Odawa Native Friendship Centre

Project Number: 1291-ON

Case Study Report

When Justice Heals

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I would like to honour all of the people who spoke passionately about their involvement in the When Justice Heals project and willingly gave of their time during the interview process. One participant thanked me for doing the interview and another said, "I felt good about the questions that were asked. There is a need to focus our thoughts on the future." I also wanted to express my gratitude to my case study supervisor and to my colleagues for offering their unconditional encouragement and wisdom.

1. Introduction

The following report is one of a series of 13 case studies being conducted by the Aboriginal Healing Foundation (AHF) as part of the impact evaluation process. The case studies were selected to include representation from a variety of project types and other criteria. The criteria specific to this case study include all Aboriginal groups (Métis, Inuit, First Nation, and non-status), urban, east, incarcerated, healing circles, and professional training. The case studies are intended to provide a detailed, holistic view of the projects and their outcomes. For the most part, data collection, analysis, and synthesis were done by community support coordinators under the guidance of case study supervisors affiliated with Kishk Anaquot Health Research.

The project that forms the basis for this case study is entitled "When Justice Heals" (AHF-funded project 1291-ON) sponsored by the Odawa Native Friendship Centre. The primary purpose of the project is "to provide appropriate alternatives to the mainstream justice system for Aboriginal people in the Ottawa-Carleton Region referred to the Aboriginal Peoples Justice Circle (APJC) by the courts and to engage in a healing program and a Circle Sentencing process."[1]

Sources of information used in this case study include the application for funding, the contribution agreement, and quarterly reports found in the project files; the February 2001 AHF National Process Evaluation Survey completed by the project; key informant interviews with members of the Aboriginal Peoples Justice Circle and selected community service providers; and other pertinent documents and data collected by the community support manager as part of the case study process.

2. Methodology

All of the project files were thoroughly reviewed prior to conducting any interviews. Project files included the application for funding, the contribution agreement, quarterly reports, all correspondence, and the AHF national survey. A logic model and performance map were then created to use as guides for information gathering. Both guides were sent to the project prior to the development of the questionnaire to ensure that any change to the project goals and objectives would be included in the analysis of the documents.

A customized interview tool[2] was designed based on the model and map, which also included seven mandatory questions. Key informants were then identified and initial contact was made by telephone to determine if the informants would be willing to participate in the case study process. Interviews were scheduled upon availability. It is important to note that the summer months are vacation months, and many messages and callbacks were attempted. Some informants were unavailable while others were never reached. All of the interviewees were employed in their regular day jobs and this necessitated booking some of the interviews in the evening. Sporadically, interviews were completed between 18 June 2002 and 1 August 2002.[3]

A total of eight interviews were completed; four by telephone and four face-to-face interviews. All of the respondents live in Ottawa with the exception of one who now resides in British Columbia. After pilot testing the questionnaire, question #12 was shortened to a single question instead of asking for examples and percentages under each category (see Appendix 1). In the end, four interviews used the longer version of question #12 and the remaining four used the shorter, revised version. The interviews were between one and three hours in length.

There was an equal gender split among the key informants and all were chosen because of their involvement with the project and their availability, which included a project coordinator, two volunteer project coordinators (one of which was also a co-chair), a project sponsor, a circle keeper, and two agency representatives who were also co-chairs. It was unfortunate that the Crown attorney and the representative from the Ottawa police could not be reached for an interview due to the exigencies of time and/or unavailability.

Material collected from the project included the Sentencing and Healing Circles Guidelines, the Application Form for Sentencing and Healing Circles, a copy of an information letter to the community, a five-month report compiled by the project coordinator, and a document entitled *Needs Identified by the Aboriginal Peoples Justice Circle*. The evaluation tools for participants that were to be developed by the project did not materialize. Extensive Internet searches were conducted to secure information on the community and the indicator data needed for this case study. Other pertinent information such as articles, reports, and various publications were also gathered and included in the overall analysis.

2.1 Limitations

As with other case studies, no direct measurement of participants was conducted by AHF, its employees, or agents due to ethical concerns about the possibility of triggering further trauma without adequate support for the respondent as well as the limitations of AHF's liability insurance. Moreover, it appears that the project did not collect any formal written feedback from participants. As a result, the analysis relied heavily on key informant observations of changes in participants as a result of their involvement with the project. These observations were supplemented by material from documents submitted to the AHF by the project.

Previous case studies have recommended that the ideal number of interviews is in the range of 12 to 14. As reported above, only eight interviews were conducted, in part, because respondents were difficult to track down over the busy summer period. However, the range of views expressed in the interviews suggests that respondents did not share a single perspective and that they felt comfortable expressing themselves. It is clear that dissenting opinions were captured in the eight completed interviews, although a larger number would have invariably added to the breadth and depth of the analysis.

Social indicator data were difficult to find for Aboriginal people in the Ottawa region. Initial research uncovered Aboriginal-specific sexual assault and assault statistics from the Ottawa Police Service, but a follow-up check could not duplicate or verify the data; therefore, these statistics were not used. It is possible that the researcher initially uncovered statistics reported by the Ottawa Police Service in Statistics Canada's Uniform Crime Reporting Survey, but, again, this was not confirmed. Had more time been available, it would have been possible to meet with the police and Aboriginal service providers to at least obtain an estimate of rates of physical and sexual abuse among Ottawa's Aboriginal residents.

3. Project Description

The When Justice Heals project was funded from 1 October 2000 to 30 September 2001 with a grant contribution in the amount of $71,165. This case study focused on the same time period, although some of the interviewees may have responded to the interview questions within the time they were associated

with the project. In other words, some respondents described their experiences prior to AHF funding as well as after AHF funding was discontinued. The contribution agreement and application for funding described the intent of the project, which was:

> to provide appropriate alternatives to the mainstream justice system for Aboriginal people in the Ottawa-Carleton Region [and] to work in partnership with the Crown's office at the Ottawa Court House and with the Aboriginal services in the Ottawa-Carleton Region. Moreover, the project would: provide the opportunity for Aboriginal people to be referred to us by the courts and to engage in a healing program and a Circle Sentencing process [by] provid[ing] support for the offender and for the victim and offer Circles for both, separately, in an effort to resolve conflicts, help the offender face his [or her] behaviour and begin a journey of healing and reconciliation. The purpose in our work is to restore relationships where possible and to support strategies for healing for the offender. Families are hurting as well and we offer support, through the Circle process, to family members.[4]

The contribution agreement further stated that the project:

> will help the APJC establish and operate a community-based Aboriginal justice program that will help individuals to recover from the legacy and the pain they carry and regain a positive sense of themselves and their culture. It will also help inform the mainstream justice system about Aboriginal ways of working with our people and the benefits that come from following those ways.[5]

The project identified the following three goals it had intended to address:

- to firmly establish the APJC as a mechanism for providing an alternative to the mainstream justice system for Aboriginal people;
- to help Aboriginal individuals caught in the justice system reintegrate into the community by involving them in Aboriginal ways of dealing with conflict and ways of healing; and
- to present training opportunities to members of the APJC to enable them to work with the people more effectively.

The activities listed in the application included monthly organizational meetings and meetings with mainstream justice officials; consolidating operational procedures; establishing Aboriginal practices; visiting individuals in jail; reviewing applications to the APJC; establishing separate support groups and healing circles for offenders and victims; referring clients to needed services and treatment facilities; and providing training workshops to members of the APJC and other interested volunteers. Overall, the project was intended to break the cycle of incarceration and involvement with the justice system and establish positive life patterns and relationships with families. Additional outcomes were to expand the membership; increase the capacity to respond to the needs of those caught in the justice system; assist clients in establishing themselves in the community; increase the level of interaction and trust with the justice system; and reinforce the need to be culturally responsive.

The project team, as identified in the application for funding, consisted of 10 volunteers with an equal gender split between male and female. Six of the volunteers were Aboriginal and four were non-Aboriginal. The non-Aboriginal volunteers were all agency representatives while the Aboriginal volunteers sat on the APJC as agency representatives or as community volunteers. However, the individual volunteers fluctuated over time as some stepped down and others came on board for a variety of reasons, chief of which was the time needed to commit to the project—over 100 volunteer hours per month for the committee as a whole as reported in the AHF national survey.

Although the project relied almost exclusively on volunteers, one coordinator was employed with the funding received from the AHF, albeit for a short time; there was a time lapse of approximately seven months before the coordinator's position was filled. A volunteer coordinator completed the first and second quarterly reports, the paid coordinator submitted the third quarterly report, and a different volunteer coordinator completed the fourth quarterly report. Some of the paid coordinator's duties were to recruit and oversee new volunteers, oversee the sentencing circles, ensure communication between all partners, ensure the sentencing circles follow the proper APJC protocol, and provide administrative duties between the Crown, the police, and the APJC.

For the most part, the APJC team consisted of two co-chairs (one male and one female), a circle keeper, and the circle volunteers/agency representatives. Training workshops for the APJC members were to be offered during the course of the project (all quarterly reports indicated a recognition of the need for training), especially circle keeper and conflict mediation training. Although some training was offered through a Toronto agency, circle keeper and mediation training were not provided.

Training was also addressed in the national survey. It was reported that basic and advanced training were needed for the APJC members in the areas of crisis intervention, trauma awareness, counselling skills, Aboriginal language/culture, history and impact of residential schools, *Charter of Rights and Freedoms*, dealing with family violence, advanced circle keeper, and sentencing circle. The quarterly reports stated that "although the volunteers have a vast amount of experience in their respective fields, we recognize that we are not experts in our work with the APJC and that there is always knowledge that we do not have."

During the course of the project the APJC met on a monthly basis, but the members did break for the summer months when it became too difficult to schedule meetings and maintain a quorum. There was mention of "regular" healing circles, talking circles, and sentencing circles taking place for offenders in the quarterly reports, but those reports did not record any data on the number of circles or on the number of APJC members participating in any particular circle. The quarterly reports described the healing and talking circles as using cultural and traditional methods such as smudging and prayers; the eagle feather is also used to empower the holder to speak and share their personal thoughts in the circle. Sweats and feasts were incorporated and viewed as indispensable components of every circle. A January 2001 document entitled *Sentencing and Healing Circles: Aboriginal Peoples' Justice Circle* reported that healing circles are held for victims and offenders and are an important part of preparing for a circle hearing. Healing circles are confidential and restricted to participants, while sentencing circles are open to the public—the same for any court hearing. All decisions in the healing processes are made by consensus.

Each circle was facilitated and led by the volunteer circle keeper. It is believed that using traditional methods of the circle assists in building trust of the participant and instills respect and honesty. An added bonus for those individuals who had little or no cultural identity was an introduction to cultural practices, and this in turn contributed to their self-esteem and self-worth.

The majority of activities carried out by the project took place at the Odawa Native Friendship Centre in the urban setting of Ottawa. On occasion, some of the sentencing circles were held at the Ottawa courthouse in the presence of judges and lawyers.

3.1 Participant Characteristics

The target population served by the When Justice Heals project is Aboriginal people in conflict with the law. Potential participants were recruited largely through the mainstream justice system. In other words, representatives from the project visited the prisons and advertised the existence of the circle. They also made presentations to Crown attorneys and defense lawyers to raise awareness of the alternative to the mainstream justice system for incarcerated Aboriginal people.

As a result of the awareness campaign, individuals interested in the project could make an application to the APJC for sentencing and healing circles (Appendix 2). In order to qualify, the offenders had to be found guilty, plead guilty, or otherwise admit responsibility for their actions. The applications considered were from both adult and young offenders who were motivated and committed to follow through with a wellness or healing plan and had at least two community members who agreed to support them. All parties had to be in agreement, including the judge in sentencing cases, the Crown attorney in post-charge diversion cases, or the police in pre-charge diversion cases. All applicants were advised that if they did not comply with the requirements of the APJC or they breached the conditions of their release, the APJC would have the case returned to the mainstream justice system.

