two primary points: They were to examine

> The unique systemic or background factors which may have played a part in bringing the particular Aboriginal offender before the courts; and, types of sentencing procedures and sanctions which may be appropriate in the circumstances because of his or her Aboriginal heritage or connection. (CSC, Aboriginal Corrections Accountability Framework, 2010)

It could be suggested that this landmark case highlighted potential opportunities to address the needs of Aboriginal federal offenders in the custody of CSC, leading to additional sentencing alternatives and a more direct application of Aboriginal justice within the CJS.

2.1. CSC Revisions and Modifications

The R v. *Gladue* case also influenced CSC protocols including the Commissioner's Directive 702 on Aboriginal Programming, which was altered to

incorporate the “Gladue principles” (Sapers, 2010). Due to the modifications, CSC staff are now required to consider the social history in all decisions concerning Aboriginal offenders. CSC members began consulting with Elders and a CSC position titled “Aboriginal Liaison Officer” was launched. Unfortunately, the results of employing the Commissioner’s Directive 702 were not as significant as expected, as CSC had failed to incorporate sufficient cultural practices into the procedures Aboriginal offenders were required to follow, rendering their efforts to be rather ineffective (Correctional Service of Canada, 2010b).

2.2. *Corrections and Conditional Release Act,* Section 79-84 Release Act

The *Corrections and Conditional Release Act* (CCRA) came into effect in 1992 after a wide scale examination of the procedures pertaining to the criminal justice system (Zinger, 2012). Sections 79-84 of the CCRA are related specifically to Aboriginals within the justice system, or non-Aboriginals individuals following the Aboriginal path. In the late 1990s, these sections were refined to better benefit Aboriginal people (Bennet, 2000). Currently, section 81 and 84 of the CCRA are critical sections for Aboriginal offenders, as these sections offer the opportunity for offenders to serve their sentence according to Aboriginal spirituality and tradition, with the financial and structural support of CSC. Section 81 of the CCRA declares the following:

> (1) The Minister, or a person authorized by the Minister, may enter into an agreement with an aboriginal community for the provision of correctional services to aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.
>
> 2) Notwithstanding subsection (1), an agreement entered into under that subsection may provide for the provision of correctional services to a non-aboriginal offender, and
>
> 3) In accordance with any agreement entered into under subsection (1), the Commissioner may transfer an offender to the care and custody of an aboriginal community, with the consent of the offender and of the aboriginal community. (Corrections and Conditional Release Act, 1992, c. 20, s. 81; 1995, c. 42, s. 21(F))

The section 81 agreement allows Aboriginal communities across the country to provide supervision and rehabilitating support through the establishment of healing lodges and Aboriginal residential facilities. Rather than maintaining an offender's sentence in a minimum security institution, Aboriginal offenders are given the chance to reside at a healing lodge. While residing at the healing lodge, living expenses including housing, food, and hygiene products are paid for by CSC, which provides offenders with a chance to reintegrate into society without the responsibility of immediately obtaining employment and housing. In addition, they are supervised by their own community members in accordance to Aboriginal practices, which allows offenders a chance to reconnect with their culture and re-create their identity. Healing lodges and their role in Aboriginal justice will be discussed further in a later section.

2.3. Section 84 of the *CCRA*

Section 84 of the CCRA refers specifically to the release period of an offender's sentence. The section states that:

> 84. If an inmate expresses an interest in being released into an aboriginal community, the Service shall, with the inmate's consent, give the aboriginal community
>
> (a) adequate notice of the inmate's parole review or their statutory release date as the case may be; and
>
> (b) an opportunity to propose a plan for the inmate's release and integration into that community.

In consideration of long term supervision orders, the CCRA states that:

> 84.1 Where an offender who is required to be supervised by a long-term supervision order has expressed an interest in being supervised in an Aboriginal community, the Service shall, if the offender consents, give the Aboriginal community
>
> (a) adequate notice of the order; and
>
> (b) an opportunity to propose a plan for the offender's release on supervision, and integration, into the aboriginal community. (Department of Justice, 2012c)

As long as the arrangements are adequate to maintain public safety, Aboriginal offenders may be transferred from federal custody to the care of the Aboriginal community (CCRA, 2010). Aboriginal offenders have the opportunity to pursue section 81 and 84; however, they are not obliged to. As Aboriginals are often disconnected from their community (possibly as a result of residential schools, social history, or urbanization), many prefer to progress through their sentence independent of Aboriginal influence. It should be noted that section 81 and 84 are not limited to Aboriginal offenders. Any offender, Aboriginal or non-Aboriginal, are given the choice of pursuing section 81 and 84 as long as they demonstrate commitment to Aboriginal practices.

A federal offender is typically considered for conditional release when he reaches one third or seven years of his prison sentence (Correctional Service of Canada, 2012b) and is considered for statutory release when the offender has served two thirds of his sentence. Of course this is dependent on the risk the offender poses to society; Before the NPB comes to a decision, a parole officer writes a report assessing the offenders risk and reintegration potential, along with a statement of support or non-support for the offender's release.

Section 84 decisions are established within community-based hearings. Essentially, members of both the Aboriginal and non-Aboriginal community are able to participate in meetings where the objective is to develop a viable release plan for the offender (Parole Board of Canada, 2012) and to assess whether or not placing the offender in the community will be beneficial to all parties involved. Factors to be considered include static and dynamic factors: Static factors are components of an offender that cannot change (for example his criminal history). Dynamic factors can be refined (for example criminal associates, criminal attitudes, substance abuse, marital status, education & employment) (Brown, 2004). It should be noted, however, that release plans for offenders, especially those that plan on pursuing section 84, are often drafted during the beginning stages of the incarceration period. Based on these factors, the case management team, institutional parole officers, and members of the Aboriginal community work together to develop a release plan consisting of programs and spiritual activities that they believe would be beneficial for the offender.

2.4. The Aboriginal Justice Strategy

The Aboriginal Justice Strategy was established in 1991 and continues to be an integral part of Aboriginal justice. The AJS was developed in effort to reduce crime in Aboriginal communities across Canada by involving Aboriginal communities in the local administration of justice through decision making, traditional practices, and culturally based programs (Department of Justice, 2012a). The Canadian government relinquished control of Aboriginal communities and supported their attempt to reinstate a justice system that they could utilize on their own terms. The AJS was developed to assist Aboriginal people with funding and support with the goal of successfully building an Aboriginal, community-based justice system that parallels Canada's mainstream justice system. The primary goals of the AJS initiative include

(1) To help reduce crime and incarceration rates in Aboriginal communities with community-based justice programs

(2) To increase the involvement of Aboriginal communities in the local administration of justice

(3) To provide better and more timely information about community justice programs funded by AJS; and

(4) To reflect and include aboriginal values within the justice system (Department of Justice, 2011a).

As of August, 2012, the AJS had been funding 275 community-based programs throughout 600 communities across the country; 27 operating in British Columbia (Department of Justice, 2012b). Programs focus on a variety of topics ranging from diversion programs and sentencing circles, the convergence of traditional native and Western laws, and crime prevention (Department of Justice, 2012b).

Many programs and services are designed for members of specific bands. This becomes problematic in metropolitan areas like Vancouver, whose Aboriginal population is comprised of members of multiple tribes. Vancouver's Aboriginal population is predominantly First Nations; therefore, many of the programs and services follow the spiritual practices of the First Nations people. This poses potential problems as there are also a number of other persons with Aboriginal backgrounds residing in Vancouver, specifically individuals of Métis, or Inuit upbringing.

2.5. Aboriginal Corrections Continuum of Care

The Aboriginal Corrections Continuum of Care (ACCC) is a model that was introduced in collaboration with Aboriginal stakeholders working with CSC and CSC staff members. According to CSC, the continuum was created to address the notion that the biggest obstacle hindering the rehabilitation of Aboriginal offenders was their lack of participation in Aboriginal spiritual activities and culturally sensitive programs (Correctional Service of Canada, 2006). It was concluded that Aboriginal offenders would be more responsive to programs facilitated by Aboriginal people. In 2003, the Continuum model was developed to address this issue. The Aboriginal Corrections Continuum of Care Model:

- Starts at intake by identifying Aboriginal offenders and encouraging them to bridge the disconnect between them, their culture and communities;
- Helps direct the healing process in institutions to better prepare Aboriginal offenders for transfer to lower security and for conditional release;
- Engages Aboriginal communities and involves them in supporting reintegration;
- Ends with the establishment of community supports to sustain progress beyond the end of the sentence and to prevent re-offending.

(Correctional Service of Canada, 2006, p. 7)

Today, the ACCC model continues to be the basis for which Aboriginal offenders are managed within CSC. The aforementioned measures are good in theory but the Continuum is ineffective if all parties are not engaged in the approach. The Continuum, if broken down, requires the participation of CSC staff and Aboriginal community members in the institutions as well as communities, at *all* levels of the agency. Unfortunately, there appears to be some uncertainty in both parties regarding procedures, definition of terms, and approaches used to employ justice. These issues do not arise solely in terms of the ACCC model, but around the permanent establishment of a parallel system altogether. This issue will be discussed in a later section.

2.6. Canada's Aboriginal Population

Prior to exploring components of conditional release for Aboriginal federal offenders, it is important to understand their specific population, not only in terms of their position in the criminal justice system, but also within Canadian society. In 2006, Aboriginal people represented 3.8 percent (1,172,790) of Canada's population; approximately 5 percent (196,075) of the population residing in the province of British Columbia (Statistics Canada, 2006). There are approximately 40,310 Aboriginal people living in Vancouver, representing nearly 4 percent of Vancouver's population (Statistics Canada, 2006). In recent years, there has been a shift of Aboriginal people leaving their reservations and moving into cities across Canada. In fact, statistics reveal that there are currently more Aboriginal people living in urban centers than there are living on reservations (Hanselmann, 2001). Between 2001 and 2006, the population of Aboriginal people residing in metropolitan Vancouver increased by 9 percent (Statistics Canada, 2006). According to the 2006 census, 58 percent (23,515) of Vancouver's Aboriginal population identified themselves as First Nations people, 37 percent (15,075) identified as Métis, and 1 percent (210) identified as Inuit (Statistics Canada, 2006).

2.7. Aboriginal People in Canadian Corrections

A report published by the National Parole Board (NPB) of Canada in 2009 reported that "Challenges related to Aboriginal people and the justice system have reached crisis proportions" (Parole Board of Canada, 2009). Evidence supporting this statement can be found in the numbers documented by Statistics Canada. In 2010, for example, Aboriginal people represented 3 percent of the Canadian population, yet represented 17.9 percent of the total federal offender population (Public Safety Canada, 2010, p.48). In 2009-2010, Aboriginal offenders represented 20.6 percent of the Canada's incarcerated population and 13.7 percent of the offender population released in communities across the country (Public Safety Canada, 2010, p.51).

A report written for the Office of the Correctional Investigator explains that the factors stimulating the crime cycle of Aboriginal people include their poor social history and current standard of living:

> The offending circumstances of Aboriginal offenders are often related to substance abuse, inter-generational abuse and residential schools, low levels of education, employment and income, substandard housing and health care, among other factors. (Mann, 2009)

A 2006 report conducted by Statistics Canada described the general population of Aboriginal offenders as:

> Aboriginal people are younger on average, their unemployment rates are higher and incomes are lower; they are more likely to live in crowded conditions; they have higher residential mobility; and their children are more likely to be members of a lone-parent family. They also have a lower level of education. (Statistics Canada, 2006, p. 6)

A report conducted by CSC illustrating offender profiles in 2009 demonstrated that Aboriginal offenders are less likely to be sentenced for a drug related crime, and were more often sentenced for a sex offence. Forty-five percent of the Aboriginal population admitted to Correctional facilities across Canada were young Aboriginals 30 years old or younger, 59 percent of which were considered to have low reintegration potential. Negative associations or having relationships with socially unfavorable individuals, was a common problem for offenders (Correctional Service of Canada, 2009). For example, 26 percent of offenders within the 2009 offender profiles reported gang affiliation. Most notable is the statistic reflecting criminal histories: 93 percent of Aboriginal offenders had served prior sentences (Correctional Service of Canada, 2009).

