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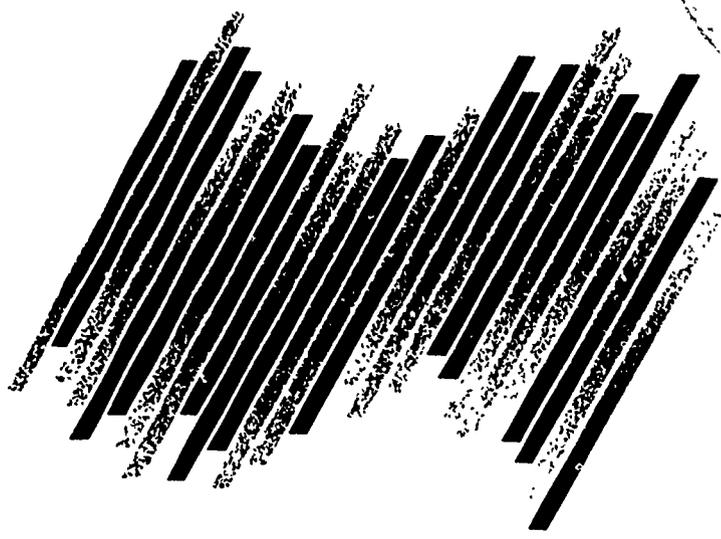
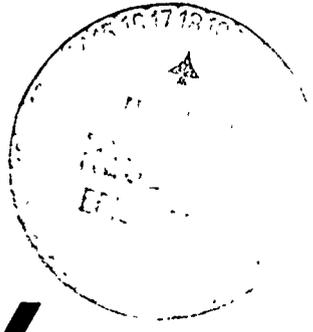
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ABSTRACT

Northern youth increasingly find themselves in a state of crisis--separated from family and community for the purposes of further education, exposed to the temptations of alcohol and drug abuse and facing the prospect of underemployment, they often come into contact with the justice system at an early age. Fascinated by and indoctrinated with the pervasive electronic culture of the south, but still rooted in a distinctive northern lifestyle, they are living between different worlds, cultures and races. This resource publication is based on materials presented at the second meeting of the Northern Conference (Quebec, Canada, 1985) which sought creative, indigenous solutions to the problems confronting northern youth and explored innovative, aboriginal and community-based alternatives to the present justice and child welfare approaches imported from southern Canada. The information is divided into eight modules: youth in the community; youth mental health; program initiatives for youth--creating alternatives; program initiatives for youth--teaching survival skills and cultural awareness; youth and the law; youth and the circuit court; youth in confinement--philosophies and programs; and; youth in care. Modules contain a summary of major issues, discussions among participants, a bibliography including audio-visual materials where appropriate, and information on program initiatives. A list of 29 resource persons is appended. (JMM)

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NORTHERN YOUTH IN CRISIS:

A Challenge for Justice

A publication of the Northern Conference
and Simon Fraser University

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The Northern Conference Board of Directors would like to recognize and express its gratitude to the many individuals and organizations that contributed ideas and resources to the second meeting of the Northern Conference held in Val d'Or, Quebec in November, 1985. In the workshops and short courses held throughout the week, participants from Canada and Alaska shared their experiences, expertise, and creativity and provided the materials that have been included in this edited volume.

The invitation to hold meetings of the Northern Conference in Quebec was issued by the Department of Justice of Quebec, which also supported the program in significant ways. And much appreciation for support is due to the City of Val d' Or and the justice community there.

The success of the program was due in large measure to the ongoing support of the Department of Justice, Canada, which again made possible the participation of community-based persons from across the country. The Board of Directors would like to specifically note the contributions and support of Mr. Dan Prefontaine, Assistant Deputy Minister, Policy and Planning, and Mr. Eddie Gardner, Chief of Native Programs and Special Advisor to the Board of Directors of the Northern Conference.

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Finally, a debt of gratitude is owed to the School of Criminology and to Continuing Studies at Simon Fraser University for continuing to provide a home for the Northern Conference.