Approximately nine months (up to a year in some cases) were given to participants to carry them through all four quarters of the project, more or less, because of the length of time involved in the healing process. Table 1 illustrates participants in healing activities by age and sex. The data were gleaned from the project's four quarterly reports.

Table 1) Participants by Age and Sex

Report Period	Age Group	Male	Female	Total
1st quarterly	26–49	2	1	3
2nd quarterly	26–49	2	2	4
3rd quarterly	26–49	2	2	4
	0–14	1	–	1
4th quarterly	26–49	1	–	1
	15–25	1	–	1

For a more realistic number of participants, the data recorded in the national survey can be extracted. Here, the project reported that only one woman and two men participated in AHF-funded healing activities. Of that total, one participant was a residential school Survivor while the remaining two were intergenerationally impacted. One of the three did not complete the healing process because the "individual was not ready to heal; not complying with bail conditions; not participating in the treatment and counselling services – although attended." After being charged with breaching conditions, this person expressed a desire to have the matter returned to the mainstream justice system.

3.2 Community/Regional Context

The population of Ottawa in 2001, according to Statistics Canada, was 774,072. The population of the Ottawa-Hull region was approximately 875,100.[6] Population statistics for Aboriginal people in the national capital region vary from one Aboriginal organization to another. Indeed, it has been argued that the government-collected regional data are grossly underestimated.

According to the 1996 Census, there were approximately 142,920 Aboriginal people living in the province of Ontario; more specifically, those numbers included 118,830 North American Indian, 22,790 Métis, and 1,300 Inuit.[7] A cursory review of the applications submitted to the AHF from Aboriginal organizations in the national capital region found that the Aboriginal population estimates were within a range of 11,090 to 40,800, with 35,000 being a commonly reported figure. These numbers included all Aboriginal groups, both male and female, adult and youth.[8] Tungasuvvingat Inuit's website estimates that there are approximately 900 Inuit living in Ottawa.[9]

Ottawa is best known as being the seat of the federal government and, consequently, the offices of a number of national Aboriginal organizations are located within the city.[10] It is an architecturally stunning city whose very origins lie in meeting and trading.[11] It was the traditional meeting place for numerous Aboriginal people in the territory originally inhabited by the Algonquin. It is not a new phenomenon that First Nation, Métis, and Inuit from the east and west coasts and from the territories to the northern regions migrate to major cities throughout Canada, not the least of which is Ottawa.

Some Aboriginal people come to urban centres to seek a better life for themselves and their children, while others come for post-secondary education or for employment. Indeed, the reasons are as diverse as the Aboriginal people themselves. However, some Aboriginal people end up in cities after their release from prison, foster care, or hospitals and many unable or unwilling to make their way back to their home communities. Once here, Aboriginal people, whether they chose to migrate or stay, may face a myriad of challenges, including homelessness, poverty, unemployment, discrimination, substance abuse, prostitution, inappropriate and inadequate services, substandard housing, and conflict with the law.[12] Housing shortages and high rents are creating serious problems for low income individuals and families in the city, and Aboriginal people are overrepresented among the poor. In 1995, the poverty rate for Aboriginal people living in Ottawa was 51.2 per cent.[13]

Despite the paucity of mainstream culturally appropriate services, there are a few organizations that exist for Aboriginal people in the Ottawa-Carleton urban community. They include, but are not limited to: Gignul Non-Profit Housing Corporation, Odawa Native Friendship Centre, Aboriginal Women's Support Centre/Minwaashin Lodge, Oshki Kizis Lodge, Pinganodin Silent Wind Lodge, Tungasuvvingat Inuit Community Centre, and Wabano Centre for Aboriginal Health.

The sponsor for When Justice Heals is the Odawa Native Friendship Centre, which was founded on 19 April 1975 in order to assist the increasing number of Aboriginal people moving into the national capital region. The friendship centre movement started approximately 35 years ago and was initially created to:

> provide services to urban newcomers, their information and referral services are designed to help urban Aboriginal people and migrating Aboriginal people gain access to the range of services and resources available in urban areas. Throughout their history, friendship centres have played

> two fundamental roles in meeting the needs of urban Aboriginal people: a referral service and a gathering place ... and have generally been more successful than other Aboriginal institutions in meeting the needs of Aboriginal people in urban areas.[14]

Over the last 27 years, the Odawa Native Friendship Centre has provided a wide range of community-based services, with activities planned each year to respond to needs. These activities include the involvement of the community in the operation of programs. Activities are developed for all age groups and include cultural, recreational, developmental, supportive, and healing programs. Recently, healing activities have been organized through Aboriginal Healing and Wellness Programs, Aboriginal Family Support Program, Sweetgrass Home Day Care, Aboriginal Head Start Day Care, Dream Catchers Aboriginal Youth Program and Centre, and Aboriginal Peoples Justice Circle.[15]

The Aboriginal community continues to face issues that present challenges to the project. Those were described in the national survey and are outlined in the following table.

Table 2) Issues and Extent of Challenges Facing the Community

Issue	Severe Challenge	Moderate Challenge	Slight Challenge	No Challenge
Lack of Survivor involvement in project				✓
History of incarceration		✓		
Denial, fear, grief		✓		
Lack of parenting skills		✓		
History of suicide attempts	✓			
History of abuse as a victim	✓			
History of abuse as an abuser	✓			
History of adoption		✓		
History of foster care		✓		
Drug or alcohol addictions	✓			
Poverty		✓		
Lack of literacy skills		✓		
Lack of communication skills		✓		

Clearly, suicides, abuse, and addictions were by far the most severe challenges faced by the project, and these same challenges were also identified in the project's original funding application.

3.3 Outcomes and Measures

A logical link exists between the activities a project undertook and what they hoped to achieve in the short and long term. In essence, a project met its service delivery objectives when it carried out planned activities. However, further information is required to assess the actual impact of activities. This means linking desired outcomes (what the project hoped to achieve in the short and long term) to indicators of change, such as changes in participant knowledge, skills, attitude, behaviour, and, ultimately, changes in

environmental or social conditions. The following summarizes the project's goals and objectives (referred to as long- and short-term outcomes) as well as the indicators that show how change is being measured. Desired short-term outcomes include the following:

- provide an alternative to the mainstream justice system for Aboriginal people in conflict with the law;
- work more effectively with Aboriginal people in conflict with the law;
- make the justice system more culturally relevant and more culturally responsive;
- assist in facilitating reconciliation with victims;
- help offenders face their behaviours;
- restore relationships wherever possible;
- encourage reconciliation;
- assist offenders to regain a positive sense of themselves and their culture and to reintegrate into the community; and
- increase skills, capabilities, and effectiveness of the APJC and other interested volunteers.

The longer term outcome was to break the cycle of incarceration and involvement with the justice system and to establish positive patterns and relationships with their families. The relationship between project activities and short- and long-term benefits is set out in the logic model (Table 3). The performance map that follows (Table 4) details the project's mission, resources, target, objectives, and goals and also emphasizes what sources of information can be used to denote change. The map was used to guide the information gathering.

Table 3) Logic Model—When Justice Heals

Activities	Establish an alternative to the mainstream justice system.	Assist individuals to reintegrate into the community.	Provide training.
How we did it	Held regular support circles for offender while in custody; facilitated separate healing circles for offenders and victims; connected offender with an Elder; held ceremonies, sweats, and feasts; conducted sentencing circles in co-operation with the presiding judge; and informed providers in mainstream justice system about Aboriginal ways of working with our people and the benefits that come from following those ways.	Visited incarcerated Aboriginal individuals awaiting court disposition (i.e., pre-sentencing).	Identified training needs and organized periodic training.
What we did	Monthly organizational meetings; # of and participation in support, sentencing, and healing circles; # and content of meetings and consultations with representatives from the mainstream justice system (including information session at the courthouse); consolidated APJC operational policies and protocols for circle work; established Aboriginal practices; and developed evaluation format for participants.	# of applications to the APJC reviewed; # of incarcerated individuals visited; # of and participation in support groups for offenders and victims; and # of referrals to needed services and treatment facilities.	# and content (including respect and confidentiality) of training sessions.
What we wanted	Provide an alternative to the mainstream justice system for Aboriginal people in conflict with the law; work more effectively with Aboriginal people in conflict with the law; make the justice system more culturally relevant and more culturally responsive; assist in facilitating reconciliation with victims; help offenders face their behaviours; restore relationships wherever possible; and encourage reconciliation.	Help offenders regain a positive sense of themselves and their culture and reintegrate into the community.	Increase skills, capabilities, and effectiveness of the APJC and other interested volunteers.
How we know things changed (short term)	Evidence that the program has gained trust and credibility with the justice system and Aboriginal service providers (views of key informants, APJC members, justice personnel; # of applicants and court referrals; and # of committed Elders and volunteers involved with APJC); reduced reliance on defense lawyers to advocate on behalf of the APJC; and reduced level of interaction in the courts.	Reduced rates of incarceration and recidivism among participants; self-reported or key informant observations of changes in participants involvement with substance abuse, family violence, sexual abuse, emotional abuse, and homelessness; and reduced rates of suicide among participants.	Self-reported and observed changes in APJC members knowledge, capabilities, and skills; and key informant reports of contributions of APJC to the community.
Why we are doing this	Break the cycle of incarceration and involvement with the justice system; and establish positive life patterns and relationships with families.		
How we know things changed (long term)	Reduction in incarceration rates and # of Aboriginal people in conflict with the law; and reduced rates of addictions, physical and sexual abuse, family violence, self-abuse, homelessness, and suicide.		

Table 4) Performance Map—When Justice Heals

MISSION: Provide an Aboriginal-specific alternative to incarceration in the mainstream justice system in the Ottawa-Carleton region.			
How?	**Who?**	**What do we want?**	**Why?**
Resources	**Reach**	**Results**	
activities/outputs		**short-term outcomes**	**long-term outcomes**
Hold regular support circles for offenders while in custody; healing circles for offenders, families, and victims; sentencing circles (in co-operation with presiding judge); facilitate ceremonies, sweats, and feasts; inform providers in the mainstream justice system of Aboriginal ways; connect offenders with Elders; conduct monthly APJC meetings; develop evaluation tools; assist offenders to reintegrate into the community to begin their healing journey; provide training to APJC staff and volunteers; provide referrals to treatment facilities and services; and assist in the victim/offender reconciliation process.	Members of the APJC; mainstream justice system employees; Aboriginal persons in custody; Aboriginal people in conflict with the law; victims and families; and Aboriginal service providers.	Provide an alternative to the mainstream justice system for Aboriginal people in conflict with the law; work more effectively with Aboriginal people in conflict with the law; make the justice system more culturally relevant and more culturally responsive; assist in facilitating reconciliation with victims; help offenders face their behaviours; restore relationships wherever possible; encourage reconciliation; assist offenders regain a positive sense of themselves and their culture and reintegrate into the community; and increase skills, capabilities, and effectiveness of the APJC and other interested volunteers.	Break the cycle of incarceration and involvement with the justice system and establish positive life patterns and relationships with families.
How will we know we made a difference? What changes will we see? How much change occurred?			
Resources	**Reach**	**Short-term measures**	**Long-term measures**
$77,165	# of Aboriginal offenders, victims, and families participating in the program; # of APJC members; and # of Aboriginal service providers and mainstream justice personnel involved with the project.	Evidence trust and credibility of the program with the justice system and Aboriginal service providers (views of key informants, APJC members, Justice personnel, # of applicants and court referrals, and # of committed Elders and volunteers involved with APJC); reduced rates of incarceration and recidivism among participants; self-reported or key informant observations of change in participants involvement with substance abuse, family violence, sexual abuse, emotional abuse, and homelessness; and reduced rates of suicide among participants; self-reported and observed reports of knowledge, capabilities, and skills of APJC members and of the committee's contributions to the community.	Reduction in incarceration rates and # of Aboriginal people in conflict with the law; and reduced rates of addictions, physical and sexual abuse, family violence, self-abuse, homelessness, and suicide.