Aboriginal offenders are more likely to be incarcerated for violent offences than non-Aboriginal offenders (Correctional Service of Canada, 2009; Trevethan, Moore, & Allegri, 2005). It should also be noted that there is variation among Aboriginal groups and types of violent crime committed: research conducted by Motiuk and Nafekh (2000) found that First Nations offenders were overrepresented for homicide and sexual offences, Inuit offenders were more often admitted for sexual offences, Métis offenders were typically underrepresented for homicide, sex offences, robbery and drug offences (Motiuk & Nafekh, 2000; Moore, 2003).

The background information provided above is simply a brief synopsis of the main initiatives that have founded today's Aboriginal justice approach. It is acknowledged that the current work is a project; therefore in depth research is not

conventional. However, for readers that are unfamiliar with the social and political history of Aboriginal justice, the information provided is essential to properly understand and appreciate the particular circumstances pertaining to Aboriginal offenders on conditional release in Vancouver.

3. Roles and Responsibilities

3.1. Parole Officers

Parole officers work within correctional facilities as institutional parole officers (IPOs) and in the community as community parole officers (CPOs). For the purpose of this project, the focus of this discussion will remain on CPOs. CPOs first become involved with federal offenders once offenders apply for some type of conditional release, as it is the community parole officer that typically reviews offender files and puts forth a recommendation to the National Parole Board stating whether or not they believe the offender should be released to the community. Upon release, offenders are assigned a parole officer who develops a release plan for offenders to follow while serving the remainder of their sentence.

The CPO becomes their immediate source of support and supervision. It is the responsibility of the CPO to help offenders adjust to the reality of social norms, all while maintaining public safety and making certain that offenders do not pose a threat to the community. CPOs are responsible for ensuring that offenders follow the conditions imposed by the NPB; Conditions that were put in place in effort to avoid offender recidivism. CPOs work closely with psychologists and mental health workers, halfway house staff, and other integral participants involved in offender rehabilitation to accurately assess the risk posed by the offender, not only to society but to themselves.

An observation made during my practicum was that offenders perceived privacy and independence as a right, often believing that their release in the community meant that their rights and privacy were reinstated. It seemed as though some offenders were so absorbed by their new community setting that they failed to remember that they were still serving their sentence under the authority of CSC. They were reminded of this by their CPOs, who immediately after intake become involved in all aspects of an offender's life. CPOs familiarize themselves with family members, employers, intimate partners

and close friends, review bank statements and employment stubs, and as sess prescriptions and medical assessments. Essentially, offenders serving their sentence in the community relinquish any form of privacy they may have had, though their right to absolute privacy was revoked at the time of their incarceration.

3.2. Role of Elders

Elders are a central part of Aboriginal communities and an integral component to healing. As such, it is important to properly portray Elders and the role they play in the Aboriginal community. According to the definition provided by the Commissioner's Directive,

> An Elder is any person recognized by an Aboriginal community as having knowledge and understanding of the traditional culture of the community, including the physical manifestations of the culture of the people and their spiritual traditions. Knowledge and wisdom, coupled with the recognition and respect of the community, are the essential defining characteristics of an Elder. Some Elders may have additional attributes, such as those of traditional healer. Elders may be identified as such, only by Aboriginal communities.
> (Commissioners Directive Aboriginal Programming; Couture, 2000, p. 38)

As a leader of the community, Elders are instrumental in the discussions leading up to an offender's release. Their role is to provide cultural insight that may assist in the decision making process, however, they have no influence in the decisions being made, as this is left to CSC.

Once an offender has applied for a section 84 release, they are scheduled for a community-assisted hearing. The hearing generally takes place in the community accepting the individual pending release, and community members are invited to attend. Elders are present for the community-based hearing and inform members of the National Parole Board of culturally sensitive information pertaining to Aboriginal traditions (Parole Board of Canada, 2012). Other participants typically present for hearings include a hearing officer, an institutional parole officer, community members, and an Aboriginal Community Development Officer (Parole Board of Canada, 2012).

When an Aboriginal offender requires assistance, guidance, or feels the need to speak to someone about personal issues, they typically refer to their Elder. A study assessing ethnic responsibilization strategies employed in front of the National Parole Board confirmed the significance of Elders in an offender's sentencing process. Elders are able to verify that offenders are engaged in their healing plan and committed to meeting with them to address specific issues pertaining to rehabilitation. Participants also reported that once they were eligible for conditional release, participation in cultural practices appeared favorable in terms of their rehabilitation, stating that to win the approval of the NPB, "their best strategy was to participate in native programs in the institution and then to persuade the board that they would stay connected with Aboriginal communities upon release" (Silverstein, 2005, p. 344).

The relationship between an Elder and a client is typically much stronger than the relationship between an offender and his parole officer. Elders and parole officers both work towards effective supervision and rehabilitation of the offender with public safety in mind, however, Elders are not associated with CSC and provide an ethnic and spiritual connection that most parole officers cannot. Offenders generally share information with their Elders that they fail to share with CSC staff members, providing them with a good understanding of their specific routines and risk factors. As a result, parole officers attempt to maintain open communication with Elders to better monitor the progress of offenders. During my practicum, I made several phone calls to Elders who acted as collateral contacts. In my experience, Elders were willing to work in collaboration with parole officers by discussing any development or concerns they may have had towards a particular individual.

A concern voiced by a number of the Aboriginal offenders I met with was that contacting their Elder was often difficult. There are far fewer Elders than there are offenders following the Aboriginal path, and Elders have additional responsibilities outside of offender consultations. Another issue pertaining to Elders is the fact that offenders often refuse to meet with an Elder that is not their "home Elder". As mentioned in an earlier section, offenders are often released to Vancouver but have originated from other communities across Canada. Their release places them not only into Vancouver's new urban environment, but perhaps into a new Aboriginal community altogether. This becomes an issue for many Aboriginal offenders on conditional release because their

healing plan requires them to participate in Aboriginal culture and practices. Since meeting with an Elder typically falls under the requirements of a healing plan, offenders risk appearing disengaged in their rehabilitation process when they report to their parole officer that they have not been in contact with their Elder. This emphasizes the importance of open communication between Elders, healing lodge staff, parole officers, and their clients (offenders) when maintaining effective supervision of Aboriginal offenders.

3.3. Aboriginal Liaison Officer

In hopes of providing an easier transition from the institution to the community, CSC developed a position referred to as Aboriginal Liaison Officer (ALO). An ALO is employed at the parole office and works with Aboriginal offenders, typically those who have pursued section 84. An ALO is familiar with Aboriginal culture and the unique social history of Aboriginal people, and as such, they assume the role of an intermediary between the offender and non-Aboriginal members that are part of their rehabilitation efforts (specifically CSC staff). The ALO is familiar with the city they work in and is well-informed about the spiritual and cultural services offered in the offender's release area.

There is one ALO working out of the Vancouver Parole Office. The ALO meets with offenders individually and assesses their specific needs. From this assessment, the ALO is able to determine which programs and services would best benefit the offender. The ALO calls offenders to schedule specific events, but is careful not to be overwhelming or too assertive. Aboriginal culture emphasizes equality among individuals, and maintaining a balanced relationship with the offender is important, as it allows the offender to maintain independence and accountability for his decisions.

Responsibilities of an ALO include developing an effective release plan based on both internal and external programs that they believe will help reintegrate offenders into their original or preferred communities. The ALO is in contact with numerous members of CSC in addition to outside agency staff members, and works closely with parole officers. In addition, the ALO acts as an escort while attending weekly meetings and program sessions with offenders. For example, the ALO at VPO transports offenders

from numerous residential facilities in a CSC vehicle and brings them to various programs around Vancouver, including Warriors against Violence Society (WAVS), West Coast Night at the Vancouver Friendship Center, or life skills courses offered at COEL.

One area of concern identified by the writer is the level of safety surrounding the position of an ALO. As mentioned above, it is the responsibility of the ALO to pick up offenders in a CSC vehicle and transport them to various programs around Vancouver. The ALO may have anywhere from one to six offenders in the vehicle at a time. It is understood that working with a population of potentially dangerous federal offenders is part of the job description at CSC. It is also acknowledged that it is the responsibility of CSC to encourage successful reintegration into society, and as such offenders should be treated with respect and a level of freedom. However, it is concerning that the ALO has no type of safety precautions available. The focus of the ALO, during the time of transport, is on driving and not on the actions of the offenders. More importantly, the offenders are sitting behind the ALO who is driving the vehicle, and as such their actions are not easily visible. Realistically, if an offender were to attempt to harm the ALO from behind, the ALO would be defenseless. It should be noted that an ALO is accompanied by a volunteer or another CSC member, *only* when they are transporting a tandem offender: an offender who has been identified as requiring the supervision of more than one CSC staff member or volunteer. In all other cases, the ALO transports offenders unassisted. It is the recommendation of the writer that safety precautions should be reconsidered by CSC.

4. Aboriginal Justice and Community Corrections: Aboriginal-Integrated Community Program Maintenance (ICPM)

In recent years there has been a heightened interest by policy makers in finding programs that effectively lower recidivism rates for federal offenders because "in the absence of material, psychological, and social support at the time of their release, offenders have a very difficult time breaking the cycle of release and re-arrest" (Dandurand, Christian, Murdoch, Brown, & Chin, 2008, p. 5). Recently, CSC has developed a new maintenance program referred to as the Aboriginal ICPM program. The Aboriginal ICPM program is a relatively new service offered specifically to Aboriginal offenders or non-Aboriginal offenders who have chosen to follow the Aboriginal spiritual path. The program is based on the notion that incorporating Aboriginal spirituality and a holistic approach to recovery is essential when dealing with Aboriginal offenders. The Aboriginal ICPM program is a revised version of the Community Maintenance Program (CMP), a "follow-up" (or maintenance) program designed specifically for offenders who have been granted conditional release into the community. The initial Community Maintenance Program was launched in 2001 in ten areas across Canada (Luong, MacDonald, McKay, Olotu, & Heath, 2011) and was considered an all-inclusive program in that it aimed to meet a broad range of offender needs.

By 2008, CSC concluded that the "all-inclusive" approach was not producing the desired results. CSC decided to re-evaluate the after-care program and explore the possibility of developing a program that met the unique needs of specific offenders. An evaluation conducted by Luong et al., (2010) demonstrated that the CMP was generally effective in assisting offenders; results from the evaluation illustrate that offenders who had participated in the CMP were less likely to return to custody and be re-admitted than offenders who did not participate (Luong et al., 2010; Correctional Service of Canada, 2010b). With such positive feedback, CSC decided to maintain the

foundational core of the CMP and break the program into three individual programs that accommodate three separate offender populations.

By 2010, CSC had completed a new version referred to as the Integrated Community Maintenance Program (ICPM), which had been launched as a pilot program across Canada's Pacific Region (Correctional Service of Canada, 2010b). The ICPM was developed using the fundamentals of the CMP, in addition to the Motivation-Based Intervention Strategy (MBIS), a program designed to motivate offenders to change behavior and mindsets that lead them to engage in criminal activity (Luong et al., 2010). As oppose to the CMP that was broad in nature, the ICPM program offers three separate programs: 1) the multi-target program, 2) the Aboriginal ICPM program, and 3) the ICPM-Sex Offender program, which is designed to address the unique needs of sex offenders; all of which offer a form of holistic maintenance.

As mentioned earlier, CSC alone had been incapable of properly assisting Aboriginal offenders and reducing incarceration rates. Therefore, cooperation between CSC and Aboriginal communities across the country was an essential part of developing an effective and valuable program. As a result, the Aboriginal ICPM program was designed in collaboration with CSC members as well as the Aboriginal community including the Elders of the Purple Spirit Bundle, the ICPM Elders Committee, the National Elders Working Group, "and the Elders that work in Aboriginal Programs and institutions across Canada" (Henry, 2012, forward).