The Board of Directors of the Northern Conference has designed this publication to be of use to all those involved in the delivery of justice services in northern and rural areas of Canada, Alaska, and Greenland. The ideas and materials presented are those of the individuals directly involved. We hope that this makes the publication not only unique, but increases its usefulness to those in the community, bands, and government.

Margit Nance
Executive Director
Northern Conference
and
Director, Public Policy Programs
Simon Fraser University

PREFACE

Northern youth increasingly find themselves in a state of crisis. Fascinated by and indoctrinated in the pervasive urban electronic culture of the south but still rooted in a distinctive northern lifestyle they are often living in a no man's land between different worlds, different cultures and different races. Separated from family and community for the purposes of further education, beset by the temptations of alcohol and drug abuse and facing the prospect of unemployment and underemployment, they often become entangled in the justice system at an early age.

The second meeting of the Northern Conference held in Val d'Or, Quebec, brought together individuals from across the north to search for creative, indigenous solutions to the problems confronting northern youth and to explore innovative, aboriginal and community-based alternatives to the present justice and child welfare approaches imported from southern Canada.

This resource publication is based on materials presented in the workshops and short courses in Val d'Or. It is organized into eight modules, each of which contains discussions which took place among participants, resource readings, and, where appropriate, audio-visual materials. Space limitations required that the vast amount of material presented throughout the week be edited down and it is hoped that both the spirit and substance of the ideas and discussions have been captured in this volume.

It should be noted that the opinions and ideas expressed by the participants who appear in this resource publication are their own and do not necessarily represent the policies and position of the Northern Conference, its Board of Directors, or the agencies and organizations with which the individuals are affiliated.

Curt Taylor Griffiths, Ph.D.
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About the Northern Conference

The Northern Conference is an education and information network for those involved in the delivery of justice services across the north. It serves professionals, paraprofessionals and communities interested in developing community-based justice services and in increasing the efficiency and responsiveness of existing services.

Program information can be obtained from the **Northern Conference Office**, c/o Continuing Studies, Simon Fraser University, Burnaby, British Columbia, V5A 1S6, or telephone (604) 291-3792, 291-3393.

Requests for materials on program initiatives, resource persons and organizations, and research literature on northern and rural justice issues, with particular reference to native North Americans, should be directed to the **Northern Conference Resource Centre**, c/o School of Criminology, Simon Fraser University, Burnaby, British Columbia, V5A 1S6, or telephone (604) 291-4239/ 291-3792.

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NORTHERN YOUTH IN CRISIS: THE CHALLENGE

"If one were to look at our society in the northern and rural areas, what would they find? An outsider would see a large group of youth who make up anywhere from one-third to one-half of the population but who have no concrete representation in the forces that shape their lives. They have no say in the laws, attitudes or environment to which they are subject. They are totally dependent upon adults to defend their rights, protect their lives, and give the emotional nutrients which are so important for human upbringing. When our children are abusing and hurting themselves, when they abuse and hurt other people, then it's time to look at the situation and, as responsible adults, own up to the problem. It's not just a youth problem, it's an adult problem. We are the role models of our children. We are the final arbitrators of the kind of society to which we will be introducing our children."

(Lou Johns Penikett)

"I'm a human being that's been wounded many times emotionally by all the young people that I've had to deal with and it hurts me to see them so hurt and so lost. I think that we have to respond as human beings, not just as lawyers, probation officers, and judges. It's the young people that suffer because of our prejudices against each other. If I can't work with other professionals who are involved in my cases with young offenders, I'm not the one that's suffering, they're not suffering, it's the young person that's suffering."

"We have to try to orient ourselves, to focus on the real problems and not on the structures we have created to solve the problems. We must emphasize the spirit and substance of change, not just the form of change. We have a Young Offenders Act, but is it working? We have a whole bunch of forms to fill out when the kid does this and when the kid does that, but are we solving the problem? It's not going to be solved just by forms."