4. Social Indicators

In evaluating AHF-funded activities, five social indicators are closely associated with the impact of the legacy of physical and sexual abuse in residential schools, including intergenerational impacts. These social indicators, selected by the AHF Board of Directors, are physical abuse, sexual abuse, incarceration, suicide, and children in care. Over the long term, decreased rates of these indicators can be viewed as evidence of sustainable healing. The case studies attempted to gather indicator data relevant to the communities and regions where projects were located. However, it was recognized in the case study design that Aboriginal-specific social indicator data might be difficult to collect, especially in urban areas. This, in fact, proved to be true for the Ottawa region. Thus, the information presented below is limited in its applicability to Aboriginal people living in the Ottawa region.

4.1 Physical Abuse

Ottawa police statistics show that crime rates have fallen in Ottawa over the past five years for both violent offences and property crimes, although rates were slighter higher in the past two years than in 1999. In 2001, the rate for assault (including sexual assault) was 691.1 per 100,000 and the five-year average was 730.0 per 100,000. The 2001 homicide rate was 0.4 per 100,000, and attempted murder was 1.6 per 100,000.[16] "A higher proportion of women than men are victims of crimes against persons, especially sexual assault, robbery, attempted robbery and assault."[17]

No data were available on rates of physical abuse or assault involving Aboriginal people living in Ottawa; however, the Ontario Native Women's Association's 1989 study, *Breaking Free*, stated that eight of 10 Aboriginal women had experienced family violence and that 87 per cent of these women had been physically injured.[18] The *Family Violence in Canada: A statistical profile 2000* reported that 7 per cent of women and 5 per cent of men in Ontario had experienced spousal violence during the five years previous to this report. Overall, women in violent relationships reported more severe forms of violence; for example, twice as many women as men reported being beaten, and they were five times more likely to report being choked.[19]

In 1993 and 1994, the Ottawa Police Service recorded a total of 387 hate crimes, the most frequent targets being racial minorities followed by religious groups. Of a total of 215 racially motivated crimes in the two-year period, six (3%) were anti-Aboriginal.[20]

4.2 Sexual Abuse

> Sexual abuse refers to unwanted or forcible sexual touching or activity. Child sexual abuse is more precisely defined any incident when a child is used for sexual purposes by an adult or adolescent including exposing a child to sexual activity, engaging them in fondling, intercourse, juvenile prostitution or exploitation through pornography.[21]

Actual rates of sexual abuse among Aboriginal people in urban areas are estimated to be less than rates for reserves or in rural areas. This may be due, in part, to urban law enforcement agencies being more visible and accessible.[22] It is well recognized that official data under-report the extent of sexual abuse. Victimization surveys indicate that up to 90 per cent of sexual assaults are not reported to police.[23] Prevalence of child sexual abuse is especially difficult to determine as it is a hidden crime, and many victims only report the abuse after they reach adulthood. In a study of the training needs of police serving Aboriginal communities,

the Institute for the Prevention of Child Abuse concludes that 80 per cent to 90 per cent of victims do not want to testify regarding their victimization.[24] The reluctance to testify can influence decisions about reporting an assault.

The Ontario Native Women's Association's 1989 study reported that 57 per cent of Aboriginal women had been sexually abused.[25] Statistics Canada's 1993 *Violence Against Women Survey* found that half of Canadian women (51%) had been victims of at least one act of physical or sexual violence since the age of 16.[26] In the AHF national survey, the project reported that a history of abuse, both as a victim and as an abuser, were severe challenges among participants, and family violence and sexual abuse were severe challenges affecting the community. The Ottawa Police Service's published annual statistics include "sexual assault" under the more general "assault" category. As reported above, assault rates for 2001 were 691.1 per 100,000, based on a total of 5,598 incidents. There were 76 "other sexual offences" reported, with a rate of 9.4 per 100,000.

4.3 Incarceration

No incarceration data were found for Ottawa; however, statistics were available on the numbers of Aboriginal offenders for the Ontario region's federally and provincially incarcerated populations. The following table indicates the federal Aboriginal offender population for the year 2001.

Table 5) Federal Offender Populations, 2001

Aboriginal Identity	Male	Female	Total
North American Indian	339	15	354
Métis	35	2	37
Inuit	53	–	53
Total	427	17	444

Aboriginal people constituted 15 per cent of all federal offenders in 2000, but rates varied according to the crime they committed. In all, 17.2 per cent of those incarcerated for homicide identified as Aboriginal, along with 21.1 per cent of sex offenders, but only 9 per cent of those incarcerated for drugs and 14.3 per cent for robbery.[27] The provincial incarcerated population for Aboriginal inmates is not broken down in the same manner as the federal inmate population; the overall number of Aboriginal inmates in Ontario institutions in 2001 was 32,815, of which 328 or 10 per cent were of Aboriginal descent.[28]

Studies of male Aboriginal offenders in federal prisons have found that they became involved with the criminal justice system at a younger age more so than non-Aboriginal offenders and were more likely to have served a prior term of incarceration in a federal or provincial institution.[29] Youth incarceration (or involvement with the criminal justice system) may be a significant indicator of future adult incarceration rates.

It is well recognized that Aboriginal people are overrepresented in federal and provincial correctional institutions,[30] and youth incarceration rates are even higher. While male Aboriginal offenders are often incarcerated for offences related to physical and sexual assault,[31] research on women offenders highlights the relationship between being a victim of abuse and incarceration. Seventy-two per cent of provincially

sentenced women, 82 per cent of federally sentenced women, and 90 per cent of federally sentenced Aboriginal women have histories of physical and/or sexual abuse.[32]

4.4 Suicide

"Suicide is an injury deliberately inflicted on oneself with the intention of ending one's life."[33] Initial research found that there were 97 reported cases of attempted suicide involving Aboriginal people in the Ottawa region over the past five years, but this number could not be confirmed in published reports. In general, Aboriginal suicides are twice as likely to happen between the ages of 14 and 22 than for non-Aboriginal people of the same age. Ottawa police noted that at least 20 per cent of suicide cases were reported one to two weeks after the incident had occurred.[34] Poverty and unemployment rates played a major factor in most deaths. As well, children who show suicidal tendencies did not undergo counselling or psychotherapy.[35] The project's response to the AHF national survey indicated that a history of suicide attempts constituted a severe challenge for participants and the community.

There are distinct gender differences with respect to suicide and suicide attempts. In Canada as a whole, suicide is the leading cause of death in men between the ages of 25 and 44[36] and, overall, males are four times more likely than females to commit suicide. The highest rate of suicide for men was in the 20 to 24 age range; while for women, the higher rate was among those aged 45 to 54. Suicide among Aboriginal peoples has been reported to be two to seven times more frequent than in the population at large, with the highest reported rates being among Inuit.[37]

Risk factors associated with suicide include a recent family or relationship breakup, facing criminal proceedings, previous attempted suicide, affective disorders, alcohol and drug dependency, and access to firearms.[38] A portrait of youth at risk in Ottawa found that during the 12 months prior to its study, a third of youth between the ages of 14 and 17 had acknowledged having serious thoughts about suicide.[39] Overall, 27 per cent of female participants and 29 per cent of male participants had identified as Native or visible minority. The study found an association between suicidality and the protective influence of pro-social behaviour among male participants, but not female. No significant association was found between minority status and suicidality or emotional disorders, but a significant association was noted among participants with non-heterosexual orientation.

4.5 Children in Care

> Children in care is defined broadly to include all children (under the age of 18 years) placed in out-of-home care by child welfare agencies, whether voluntary or involuntary, temporary, emergency or long term, court-mandated or not, including all forms of placement – foster homes, group homes, institutions, and placement in the care of relatives or customary care.[40]

Records show that in the year 2001, there were 92 Aboriginal children in foster care and approximately 33 Aboriginal children in institutional care for a total of 125 in Ottawa. Forty per cent of all children come from single-parent homes and have been put in care for less than one year. In many cases, poverty or homelessness were the deciding factors in placing a child in foster care.[41] Aboriginal children in intermediate care, living in homeless shelters, or living with a non-legal guardian are estimated to be six times higher in urban areas.[42]

5. Reporting Results

The information in this section relies heavily on the responses of eight key informants to questions asked in a structured interview. This is supplemented by material from documents collected during the case study research and from project files, especially quarterly reports and the national survey.

5.1 Impact on Individuals

Given the small number of participants (three to five in total, with two completing the circle process), impact on individuals must be viewed with caution. Yet as one person noted, "it may not be high numbers but the healing process takes time and needs lots of patience. But we see the result even if it is only one per year. It is like seeding another way of life and we hope that they [clients] carry on with cultivating that seed."

The majority of respondents felt that participants were less likely to be in conflict with the law as a result of the project. As one person pointed out, "for those that completed the process then the answer is less likely. However, if the client did not follow through then the answer is more likely." Another person distinguished between those with a long history of conflict with the law and those without:

> This all depends on the individual's history. For those individuals who come to the circle and have not had a previous record, then I would say conflict with the law is less likely. The ones who have been through the system over and over would be more likely to get into conflict with the law again. I am a big believer in harm reduction and if you look at this question in terms of harm reduction the behaviour may not stop but it may get less and less serious ... weaning yourself off of some harmful behaviour with something less harmful means that the message is slowly clicking in.

A number of respondents credited the circle process as the reason for a reduced level of conflict with the law, including the "inordinate amount of time" spent with the accused. One referred specifically to the two participants who completed the circle process:

> In the two cases that went all the way, one client called me up and disclosed that he had relapsed and had a drink, but I told him that the relapse was a much lesser charge than he was charged with before. He was charged with domestic violence and drug use. So, this is still an example of a change in behaviour. The other example is the client called to invite me to a powwow and to meet his extended family.

One person who was unsure about the impact of the project on participants and whether there was the likelihood to reoffend said that this was "because our aftercare program for our clients was not implemented. There was nothing set up to get feedback." Another felt that the likelihood was the same, whether they participated in the project:

> It is my experience that the people are going to reoffend. It is the nature of the person and sometimes it is the nature of the offence [i.e., prostitution/alcoholism]. The system is not set up for healing because there are so many rules. Is a women going to sell her body to feed her family? Probably. Each step is a success for where they are in their life. Maybe we will not prevent future conflict with the law but a seed is planted.

Three respondents noted a greater awareness and knowledge of culture and traditions when asked to describe any changes they had observed in participants' attitudes, knowledge, skills, or behaviour. Also,

there were references to participants regaining self-esteem, dignity, and confidence and recognizing the destructive nature of their addictions. One client built his own house on his reserve and another client is going back to school and taking a Native studies course. Other changes noted by key informants included the fact that clients express themselves better at the end of a circle and that they go through a range of emotions, including gratitude, relief, compassion, understanding, respect, and a sense of self-worth. Also, the fact that they are required to ask family members to be part of the circle means that they must reach out to others.

In explaining why such changes have taken place, one person said, "they are given a chance. The court is not a chance. In the circle, all have an equal voice, they may not like what is said in the circle but there is no judgment later and there is no fear of retribution in the circle." Another said that in dealing with the committee, clients learned how to negotiate for themselves and that the circle is not an easy way out. One spoke about the value of the teachings:

> They understand their pain. They received the teachings and as a result began to realize that what they did was stupid. The circle sees small steps forward and it is exciting. We see the struggle. They learn how and when to smudge. They learned that they deserve to sit in a circle and that they are worth it ... Even in an unsuccessful circle, you hear the client admit their faults and you see the door open.