4.1. Program Structure

The Aboriginal ICPM program takes a holistic approach with the objective of improving Healing Journey plans of offenders (Henry, 2012). It is a twelve week program and each week the program holds a single session that lasts approximately two hours in length. The program is held at the Vancouver Parole Office and is facilitated by the Aboriginal Correctional Programs Facilitator. Each session of the program focuses on a different topic meant to address the needs of participants. There are twelve topics that include: Integration Impacts and the Sacred F.I.R.E Within, Shadow Beliefs, Emotions, Steps to Manage Shadow Thinking, Finding a SMART Balance, FOCUS,

Personal Teachings (Skills), Personal Teachings (skills) and Shadow Side of Teachings, Supports, Managing Triggers, Beliefs and Self-Talk, and Education and Employment (Henry, 2012). The program is based on a twelve session cycle; however, there are often instances where offenders are required by their parole officer or other members of their Case Management Team to participate in further sessions. For this purpose, there are alternative sessions that may be used at the discretion of the program facilitator. The focus of those sessions may be chosen based on the overall needs of the offender group participating in additional cycles of the program.

Each session is conducted with participants forming a Talking Circle, which emphasizes the idea of openness and equality. Participants are informed that personal criticism or judgment should not be directed towards others, as *everyone* in the room, including the facilitator, is considered to be equal, and participants are all present to address intimate problems. According to the Aboriginal ICPM program manual, ceremonies are typically meant to be led by Elders (a spiritual leader of the Aboriginal community), or in conjunction with an Elder and the program facilitator. However, in the Vancouver area where the availability of Elders is currently limited and as such they are often unavailable to attend sessions. In cases like this, the program facilitator leads the session but is encouraged to consult with Elders and discuss how to conduct ceremonies prior to doing so.

Each assembly begins with a "Circle Opening & Balance Check" (Henry, 2012), where offenders explain to others how they are feeling and where they are coming from emotionally that day. The notion of a balance check is to identify where offenders are coming from so that participants are able to establish a better understanding of the attitudes and perspectives in the room. In the "Circle Opening & Balance Check" segment, the program facilitator can use personal challenges expressed by offenders to apply themes from the program. In addition, a sense of normalcy may develop in that offenders can relate to one another and see that everyone is experiencing radical emotions and challenges in their journey.

The following portion of the session includes the semi-structured teachings of the program facilitator and is meant to last between 70-80 minutes. The term "semi-structured" is used to illustrate that while a specific theme is held for that time frame,

each session is different and reflects the concerns or interests of the particular group of participants. It is at this point where one of the twelve aforementioned themes are discussed. Offenders are given the chance to work in large groups, small groups, and individually. The third and final portion of each session is referred to as "Closing the Circle". The format of this segment is generally decided by the program facilitator, but generally includes a brief summary of that day's lesson as well as additional comments, concerns, or feedback offered by offenders.

There is to be one Ceremonial Session held for each twelve week program cycle. This session may take place at anytime throughout the program and is scheduled by the program facilitator. In most cases, the ceremonial session is to be facilitated by an Elder and not by the program facilitator. In the case of the program being held out of the Vancouver Parole Office, the program facilitator is a Sundancer and has been given the right to hold sweat ceremonies. As such, he has been given permission by the Regional Elder to run the ceremony without the presence of the Elder.

In order for offenders to be accepted into the Aboriginal ICPM program, staff members at CSC refer to the Custody Rating Scale (CRS), an assessment that determines the security classifications of offenders as minimum, medium, or maximum. This assessment is based on two components: Institutional Adjustment, which examines factors including an offender's escape history and age, and the Security Risk Scale, which focuses on the number of prior convictions an offender has, or his sentence length (Rugge, 2006).

If an Aboriginal offender is rated as medium or maximum on the CRS, he is automatically referred to the program. Typically, if an offender is rated as minimum, he will not be placed into the program, as studies have shown that this may be counter-productive in offender rehabilitation (Andrews, 1996; Andrews & Bonta, 2010; Zinger, 2012).

The program is essentially used to prevent the deterioration of future behavior and recidivism. As with most things, there are exceptions to these standards of admission. For example, an offender who is rated as minimum on the CRS may be referred to the program if his parole officer deems it necessary. In this case, the

manager of the programs and the parole officer would choose whether or not the offender would benefit by participating in additional programs. On the other hand, an offender who is rated as medium or maximum may be deferred from the program if he has completed similar program requirements in the institution or has presented outstanding behavior while on release in the community.

Aboriginal ICPM has a limit of ten participants for one facilitator, however the number of participants referred to the program each term vary. In recent months, there has been an increase in the number of offenders pursuing section 84. As a result, the Vancouver Parole Office has added an additional program that takes place on Wednesday mornings to ensure that offenders do not have to be waitlisted.

One issue that was mentioned by staff members at CSC is that several of their Aboriginal clients were incapable of understanding certain parts of their lessons. The Aboriginal ICPM program, in addition to other mainstream programs offered to offenders, both Aboriginal and non-Aboriginal, are presented in a westernized manner and often at a higher standard of learning than many clients are capable of comprehending.

This is not to say that Aboriginal offenders are incapable of learning at a level equivalent to non-Aboriginal offenders. Rather, the circumstances surrounding their social history have prevented them from achieving the same level of education as the rest of the general population. In 2006, for example, Statistics Canada reported that 25 percent of Aboriginal men had less than a high school degree, compared to 10 percent of non-Aboriginal men (Statistics Canada, 2006). Regarding post-secondary education, approximately 48 percent of Aboriginal men had completed some type of post-secondary education, 19 percent less than non-Aboriginal men (67 percent of which had completed some sort of post-secondary education) (Statistics Canada, 2006).

It should be noted that while 48 per cent of Aboriginal men have some post-secondary training, they predominantly pursue training in a type of trade, rather than pursuing an academic career. As such, they are not given the fundamental teachings in subjects including English, writing, or critical thinking; topics that are applicable and often essential to everyday activities.

A concern expressed by the program facilitator of Aboriginal ICPM is the fact that CSC is incorporating new concepts into session work that is difficult for offenders to understand. There are instances where course material is based on Western ideas or cases where lesson work is structured in a way that individuals without a certain level of academic training can comprehend. As a result, there is a risk that the lessons incorporated into session work will be less effective. The purpose of the Aboriginal ICPM is to address offender needs in a culturally appropriate manner in hopes of reducing re-admission rates. This is not an academic session, but a chance for offenders to become more self aware. As such, program material should be concise and comprised of concepts that will resonate with the target audience (Aboriginal participants).

For example, a self-monitoring tool used in the mainstream ICPM program is the "stop light". The colors of the stop light represent the way an offender is feeling, and where he is in terms of progress. If an offender is in the green, he is doing well, is relatively stable, and feels no urges to return to a life of crime. He is on a good path towards successful reintegration and rehabilitation. On the other hand, if an offender is in the red, he is close to, or has already, engaged in criminal activity. The concept of a stop light is easy to comprehend, as most people, from rural or urban locations, understand the function of a stop light.

The self monitoring tool used in Aboriginal programming is different than the tool used in the mainstream program, and includes an additional step. Rather than the three stages of a stop light, the Aboriginal program uses F.I.R.E. According to the program manual (Henry, 2012), the "F" represents the sacred flame and symbolizes that an offender is feeling as though everything is balanced, and that relationships, support, feelings, thoughts and/ or behaviors are in control and wellness is at its best. The "I" represents "Ignite", symbolizing that everything is OK, but that there is room for improvement. Thoughts and behaviors are beginning to balance out, but have not been completely stabilized. The "R" stands for "Risky", suggesting that offenders feel as though things are not satisfactory, and that key components to a stable life including relationships, support, feelings and behavior are slipping out of control. Finally, "E" stands for "Empty". Offenders use "Empty" to represent the fact that they are walking down the "Shadow Road", meaning that everything is out of control in their life and they

are operating with no sense of balance (Henry, 2012). They may be experiencing negative emotions including anger, rage, shame, resentment, worthlessness, hopelessness, or jealousy, and these emotions could easily lead them back towards their crime cycle.

A frustration voiced by the program facilitator is that the Aboriginal program is incorporating new concepts that are more complicated and include extra steps, to a group of participants that typically have less of an education than the general population. Realistically, there is no reason to introduce a new exercise illustrated in an abstract manner, when the purpose of the lesson can be demonstrated by a simple stop light.

Enhancing the problem is the fact that while the Aboriginal community and CSC factions utilize the same terms, they interpret the terms differently. In other words, the definition of the term and the means of achieving the associated skill or outcome are sometimes inconsistent, making it more difficult for offenders to follow. The importance of defining key terms and definitions will be discussed in a later section.

4.2. The Medicine Wheel

Components of Aboriginal corrections are built upon the notion of the Medicine wheel, which is based on Aboriginal spirituality and practices, emphasizing the idea that everything in life moves in a circular formation and that individual fulfillment is met within. The Medicine wheel highlights four critical components of life: the physical, the mental, the spiritual, and the emotional (Julien, Wright, & Zinni, 2009). Derived from these four concepts, CSC and members of the Aboriginal community have developed a similar wheel based on research that has identified common contributing factors to Aboriginal criminal engagement. According to the former studies, four factors have been identified as influential factors that lead offenders to recidivate. These four factors were aligned with the four main components of Aboriginal tradition and include antisocial behavior, associates, personality, and cognition and behaviour, and are addressed throughout the program by means of support/interconnectedness, emotions, clear thinking and decisions, and lifestyle and behaviour (Henry, 2012).

It is within the Medicine Wheel that participants of the program are to work. Exercises are formatted to help offenders identify specific contributors from each category, and explore the ways in which these contributors influence their behavior and mindsets. According to the forward in the Aboriginal ICPM training manual, the four themes mentioned above are at the core of every lesson plan and "are the root of each participant's personal targets to manage his risk factors and form the four areas of the pocket plan" (Henry, 2012, p. 3).

5. Offender Rehabilitation and Reintegration: Possible Challenges

Offenders on conditional release are exiting a society within the confines of the prison walls; a structured society whose rules and norms differ dramatically from those held by the general population. As a result, offenders are forced to adjust quickly to Vancouver's fast paced lifestyle. Most offenders are quickly faced with certain accountabilities that were of no concern to them while in the institution, including housing, employment, medical, and other responsibilities. In 1993, McMurray conducted a qualitative study where he interviewed high-risk offenders to identify self-reported challenges that they faced once released into the community. McMurray found that the parolees most commonly referred to personal problems, discrimination, drug use, and financial problems as risk factors that jeopardize a stable release (McMurray, 1993). Another challenge is the lack of community support many Aboriginal offenders have. These factors enhance the risk of offenders returning to criminal activity, breaching conditions, and as a result may potentially force offenders back into the CJS.

5.1. Establishing Community Support in Vancouver

> The renewal of spirituality in general and indigenous cultural forms of spirituality in particular, is very central to the healing journey for most Aboriginal communities. When communities have been forcibly separated from their own spiritual roots for a long enough time, a lack of vision and coherence at the core of community life tends to make it difficult for the people to 'see' any pattern of life for themselves other than the one in which they are currently enmeshed. On the other hand, it has been clearly demonstrated that rekindling spiritual and cultural awareness and practices can greatly strengthen the coherence and vitality of a community healing process. (Lane, P. Jr., Bopp, M., Bopp, J., & Norris, J., 2002, p. 57; Aboriginal Healing Foundation, 2007, p. 37).

A crucial component to Aboriginal justice and tradition is the notion of community. The healing journey for Aboriginal offenders requires the involvement and participation of community members. However, the term community is generally subjective and is often understood differently by Aboriginal and non-Aboriginal people.

Dickson-Gilmore and La Prairie (2005) explain that there are many factors associated with defining a community including size, lived experience, and geographical location. Hunt and Smith (2005) have stated that community:

> …can take the form of a geographically dispersed group who have a common history or shared identity including a language group. The community is linked together by a web of personal relationships, cultural and political connections and identities, networks of support, traditions and institutions, shared socioeconomic conditions or common understandings and interest. (Hunt & Smith, 2005, p.6)

Defining a community in an urban area such as Vancouver may prove to be a challenge. For example, Aboriginal offenders reporting to the Vancouver Parole Office come from locations and correctional facilities across Canada, and make up a diverse Aboriginal population. For some offenders, Vancouver is a new city where they have no family members or community support. In addition, some Aboriginal offenders originate from close-knit Aboriginal communities and small reservations, while others were raised in urban areas. Some Aboriginal offenders may have followed the Aboriginal path throughout their lifetime, while others may have been raised within the general Canadian population. The aforementioned factors complicate the standard of spirituality, commonality, and support, thus complicating the establishment of community.