(Joe Bovard)

"We must encourage and support the idea that our first and greatest responsibility as a society is toward our children."
(Lou Johns Penikett)

"I have an eight-month old baby boy. Sometimes I come home from work and I pick him up and play with him and he laughs and smiles. I can't help but think of all those kids that I've worked with that have sat in my office and talked to me - I can't help but remember the sadness and the hurt and the cynicism in those young faces and I think to myself: 'God, at least for a little while, sometime in their life, when they first came into the world, they were like my young boy is. They laughed too and they were happy.' One of the things we have to explore is how and when and why does that change."

(Joe Bovard)

YOUTH IN THE COMMUNITY

The Role of Parents Antoine Mountain

Assisting Northern Youth:
The Role of Friendship Centres Jim Eagle

The Role of the Community:
The Proposal to Establish A Local
Judiciary in Povungnituk, Quebec Rita Novalinga

The Creation and Operation
of Crisis Intervention Programs:
The Case of Grassy Narrows, Ontario Chester Draper

THE ROLE OF PARENTS

"As a young parent, I often feel helpless in the face of all the changes that I want to see not being made in time for my children to regain their Indianness. On the other hand, I know my generation will never be happy in our lifetime because we are spending all of our time trying to untangle the knots tied in our lifeline by people of another culture. We can only try to cope with the damages happening every day, try to relearn our humanness. I must admit that mine is a lost generation."

(Antoine Mountain)

Antoine Mountain of Fort Good Hope, N.W.T. discussed the role of parents and the family in addressing the needs of northern youth and raised several critical questions for delegates to ponder:

Everyone will agree that parents have a very critical role to play in the education of the children, before they go to school and during their school. Indians are beginning to make the statement that education begins in the home. The number of young people that have difficulties in the home suggests that there is a breakdown in the role that parents have. There are many reasons for this. How do we educate parents to accept and to understand and to recognize the role that they have in the education of their children? Indian parents across the country say that education is a school problem, it's a teacher's problem, a principal's problem and therefore the child's education begins at some other institution. Of course, it used to be like that, with Indian Affairs or the Church taking the children, saying, "We'll look after your children for you. They will come back better individuals." Of course, they were wrong but the attitude that someone else should assume the responsibility for educating children still exists.

How do we face that challenge? How do we reach parents to inform them that they have a continuous role, more than going four times a year to the school to get their child's report card? Or going to the principal's office when their son or daughter is having a problem? How do we reach them?

It is too easy to blame all of the community-related problems on the youth and leave it to young people to fend for themselves. We blame the children for not being able to get up in time for school, when we adults stay up until all hours, playing cards and watching video. We wonder why the young people resort to alcohol and can't admit they are only following our example. The children speak in English because we are too busy playing bingo to try and preserve our own culture. It is true that a child learns by example.

The problem in northern communities is how to provide the means for the family to understand what is happening. People can see what is happening. You don't need an education to see that your son or daughter is doing something that is harming them, whether it's alcohol abuse, drug abuse, gasoline sniffing, or breaking into stores. Parents have difficulty understanding how to deal with it. It's interference from the outside that has contributed to this. How can the parents regain the control that many of our parents had over us?

DISCUSSION

COMMENT What has happened is that, at the grass-roots level, parents are relinquishing their responsibilities. When a child is young, they have a baby-sitter because the husband and wife are working. The child then goes to kindergarten and after that the child's behaviour becomes the responsibility of the teacher, the social worker, and the special education advisor. Parents must take some of the responsibility back. Sure, you might have to take your son and give him a shot in the rear-end to straighten him out. If that is what it is going to take, that is what we have to do. We can't keep saying, "It's this service, or that service, or that person's fault." Bullshit. Sit down and look at what we have and take a positive approach and work with it.

COMMENT (**Police Officer**): Very often, I'll bring home kids who are 14 or 15 and who were caught in the bar. I have had it happen to me that the parents would not let me bring the kid home. They shove them back on the stairs and say, "You do what you want with him. We don't want him." I have spent days with kids in my office because I have no damned place to put them. Their parents don't want them.