Another spoke of the role of the Elders, "due, for the most part to the participation of the Elders. Most have never heard from an Elder or listened to their versions [teachings] before."

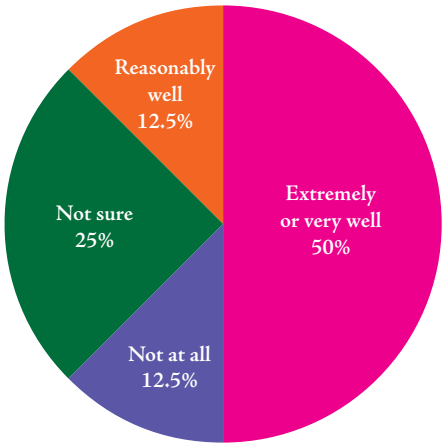
Respondents were asked if they noticed whether victims and their families were more or less likely to participate in alternative justice initiatives over the course of the project. Interestingly, there was no consensus among respondents. Only two of eight people felt it was more likely. It appears that victims were not necessarily Aboriginal, and non-Aboriginal victims were not particularly interested in alternative justice processes, as one of the two stated, "victims are oftentimes new Canadian business people and their view of justice is not in keeping with the alternative view. They tended to reject the circle process." The other said, "If the victim and family are Aboriginal they may be resistant to participate at first, but they eventually do. But if the victim, usually an immigrant, is running a bank or a store, they are less likely to invest their time with someone else's healing." One person who felt that the likelihood of participation remained the same over the course of the project pointed to the need for more education for victims. Another felt that the likelihood was even less now than before the project: "It was hard for some victims and we could not force them to participate, especially in cases of domestic violence. If the victims were non-Aboriginal they did not care."

In spite of these diverging opinions, respondents unanimously agreed that opportunities for victims and their families to participate in reconciliation were better. Moreover, most respondents felt that the project ensured the safety of women victims (i.e., protection against re-victimization and further harm by the offender) to some degree, although a few were not sure (Figure 1). One person said that the project was not addressing the issue at all: "From what I could tell, safety mechanisms were never implemented in our program for women."

Those who felt the issue was addressed cited the high proportion of female circle members and the fact that these women were knowledgeable about resources and support services for women. It was not clear

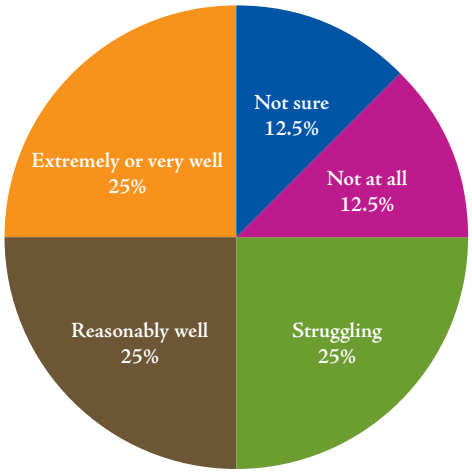
whether the circle dealt specifically with domestic violence cases, as some of the references suggest this was the case and others state clearly that it was not. It is possible that family violence issues were raised in the course of the circle, whether or not this was the formal charge. It was also reported that victims can be represented and/or supported in the circle by the Spousal Assault Team and Victim Crisis Unit or they could send a letter or have someone else speak for them.

Figure 1) How Well Project Ensured Women's Safety



Respondents were also asked how well social services and justice-related services ensured the overall safety and well-being of the offender (i.e., safe from community retribution or ostracization). Figure 2 shows that respondents were divided almost evenly between those who felt some level of safety was in place and those who felt agencies were struggling or not addressing the issue (one person was not sure).

Figure 2) How Well Project Ensured Offenders' Safety



5.2 Influencing the Community

It is unlikely that a small project, such as When Justice Heals, operating in a large urban centre will significantly influence social or environmental conditions (as measured by rates of physical abuse, sexual abuse, children in care, suicide, and incarceration), especially over a short period of time, as in this case,

where only two participants had completed the healing process. The case study did, however, uncover some evidence of progress. For example, respondents had a number of thoughts about how the When Justice Heals alternative justice project benefited the Aboriginal community.

All of the interviewees recognized the advantages that the project brought to Ottawa, especially in light of the growing Aboriginal population within the region. One person stressed how the city needed more projects and services, and another was reminded of the importance of doing preventative work despite the fact that their hands were already full. "Community members in conflict with the law now have somewhere to turn, and even if they do not want to participate in the circle process, we have other referrals for them." Four respondents also recognized that an alternative justice project in an urban area could benefit the Aboriginal clients in terms of anonymity, lower cost, fewer restrictions, and ready access to healing and treatment services in the city. Other benefits of the project included the observation that the "community can consider the impact of the criminal justice system on our members ... it represented a proactive measure consistent with self-determination." Another perceived benefit was that the project had the potential to bring the community together.

When asked how the project made the mainstream justice system more culturally relevant and more culturally responsive, it was reported that the coordinator delivered awareness sessions to defence lawyers about the APJC, what it does, and why. Those awareness sessions at the courthouse were viewed as a sensitizing process for mainstream justice personnel. One respondent spoke passionately about the impact of networking on justice officials: "The most important part is that they [justice officials] have begun to listen and learn and to accept our teachings ... and that we are here to help each other ... this type of networking allows us to gain credibility and more respect and there is more willingness to learn our ways."

Another interview question asked how the perceptions of mainstream justice officials have changed over time. Some respondents felt that change was due to increased awareness of the alternative justice system. Indeed, one Crown attorney approached an APJC member and confided that his experience of "the sentencing circle process was more satisfying than anything he had ever done." Two others felt that a greater respect for the work of the APJC was evidence of change as expressed in the following quote: "there is greater respect for the medicines now in the mainstream justice system and a healthier respect for those peoples who want to have the right to use their own teachings. It blew me away to go into a courtroom and smudge and the court respected it." The number of referrals from the mainstream justice system was another indicator for change; but even with the increased numbers, the APJC "had to turn away some of [them] because we had no coordinator, not even a phone number." It was difficult, if not impossible, to determine exactly how many referrals could have come before the circle if they had the capacity for client intake.

Despite the unanimous responses from the interviewees on the *benefits* of the project, there were a few dissenting opinions about the *influence* the project had on both the Aboriginal and non-Aboriginal communities. For the Aboriginal community this was principally because the community as a whole "did not support the project." They believed that the APJC was "comprised mostly of non-Aboriginal members ... and they stepped back." One respondent said, "tried to figure out why [the APJC] got funded by the AHF ... even our support letters were from people who were not active in the community." Inexorably, the cohesiveness of the circle "broke down after a while. It was overwhelming."

There were similar opinions, although not as discordant, about the non-Aboriginal community partners. One interviewee thought that the justice officials did have a willingness to learn about the circle process but that there was never enough time. Some of the justice personnel appeared impatient with the circle process presumably because of the slower pace of healing throughout the course of the proceedings. Another not so complimentary response maintained that "the mainstream justice representatives liked to have the circle experience just as a notch in their belt. The circle was more or less a token for them."

5.3 Impact on the Aboriginal Peoples Justice Circle

One of the questions asked of the respondents in the interview process was to describe what measures were taken by the APJC to ensure that the circle members did not experience burnout. In other words, what mechanisms did the circle use to care for their team given that the project used volunteers almost exclusively. Being vigilant for signs of fatigue appeared to fall under the responsibility of the circle keeper who would "request that individual circle members take a leave of absence" should stress become an issue. If it appeared prudent, referrals could also be made to local professional counsellors for APJC members.

In addition, the group itself was very supportive: "We understood when a circle member needed to step down. We knew our limitations and we let each other know they were cared about." Trust and confidentiality were at the forefront, but ultimately the role of recognizing burnout was left to the circle keeper, especially in the case of Elders. One respondent stated, "This depend[ed] on the circle keeper. At the end of a healing circle either the client or the victim or the circle keeper d[id] a closing prayer and they asked how everyone was doing and if we needed to get together again." The same respondent argued that circle keeper training was important and much needed. However, other respondents were not so positive about the mechanisms for coping with burnout or felt that it was not an issue:

> The only measures we had were within the healing circle and getting support from the medicines. It is an individual thing. But we had no money to do a staff retreat ... if we recognize that someone is over-extending we bring it up to them in the meeting. The majority of the committee members are professional people and they know how to recognize burnout in themselves. We do lots of check-ins and lots of debriefing ... we could have done more.
>
> There was no mechanism for circle members to alleviate potential or real burnout and very little debriefing was going on for our volunteers. Circle after circle after circle failed, and the stress level was quite high and was also due to a lack of Elders to help the group debrief. I was very surprised at the lack of formal procedures even after the circle, the protocol was to relax and have some food, but that never really happened. It was mostly on the way out, or down in the elevator, or walking to the car. There was no Elder to help cleanse [us].
>
> I do not think that burnout was a concern due to the low numbers of clients that the circle processed.

Respondents were also queried on how the project dealt with community criticism or opposition to the APJC project. One person said that they were not aware of any community opposition while another thought that the community was "hesitant or sceptical about those who commit crime." The only opposition came from "people who don't know who we are." Half of the interviewees were less than complimentary in their responses:

> Honestly everything that I heard was hearsay in terms of criticism ... [I] heard comments from a lawyer that stated that the APJC is a white-run justice system, I guess because the circle is comprised of the Crown attorney, police, Aboriginal justice, et cetera. There were comments from a number of Aboriginal persons sitting on the circle that other community members were not thrilled with the APJC or that the Elders were not happy.
>
> The project pretended the criticism was not there. They turned a blind eye and did not respond.
>
> When we discovered that the community felt that our committee was overtaken and run by whites, we took it very hard. We tried to recruit more Aboriginal members but two of the grandmothers refused to be on the committee because they thought it was white-run, and this surprised me coming from a grandmother.

The interviewees were also asked for their comments on how the project dealt with internal disagreements among the circle members. Again, one respondent was not aware of any internal conflict. Overall, respondents explained that differences of opinion were talked out in the circle, "as respectfully as possible," and the group tried not to leave the meeting until the dispute was resolved. Despite the good intentions, some attempts to settle disagreements were unresolvable due, for the most part, to personality differences:

- "We fell down on some of those issues ... we did not deal with conflict as good as we could have, but then we were all volunteers";
- "[One of the] biggest conflicts was about being too white or not Indian enough"; and
- "If the project had a problem it was not dealt with in a professional way. If one member stayed on, the other dropped off, and their disagreements were never resolved. It was highly dysfunctional."

Another respondent was optimistic about internal APJC disputes and conflicts: "The committee may get off-balanced or disjointed but we are all volunteers and a lot depends on the group. One group did not deal with conflict respectfully but one individual can't compromise the whole committee."

5.3.1 Training

The final question in this section dealt with training and if the respondents believed they had received adequate and appropriate training for their project roles and responsibilities.

Table 6) Views on Adequate and Appropriate Training*

6	5	4	3	2	1	0
Excellent, hard to imagine any improvement	Very good, needs only minor improvement	Reasonably good, but needs minor improvement	Fair, improvement required	Poor, needs major improvement	No training provided	Not sure
—	12.5%	12.5%	12.5%	—	25%	37.5%

* (n=8)

Only two of the respondents rated the training received as either very good or reasonably good, yet even these two followed up with comments that call their ratings into question:

- "Education cannot be stressed enough, both traditional or for mainstream education. Our education dollars were insufficient to meet our needs; our training budget was underestimated."
- "Training was not always available and what was available was not specific enough. We got overall training but it should have been more specific to the needs of the circle. We did get RCMP training on collaborative justice, but this was before AHF funding. We did not have the proper training for circle sentencing. We did not have the skills required."