Aboriginal diversity within Canadian federal institutions was illustrated in a 2006 report, declaring that First Nations represented 68 percent of Aboriginal federal offenders, followed by Métis (34 percent), and Inuit (4 percent) (Correctional Service of Canada, 2006). Adding to the challenge are the non-Aboriginal offenders who have chosen to follow Aboriginal spirituality, creating an additional group of individuals. The Aboriginal program facilitator from the Vancouver Parole Office reported that in terms of programming, there seems to be no resistance for members of one tribe to work with another. Aboriginal teachings are generally universal and are inclusive of the general population of offenders reporting to the Vancouver Parole Office. The main problem, in

regards to the Aboriginal ICPM, rather, is that some participants refuse to follow an Elder who is not their "home Elder". Complications also emerge when program participants are scheduled to participate in ceremonial practices that are not true to their origin. For example, there have been instances where the Coast Salish have refused to participate in Sweat ceremonies or offenders originating from the prairies refuse to participate in cold water baths. Despite these few instances, the program facilitator reported no other cases where offenders refused to work with others due to differing cultural backgrounds.

Doward's (2005) thesis explores the development of the Vancouver Aboriginal Transformative Justice Society and the program's influence in building Vancouver's Aboriginal community. Doward concluded that a community consists of "relationship-based connections that comprise and reflect collective unity of Aboriginal people" (p. 38). It is my impression then, that the concept of community is not defined by whether or not the community is in an urban setting. Rather, it is defined by whether or not personal connections and mutual respect are pre-established.

This becomes a challenge for Aboriginal offenders who have been released to the Vancouver area on conditional release. As mentioned previously, many offenders are released to a new city where the only form of consistent support they have is their parole officer, CSC staff members, and other program participants, leaving offenders in search of other support systems. The Vancouver Parole Office, in addition to two of the main halfway houses, Belkin House PDP and Harbour Light, where many clients reside, are located in close proximity to Vancouver's Downtown East Side (DTES). The DTES is an area in downtown Vancouver known as the poorest postal code in Canada (Boyd, 2008) and in 2008 it was considered a transitional home for approximately 16,000 people. Of those 16,000 people, it was estimated that 40 per cent were Aboriginal (British Columbia Criminal Justice Reform, 2005).

During my practicum experience at the Vancouver Parole Office, a number of clients, both Aboriginal and non-Aboriginal, explained the dynamics of the DTES, stating that the area and the people within it have established a strong sense of community that outsider's typically cannot understand. Everyone is familiar with one another, which seems to provide a false sense of security. Unfortunately, at least 50 percent of the population suffers from addiction or mental illness (Street Crime Working Group, 2005).

These circumstances create significant risks to an offender's success of reaching his warrant expiry date, especially for those individuals who continue to struggle with the factors that contribute to their criminality and who have not received adequate programming and after-care maintenance.

The demographics of Vancouver put the stability of offenders on conditional release at risk. Several of the offenders that I met during my practicum, both Aboriginal and non-Aboriginal, had long histories of drug addiction and struggled to stay clean. As a result, some clients that I had spoken to claimed that they avoided the DTES as much as possible, taking longer, alternate routes to get to their target destination. Others, however, quickly migrated towards the DTES in search of community and friendship. One client described that DTES as having a sort of magnetism, attracting individuals in search of a community to call their own.

Many offenders, during their incarceration period lose their ability to function in normal society. Instead, they adapt to the norms of the institution. Once on conditional release, offenders often feel as though they no longer "fit in" with the general public. Griffiths and Cunningham (2000) stated that a "newly released offender can feel like a stranger, embarrassed and inadequate, and believe every person on the street can tell he or she has been in prison by appearance alone" (p. 361). This statement was reiterated by several of the clients at VPO, who explained that they felt as though they lacked a level of life skills; stating that they were either never taught them, or that they had lost them during their incarceration period. As a result, many offenders are quickly pulled in to the transient lifestyle of the DTES, molding into the social standards held within.

5.2. Positive Support and Effective Management for Offenders

Another issue that many of the Aboriginal offenders encountered during my thirteen weeks at VPO was finding a way to maintain community support while following the conditions instated by the National Parole Board (NPB) for their release. Prior to being released into the community, the NPB assigns mandatory conditions to an

offender's release plan. In addition, special conditions are issued based on recommendations made by the offender's case management team and the crime for which the offender is currently serving his sentence.

If these conditions are breached, the parole officer has the right to issue a warrant and take further action by suspending, revoking or maintaining their conditional release. Further action may include a warning, a referral to the Temporary Detention Unit (TD Unit), referral to a substance abuse program, or return to an institution. Offenders at VPO, both Aboriginal and non-Aboriginal had expressed that they understood why conditions were imposed, but stated that they were often difficult to abide by. This was especially true for offenders whose special conditions included "avoiding certain persons" (either specific individuals who were associated with the offender's index offence or *all* individuals with criminal records). Several clients said that it was awkward asking whether or not someone has a criminal history, especially when they were in the process of beginning a new relationship.

This issue seemed to be even more problematic for Aboriginal offenders, as many of their relatives and community support either have a criminal history, or struggle with drug and alcohol abuse. Prior to an offender's release, the offender creates a list of potential locations where they may reside once in the community. Typically, the addresses listed are those of family members or close friends who can support them during their transition period from the institution to the community. In order for an offender to be able to live with someone, a member of CSC (typically a parole officer or a CSC contractor) travels to the residence and conducts a Community Assessment. A Community Assessment gives the parole officer a chance to examine the living quarters and to verify that there are no issues pertaining to the residence or the individual offering support that may negatively impact the offender's progress.

During the Community Assessment, the individuals being interviewed fill out a form that is sent to the Canadian Police Information Centre (CPIC). By signing the form, the individual is granting permission for the CPO at VPO to run a background check, ensuring that they have no criminal history. CPIC forms are signed during the community assessment where interviewees are given a chance to be honest about their criminal history.

On several occasions during my practicum term, CPIC results found that sources of community support were not being truthful, or that individuals were minimizing the situation regarding any criminal charges they may have accrued in the past. The situation becomes difficult for parole officers to enforce, especially in cases where the offender's listed support is their only relative in the area. Essentially, CSC is asking the offender to refrain from associating with the one familiar source of support. Offenders who are released with no residency condition and no community support are forced to find housing as quickly as possible, and until they do, they are forced to stay in local shelters, once again exposing them to a transient population.

In addition, finding a residence in Downtown Vancouver that meets the budget of an offender on conditional release is not always attainable. During their search, many offenders reported unpleasant living environments including cockroaches, bed bugs, and transient neighbors involved in criminal activity. The risk of an offender breaching his conditions while on conditional release increases significantly when they have unstable living accommodations (Motiuk & Porporino, 1989; Drake, 2003). It should also be noted that without a stable place to reside, "post-release programming, substance abuse treatment, and employment opportunities might be compromised (Bradley, Oliver, Richardson, & Slayter, 2001; Drake, 2003, p. 5).

5.3. Issues Pertaining to Offender Re-admission to Correctional Facilities

The recurring reason offenders had their conditional release revoked by their parole officer during my practicum experience was because they breached their condition to abstain from intoxicants. This seemed to be more typical for offenders who socialized in Vancouver's Downtown Eastside community, and appeared to be a standard issue for both Aboriginal and non-Aboriginal offenders. This becomes problematic when offenders are not provided with sufficient program or after-care support that addresses their substance dependency.

During supervision meetings with offenders who have a history of substance abuse, parole officers typically ask if the offender has experienced any recent urges to

use. It appeared, during my experience, that most offenders are good at "impression management" and hesitate revealing incriminating information that may sacrifice their conditional release status. I believe that offenders assume that parole officers ask this question with the purpose of reporting a breach of conditions, while in fact parole officers ask the question in order to provide necessary assistance to address the issue *before* a breach occurs.

An offender's urge to use is not typically because he is craving the drug, but because the drug is his escape from the chaos and instability of his lifestyle and acts as his coping mechanism. Identifying an offender's urge to use is the first step. The second step requires the CPO to identify the cause of the craving.

5.4. Suicide, Self-harm, and Offender Safety

Suicide and self-injury occurs more frequently in correctional facilities than they do in the general public (Power, Riley, Correctional Service of Canada, 2010). A CSC report reviewing cases of self-harm and suicide in Canadian correctional facilities illustrated that approximately 20 percent of the suicides that transpired under CSC jurisdiction were Aboriginal, a proportion similar to their representation within the general CSC population (Power, Riley, Correctional Service of Canada, 2010). Literature has documented factors including overcrowding in the institution, isolation, lengthy sentences for violent offences, mental health problems, and substance abuse as contributors leading to suicide (Backett, 1987; Magaletta, Patry, Wheat & Bates, 2008; Power & Riley, 2010). In addition, studies have shown that suicide risk is higher for offenders in the days following their release from prison (Power & Riley, 2010).

There are strong implications that result from re-admitting offenders into Temporary Detention (TD) Units or other correctional facilities. Studies have shown that remand centers, facilities that hold offenders waiting to be seen by the court, have the highest rate of suicide (John Howard Society, 1999). Offenders who have their community release revoked often experience emotions of defeat, frustration, or failure. In addition, immediately upon detainment, offenders are unsure of how the NPB will proceed and what consequences they will face. Research has identified the suicide rate

among recalled offenders to be of serious concern, “as these prisoners are often upset, uncertain, and distressed, and they may not know why they have been recalled or how long they will remain in confinement (Prison Reform Trust, 2005; Liebling, 1992, Dandurand et. al, 2008, p. 3).

One of the clients I met at VPO was sent to the TD Unit after his urinalysis test came back positive. The offender had an uncle whom he had been spending time with in attempt to re-build their relationship. Unfortunately, the uncle was also under CSC supervision and had a history of substance abuse. The client had been struggling with depression but it appeared from his behavior in our supervision meetings that he was heading down the path of recovery. Within days after his admission to TD, it was reported by staff that our client had attempted suicide.

This adds a new dimension to the role of parole officers, as they are forced to consider the risk associated with revocation when deciding how to proceed with clients after they have breached the conditions of their parole. In this case, the offender appeared to be working hard to improve his lifestyle but was having trouble balancing the responsibilities and stresses of life outside of the institution. The decision of the parole officer to refer him to the TD unit was a positive one: In the TD unit the offender is able to participate in additional programming and address his issues pertaining to mental health and substance abuse, while constructing a revised release plan for his return to the community. Sending the offender back to the institution would risk imposing feelings of defeat and failure, enhancing his depression. In addition, he may have found it challenging to enroll in programs in the community as the waitlists are often longer than the remainder of an offender’s sentence who has already reached parole eligibility.

5.5. Healing Lodges

As part of the section 81 initiative discussed above, CSC has been working with the Aboriginal community to develop healing lodges across the country. Healing lodges are used to assist Aboriginal offenders reintegrate into society under the supervision of the Aboriginal community and according to Aboriginal spirituality and justice (Trevethan, Rutcher, & Rastin, 2002). According to CSC, there are two types of healing lodges in

operation across Canada. Some healing lodges were formerly operated by CSC. These facilities maintain common CSC procedures while incorporating Aboriginal tradition. The second type of healing lodges available to Aboriginal offenders are healing lodges that are privately run by members of the Aboriginal community, but hold contracts with CSC and run in accordance with CSC standards.

According to a 2002 CSC report, 53 percent of Aboriginal offenders admitted to healing lodge facilities were rated as high risk to reoffend, and 45 percent were rated as having low integration potential (Trevethan, Rutcher, & Rastin, 2002). These statistics demonstrate that healing lodges deal with a difficult population of offenders, some of which have been unresponsive to the rehabilitation methods imposed solely by CSC.