COMMENT

(Court Administrator and Justice of the Peace): When I was an Indian Development Officer in the James Bay area, the all-white school board decided that action had to be taken against vandalism, truancy, and other problems in the school system. It was decided that perhaps a native school board would work better. A meeting was called to elect an Indian school board. It didn't work as we had planned. We ended up electing another white school board with the token Indian as the Secretary to the board. At the end of the meeting, I was very depressed and I thought, 'What the Hell went wrong?' I cornered an elder, a very respected elder and said, 'Why can't we get you people to sit on our boards?' And his answer has stuck with me for all these years. He said, 'You guys create these laws in Toronto - the Education Act - the law that says we have to go to school. Parents with kids can't go on the trap line. You've destroyed our livelihood. You teach them to speak English and French and they lose their Cree language. They lose respect for the elder, and their parents. Then you expect us to resolve all of the problems you have created.'

ASSISTING NORTHERN YOUTH: THE ROLE OF FRIENDSHIP CENTRES

Jim Eagle, Executive Director of the Ma-Mow-We-Tak Friendship Centre in Thompson, Manitoba, provided an overview of the origins and development of Friendship Centres in Canada and delegates attending the workshop contributed examples of program initiatives taken by Friendship Centres across the country to address the needs of youth:

The Friendship Centre movement began in 1958 with the opening of two centres in Winnipeg and Vancouver. By the end of 1958, there were approximately 36 Friendship Centres across the country. Their main objective was to assist native people in surviving in urban areas. At that time, large numbers of native Indians were moving into urban areas and towns with no experience in dealing with the different environments in the cities. The main task of the Friendship Centre was to provide food, shelter, and clothing, to locate resources in the community, and to reinforce the native culture. They did this with a variety of programs and activities which tried to balance the non-native culture and the native culture.

The Friendship Centres were unified in a common purpose but because they were scattered across the country, there was little opportunity to communicate or exchange ideas and experiences. In 1971, the National Association of Friendship Centres was formed. Provincial Associations subsequently came into existence and there are currently 7 provincial associations across Canada – in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and the Northwest Territories. Currently there are 103 Friendship Centres across Canada. Operating funds are provided by the federal Secretary of State. In Saskatchewan, Manitoba and Ontario, provincial funding is available to Friendship Centres.

The Friendship Centres are non-political, non-profit organizations operated by a Board of Directors in each of the communities. The Board of Directors is elected from the community on an annual basis. In some instances they make a complete change on a yearly basis. Since the opening of the first Friendship Centre in an urban area, centres have

been developed in rural and northern communities and play a significant role in the development of community based programs in the justice area. They may sit on advisory councils, on provincially appointed commissions, etc.

Friendship Centres operate on the following principles and objectives:

1. The Friendship Centre shall be a non-political, non-profit organization.
2. It shall fulfill the role of native organizations meeting the needs of all native people in their respective communities in urban areas.
3. Friendship Centres attempt to orient native people who have spent all of their lives on reserves or in isolated communities to the setting of an urban community.
4. A Friendship Centre can achieve this purpose by offering counselling and referral services, social, cultural and recreation programs, cultural awareness and community development.
5. Friendship Centres conduct services and programs for the native community. A Friendship Centre can be distinguished from other Indian organizations in that centres do not claim to represent people "politically", but rather, represent programs being provided to the people. What we need sometimes is moral support from political organizations. We try to maintain a very sociable relationship with other political organizations, including the regional office of the Manitoba Metis Federation, a tribal office, and the offices of the northern Chiefs of Manitoba.

The Friendship Centre in Thompson, Manitoba runs 32 programs, including referral and interpreter services. We are actively involved in whatever social needs the community may require, and have initiated several programs for young people. In the past 3 or 4 years, for example, 3 off-campus university programs have been developed and offered in Thompson. The Friendship Centre assisted in the development of these programs. We also do fundraising, especially in Northern communities where we do not have access to funds. We raise funds by various means such as bingos, walk-a-thons, and the selling of lottery tickets.

We try to provide the leadership in community development. In our case, at the moment we are trying to develop a southern centre in Gillan to address the multi-problems that will arise from the limestone development

project. We knew that no one was going to address the problems, so we stepped in there. We would like to put a friendship centre in there. And because of this concern, and that of the community itself, the natives and non-native people of Gillan would more than welcome a facility which would be established.