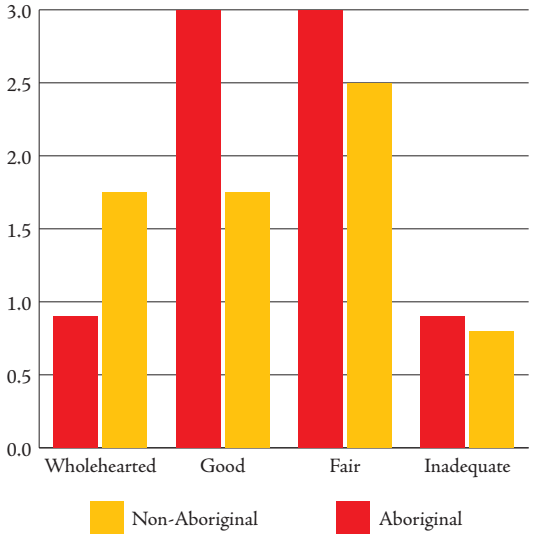
Two respondents stated that no training was provided and three were unsure. Two people mentioned that a two-day session was provided by a Toronto group but felt that this was more an attempt to advocate for the community council model than a training course. One respondent emphasized that the circle definitely "needed more training." As previously stated, training was identified in all quarterly reports submitted to the AHF by the project; in particular, circle keeper training and conflict mediation training. Training needs were also identified in the national survey.

5.4 Partnerships and Sustainability

Partnership information contained in the national survey cited two key community agencies linked with the project: Bimadiszi Inuujujut Lodge offered fast-track counselling services to APJC clients and victims and the Aboriginal Women's Support Centre (AWSC) offered victim support. Agency partnerships were also identified in the quarterly reports: Wabano Centre for Aboriginal Health, Centre for Treatment for Sexual Abuse and Childhood Trauma, Pinganodin Lodge, House of Hope, office of the Crown attorney, and the police liaison offices. The application for funding submitted to the AHF listed three sources of community support; namely, Tungasuvvingat Inuit, Wabano, and Ottawa-Carleton Regional Police Service Post-Charge Diversion.[43]

As can be seen in Figure 3 below, respondents did not agree on the level of support community partners gave the project, but most felt it was at least fair. Support from Aboriginal and non-Aboriginal partners was perceived as following a similar pattern. Respondents' comments, however, were less positive, and differences can be seen in how these two groups of partners were viewed.

Figure 3) Support from Community Partners



With respect to Aboriginal partners, one person was concerned that not enough Aboriginal people were involved and another felt that there was no sense of ownership by the Aboriginal partners. Some Aboriginal organizations allowed their staff to attend meetings, but other than the employees' time, there was no additional financial support. However, it was recognized that volunteers were expected to commit a substantial amount of time, and this may have hindered participation. A "hostile" committee environment was also recognized as contributing to the lack of agency support.

The non-Aboriginal partners included representatives of the justice system, the Crown attorney, Ottawa Police Services, judges, as well as the executive director of the House of Hope. One respondent lamented that so few Aboriginal people hold positions in the mainstream system, and thus these positions are filled by non-Aboriginal individuals. Another noted polarization around the issue of ownership and non-Aboriginal partners. The influence of non-Aboriginal partners on the APJC was recognized and, at times, Aboriginal members were outnumbered. However, one person said, "recently the participation of our non-Aboriginal partners is next to nil. They are not attending meetings." Another was concerned that "the Crown only wanted to support sentencing circles and not more services for Aboriginal people." The lack of financial support from the Ministry of the Attorney General was also commented upon.

On a more positive note, one respondent said, "We received privileged information because of our non-Aboriginal partners. We could call the court directly and get information. It was very valuable to have judges as partners and we need to work with them." One of the respondents felt that the individuals involved were compassionate and open to Aboriginal cultures and teachings, but "some community members do not want to participate on the committee because they feel that there are too many white people on board. For a period of time there were more non-Aboriginal people on the committee."

Respondents were asked how the project would be able to operate when funding from the AHF ends. The issue of sustainability was addressed separately in the national survey where it was reported that the value of donated labour from community agencies, including the Crown attorney, was approximately $9,500. In addition, the court provided a meeting room for the sentencing circles.

In terms of sustainability, there was undeniable evidence from the interview data that the project will continue. In fact, the project has continued after the project's second year application for funding was declined by the AHF. Despite the fact that many of the respondents observed major problems with the project, including its accountability to the community and the lack of training for the APJC, most believed that it is viable and merits ongoing support, albeit largely through volunteers.

All respondents stated that the project will rely on volunteers to continue its operation mostly because they "want to be there for the circle" and because there is "no decrease in the number of applications to the APJC." One of the respondents hoped that the AHF would release the 10 per cent holdback so that they could "hire someone to do the fundraising to sustain the project." As the work of the APJC continues, the volunteers recognize that there will be little or no time for fundraising. Unfortunately, without sustainable funding, opportunities for training will significantly decrease.

5.5 Ensuring Accountability

There are significant concerns about the lack of community participation and support. Only one of eight respondents felt that the project was reasonably accountable (i.e., engaged in clear and realistic communication with the community as well as allowed community input); the rest said it was struggling, not addressing it at all, or they were unsure (Table 7).

Table 7) Views on Project Accountability*

Very well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address accountability	Poorly, needs major improvement	Is not addressing accountability	Not sure
–	–	12.5%	12.5%	–	12.5%	62.5%

* (n=8)

When asked to explain their responses, interviewees gave a variety of reasons. One pointed out that they put a letter in the Odawa newsletter and got four new circle members as a result. Another spoke of annual information sessions and the coordinator promoting awareness of the APJC through media promotions and brochures. This person added that improvements were always needed and it was a struggle to get funding. One person, who was not sure, said that it was because some volunteers were not Aboriginal. However, the non-Aboriginal community was very supportive. This same individual also said, "If the community was opposed to us, I wish they would come out and say it." Another respondent stated, "We did not have a clear strategy other than contact with the committee members. We have to do better, be more public. The reason we were not more public was because of a lack of members and lack of staff."

Two different views were expressed regarding the involvement of Survivors. Most respondents reported on Survivor involvement, especially in the planning phase, and one said the involvement was "significant":

> "[A]lmost all of us came from multi-generational impacts of the residential school system and we saw how it affected us as individual workers and as parents. We know where addictions, violence, poverty, and no culture came from. We are aware it is still there and can take four to five generations to lessen the effects of residential school abuse and the effects of colonialism.

However, this view was disputed by another respondent: "I never came across any intergenerational or direct Survivors involved with the project, and this made me very upset."

When asked how well the project had addressed the legacy of physical and sexual abuse, including intergenerational impacts, half of the respondents were not sure. One person stated that the project was not addressing the Legacy at all and another felt that it was doing poorly. The remaining two reported the project was doing reasonably well, with one of these respondents noting that while the issue was not dealt with directly, "it gets addressed when we talk about the person's experience about their culture."

Responses were also split regarding how well the methods, activities, and processes outlined in the funding agreement led to desired results. Five people were unfamiliar with the funding agreement and therefore unable to respond. Of the three who answered, one said very well, one rated the performance as poor,

and one claimed it was not addressing the stated methods and activities at all. Such divergence among interviewees probably reflected the conflicts and differences among APJC members noted elsewhere in this study. One person spoke bluntly about the need for improvement. Interestingly, this person said the project was doing very well and that only minor improvements were needed: "I agree with the sponsor and the AHF for not agreeing with us; we never really got off the ground, i.e., didn't get incorporated; there was money left over because the coordinator left early. We could have improved, especially in the area of training."

The respondent who rated the project's performance as poor began in a positive tone and then explained the reasoning behind his response: "There is no doubt that the committee enabled there to be some alternative to the mainstream. The training was a complete letdown. There was also little direction for the coordinator."

Table 8 shows responses to a question about how well the project was able to monitor and evaluate its activity. One person noted confusion about the nature of the circle and suggested that a closer relationship with Odawa would have been preferable. Another observed a need to get more information down on paper, especially codifying traditional knowledge. The national survey reported that the project measured change in participants through written and recorded observations and solicited feedback, but the files did not contain these documents. Administration reportedly suffered because everyone was so busy. One respondent stated that the project was not accountable to the AHF and, "in our activities, we could have reported anything." Finally, one person spoke about making the evaluation process more formal:

> At the end of each healing circle, we gave all participants the opportunity of speaking their mind. In hindsight we should have given them the opportunity to speak their mind anonymously, perhaps through the use of an evaluation form. We needed more monitoring and evaluation for clients as well as for ourselves.

Table 8) Views on How Well the Project Monitored and Evaluated Its Activity*

Very well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address monitoring & evaluation	Poorly, needs major improvement	Is not addressing monitoring & evaluation	Not sure
–	–	25%	12.5%	12.5%	12.5%	37.5%

* (n=8)

No consensus was observed among respondents on issues related to accountability, evaluation, and monitoring. It is clear that accountability was a problem for at least some of the APJC members. Similar concerns were reflected in the recommendations made by AHF staff.

5.6 Addressing the Need

In the national survey, the project reported that it reached those who needed the service the most, although it could have been better. It is the offender who must make an application to the APJC in order to qualifiy. At the time they completed the survey, the project had two clients and stated they could handle two additional offenders without having to recruit new volunteers.

Interviewees were asked about the previously identified needs the project was intending to address, and responses focused on achieving a fairer, more culturally relevant justice system, providing alternatives for Aboriginal people in conflict with the law, and stopping the revolving door of incarceration. However, these responses were provided by only three of eight respondents as the remainder did not respond, perhaps because they were not involved in the various stages of the project. Had a community needs assessment been conducted, it may have been easier for circle members to answer this question. Similarly, half of the respondents were unsure about the project's ability to address and meet identified needs. The remaining responses varied significantly: one person said poorly; one said reasonably well; another said very well; and one claimed that it was doing reasonably well for those clients who made an application while it was struggling to address the needs of those who did not know about the project.

5.7 Successes and Best Practices

When asked to describe the project's successes, respondents spoke of improvements in the lives of clients: a big change in how the client dealt with his children and spouse; smudging for the first time; and enrolling in a Native Studies course. One person felt that there was an increase in the community's knowledge of justice processes, and a number of examples were given of successful interactions with the mainstream justice system, including strong partnerships with police and courts.

- "The partnerships with the police services and the courts were very strong, and relationships with the Crown were very supportive and respectful of what the circle is and what we want to do."
- "Having a white male judge come in and talk to us about restorative justice and accepting Aboriginal ways, then having the same judge sit down to dinner at my house and recognizing that some Aboriginal people have been systematically abused in their life—this is hope. It is improving the quality of life for our clients. Cultivating the seedlings takes a lot of work."

Quarterly reports submitted to the AHF stated that the assistant Crown attorney, as a member of the APJC, had been "instrumental in having Aboriginal persons diverted away from the mainstream justice system." This suggests a growing recognition by the justice system of alternative processes. Two respondents made it clear that progress did not have to be dramatic for an intervention to be considered successful:

- "When a person walks through our doors that is success. Many applications were made to the APJC and all must be complimented, even if they do not complete the healing circle."
- "Just because the client did not continue in the circle, I would still consider it a success because the secret was brought out in the community. Even if the client went back into the mainstream justice system, he still learned something."