There are multiple healing lodges across the greater Vancouver area, and they typically collaborate with the parole office assigned to the specific region. In addition, healing lodges typically accommodate the needs of a specific demographic; housing males, females, and youth offenders as individual groups. Currently, there is only one Aboriginal healing lodge that accommodates specifically male Aboriginal federal offenders on conditional release in Vancouver.

Circle of Eagles Lodge Society (COEL) is located off East Broadway in Vancouver. It operates in a beautiful, newly renovated, multilevel facility. COEL is a male/ transgender only facility that accommodates offenders on conditional release from federal institutions who are supervised by the Vancouver Parole Office. The healing lodge has the capacity to house 17 individuals and allocates all 17 beds to CSC offenders. The cost of living for residents of COEL is covered by CSC; residents are not required to pay rent and are not responsible for the cost of food.

Offenders who are considered “Section 81 or Section 84” typically have a condition imposed on their release stating that they must be engaged in their healing plan. As such, residents are encouraged to participate in ceremonial practices and become involved in Aboriginal activities. According to the COEL website, the healing lodge holds pipe ceremonies once a month, in addition to weekly sweats. COEL also operates at another location, Anderson Lodge, a facility nearby that provides residency for female Aboriginal offenders released from federal institutions.

While at VPO, I was privileged to work with multiple clients who resided at COEL, and it was evident from the beginning that staff members at COEL had a very close relationship with clients, whom they refer to as brothers. They were highly involved in each individual case and were familiar with the standard dynamic factors (family/ support, employment/education, substance abuse problems, financial status, and cognitive/ behavioral issues). They gave each brother the freedom to advance through their conditional release independently, however, if a brother asked for assistance, COEL staff members were highly supportive.

On a number of occasions, COEL staff members attended supervision meetings, often speaking on their client's behalf. Together, the parole officer, healing lodge staff member, and the offender would develop a plan to address specific issues, ensuring to the best of their ability that the client acted in accordance with the plan.

An ongoing concern has been the relationship held between federal employees and healing lodge staff members. In order for the relationship to be positive and effective, trust must be established by both parties and a level of communication must be maintained. A study examining healing lodges across Canada found that there was a lack of communication and understanding between healing lodge staff and employees working in federal institutions. Specifically, the study found that there were frequent incidences where federal employees doubted the ability of healing lodge staff to "safely manage offenders" (Trevethan, Rutcher, & Rastin, 2002, p. 52). Finally, parole officers were often unfamiliar with the procedures conducted by healing lodge staff, and failed to understand the components of a healing lodge (Trevethan, Rutcher, & Rastin, 2002, p. 51).

Some healing lodges, especially those operating independently of CSC, allow offenders, within certain limitations, more freedom to do as they please. Offenders are given more independence by healing lodge staff, and privacy in terms of their daily activities. This mirrors the importance placed on accountability in Aboriginal culture; residents are trusted to behave according to the social rules of the house, and if they fail to do so, the consequences become the responsibility of the entire residential community, not solely the individual at fault.

Because COEL operates under the umbrella of CSC, it is in the opinion of the writer that COEL functions in a rather structured manner. At COEL, the daily activities and locale of brothers are logged each time they enter or exit the premises. They are asked to sign in and out of a log book, documenting their daily agenda. Curfews are typically set by parole officers, who determine a time based on their own discretion. However, there is also a house curfew which the brothers are asked to follow. Healing lodge staff are informed of individual curfews if they differ from those of the house, and inform parole officers or the National Monitoring Centre[1] when offenders fail to return to the facility on time.

The different approaches of supervision were made evident during the several visits I had at COEL and with COEL staff and residents. There appeared to be somewhat of a detachment between the federal staff and the healing lodge staff. Particularly, there seemed to be little understanding of the protocols held by healing lodge staff and the reasoning behind their actions and practices. The way clients were managed by both parole officers and healing lodge staff was rather inconsistent. As is the case with most residential facility staff, healing lodge staff seemed to be the intermediary between offenders and parole officers.

It should be noted that the observations made by the writer may be explained by the perceived role of both entities. On one hand, COEL staff apply justice according to Aboriginal spirituality, with the belief that everyone is equal, both in status and in responsibility for their community. Accountability is an important factor in the healing journey. As such, it appeared that healing lodge staff were slightly more lenient with their clients, allowing them to potentially make mistakes and learn valuable lessons in the process.

On the other hand, parole officers are a feature of CSC and rather than maintaining that sense of equality, they tend to operate in an authoritative manner. They are trained to supervise offenders, monitor their behavior, and ensure that offenders follow the conditions imposed by the NPB. More importantly, while parole officers aim

[1] National Monitoring Centre: NMC is responsible for after hour concerns regarding offenders. NMC is alerted when offenders conduct any program, boundary, or conditional violation.

for the success and rehabilitation of offenders, their primary goal is to maintain public safety. As such, parole officers are less lenient in excusing conditional breaches or deviancy; behaviour that may be overlooked by healing lodge staff. Maintaining open and friendly relationships with offenders is preferred and inevitably eases the supervision process. However, it is not a primary concern for parole officers. Regardless, it is important that healing lodge staff and parole officers understand the different approaches undertaken by the other in order to supervise offenders in a more consistent manner.

5.6. Defining Success and Healing

Non-Aboriginal and Aboriginal people often have opposing interpretations of the terms *justice*, *success*, and *healing*. As Crown Prosecutor, Rupert Ross (1994) quickly noted that the Aboriginal community and individuals of Western descent understood terms pertaining to justice in two different contexts. In his book titled *Dancing with Ghosts,* Ross states that:

> They [members of the Aboriginal communities] seem to be speaking about a picture of justice that is very different from the one I've been trained in. Indeed, many who speak from within this perspective don't even seem to begin their analysis of justice where we do. For them, the exhaustive dissection of justice issues contained in the reports of numerous royal commissions and task forces, with their focus on judges, Crown attorneys, lawyers, police, prisons and so forth seems almost beside the point. They look first toward very different kinds of players, people like alcohol and family violence workers, sexual abuse counsellors and the like. They then speak of creating (or re-creating) very different processes, ones that reconciliatory bridging and educational as opposed to adversarial. (Ross, 1994, p. 242)

Ross continues to explain that while both parties differ in their interpretation of *justice*, *success*, and *healing,* they also differ in their goals. Aboriginal community members and non-Aboriginal individuals may believe that both parties are working towards the same objective, however, once the expectations related to *justice*, *success*, and *healing* are clearly defined, it becomes evident that the goals do not always correspond. Ross describes his observations of such a case, stating that:

> Finally they seem to focus on very different goals as well, discarding the retroactive imposition of punishment for things that have already happened in favour of trying to bring people, families and communities into health and wholeness for the future. (Ross, 1994, p. 242)

There are two primary challenges associated with defining *success* and *healing*: First, both terms are broad in context and are often seen as subjective. Second, components of Aboriginal Justice Programs (AJP) including healing circles, sentencing circles, and group conferences are not held to any uniform structure. Rather, they are developed in a way that best suits the community running the program or project (Andersen, 1999; Daly, 2002). This becomes problematic when those conducting the evaluation generally determine the criteria for which success and healing are measured. Complications also emerge when program evaluations are performed by non-Aboriginal people who are unfamiliar with Aboriginal tradition and practices.

As previously stated, there are a number of differences in non-Aboriginal and Aboriginal customs. The reasoning, understanding, and communication of Aboriginal people typically do not coincide with those of bureaucrats. This is especially true for determining success: what is considered successful to the Canadian government may not be considered successful for Aboriginal people. For some individuals, identifying success means identifying low recidivism rates and the program's influence in reintegrating offenders back into the community. For others, success could mean that all parties involved, including the victim, offender, and community have reached a level of satisfaction with the Aboriginal process and the final outcome. It is also common for people to show interest in the amount of money saved by the CJS as a consequence of diverting offenders to AJP. Aboriginal communities, non-Aboriginal communities, victims, offenders, funders, governments and Aboriginal councils all inquire about Aboriginal justice programs; all have different societal roles and, as a result, have different perceptions of success.

For Aboriginal programs and communities, success is often defined in terms of healing. Their concern lies in whether or not the offender is healed, because it is only once an offender is on the healing path that the community is able to reintegrate them back into society and deter them from future engagement in illegal activities. Aboriginal people however, generally regard healing differently than non-Aboriginal people because

Aboriginal people are often healing from generations of "unresolved grief" (Cox, Young, & Bairnsfather-Scott, 2009, p. 153). Since the Canadian government's abolishment of their traditional Aboriginal practices, Aboriginal people have had little opportunity to address their issues in a way that is effective for them.

This then brings up the questions: How does one define "healing"? Is there a common definition of healing? Is an offender "healed" if they abstain from committing crime? Are they considered healed if they can successfully be reintegrated into the community? What does being healed entail? Finally, how does the Aboriginal interpretation of healing differ from the Western perception? James Waldram (2004) defines healing as a journey that:

> has a clear direction toward healing, yet it is a journey fraught with challenges. Falling off the path of healing is common, even expected by treatment staff… No one is ever completely healed. No one speaks of being cured in the same way biomedicine uses this concept. (Waldram, 2004, p. 6)

This contradicts the Western approach where so many individuals are concerned with the time frame of healing, regardless of the challenges faced by the wrongdoer. For example, federal offenders are provided with financial assistance and support from CSC up until they reach their warrant expiry date (WED). Once that date is met, offenders are forced to quickly adjust to the requirements of society. It could be assumed then, that CSC views an offender as healed once they complete their sentence, regardless of the offender's mental or rehabilitated state. Whether or not the offender is actually rehabilitated, it becomes the responsibility of primarily the offender, as well as the maintenance programs assisting offenders to ensure that they engage in pro-social activities and avoid returning to criminal activity.

Krawll (1994) published a report for the Aboriginal Peoples Collection where she defined *healing* as the following:

> 'Healing' for each of us seems to be culturally-based and carries many definitions with the context of different languages. It is a word used frequently, but in many ways lacks a common definition which enhances our ability to work more collaboratively towards its end. (Krawll, 1994, p. 23)

Regardless of the chosen definition, there are two components of healing that remain constant: First, healing is a participatory process in that it requires the cooperation and assistance of community members. The community must be involved in the healing process because it is through their involvement that the community can begin reunifying.

Secondly, participants must be committed to the healing process because it requires a significant amount of time (Cox et al., 2009). Individuals undergoing the healing process often have years of trauma to address, therefore the process may go on indefinitely.

5.7. Anticipated Growth of Aboriginal Offenders and the Availability of Sufficient Resources

In the future, CSC should consider increasing the number of services made available to Aboriginal offenders within the community. Despite having the opportunity to pursue section 84, offenders, supervisors, and the Aboriginal community often discover that services typically incorporated into an offenders release plan are either unavailable, waitlisted, or out of Vancouver's jurisdiction. This issue becomes more imminent when considering the anticipated growth of the number of Aboriginal people being admitted or re-admitted into CSC custody within the next several years.

In 2008-2009, Statistics Canada reported an admissions growth of 3 percent for offenders entering community corrections. However, it was also reported that Aboriginal offenders constituted a smaller overall percentage of admissions to community corrections and a higher percentage of custodial admissions. Even more concerning is the fact that admissions to federal custody predominantly consist of a younger population of Aboriginal offenders than that of the general population. In 2007-2008, nearly 50 percent of Aboriginal admissions were 30 years old or younger, compared to nearly 39 percent for the remaining population (Mann, 2009). According to Statistics Canada, the future population of Aboriginals within the CJS is anticipated to grow. A projection plan for 2017 suggests that the number of newly sentenced offenders entering the CJS will increase, particularly in the West and Northern regions of Canada. This

assumption is based on the population of offenders ranging from ages 20-29, as the Aboriginal population makes up 40 percent of that age group; a percentage much higher than non-Aboriginals who make up only nine percent of that age group (Statistics Canada, 2005).