There are many things that a Friendship Centre can do in addressing the legal needs of the young people in the urban communities. One of the things is to provide support systems such as the youth court workers in Saskatchewan and Ontario. The Friendship Centre could also play an intermediary role between the placement agency and the youth. The Friendship Centre can play a mediation role by establishing a dialogue between the young people and the police. They should establish preventive programs as identified and needed by the young people in their own communities and provide a place where young persons can come and talk to someone.

DISCUSSION

COMMENT I am really interested in youth membership. The Friendship Centre in LaRonge, Saskatchewan has about 30 members in our youth club, and they are wanting to become much more active. We would like them to be represented on the official board. But, in Saskatchewan, the Non-Profit Business Corporations Act forbids anyone under the age of 18 from sitting on as a full voting member of the Board of Directors.

RESPONSE (Jim Eagle): In our constitution, it states that there shall be one youth representative on the Board of Directors of the Friendship Centre with total involvement in all areas.

QUESTION Since 1977, I have been talking with the Friendship Centres about becoming more involved in the youth justice field and the justice field in general. I have found that there has always been resistance to this. They will maybe get involved a little bit with community work orders or fine option programs. Do you have a rationale for that?

RESPONSE (Jim Eagle): In Manitoba, the native courtworker program is resisting the movement to establish separate programs for the young people. I do not know why.

QUESTION (asked of youth participant): Allen, you grew up in the north. How far into the native community does the centre go? As a young person growing up in the north and being able to look back now, what kinds of programs do you think would be most helpful for those kids who are 15 and 16?

RESPONSE (Allen Neepin): The attitude I have got now is mainly due to the programs the Friendship Centre had when I was younger, particularly the cultural programs. We learned our own culture again. There were three of us from the original 17 that stayed with it. The three of us really hung around the Friendship Centre. We volunteered to help with bingos and we started to appreciate work more. Billy graduated last year and he is taking a civil technology course. Talbot graduated last year and is hoping to get into the RCMP, but right now he is a security guard for the limestone project. Me, I am hoping to graduate this year and further my education. But all three of us always had the same idea. It was the Friendship Centre. Our attitudes came from there, from all the programs. For me, the Friendship Centre had a great deal to do with my attitude.

QUESTION Being an Indian person, I know that gambling has never been a part of the Indian culture. I also realize that Friendship Centres have to make money somehow. I guess I have a concern that, while you are really working toward getting back into your culture and the whole value system, how do you rationalize the use of bingo for fundraising?

RESPONSE (Jim Eagle): I agree with that. That is one thing that bothers me. I have always asked people what they think of fundraising, of taking money away from the table. On the other hand, they know that the money they are giving will improve the quality of the programs that we will be able to provide.

COMMENT

In Rankin Inlet, we operate a Friendship Centre too. We have radio bingos and through this we are able to operate a community radio station right out of our centre. If you have a radio station in your centre, it is handy to put on alcoholic and drug information programs with steady access. We also have a "germ therapy" program. We hire young kids, mainly girls, and we get the nursing station to come in and explain to them about viruses and germs, and why the kids up in the nursing station are always sick.

Once they get a good understanding of that, we equip them with mops, pails and Spic and Span. We get a list of names from the social service people of which houses really need a good going over. Before we do that, we go on the radio and explain the program to the people. Then we go and knock on the door, and say "Look, the reason your kids are always sick is because there are microbes and germs. We are going to clean this house up for you and we expect you to keep on top of it." Then you go back in two weeks and it is the same thing again. Sometimes the ladies just show you the door, and say "I have alot of daughters here to look after my house. I do not need anyone." We do that two times a week, and then the other three days, the girls run a day camp.

I do not know if you are aware of the "hole in the fence" program. It all takes place in a vegetable garden. They figure it won't work up north because we do not have any vegetable gardens but it did. Each vegetable is a caricature and has a personality. Mr. Pumpkin is very fat and it gives him a complex. Mr. Cat has glasses and can not see well. The kids play jokes on each other. I think the pumpkin got hurt because of his personality and took off into the weedy part of the garden. But there was a "hole in the fence", and Mr. Mushroom came through the hole in the fence and said "You are feeling bad. I guess something is going to make you feel good." The whole thing is not to succumb to peer pressure, and make the right decisions without using the words alcohol or drugs. There is a whole exercise at the end of every day.