In speaking about their most memorable experiences with the project, two people focused on the sentencing circle experience:

- "Every sentencing circle was beautiful, it is what you go home with. Emotions are poured out in the circle, especially when you hear of a mom and dad saying how the circle made such a difference."
- "The first sentencing circle in a court room, it is seeing the probation officer backing up his client and seeing the lawyers who were educated about our ways, it is seeing the family and knowing that they appreciated what the healing did for their son, it is seeing that the system had a lot of respect for the medicines. It blew me away, the realization that this is why we are here."

One of the spinoffs of having an alternative justice project in the community is that it can fill a service gap. For example, a couple of people mentioned the need for a courtworker. One of the respondents, who

filled the coordinator position on a volunteer basis, noted that people came by to get advice: "Most of the drop-ins already had their remands and were nervous about their upcoming court trial and needed to talk to someone who understood." Also, the paid coordinator met with a number of young offenders, both as an advocate and someone to do cultural assessments for the court. He also took time to meet with representatives of Aboriginal and non-Aboriginal service agencies and members of the mainstream justice system.

The national survey identified this best practice: "Traditional and holistic methods are used for the healing circles and it is often the re-engagement for those individuals to their culture."[44]

5.8 Challenges

Interviewees were especially open about the problems and conflicts they confronted in their various roles within the project. This kind of honest criticism is an important and necessary step in building a strategic plan. As sentencing circles and other alternative justice initiatives are increasing in popularity, the challenges facing this project can provide insights and lessons for others embarking on similar initiatives. The national survey identified the following as the greatest challenge: "when an offender decides not to participate any longer and when the victim(s) refuse to take part in the circles."[45] This comment was indicative of the APJC's commitment to the individuals they worked with; in essence, the circle was composed of people who cared about and wanted to make a difference in the lives of Aboriginal people in Ottawa. The challenges they faced were first of all philosophical (differing perspectives among APJC members) and structural (related to the mainstream system), which were compounded by administrative and resource limitations and the fact that the project appears not to have been firmly rooted in the community. Yet as one person said, "even though it may look very dysfunctional at times, we have always been there."

Within the APJC, there were differing views about alternative justice. Some supported the community council model used by Aboriginal Legal Services of Toronto (ALST) and felt that the Ottawa approach was too closely tied to the mainstream justice system. Others strongly disagreed with the ALST model and were annoyed with a two-day training session provided by this organization because they viewed it as advocacy rather than training. ALST was described by one respondent as "the first and only alternative justice system." This person felt the project did not want the community council model, in part, because they would have lost some control. In contrast, another respondent saw ALST as "basically a card to get out of jail free." As discussed below, the APJC sentencing circle process and the ALST community council model are actually two distinctly different approaches to alternative justice. A 1999 review of literature on justice projects in Aboriginal communities included this description of the ALST model:

> Aboriginal Legal Services consists of a courtworker program, a native legal aid clinic, a training program for court workers, an inmate liaison program, and ... a diversion program. This intervention diverts adult aboriginal offenders in Toronto before their case gets processed in court ... It differs [from other programs] in having a broader eligibility for offences, in its handling of cases where the disposition is not completed, in the pattern of offences dealt with (primarily theft, prostitution, and court offences), and in its aggressive advocacy and pursuits of cases for diversion.[46]

From this description it was clear that ALST had a broader range of services and a more comprehensive program than what was available in Ottawa. Also, the fact that it is a diversion program (dealing with offenders before their cases go to court) is qualitatively different from a sentencing circle. Although

a couple of people were concerned that the APJC was too closely linked with the mainstream justice system, as sentencing circles necessarily involve the judge and prosecuting and defence attorneys (as well as the community) in setting the sentence. They were also predicated on the offender being found guilty or admitting guilt. Therefore, when one of the people interviewed about the APJC project said, "I totally disagree that they have to plead guilty," it indicated an underlying discomfort with the particular alternative justice model being used (i.e., sentencing circles). "Review of court experience to date indicates that the purpose of sentencing circles is to shift to sentencing principles other than retribution, and to involve the victim and the community."[47]

An information letter on the APJC stated that a justice committee would review applications for sentencing and/or healing circles and that "there is an agreement by the Judge in sentencing cases, the Crown Attorney in cases diverting post-charge, or the police in cases diverting pre-charge."[48] However, it appeared that the project focused its activities on sentencing and healing circles: "Healing circles for victims and offenders were an important part of preparing for a circle hearing."[49]

One interviewee said the project was based on the sentencing circles made popular by Judge Barry Stuart of the Yukon. These circles, along with a similar model used in Saskatchewan, have been much discussed in the alternative justice literature, including a range of potential problems and limitations, such as power imbalances in domestic violence cases, long delays required to shore up victim participation, the need for protection, especially for victims, and the fact that sometimes there was less support for the victim than the offender. Concern was raised about the absence of detail in the plans for Aboriginal justice and that there was often little discussion of community needs and realities. The literature presented a series of questions regarding restorative justice initiatives, including the following:

> is the practice carried out as theoretically conceived? are all legal guarantees there for both offender and victim? is the overall position of the victim better off under this approach? is it better for the rehabilitation and education of the offender? for what types of offences and kinds of offenders is it suitable? is it an alternative or just another strategy? how does restorative justice impact on the community with its diversity, conflicts, and power imbalances?[50]

The literature also asked how the community was defined and who represented it, what are the levels of community participation and involvement, and if it has the skills and willingness to deal successfully with offenders.

Community justice committees could take on an organizational role; they sometimes reviewed cases and recommended which ones were to be referred to circle sentencing. Many of the articles included in the literature review stressed the importance of having the necessary community resources to support the process, the willingness of the community to participate and its ability to provide follow-up. A discussion paper by the Saskatchewan Department of Justice addressed similar questions:

> [W]ho is responsible for investigating the potential for the Circle, for handling its arrangements ... how does one identify 'the community', who should attend and what should their role be, what is the process to be followed in the actual sentencing circle (e..g., sitting arrangements, judge presiding, introductions, prosecution and defence sentencing submissions), whether the judge's final decision is seen as informed by the discussions or as directed by the group consensus, what if any rules apply with respect to perjury, slander, etc.[51]

It is clear that a great deal of research, planning, and discussion and debate precede the implementation of any community justice initiative and that this process should fully engage the community. The extent to which the APJC went through such a process remains unclear, especially since at least some of the conflicts among circle members appeared to be rooted in philosophical differences regarding the model they implemented. For example, some members were unhappy with the number of non-Aboriginal people involved in the circle, but this seemed inevitable given the need to involve the judges and lawyers in sentencing circles and the fact that most people in those professions are non-Aboriginal. However, the group also had difficulty recruiting Aboriginal members, in part, because of the extensive time commitment required by volunteers. It was also probably true that the overall lack of community involvement and unresolved conflicts among APJC members around the sentencing circle model made recruitment more difficult.

Three-quarters (6 of 8) of those interviewed made reference in some way to a lack of community support and involvement. One stressed that there was no sense of ownership and control and another spoke of the project not being community-based design. One respondent mentioned that a community forum was held, but the project files do not indicate how many people attended. Two people spoke about the need to get more information out into the community: "The only opposition came from people who don't know who we are. There is a barrier getting the message out" and "The first step should be that more information needed to go to the community about APJC. There was no time for that."

One person referred to two possible approaches: starting off the project in a manner that ensured community participation gain support as they grow or getting community support first. The project chose the first route: "We saw that a job needed to get done and we went ahead and did it without full community support." Another stated, "I do not believe that the community was ready for this project. The people who started the project hoped that the community would rally behind them."

The active engagement and support of the Aboriginal community in Ottawa would seem a prerequisite for a successful alternative justice project. Some respondents also mentioned a need for more volunteers and for greater participation by Elders. At one point in the project's life Aboriginal membership on the APJC was down to only one or two people. Low levels of Aboriginal participation may have been less of an obstacle if the project had greater community support. A paper on planning and evaluating corrections and healing projects in Aboriginal communities used a case study example to explain why projects fail. In this example, the evaluator listed five key weaknesses related to planning and implementation:

1. Community consultation was insufficient as community residents and front-line personnel were excluded from the initial planning process.
2. Many of the key program organizers did not have credibility in the communities.
3. The programs did not address the specific needs of the communities or of victims and offenders.
4. There was political unrest in the communities and during the program there was intervention by tribal council members and [E]lders in the cases of family members.
5. The program did not take into account the fact that not all community residents shared the same cultural values.[52]

The project team was composed entirely of volunteers except for a paid coordinator during five of the 12 months it received AHF funding. As a result, the volunteer workload was high. One person said the APJC was raising false expectations by "doing more than they can practically do." Another concern was

the lack of "qualified Aboriginal people to fill the capacity and the low salary scale for the staff position." At the time of the interviews there was no funding, no office, and the coordinator's position was filled by a volunteer.[53] A lack of resources within the community created additional challenges; for example, the need for a courtworker was mentioned a couple of times during the interviews.

A number of administrative problems were cited, some associated with the lack of resources while others seemed to be rooted in the ambiguous relationship between the project and its sponsor. The APJC had intended to file for incorporation, but the process was never completed. Odawa provided office space, but other links with the sponsor were tenuous. Also, there was a complaint that the committee operated like an independent board even though it was not incorporated. One person reported problems getting information about the project's finances: "The accounting was done by Odawa and we never had a financial statement at our meetings." Moreover, "the sponsor is listed as the official contact person so when the coordinator would try to contact the AHF no one would even talk to him. There was no administrative staff position, and when the AHF funding ended, we stopped using the money even though we still had money in the bank."

The quarterly reports stated that there was no formal management structure. The APJC operated as a volunteer committee with a chairperson, a co-chair, and one paid coordinator (for five months). Except for the paid coordinator, the structure had been the same since the outset of the committee in 1997. The circle process was guided by a circle keeper, and monthly meetings were held to report on clients' progress. The need for greater clarity with respect to the roles and structure of the APJC to revise the terms of reference, to review the circle process, and to clarify Odawa's role with respect to the APJC were reported in a document entitled, "Needs Identified by APJC Members to Serve Clients Better and to Operate Effectively."[54]

The need for a procedure to deal with applications and how to proceed with circles including procedures for young offenders was identified, and in June 2001, a checklist for the application and circle processes were developed. On 27 September 2001, just days before the end of the AHF project, an emergency meeting was held where a decision was made to continue while reviewing the structure and operation of the APJC before accepting new clients. However, the coordinator's report for this period states that there was no quorum and the chair and co-chair were not present. In summary, it appeared that the APJC was well aware of the need for formalizing and updating its procedures, but it was still struggling to take action at the time the funded project ended.

As noted earlier, it appears that the only training provided was based on ALST's community council model, which was controversial to some members. The need for training for circle members and circle keepers was reiterated in the four quarterly reports prepared by the project. The interviews confirmed that training was an unmet need.

A number of systemic challenges related to the mainstream justice system and non-Aboriginal agencies were noted in the interviews. One person spoke about how defence lawyers do not get paid by legal aid for up to six months if their client went through circle sentencing. In such cases, the attorneys may be reluctant to support the process. There were also problems with non-Aboriginal service agencies:

> When the client went into an Aboriginal service the safety was damn good. The accountability is not as strong with the non-Aboriginal referral agencies. My beef? Treatment centres are reluctant

> to take court-ordered clients. They are at the bottom of the list. Treatment centres would rather give the seat to someone on their own volition. Clients are refused because of Hep C, AIDS, poor health, or major medical problems because they are viewed as a health risk. There is a waiting list of four or five months, and if a young offender has to wait six months then sometimes the court dates conflict. There is less and less for young offenders.