The growing population of Aboriginal offenders in the CJS is bound to cause problems in terms of the culturally based programs and services made readily available to Aboriginal offenders, both in the institutions as well as the community. An issue independent of the growing number of admissions is the increase in section 84 applicants, as their needs for a successful community release typically require Aboriginal residential facilities and Aboriginal programming. As mentioned earlier, the Vancouver Parole Office was forced to add an additional session of the Aboriginal ICPM program to meet the current demand of offender referrals in effort to avoid placing them on a waitlist. At the moment, however, there is only one Aboriginal program facilitator working out of the Vancouver Parole Office, and soon he will reach his capacity and no longer be able to meet the demand for the program.

It is unknown to the writer whether or not CSC has begun searching for interim avenues of offender assistance, potentially by means of hiring another Aboriginal professional with the experience and insight necessary to meet the needs of such unique offenders. It is without a doubt that CSC must increase program availability to ensure that Aboriginal offenders may pursue their release plan without any delay to their progress. The standards imposed by CSC and the Aboriginal community, in conjunction with the requirements of a release plan, provide offender's with a structured path and set of goals that they are often incapable of finding elsewhere. This stability includes required programming, and if programs, services, and assistance are not made readily accessible, CSC risks losing the initiative, motivation, and cooperation of offenders.

To put this into perspective, there are only four independent Aboriginal healing lodges in operation across Canada, despite the implementation of section 81 of the CCRA nearly twenty years ago (Mann, 2009). It should also be noted that there are only twenty-four halfway houses located across Canada designed specifically for Aboriginal offenders (Correctional Service of Canada, 2007, p. 8). It is recommended by the writer that CSC work with the Aboriginal community to develop additional resources based on

successful procedures already in place to ensure that sufficient resources are available to the anticipated influx of future Aboriginal offenders. If CSC fails to do so, there may be an increase in the number of Aboriginal offenders residing in homeless shelters across the country, a living situation that is unfavorable for offender rehabilitation.

In addition to the anticipated increase of Aboriginal offenders, CSC is working to increase the number of section 84 applicants. According to CSC data, the number of section 84 applications has been inconsistent in facilities across Canada; there were 226 section 84 release plans prepared in the 2005-2006 fiscal year, followed by only 51 in 2006-2007, and 161 in 2007-2008 (Mann, 2009). Reasons for the fluctuation in section 84 applications have not been verified, however, Mann indicates that the low numbers may be a result of understaffing and a shortage of resources. As of 2009, there were only 12 Aboriginal Community Development Officers (ACDO) employed across Canada; far too few to meet the needs of all Aboriginal offenders and communities across the country. As such, CSC should not only prepare for the increase in Aboriginal offender population, but also for the increase in section 84 applications.

6. Discussion and Conclusions

6.1. Future Challenges

Conditions are imposed by the NPB in effort to maintain public safety while reintegrating offenders back into society as law abiding citizens. When conditions are breached it is up to the discretion of the parole officer and their supervisor to decide how to proceed. This becomes difficult when dealing with Aboriginal offenders, as more factors pertaining to their case must be considered. According to a 2009 report conducted by CSC, Aboriginal offenders were more likely than non-offenders to breach their conditions. In 2005-2006, 49 percent of Aboriginal offenders had previously breached their conditions and by 2008-2009, that number had increased to 51 percent (Correctional Service of Canada, 2009).

Before an offender reaches their parole eligibility date, a parole officer reviews the offender's file, criminal history, and risk factors, and makes a recommendation as to whether or not the offender will be a risk in the community. It is the opinion of the writer that if parole officers were more engaged with the local Aboriginal community, components of Aboriginal programming, and services available in their area, parole officers may be able to predict more accurately clients that will inevitably fail in a community setting.

Every time an offender breaches their condition a report must be written by their parole officer. This report may be a "release to maintain", describing the situation as it occurs and ways that the issue will be addressed, or a report documenting reasons why the offender's parole should be revoked. These reports are typically time consuming and take away other supervisory work that the parole officer could be doing. The writer acknowledges the fact that parole officers are already stretched and resources are scarce, however, identifying Aboriginal offenders who will not remain in the community prior to their release could prevent unnecessary work in the future.

6.1.1. Program Funding and Development

The attempts made by the Canadian government to address the issues surrounding Aboriginal marginalization and overrepresentation in the prison system is apparent in the amount of funding allocated to Aboriginal people. However, without proper assignment, money does little to assist the Aboriginal population in need. A report made by the Assembly of First Nations stated that the Canadian government provides $9.1 billion dollars annually to fund programs and services to First Nations and of that $9.1, only $5.4 billion actually reaches the First Nations people (Assembly of First Nations). It appears as though the Canadian government is dedicated to helping Aboriginal people, however the focus of their efforts upon addressing the most critical problems. Research assessing Aboriginal spending in Canada reported that as early as 1997, the government spent approximately 57 percent more per individuals of Aboriginal descent than per non-Aboriginals (Waslander, 1997, p. 961).

One concern is that many of the Aboriginal programs available in the Vancouver area are funded by the provincial and federal government, and as such, programs must adhere to the expectations of the government in terms of program protocols, recidivism rates and referral rates. Unfortunately, the expectations of the Canadian government do not always align with Aboriginal beliefs and practices. Conforming to the requirements imposed by the government dismantles the notion of Aboriginal justice and the Aboriginal right to self-govern, as this is the only way for Aboriginal programs to receive sufficient funding.

This brings to question the value of the funding distributed to the Aboriginal communities. The idea is that employing the Aboriginal justice approach will better benefit Aboriginal offenders, and that offenders will respond, relate, and comply with Aboriginal practices that will deter them from a life of crime. The objective is lost when the Aboriginal justice approach is combined with Eurocentric aims, rendering the approach less effective in decreasing the overrepresentation of Aboriginals in Canadian corrections. The government should either allow Aboriginal communities to take control of their population and employ judicial structure according to tradition, or refer to alternative methods. However, in the view off this author, incorporating both Aboriginal

and Canadian justice approaches in an individual manner will not be effective in decreasing Aboriginal crime rates.

Another concern that has been reiterated in research, reports, and my time at the Vancouver Parole Office is that more programs need to be developed for Aboriginal offenders. Specifically, programs that cater to the needs of individuals who have little to no education or general work experience. In other words, Aboriginal clients require accessibility to additional programs that begin at elementary levels and teach the basic and fundamental concepts typically held by the general society.

On several occasions, I was able to meet with Aboriginal clients who, according to their release plan, were expected to obtain some type of employment in order to demonstrate progress in their reintegration abilities. This becomes difficult for individuals who have less than a high school education and who have never held a stable career. In addition, many individuals who have originated from reservations and small Aboriginal communities are unfamiliar with the general concept of a stable occupation, as their community employment opportunities often revolve around seasonal needs and include trades positions such as fishing or hunting. Unfortunately, these types of occupations are typically held in rural areas and are not normally found within the travel boundaries set by VPO.

This recommendation was also made by the Congress of Aboriginal Peoples who stated that "work programs must address the unique needs of Aboriginal offenders and must consider the types of employment that might be available to them in communities to which they may be released" (Congress of Aboriginal Peoples, 2007; Sampson, R., Gascon, S., Glen, I., Louie, C. & Rosenfeldt, S., 2007, p. 47).

As such, the writer believes that more emphasis should be placed by parole officers, case management teams, and Aboriginal community members on Aboriginal offenders enrolling in programs whose fundamental lesson plans include the elementary skills for suitable occupations that *they* would be interested in pursuing. From that point forward, offenders can work towards refining their skills and becoming more marketable, but their lessons must begin with the basics.

6.1.2. Aboriginal Offenders and Parole Eligibility

The options available to Aboriginal offenders within CSC are copious and often difficult to follow. It is important that Aboriginal offenders are provided with the resources necessary to fully understand the choices they make throughout their sentence. Despite the fact that the current project focuses on community corrections, the following section begins with a discussion pertaining to the importance of informing Aboriginals about their individual rights as offenders, not only within the community but within the institution because as stated by Cabana, Beauchamp, Emeno, & Bottos (2009), "Identifying measures that may reduce the number of delays and cancellations of parole reviews is a key step toward promoting offenders' safe and gradual community reintegrate" (p. iii).

In response to the increase in delays and cancellations of parole reviews, CSC conducted a study investigating the reasons behind why offenders chose to waive, withdraw, delay, or cancel their parole review. Findings were based on both records pertaining to parole decisions between April 2005 and March 2006, in combination with written questionnaires completed by offenders. The study concluded that Aboriginal offenders were more likely to waive, withdraw, delay or cancel their parole review, when compared to the non-Aboriginal population of incarcerated inmates (Cabana, et. al, 2009). Furthermore, both Aboriginal and non-Aboriginal participants reported the same explanation, stating that they chose to defer their parole review for "reasons related to programming and perceived lack of support from their parole officer and/ or CMT" (Cabana et. al, 2009, p. 31).

The report also indicated that both Aboriginal and non-Aboriginal offenders failed to appear in front of the National Parole Board due to problems relating to programming (Cabana et. al, 2009). Offenders are aware that pro-active behavior improves their chances of receiving parole; however, institutional programs were often unavailable due to low enrollment or had a waitlist. Another possible explanation may be that the majority of individuals who chose to defer from their parole review are assessed as moderate or high risk, a category typically dominated by Aboriginal offenders.

If offenders participate in institutional programming and secure the anticipated results that programs offer, there should be fewer high-risk, low motivated offenders, reducing demand for Aboriginal ICPM program. Research has shown that maintenance

programs are counterproductive for offenders who are assessed as low on the CRS, and as a result of adequate institutional programming, the volume of referrals to community programs would hypothetically subside. Instead, there would be a higher number of primed, stable offenders on conditional release, which would alleviate program space, and the potential risk of offenders breaching conditions.

It should also be noted that while the number of applications submitted by Aboriginal offenders to pursue section 84 increases, the number of offenders being placed on conditional release is decreasing, leading to a larger population of offenders incarcerated in Canadian correctional facilities. Conditional release of offenders has been deemed effective, and the positive results have been noted, however, the government's new "tough on crime" approach is making it more difficult for offenders to be considered eligible for parole. "The "get tough" approach to crime is reflective in laws with mandatory minimum penalties, longer prison sentences, fewer opportunities for conditional release, and other efforts to make sanctions more unpleasant" (Andrews and Bonta, 2010; Zinger, 2012). Essentially, requirements to reach parole eligibility have become more stringent, and the conditions imposed by the NPB have are now more restricting, making it difficult for offenders, *especially* Aboriginal offenders who are typically assessed as moderate to higher risk, to obey.

6.2. Key Recommendations

Derived from literature and practical experience, this project has identified numerous key recommendations for future consideration. First, parole officers should be required to participate in extensive training that focuses on Aboriginal social history, tradition, discipline, and ways to effectively administer supervision according to *their* unique characteristics. Aboriginal justice is based on the notion of equality and accountability rather than structure or control of others. It is important for parole officers to be mindful of this, and monitor clients in a fashion that offenders can relate to, while maintaining CSC standards. A deeper understanding of the Aboriginal population will inevitably improve the rate of offenders who reach their warrant expiry date in the community.

Second, the position of Aboriginal Liaison officer was implemented as an intermediary between Aboriginal offenders and CSC staff. It is understood that it is the responsibility of the ALO to inform offenders about services and programs in their area. However, VPO currently has one ALO who meets with the entire population of Aboriginal offenders on conditional release in Vancouver. Depending on the circumstances, time restrictions and large case-loads may prevent the ALO from providing adequate attention and assistance to each individual offender (through no fault of their own) demonstrating the need for additional resources.

In addition, safety standards for CSC staff working within the Aboriginal community should be reviewed and modified. Aboriginal offenders are more likely to have committed a violent crime and also have higher rates of recidivism than non-Aboriginal offenders. Extra precautions should be enforced when working with a population that is less stable and predictable than the general offender population.