COMMENT

We had an "all northern youth and elders conference" this summer in Stanley Mission, Saskatchewan. Our Friendship Centre was very much involved in it. We got resource people, and they had resource people from the north. They taught on cultural matters, life skills, and survival matters for a long weekend. It was very successful, and gave the youths from LaRonge contacts with youths in other communities. Now there is a fellowship among the young people in these various communities. The turn-out was excellent. It was really a very exciting event.

Another program that we did last winter for kids was on Saturdays. We had a story telling time – a legend time – in the library. The concept we are using here is that the library is not just a place where you read, but that you can always listen. We got elders to come in and tell stories. Not only did they tell stories and record them, but we also took a video tape of them. The library has a copy, and we have one at our centre. Some of these people have since passed away, and we have a documented recording of how they used to live before, and of the legends.

THE ROLE OF THE COMMUNITY: THE PROPOSAL TO ESTABLISH A LOCAL JUDICIARY IN POVUNGNITUK, QUEBEC

Rita Novalinga of Povungnituk, Quebec, discussed a proposal put forth by the community for a local judiciary:

Our community of Povungnituk, Quebec has recently made a proposal to the Quebec Department of Justice for our own justice system. The proposal is centred on the creation of a local judiciary. There are several reasons why we want our own justice system.

It's been a little over ten years that the provincial circuit court has been travelling to our community which is situated in northern Quebec. The system is still new to the Inuit. Most times, they do not understand the technical aspects of the system. The travelling court has only limited time and must travel to many communities in a small number of days. The court personnel have only limited knowledge of the Inuit and Cree cultures and the other native cultures they come into contact with. We want to take over our own justice system because there is rarely a serious case. If someone is a troublemaker or a threat to the community, our view is that he or she needs help rather than taking them out of the community and putting them behind bars. The circuit court comes only twice or three times a year and we can't wait for them to make our decisions.

It is proposed that seven individuals from the community would sit on the Local Judiciary. It would be an independent body and members would be required to be at least 30 years of age and have lived in the community for at least five years. They will be mandated by the elders who know which persons are good for the position. They would all have equal powers and would preside with the same offenders three times before the case would be transferred to the Justice of the Peace. They would preside as often as required, but not delay the hearing of a case for more than 2 weeks. All members would be present for the judging of the accused and a unanimous decision would be required. There would

be two alternate members so that if the accused was related to one of the members of the Local Judiciary, their place would be taken by an alternate.

The concept of the Local Judiciary would be operated on a trial basis for four years. The offender would have the right to know what he or she is accused of and be notified at least two days before appearing before the Local Judiciary. The accused would have the right to confront witnesses as well as have witnesses appear on their behalf. Only the social worker, the Special Constable, the local minister, the victim and others directly involved in the offence would attend the hearing, rather than the whole community. The offender will be brought before the Local Judiciary only when there is a formal complaint against him or her. Convicted offenders would have the right of appeal to the Justice of the Peace. Among the offences that would be heard by the Local Judiciary are break and enter, mischief, disturbing the peace, common assault, fraud, impaired driving, assaulting a peace officer, theft, taking a motor vehicle without consent, sexual assault, offences committed by young offenders, child abuse, and community by-laws.

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THE CREATION AND OPERATION OF CRISIS INTERVENTION PROGRAMS FOR NORTHERN YOUTH: THE CASE OF GRASSY NARROWS

CHESTER DRAPER, SUPERVISOR, PROBATION SERVICES, KENORA,
ONTARIO

"They would always say: "There's a child sniffing, Children's Aid should do something about it." "There's a boy, he's breaking windows - where's the police?" It was never what could be done in the community itself to stop it before it happened."

(Chester Draper)

"Every community has strong people. Every one. I've never known one that didn't. One of the greatest blunders of outside agencies is to assume that in a community of three, four, five hundred or a thousand people that there is no one who cares."