Sometimes the lengthy process was a challenge and a client might have to go back to court before they had come before the circle. Interestingly, in light of criticisms that the mainstream justice system was too slow, one person noted that " lawyers would approve a 'conditional release' in a heartbeat because then someone else would have the responsibility." This approach may have added to the burden of Aboriginal services in the Ottawa region. While the APJC did have the support of many of these organizations, it was important to recognize that the existence of adequate and appropriate community resources and services were essential components of holistic, community-based justice projects. A formal survey of community agencies would have been helpful in identifying service and resource gaps and potential stresses and supports for the project and its clients.

Interviewees mentioned the long hours required by volunteers, high levels of stress, and the high potential for burnout. Moreover, circle members had access to confidential information that could not be shared with the community, which created difficulties: "We got privileged information from our non-Aboriginal partners, information that could not be shared with the community and because of the confidentiality aspect of our work, we were criticized. The committee took unfair abuse." There was another side to this pressure, one related to the information Aboriginal circle members had about their community: "Another barrier is that as Aboriginal people, we know things that the Crown does not. We know where the clients are and know when they abscond from the process. This was a big dilemma because you can't go to the Crown and advise them of all you know about the client." This person went on to raise concerns about the safety of APJC members: "And this work was ... dangerous! I often wondered if someone in our community would come after me. It is also very hard to be neutral in the circle when you know the family of the accused. How can you be completely impartial? The committee was constantly under a microscope."

Overall, the pressure on circle members may have been alleviated if some of the other challenges outlined in this section were addressed, then the circle members may have functioned more effectively; for example, if the initiative was fully understood and supported by the community and community members were involved in its design, if it had sufficient resources with access to a full range of complementary and supportive community services, if circle members had access to ongoing training as required, and if the committee had a well-developed (and community-approved) structure and set of policies, procedures, and processes to guide their work. Challenges related to the mainstream justice system were more difficult to overcome, but as noted elsewhere, the APJC broke down through their work with judges, lawyers, and other representatives of the justice system.

5.9 Lessons Learned

Interviewees were asked to describe what they would have done differently to better serve the needs of the clients, the volunteers, and staff of the APJC. The issue of community support elicited the most reaction from the interviewees. By far, the majority recognized the need for full participation of the community, both Aboriginal and non-Aboriginal, through regular communication and information sharing. It was argued that without community endorsement and encouragement the project would continue to operate

in isolation and never receive the validation required to realize desired success. Moreover, with community support the project would be in a better position to solicit additional volunteers for committee work. Training was also identified by one respondent who said, "we needed more specific training so that we could fine tune our processes." The following are other suggestions and methods for obtaining project achievements and are in no particular order of priority:

- develop an information package for new volunteers;
- re-evaluate and restructure the APJC terms of reference;
- pursue incorporation;
- advisory role only for non-Aboriginal APJC members;
- clearer role for police to ensure safety of participants and victims;
- follow-up with victims and families;
- client follow-up;
- recognize client suitability and return those deemed unsuitable to the courts;
- have an Elder deal with internal conflict between individual APJC members;
- establish a mechanism for possible volunteer burnout;
- bi-monthly reports to the committee; and
- have a paid committee.

The quarterly reports were also a source for identifying lessons learned throughout the life of the project. As a result of challenges outlined in quarterly reports, the project decided to divide the committee into two parts: an executive committee to do administration and a circle advisory committee to deal with screening of clients and circle participation. "This system [will] enable us to utilize our volunteer abilities more effectively, while at the same time empowering and acknowledging their [the committee] contributions to the APJC."[55] Other suggestions for improvement listed in the quarterly reports were regular circle meetings, which are vital; development of an evaluation form for participants; explore alternate sources for funding; explore circle keeper training; outreach to area reserves; and visit federal inmates in Kingston.

In spite of the challenges, one respondent summed up the lessons learned with, "What have I learned? That we are not always going to win, but at least when you participate you give it a shot ... and it is knowing that project outcomes do not necessarily always show project success."

6. Conclusion

If we measure change by the impact the project had on its clients, then change occurred. Indeed, because of the seemingly inordinate amount of time, care, and concern the circle gave to their clients, they "won them over ... the clients were overwhelmed," and some profound transformations were made. And, if we measure progress by the awareness raised in the mainstream justice system, then progress was also evident. The APJC did break down barriers through their work with judges, lawyers, and other justice system personnel. When Justice Heals was aptly named because, as one respondent said, "no one expects justice to heal." Yet for a very few individuals, a modicum of healing was exactly what was received.

The Aboriginal Peoples Justice Circle wanted change as outlined in the logic model and performance map. They wanted to provide an alternative to the justice system for Aboriginal people in conflict with the law. They wanted to make the justice system more culturally relevant and more culturally responsive. They wanted reconciliation and restoration of families wherever appropriate. The extent that they did this was corroborated throughout the key informant interviews. In the short term, the APJC gained a measure of

credibility with the justice system, although reduced rates of recidivism will be harder to verify. The longer term measures of reduced incarceration rates will also be difficult to ascertain.

Nevertheless, the case study identified a number of substantive challenges: internal conflicts over the sentencing circle model; lack of community support and participation; lack of training and resources; administrative concerns; and systemic barriers within the mainstream system. There are some grounds for concern that the APJC has moved ahead of the Aboriginal community in embracing and implementing a particular alternative justice model without having fully involved the community. It is hoped that the recommendations set out below will assist the project in overcoming their difficulties, chief of which is the lack of sustained funding for a cadre of committed volunteers who are skilled in their individual fields and who have gained experience with circle sentencing through their participation in the APJC.

7. Recommendations

Program Delivery Issues:

- the APJC should begin by engaging the community in discussions about its work to date as well as present examples of alternative justice models currently in use. Community support and participation are recognized as key components of successful alternative justice projects and, to this end, methods could include organizing a series of community forums and taking advantage of all opportunities to make presentations to Aboriginal community agencies and organizations;
- the community be involved in a strategic planning process that includes discussions regarding whether the APJC should incorporate or if it should fall under an existing organization;
- the administrative and management structure and policies and procedures should be formalized paying close attention to safety, debriefing, and burnout prevention for the APJC members, and job descriptions for volunteer, paid staff, a board/advisory or steering committee, and an Elder;
- APJC members should receive training in a number of areas, including advanced sentencing circle and circle keeper training, mediation, alternative dispute resolution, and any other training needs identified by the committee, and these should be ongoing to ensure access by new members and volunteers;
- APJC should conduct a survey of Aboriginal and non-Aboriginal service providers to assess the range of support services available and to identify obstacles and gaps; and
- recognizing the difficulties involved in implementing the above recommendations when the APJC is operating on a volunteer basis and without operational funds, APJC should seek funding to continue its work.

Evaluation Issues:

- evaluation procedures and tools should be developed to collect and record confidential feedback from clients and victims as well as community and APJC members; and
- a process should be put into place for client and victim follow-up and to track aftercare progress.

Notes

[1] Application for funding submitted by the project to the AHF.

[2] The logic model, performance map, and questionnaire went through several revisions with the case study supervisor before they were shared with the project or tested.

[3] On 12 August 2002 one potential interviewee returned my call to ask for more information about my July 31st telephone message. I advised him that the interview process was complete and that I was writing the final report for the case study. He was interested in receiving a copy of the final document.

[4] Application for funding submitted by the project to the AHF.

[5] As stated in the contribution agreement between Odawa Native Friendship Centre and AHF.

[6] Statistics Canada (no date). 1996 Community Profiles. Retrieved from: http://www12.statcan.ca/english/Profil01/Details/details.cfm
[7] Statistics Canada (1998). 1996 Census: Aboriginal data. *The Daily*, Tuesday, January 13, 1998. Retrieved from: www.statcan.ca/Daily/English/980113/d980113.htm
[8] Approximately 20 applications for funding from various Aboriginal groups and organizations in the Ottawa area were reviewed. Source: confidential internal AHF proposals.
[9] Source: http://www.ontarioinuit.ca/ottawa.htm
[10] For example, the Assembly of First Nations, Inuit Tapiriit Kanatami, Congress of Aboriginal Peoples, Métis National Council, National Aboriginal Health Organization, and Aboriginal Healing Foundation.
[11] Source: http://www.ottawa-conventions.com/frm_about.html
[12] Royal Commission on Aboriginal Peoples [RCAP] (1993). *Aboriginal Peoples in Urban Centres*. Ottawa, ON: Minister of Supply and Services; see pp. 2, 65–90.
[13] Lee, Kevin K. (2000). *Urban Poverty in Canada: A Statistical Profile*. Ottawa, ON: Canadian Council on Social Development; see p. 40.
[14] RCAP (1996:564–576). *Report of the Royal Commission on Aboriginal Peoples: Volume 4: Perspectives and Realities*. Ottawa, ON: Minister of Supply and Services Canada.
[15] Application for funding submitted by the project to the AHF.
[16] This information is reported in the Ottawa Police Service's *2001 Activity Report*, which notes that a new records management system in 1999 is largely responsible for the larger number of recorded incidents in subsequent years.
[17] Status of Women Canada (1999). *Some Facts on Violence Against Women* (retrieved from: http://www.swc-cfc.gc.ca/); Statistics Canada (1995). *Women in Canada: A Statistical Report* (3rd ed.). Ottawa, ON: Minister of Industry.
[18] Ontario Native Women's Association (1989). *Breaking Free: A Proposal for Change to Aboriginal Family Violence*. Thunder Bay, ON: Ontario Native Women's Association. Retrieved from: http://www.onwa-tbay.ca/reports.htm
[19] Canadian Centre for Justice Statistics (2000). *Family Violence in Canada: A Statistical Profile 2000.* Ottawa, ON:Minister of Industry. Retrieved from: http://www.statcan.gc.ca/cgi-bin/af-fdr.cgi?l=eng&loc=http://www.statcan.gc.ca/pub/85-224-x/85-224-x2000000-eng.pdf&t=Family Violence in Canada: A Statistical Profile
[20] Roberts, Julian (1995). *Disproportionate Harm: Hate Crime in Canada*. Retrieved from: http://www.nizkor.org/hweb/orgs/canadian/canada/justice/disproportionate-harm/
[21] Kishk Anaquot Health Research (2001:14) *Community Guide to Evaluating Aboriginal Healing Foundation Activity*. See also Canadian Panel on Violence Against Women (1993). A *Facilitators Guide: "Without Fear."* Ottawa, ON: Canadian Panel on Violence Against Women.
[22] Source: http://www.inac.gc.ca/pr/pub/urban
[23] Hattem, Tina (1998). *Survey of Sexual Assault Survivors: Report to Participants*. Ottawa, ON: Department of Justice Canada and the Canadian Association of Sexual Assault Centres. In this study, reasons for not reporting the assault include (in order of frequency) fear of the criminal justice system; fear of record disclosure; fear of impact on family; negative experiences with the justice system; the perpetrator could not be located or was dead; fear of the perpetrator; and fear of impact on the relationship.
[24] Institute for the Prevention of Child Abuse (1993). *Family Violence Training Needs Assessment for Law Enforcement Officers Serving Aboriginal Communities*. Toronto, ON: Institute for the Prevention of Child Abuse.
[25] Ontario Native Women's Association (1989). *Breaking Free: A Proposal for Change to Aboriginal Family Violence*. Thunder Bay, ON: Ontario Native Women's Association. Retrieved from: http://www.onwa-tbay.ca/reports.htm
[26] Status of Women Canada (1999). *Some Facts on Violence Against Women*. Retrieved from: http://www.swc-cfc.gc.ca/
[27] Motiuk, L.L., and B. Vuong (2001). *Homicide, Sex, Robbery and Drug Offenders in Federal Corrections: An End-of-2000 Review*. Research Brief B-25. Ottawa, ON: Correctional Service of Canada. Retrieved from: http://www.csc-scc.gc.ca/text/rsrch/briefs/b25/b25-eng.shtml
[28] Correctional Service Canada (2002). *Facts and Figures: Aboriginal Offender Statistics 2002.02.25*. Retrieved from: http://www.csc-scc.gc.ca/text/prgrm/correctional/abissues/know/4_c.shtml
[29] Welsh, Andrew, and James R.P. Ogloff (2000). Full Parole and the Aboriginal Experience. *Canadian Journal of Criminology and Criminal Justice* 42(4):469–491.
[30] Aboriginal people comprise approximately 2 per cent of the Canadian population, but they make up 8 per cent to 10 per cent of the federal corrections institutional population and considerably more in provincial and territorial institutions. Source: LaPrairie, Carol (1992). The Role of Sentencing in the Over-representation of Aboriginal People in Correctional Institutions. In Robert Silverman and Marianee Nielsen (eds.). *Aboriginal People and Canadian Criminal Justice.* Markham,

ON: Butterworths Canada Ltd. Other authors have used a higher rate: Welsh and Ogloff (2000) state that Aboriginal people comprise 17 per cent of all federal offenders.