Treatment options that assist offenders in the community should be reviewed in terms of availability in attempt to maintain offender safety and stability. Parole officers should be encouraged to refer offenders that have breached their conditions to available services within the community prior to readmitting them to the TD Unit or a correctional facility. Parole officers often refer offenders to the TD unit where they can spend thirty days enrolled in programs and away from triggers that provoke their crime cycle. Unfortunately, it is the National Parole Board that decides whether the offender remains in the TD unit or is returned to a correctional facility to serve out the remainder of their sentence. Research has shown that offenders fear the unknown outcome of the National Parole Board, and the uncertainty often causes them to attempt self-harm or suicide while waiting for the parole board's decision.

Due to the unique characteristics and circumstances pertaining to Aboriginal offenders, the importance of providing them with the type of support that accommodates their specific needs must be emphasized. Since parole officers are often the primary support for offenders, it is essential that parole officers familiarize themselves with Aboriginal justice and the Aboriginal programs and services available in the area. It is not enough to simply verify progress through collateral contacts. There should no longer be the division between CSC efforts, and the efforts put forth by the Aboriginal

community. It is the opinion of the writer that shared cooperation, support, and resources between the two entities will best benefit the success of Aboriginal offenders.

Finally, there are many terms loosely used pertaining to justice; terms that are broad in context and often seen as subjective. To ensure that the goal of reducing Aboriginal representation in the CJS is met, both parties must define fundamental terms found at the centre of the justice process. Terms, definitions, and objectives should be specified by both parties prior to allocating funds in order to ensure that there is clear understanding and consensus of expected outcomes. Such understandings will also ensure that finances are being used in the most effective way possible. Strategies regarding program operations should be agreed upon by both parties to assure that end goals are met, and Aboriginal representation in the criminal justice system can be reduced.

6.3. Conclusion

The current project explores the series of steps taken by Aboriginal offenders completing their sentence on conditional release in Vancouver. This project investigates components of the process undertaken by Aboriginal offenders supervised at VPO, and concludes with suggestions and considerations for future modifications. The limitations of this project must be taken into consideration when examining the content, as the information was gathered based on practical experience and literary research. It should be noted that the current work is based on the opinion of the writer, and does not reflect the beliefs or position of staff members employed at the Vancouver Parole Office or the Aboriginal community.

There are several findings of interest derived from this project that are worth noting in terms of their significance and the operation for the type of justice employed for Aboriginal offenders. Specifically, this project identifies strategies for the improvement of the relationships amongst the key players including federal offenders following the Aboriginal path, correctional staff, and Aboriginal community members. Second, there are issues raised in this project regarding safety precautions that are important not only for CSC staff, the Aboriginal community, and offenders, but also the general public.

While both of these findings relate to commonsensical ideas, the value of the study's findings was in the confirmation they provided for those notions.

Within the last fifty years, the Canadian government has made several attempts to address the issue of Aboriginal overrepresentation in the Canadian justice system, however, most approaches were deemed unsuccessful. Now, the Canadian government has modified their approach to incorporate Aboriginal justice into the Westernized mainstream justice system by relinquishing control and letting the Aboriginal community impose justice in a more culturally appropriate manner. Aboriginal federal offenders are now given the alternative to serve their sentence according to Aboriginal protocols, with the assumption that they will respond better to justice techniques that they can personally relate to. Moreover, Aboriginal offenders are given the option to complete their sentence on conditional release under the primary supervision of the Aboriginal community. This approach is based on the hope that Aboriginal offenders will have a chance to reconnect with their heritage and stabilize their identity.

In December 2011, Bill C-10 was passed which resulted in several amendments to the CCRA. Bill C-10 demonstrates the federal government's attempt at combating crime by imposing harsher punishments to increase offender accountability (Parliament of Canada, 2012). One objective behind Bill C-10 is to decrease crime in Canada by exacerbating the "tough on crime" approach by increasing sentence lengths for both youth and adult offenders, imposing heavier restrictions on conditional sentences, and increasing the length of mandatory minimum sentencing (CCPA-MB & John Howard Society of Manitoba, 2012). For years the punitive approach has been utilized by the United States and has lost the support of many social scientists who argue that a tough approach to crime does little to actually reduce crime or assist minority communities trapped in the "revolving door" of the judicial system. Petitioning the implementation of mandatory minimum sentences in the United States federal criminal system is Congressman Robert C. Scott, who has argued that harsh standards and punitive policies are simply expensive and inefficient tools used in the game of politics (Scott, 2008). Scott argued that "mandatory minimum sentencing" has been found to waste money when compared to traditional sentencing or drug treatment, to discriminate

against minorities, to severely distort and damage the federal sentencing system, and to violate sound policy and common sense" (Scott, 2008, p. 299).

It could be argued that this approach is contradictory to the efforts being made by the collaboration of agencies within the Canadian government and Aboriginal communities, as Aboriginal offenders will now be spending more time under the jurisdiction of CSC. The tough approach to crime completely ignores the fundamental importance of community corrections, more specifically reintegration and rehabilitation of offenders. It can be assumed that this approach will lead to an increase in prison populations, making it more likely for offenders to be dependent on the Canadian government for income assistance, medical, food, housing, education, and rehabilitation programs for a longer period of time. This will become even more taxing on the Canadian government since funds allocated to corrections are being cut. Finally, longer minimum sentences will inevitably intensify the challenges faced by offenders once they are released and confronted with the responsibilities associated with the demands of society.

In addition, the Canadian government has cut the federal budget allocated to the Correctional Service of Canada, with the goal of reducing the budget by nearly $300 million by the year 2014; approximately 10 percent of the money spent by CSC in 2011 (Galloway, 2012). CSC will now be forced to manage an overcrowding inmate population under significant resource constraints. How, then, will offenders receive adequate rehabilitation, programming, and support, both in the institution and within the community, to ensure for a stable and successful release to society?

Another point to be considered is that Aboriginal justice programs administered by CSC are relatively standard; the only variation is that employed by the program facilitator. With this in mind, Aboriginal justice programs operating in urban locations must find a way to operate within the society around them. Life skills should be taught using the Aboriginal justice approach, *while* demonstrating how to employ these skills in a modernized, metropolitan setting like Vancouver.

The author also suggests that parole officers become more involved in the Aboriginal community and maintain better knowledge pertaining to Aboriginal beliefs,

with an emphasis on justice strategies. Open communication is essential if the parallel systems are to be effective in reducing crime within the Aboriginal population. Communication must be done at the micro level rather than the macro level, meaning individuals are responsible for their effort in building and maintaining relationships. Parole officers are not exempt from the responsibility of communicating with members of the Aboriginal community and should refrain from depending solely on the Aboriginal Liaison Officer as the intermediary.

Finally, Canada and the Canadian government have come a long way over the last fifty years and have admitted to the mistakes and injustices made towards the Aboriginal people. This was demonstrated in the over-due adherence to the Aboriginal right to self-determination and self-governance. Unfortunately, the failure of the government to support Aboriginal communities has carried on for decades and to re-stabilize the population, both parties will have to work in partnership. There are many barriers that hinder communication channels between Aboriginal and non-Aboriginal people that can be eradicated simply by establishing a clear consensus of key terms and definitions. Until this step is taken, the two populations will continue to work against each other, failing to achieve their maximum potential. One thing is for certain: both parties strive for the same goal of lowering the number of Aboriginal people trapped in the Canadian justice system. But, until each side can articulate their intent, communicate expectations, and define terms and requirements in dialogue with each other, neither system will adequately assist Canada's Aboriginal population.

References

Aboriginal Affairs and Northern Development Canada. (1996). Royal Commission Report on Aboriginal Peoples. Retrieved from http://www.collectionscanada.gc.ca/webarchives/20071115053257/http://www.ainc-inac.gc.ca/ch/rcap/sg/sg /sgmm_e.html

Andrews, D. A. (1996). Criminal recidivism is predictable and can be influenced: An update. *Forum on Corrections Research, 8*(2), 42-44. Retrieved from http://www.csc-scc.gc.ca/text/pblct/forum/e012/e012j-eng.shtml

Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct.* Newark, NJ: Elsevier.

Bennet, N. (2000). "Improving partnerships with Aboriginal Communities". Forum on Corrections Research, 12(1), 5-6.

Bill C-10: The truth about consequences. (2012). The Canadian Centre for Policy Alternatives, MB & the John Howard Society of Manitoba, Inc. Retrieved from http://www.ccpanews.ca/sites/default/files/uploads/publications/Manitoba%20Office/2012/03/Bill%20C-10%20The%20Truth%20About%20Consequences.pdf

Bradley, K .H., Oliver, R.B.M., Richardson, N .C., & Slayter, E .M. (2001). No place like home: Housing and the ex-prisoner. Policy Brief prepared by Community Resources for Justice, 1-11. Retrieved from http://cjinstitute.org/files/No_Place_Like_Home.pdf

Brief to the Panel Review of CSC Operational Priorities, Strategies and Plans". (2007) Congress of Aboriginal Peoples. Retrieved from http://www.abo-peoples.org

Brown, S. (2004). The dynamic prediction of criminal recidivism: A three-wave prospective study. (Doctoral Thesis, Queen's University). Retrieved from http://www.csc-scc.gc.ca/text/pblct/forum/e141/141f_e.pdf

Cabana, T., Beauchamp, T., Emeno, K., & Bottos, S. (2009). "Waivers, postponements, and Withdrawals: Offenders, Parole Officers, and National Parole Board Perspectives". Parole Board of Canada. Retrieved from http://www.pbc-clcc.gc.ca/rprts/r193/r193-eng.pdf

Calverley, Donna (2009). Adult Correctional Services in Canada, 2008/2009. Juristat. Vol. 30, no. 3. Statistics Canada Catalogue no. 85-002-X. Retrieved from www.statcan.gc.ca/pub/85-002-x/2010003/article/11353-eng.htm#a8

Chansonneuve, D. (2007). Addictive behaviours among Aboriginal people in Canada. *Aboriginal Healing Foundation.* Ottawa: Retrieved August 27, 2012 from http://www.ahf.ca/downloads/addictive-behaviours.pdf

Correctional Service Canada. (2003). *First Nations, Métis, Inuit and Non-Aboriginal Federal Offenders: A Comparative Profile.* Ottawa, ON: Retrieved from http://www.cs-scc.gc.ca/text/rsrch/reports/r134/r134-eng.shtml

Correctional Service of Canada. (2006). *Strategic plan for aboriginal corrections: innovation, learning & adjustment 2006-2007 to 2010-2011.* Ottawa, ON: Retrieved from http://www.csc-scc.gc.ca/text/prgrm/abinit/documents/spac06_e.pdf

Correctional Service of Canada. (2007). A roadmap to strengthening public safety: Report of the Correctional Service of Canada review panel. Ottawa, ON: Minister of Public Works and Government Services Canada. Retrieved from http://www.publicsafety.gc.ca/csc-scc/cscrprprt-eng.pdf

Correctional Service Canada. (2009). The Changing Federal Offender Population: Aboriginal Offender Highlights 2009. Ottawa, ON: Research Branch. Retrieved from: www.csc-scc.gc.ca/text.rsrch/special_reports/ah2009/ah2009-eng.shtml

Correctional Service of Canada. (2010a). Aboriginal Corrections Accountability Framework: Aboriginal Initiatives Directorate. Ottawa: CSC.

Correctional Service of Canada. (2010b). *Revitalizing correctional programs to enhance the Correctional Service of Canada's contributions to public safety: Moving towards an integrated correctional program model.* Ottawa, ON: Reintegration Programs Division, Correctional Service Canada.

Correctional Service of Canada. (2012a). Aboriginal Alternatives to Incarceration and Aboriginal Parole Supervision: Sections 81 and 84 of the Corrections and Conditional Release Act. Ottawa, ON: Retrieved from www.walkbravelyforward.com/text.sec84word.doc

Correctional Service of Canada. (2012b). Parole officer. Retrieved from http://www.csc-scc.gc.ca/text/carinf/parole-eng.shtml

Corrections and Conditional Release Act. (2010). *Commissioner's Directive. Retrieved from* http://www.csc-scc.gc.ca/text/plcy/cdshtm/710-2-1gl-eng.shtml

Couture, J. (2000). Elder/ Healer: The elements of promise. *Forum on Corrections Research.* 12(1), 38-39. Retrieved from http://www.csc-scc.gc.ca/text/pblct/forum/e121/121l_e.pdf

Cox, D., Young, M., & Bairnsfather-Scott, A. (2009). No justice without healing: Australian Aboriginal people and family violence. *Australian Feminist Law Journal,* 30(1), 151-162. Retrieved from http://www.heinonline.org.proxy.lib.sfu.ca/HOL/Page?handle=hein.journals/afemlj30&id=159&collection=journals&index=

Dandurand, Y., Christian, J., Murdoch, D., Brown, R., & Chin, V. (2008). Conditional release violations, suspensions and revocations: A comparative analysis. *The International Centre for Criminal Law Reform and Criminal Justice Policy.* Public Safety Canada. Retrieved from www.iccir.law.ubc.ca/files/books/Condtional%20Release%20Violations%20Final_English.pdf

Department of Justice Canada (2012a). Aboriginal Justice Strategy. Retrieved from http://www.justice.gc.ca/eng/pi/ajs-sja/pub/guide.html

Department of Justice Canada. (2012b). Community-based justice programs: British Columbia. Retrieved from http://www.justice.gc.ca/eng/pi/ajs-sja/prog/bc-cb.html

Department of Justice. (2012c). Corrections and Conditional Release Act. S.C. 1992, c.20. Ottawa: Retrieved from http://laws-lois.justice.gc.ca/PDF/C-44.6.pdf

Doward, T. (2005). The role of "community" in the design and development of Vancouver aboriginal transformative justice services. (Masters thesis, Simon Fraser University). Retrieved from http://summit.sfu.ca/item/5296

Drake, D.H. (2003, September). Post-incarceration experiences: Listening to Aboriginal and non-Aboriginal ex-prisoners. (Master of Arts Thesis, University of Saskatchewan, Saskatoon). Retrieved from http://library.usask.ca/theses/available/etd-06192007-115017/unrestricted/Drake_deborah_2003.pdf

Galloway, G. (2012, March 30). Corrections facing more prisoners, less money after budget released. *The Globe and Mail.* Retrieved from http://www.theglobeandmail.com/news/politics/corrections-facing-more-prisoners-less-money-after-budget-released/article4100485/

Grant, B. & Luciani, F. (1998). *Security classification using the custody rating scale.* Ottawa: ON: Correctional Service of Canada. Retrieved from http://www.csc-scc.gc.ca/text/srcj/reports/r67/r67_e.pdf

Hanselmann, C. (2001). *Urban Aboriginal people in western Canada: Realities and Policies.* Canada West Foundation. Retrieved from http://cwf.ca/pdf-docs/publications/September2001-Urban-Aboriginal-People-in-Western-Canada-Realities-and-Policies.pdf

Harmon, S., Latinga, L., & Costello, R. (1982). Aftercare in chemical dependence treatment. *Bulletin of the Society of Psychologists in Substance Abuse*, 1, 107-110.

Henry, E. (2012). ICPM Aboriginal community maintenance program. Program manual, Version 5. Ottawa, ON: *Correctional Service of Canada.*

Julien, M., Wright, B., and Zinni, D.M. (2009). Stories from the circle: Leadership lessons learned from Aboriginal leaders. *The Leadership Quarterly.* 21 (1) 114-126. Retrieved from http://www.sciencedirect.com.proxy.lib.sfu.ca/science/article/pii/S1048984309002033

Krawll, M. (1994). *Understanding the role of healing in Aboriginal communities.* Ministry of the Solicitor General: Ottawa, ON: Retrieved from http://www.justice.gc.ca/emg/pi/rs/rep-rap/2006/rr06_vic1/p16.html

Lane, Phil, Jr., Michael Bopp, Judie Bopp, and Julian Norris (2002). Mapping the healing journey: The final report of a first nation research project on healing in Canadian Aboriginal communities. Ottawa, ON: Solicitor General Canada. Retrieved from http://www.fourworlds.ca/pdf_downloads/Mapping.pdf

Luong, D., Nafekh, M., Verbrugge, P., & Didenko, E. (2010). *Evaluation report: Community maintenance program.* Ottawa, ON: Correctional Service of Canada. Retrieved from http://www.csc-scc.gc.ca/text/pa/ev-cci-fin/index-eng.shtml

Mann, M. (2009). Good intentions, disappointing results: A progress report on federal Aboriginal corrections. *Office of the Correctional Investigator.* Retrieved from http://indigenouspeoplesissues.com/attachments/article/2783/2783_GoodIntentions_DisappointingResults_2009.pdf

Moore, J.-P. (2003). *First Nations, Métis, Inuit and non-Aboriginal federal offenders: A comparative profile.* Research Branch R-134. Ottawa, ON: Correctional Service Canada. Retrieved from http://www.csc-scc.gc.ca/text/rsrch/reports/r134/r134_e.pdf

Motiuk, L. & Nafekh, M. (2000). Aboriginal offenders in federal corrections: A profile. *Forum on Corrections Research: Correctional Service of Canada.* 12, 10-15. Retrieved from http://www.csc-scc.gc.ca/text/pblct/forum/e121/121d_e.pdf

Motiuk, L.L., & Porporino, F .J. (1989). Offender risk/needs assessment: A study of conditional releases. *Correctional Service of Canada*: Research and Statistics Branch. Retrieved from http://www.csc-scc.gc.ca/text/rsrch/reports/r01/er01.pdf

Palys, T. (1999). Vancouver's Aboriginal restorative justice programme: The challenges ahead. *Aboriginal Justice Bulletin.* 3(1), 2-3. Retrieved from http://www.sfu.ca/~palys/VATJS1999.pdf

Palys,T., & Victor, W. (2005). "Getting to a Better Place: Qwi:qwelstóm, the Stó:l Nation and Self-Determination. Retrieved from http://www.sfu.ca/~palys/Getting%20to%20a%20Better%20Place-2005-PrePub.pdf

Parliament of Canada. (2012). Bill C-10: An Act to Enact the Justice for Victims of Terrorism Act and to Amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and Others. Ottawa, ON: Library of Parliament. Retrieved from http://www.parl.gc.ca/Content/LOP/Legislative Summaries/41/1/c10-e.pdf

Parole Board of Canada. (2012). *Elder-assisted hearings and community-assisted hearings.* Retrieved from http://pbc-clcc.gc.ca/rprts/eah-cah/index-eng.shtml#_e7

Parole Board of Canada, (2009). Performance Monitoring Report: 2007-2008. Retrieved from http://www.pbc-clcc.gc.ca/rprts/pmr/pmr_2007_2008/2-eng.shtml

Power, J., & Riley, D.L. (2010). A comparative review of suicide and self-injury investigative reports in a Canadian federal correctional population. Correctional Service of Canada. Ottawa, ON: Retrieved from http://www.csc-scc.gc.ca/text/rsrch/reports/r221/r221-eng.shtml

Prison and Jail Suicide. (1999). *John Howard Society of Alberta.* Retrieved from http://www.johnhoward.ab.ca/pub/C41.htm

Prison Reform Trust. 2005. "Recycling offenders through prison". London: Prison Reform Trust.

Public Safety Canada. (2010). Corrections and conditional release statistical overview: Annual report 2010. Retrieved from http://www.publicsafety.gc.ca/res/cor/rep/_f;/2010-ccrso-eng.pdf

R. v. Gladue, [1999] 2 C.N.L.R. 231 (B.C.C.A), [1999] 2 C.N.L.R. 252 (S.C.C.)

Response of the Correctional Service of Canada to the 37th Annual Report of the Correctional Investigator 2009-2010. Correctional Service of Canada: Ottawa, ON: Retrieved from http://www.csc-scc.gc.ca/text/pblct/ci09-10/index-eng.shtml

Ross, Rupert (1994). "Dueling Paradigms? Western Criminal Justice Versus Aboriginal Community Healing" in Gosse, R., Henderson, J.Y. et Carter, R. (Eds), *Continuing Poundmaker & Riels Quest.* Saskatoon: Purich Publishing, p. 241-268. Retrieved from http://iportal.usask.ca/docs/purich/purich-12495.pdf

Royal Commission on Aboriginal People. (1996). Indian and Northern Affairs Canada. Retrieved from http://www.collectionscanada.gc.ca/webarchives/20071115053257/http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm_e.html

Rugge, T. (2006). *Risk assessment of male aboriginal offenders: A 2006 perspective (User report 2006-01).* Ottawa, ON: Public Safety Canada. Retrieved from http://www.bpiepc-ocipep.gc.ca/res/cor/rep/_fl/abo-offen-eng.pdf

Sampson, R., Gascon, S., Glen, I., Louie, C. & Rosenfeldt, S. (2007). *A roadmap to strengthening public safety: Report of the Correctional Service of Canada review panel.* Ottawa, ON: Ministry of Public Works and Government Services of Canada. Retrieved from www.publicsafety.gc.ca/csc-scc/cscprprt-eng.pdf

Sapers, H. (2010). Annual report of the office of correctional investigator 2009-2010. The *Correctional Investigator Canada.* Retrieved from http://www.oci-bec.gc.ca/rpt/annrpt/annrpt20092010-eng.aspx.

Scott, R.C. (2008). Deemphasize punishment, reemphasize crime prevention. *Federal Sentencing Reporter,* 20(5), 299-303. Retrieved from http://www.jstor.org.proxy.lib.sfu.ca/stable/pdfplus/10.1525/fsr.2008.20.5.299.pdf ?acceptTC=true

Silverstein, M. (2005). What's race got to do with justice?: Responsibilization strategies at parole hearings. *British Journal of Criminology.* 45(3), 340-354. doi: 10.1 093/bjc/azh 102

Statistics Canada. (2005). *Projections of the Aboriginal Populations, Canada, Provinces and Territories: 2001 to 2017.* Statistics Canada Catalogue no. 91-547-XIE. Retrieved from http://www.statcan.gc.ca/pub/91-547-x/91-547-x2005001-eng.pdf

Statistics Canada. (2006). *Aboriginal population profile for Vancouver.* Statistics Canada Catalogue no. 89-638-X. Retrieved from http://www.statcan.gc.ca/pub/89-638-x/2010004/article/11085-eng.htm

Street Crime Working Group. (2005). "Beyond the revolving door: A new response to chronic offenders". *Report of the Street Crime Working Group of the B.C. Justice Review Task Force.* Victoria, B.C.: Department of the Attorney General. Retrieved from: http://www.bcjusticereview.org/working_groups/street_crime/scwg_report_09_29 _05.pdf

Trevethan, S., & Rastin, C.J. (2003). A profile of offenders serving time in the community. *Forum on Corrections Research, 15*. 12-15. Retrieved from http://205.193.117.157/text/pblct/forum/e151/151e_e.pdf

Trevethan, S., Crutcher, N., & Rastin, C.J. (2002). *Examination of healing lodges for federal offenders in Canada*. Research Branch R-130. Ottawa, ON: Correctional Service of Canada. Retrieved from http://www.csc-scc.gc.ca/text/rsrch/reports/r130/r130_e.pdf

Trevethan, S., Moore, J.P., & Rastin, C.J. (2002). A profile of Aboriginal offenders in federal facilities and serving time in the community. *Forum on Corrections Research, 14*, 17-19. Retrieved from http://www.csc-scc.gc.ca/text/pblct/forum/e143/v14n3a6e.pdf

Waslander, B. (1997). Government expenditures on Aboriginal people: The costly status quo. *Canadian Tax Journal.* 45(5), 950-978. Retrieved from http://staging.acef.ca/ctweb/Documents/PDF/1997cth/1997CTJ5_Waslander.pdf

Welsh, A. (2000). Aboriginal offenders and full parole: A profile. *Forum on Corrections Research: Correctional Service of Canada. 12* (1), 61-64. Retrieved from http://www.csc-scc.gc.ca/text/pblct/forum/e121/121s_e.pdf

Zinger, I. (2012). Conditional release and human rights in Canada: A Commentary. *Canadian Journal of Criminology and Criminal Justice.* 54 (1), 117-135. Retrieved from http://muse.jhu.edu.proxy.lib.sfu.ca/journals/canadian_journal_of_criminology_and_criminal _justice/v054/54.1.zinger.html