[31] Welsh and Ogloff (2000).

[32] Canadian Association of Elizabeth Fry Societies (1995). Fact Sheets: Alternatives to Incarceration. Retrieved from: http://www.elizabethfry.ca/facts1_e.htm

[33] Kishk Anaquot Healing Research (2001:17) [footnotes removed].

[34] Source: http://www.ottawapolice.on.ca/en/statistics/index.cfm

[35] RCAP (1994). *Choosing Life: Special Report on Suicide Among Aboriginal People*. Ottawa, ON: Minister of Supply and Services Canada. See also: http://nativenet.uthscsa.edu/archive/nl/native-studies/html

[36] Canadian Institute for Health Information (1995:146). *Community Health Indicators: Definitions and Interpretations*. Ottawa, ON: Canadian Institute for Health Information. Reprinted 1996, 1997.

[37] Federal, Provincial and Territorial Advisory Committee on Population Health (1999). *Toward a Healthy Future: Second Report on the Health of Canadians*. Ottawa, ON: Minister of Public Works and Government Services Canada. Retrieved from: http://www.phac-aspc.gc.ca/ph-sp/report-rapport/toward/report-eng.php

[38] Canadian Institute for Health Information (1995:146).

[39] Pantin, S., and R.J. Flynn (2000). Report on snapshot survey (week of April 10–16, 2000) of participants in programs of network of youth service providers in the Ottawa-Carleton area. Ottawa, ON: Centre for Research on Educational and Community Services, Faculty of Social Sciences, University of Ottawa. Retrieved from: http://www.uottawa.ca/academic/socsci/crcs/english/news/00/114-e.html

[40] Kishk Anaquot Health Research (2001:15) [italics removed].

[41] Source: http://www.firstnationsfind.com/on/pub/index/childcare/community

[42] Source: http://www.childwelfareresearch.net

[43] Readers should note that the regional police service has amalgamated under the name "Ottawa Police Service."

[44] The AHF National Process Evaluation Survey, p. 17.

[45] The AHF National Process Evaluation Survey, p. 17.

[46] Clairmont, Don (1999:116). *Review of Justice System Issues Relevant to Nunavut: Part Two*. Technical Report TR1999–4e. Halifax, NS: Atlantic Institute of Criminology. See also a case study on the community council model under the Aboriginal Legal Services of Toronto in: RCAP (1996:148–158). *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*. Ottawa, ON: Minister of Supply and Services Canada.

[47] Clairmont (1999:96).

[48] Aboriginal Peoples' Justice Circle (APJC) Ottawa-Carleton Region (no date). Information sheet. It describes the application, healing circle, and sentencing circle processes.

[49] APJC (no date).

[50] Clairmont (1999:72).

[51] Clairmont (1999:97).

[52] Clairmont, Don, and Rick Linden (1998:30). *Making It Work: Planning and Evaluating Community Corrections & Healing Projects in Aboriginal Communities*. Ottawa, ON: Solicitor General Canada. Retrieved from: http://www.scg.gc.ca/epub/Abocor/e199805b/e199805b.htm

[53] Similarly, the foremost challenge for the Aboriginal Legal Services project in Toronto was sustained funding as their current funding was somewhat tenuous. See RCAP (1996:158). *Bridging the Cultural Divide*.

[54] This February 2002 report was prepared by a member of the APJC for the period 7 May 2001 to 4 February 2002. The AHF-funded project ended 30 September 2001, so this document applied to a period of time after the funded project was over. Nevertheless, the document provided useful insights, and some of the required actions were identified during the period the project was operating with AHF funds.

[55] Quarterly report submitted by the project to the AHF.

Appendix 1) Interview Questionnaire

Odawa Native Friendship Centre Questionnaire

When Justice Heals ID 1291-ON

Before we begin I would like to assure you:

- that there are no right or wrong answers, only answers that are true from your perspective;
- your participation is strictly voluntary and you can choose to answer or not answer questions as you see fit;
- the project has been selected based upon the criteria that were important to the board such as geographic location, group representation, project type, etc and not on past or present project performance;
- it is important to remember that this is a case study, not an evaluation;
- we are only trying to learn from your experience so that we can help others get what they want from their AHF projects; and
- the report will not be able to identify who said what, so please feel free to say things that may or may not cause controversy.

1. I would like to begin by asking you to describe your role in the project.

2. What level of support do you feel the Aboriginal and non-Aboriginal community partners have given to this project?

   Aboriginal Partners:

5	4	3	2	1	0
Wholehearted support, hard to imagine any improvement	Good support, but needs minor improvement	Fair support, but needs improvement	Inadequate support, needs major improvement	Clear resistence to the project	Not sure

   Non-Aboriginal Partners:

5	4	3	2	1	0
Wholehearted support, hard to imagine any improvement	Good support, but needs minor improvement	Fair support, but needs improvement	Inadequate support, needs major improvement	Clear resistence to the project	Not sure

3. What are the benefits of having this alternative justice project in the Ottawa-Carleton urban Aboriginal community?

   What have you observed that makes you feel this way?

4. Can you describe some of the project's successes or things that have worked especially well?

5. What are the some of the obstacles or barriers facing the project?

6. Can you describe how residential school survivors where involved in or contributed to the development of this project?

7. How has the project made the justice system more culturally relevant and more culturally responsive?

8. I understand that low participation rates have been a challenge in this alternative justice project. Can you describe what was done to try to increase participation among offenders?

9. Thinking about those who have participated in the project, do you feel that they are more likely or less likely to be in conflict with the law as a result of this project?

   More likely: ___
   The same: ___
   Less likely: ___
   Not sure: ___

   What have you observed that makes you feel this way?

10. Over the course of the project, have you noticed if victims and their families are more likely or less likely to participate in alternative justice initiatives?

    More likely: ___
    The same: ___
    Less likely: ___
    Not sure: ___

    What have you observed that makes you feel this way?

11. In your view, would you say the opportunities for victims and their families to participate in reconciliation process are:

    Better ____ The Same ____ Less ____ Not sure ____

12. Thinking about project participants, can you describe any changes you have observed in their attitudes, knowledge, skills and behaviour?

    i) Examples of Changes in Attitude, Knowledge, Skills and/or Behaviour:

    Why do you think these changes occurred?

    Can you estimate what proportion of participants may have experienced these changes?

only a few <10%	some, but less than half 10%–49 %	between half and three-quarters 50%–75%	almost all 76%–100%

13a. How well has the project ensured the safety of women, in cases involving women as victims (i.e. reluctance of female victims to support the justice circle process due to fear of re-victimization and further harm by the offender)? Please circle only one response.

6	5	4	3	2	1	0
Extremely well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address the issue	Poorly, needs major improvement	Is not addressing the issue at all	Not sure

Comments:

13b. How well have referral social services and justice-related services ensured the overall safety and well-being for the offender (i.e. safe from community retribution or ostracization)? Please circle only one response.

6	5	4	3	2	1	0
Extremely well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address the issue	Poorly, needs major improvement	Is not addressing the issue at all	Not sure

Comments:

13c. What measures are taken to ensure that the Circle Members do not experience burn-out?

14. Thinking about how mainstream justice officials have viewed the project, how have their perceptions changed over the course of the project?

    How do you know this?

15. How did the project deal with community criticism or opposition to the project?

16. How did the project deal with internal disagreements among the circle members?

17. Was the training that the Circle Members received adequate and appropriate for their project roles and responsibilities? Please circle only one response.

6	5	4	3	2	1	0
Excellent hard to imagine any improvement	Very good needs only minor improvement	Reasonably good, but needs minor improvement	Fair, improvement required	Poor, needs major improvement	No training provided	Not sure

    Why do you feel this way?

18. What was your most memorable experience about this project?

19. What did you like the least?

20. Thinking back over the project, are there things you would do differently or lessons you learned along the way? (If so, please describe them.)

MANDATORY QUESTIONS:

1. How well has the project addressed the legacy of physical and sexual abuse in Residential Schools, including inter-generational impacts? Please choose only one response.

6	5	4	3	2	1	0
Very well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address physical and sexual abuse	Poorly, needs major improvement	Is not addressing the legacy at all	Not sure

    Please offer an explanation why you feel this way:

2. What were the previously identified needs that the project was intended to address?

3. How would you rate the project's ability to address or meet those needs?

6	5	4	3	2	1	0
Very well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address physical and sexual abuse	Poorly, needs major improvement	Is not addressing the legacy at all	Not sure

4. How well has the project been accountable (i.e. engaged in clear and realistic communication with the community as well as allow community input) to the community? Please choose only one response.

6	5	4	3	2	1	0
Very well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address physical and sexual abuse	Poorly, needs major improvement	Is not addressing the legacy at all	Not sure

    Please offer an explanation why you feel this way:

5. How well have the methods, activities, and processes outlined in the funding agreement led to desired results? Please choose only one response.

6	5	4	3	2	1	0
Very well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address physical and sexual abuse	Poorly, needs major improvement	Is not addressing the legacy at all	Not sure

Please offer an explanation why you feel this way:

6. Will the project be able to operate when funding from the Foundation ends? How?

7. How well was the project able to monitor and evaluate its activity? Please choose only one response.

6	5	4	3	2	1	0
Very well, hard to imagine any improvement	Very well, but needs minor improvement	Reasonably well, but needs minor improvement	Struggling to address physical and sexual abuse	Poorly, needs major improvement	Is not addressing the legacy at all	Not sure

Please offer an explanation why you feel this way:

8. Final comments?

Appendix 2)

APPLICATION FOR SENTENCING AND HEALING CIRCLES

Name	Telephone
Young Offender	Adult
Address	

1. What Aboriginal Community do you identify with? _____

2. If you are aware, indicate the sentence the Crown is seeking.

_____

3. List all charges before the Court.

_____

_____

_____

4. List any people or agencies that you have contacted for assistance and the steps you have taken to begin your healing journey and to accept responsibility for your actions.

_____

_____

_____

5. List any steps you plan to take to begin your healing journey and to accept responsibility for your actions.

_____

_____

_____

_____

6. You are encouraged to find at least two (2) community members who will support you.

As a support person I have discussed how I can offer support to this applicant and assist in his/her healing journey. I am also willing to attend the Sentencing and/or Healing circles and, if required, to attend the Aboriginal Peoples' Justice Circle meetings to answer any questions.

Name	Signature	Phone Number	Date

Name	Signature	Phone Number	Date

7. You are encouraged to make an offering to an Elder of your choice in accordance with Aboriginal tradition. If you require assistance with the step, the Aboriginal Peoples' Justice Circle is available to assist you.

I have accepted the offering made by the applicant and have given him/her my support to apply to the Aboriginal Peoples' Justice Circle for Sentencing and/or Healing Circles.

Name of Elder	Signature	Phone Number	Date