(Chester Draper)

Five years ago in Northwestern Ontario, whole communities were in crisis. These communities were so chaotic that no outside service could help. An agency would go in and do something and it would fall apart 20 minutes after they had left. There was a great turnover of council members and chiefs because no one could cope even though they tried valiantly. Eventually, on the Grassy Narrows reserve, a few of them got together and demonstrated how to calm a community down and that was by community members patrolling and intervening where things went wrong.

Grassy Narrows Reserve: A Community in Crisis

Grassy Narrows is an Ojibway Reserve of 600 people about 60 miles northeast of Kenora, Ontario. For a variety of reasons, the community was relocated by the federal government to ground that was almost taboo in

their culture. The people lost their traditional ways and there was extreme discouragement, apathy, and loss of hope. An average of 130 cases involving youths occurred every month and soon there were very few youths left in the community.

The problems in the community included everything from unsafe drinking water to poor housing to the lack of any kind of service. These were reflected in youth in crisis but the situation was so general it was not just the crisis of one child. It was the whole community in crisis. The entire community was struggling. So this particular crisis intervention program was unique in that it wasn't concerned specifically with each individual case as it came in. There were so many problems that no individual intervention could help. So the attempt at the time was to address the needs of the whole community.

Of the children under 16, approximately 60 were in care in Children's Aid Society, 58 were under the supervision of probation services, and one half of those were in training schools. Of the young adults, at least 25 were under supervision by probation and parole services. Of 77 total families, 25 had problems with alcohol and glue sniffing. At least 65 youths were involved in glue sniffing on a regular basis. Fifty percent of the population had alcohol problems. Over the previous two-year period, there had been 15 violent deaths. Over the previous five year period, 80% of all deaths on the reserve were violent – only 20% were natural – a rather staggering and terrifying situation.

There was peer pressure to sniff. Almost every kid sniffed. Sniffing became the thing because gas is cheaper than alcohol. It's currently \$32 for a mickey of liquor. It's \$50 for a case of beer. That's the bootleg price. There were people who would peddle gas at a dollar a bag to all the little kids. Buck a bag. You could make a lot of money on a 5 gallon can. It was just horrific. When I first went there, I was appalled. Any time of day or night I was seeing 10-15 people from all ages, either in a state of inebriation from alcohol or just almost catatonic with a bag against their nose. In broad daylight walking around. Attendance at the school never attained more than 45%. That was the average. These were little children. It only went from 1-8. There wasn't any energy within the community to fight successfully to maintain stability. It was staggering.

Fortunately, amidst all this chaos in the community, there were some people who had recovered within themselves and maintained their stability. These people who were struggling to cope had the few jobs that were available, had an income and some stability in their family. But until that point, they had withdrawn to try and protect themselves and tried to

occupy their children in the home rather than have them out there where these serious things were happening. But they could see that the services from the outside were falling far far short. What would you think if you were there and you were sober and stable and you couldn't stand what was happening to your community? Faced with that monumental thing, these gentlemen knew exactly what they should do as concerned parents and residents.

They decided that the only thing they could do was intervene themselves. So, after work, they started patrolling the community. Anytime they saw somebody with a bag of gas, they took the bag of gas away. Anytime they saw somebody drunk, they had an extremely abrupt talk with them and if the person was not obnoxious and obtrusive, they would send him home to make sure he was safe. And if home was right out of the picture, then they would try and take him somewhere else. They did that all night long. They literally worked 24 hours a day. They were so desperate. They intervened in anything they thought was disorderly. They lasted for 3 months before they got burnt out – lost all their energies. In 3 months, they actually acquired relative peace in their community. For 3 months, no one died of violence. They didn't bring community awareness in from the outside. They worked from the inside. They revived it.

In some ways, it would look almost like a vigilante group and it had a negative connotation. And the criticism at the time was also part of the reason they lost their energy. They were truly and genuinely trying to do something with the community and even though they were very successful with that intervention, they had lost heart because all that they got was abuse. "What are you doing that for?" "Who do you think you are?" The next stage in it was we had to find some way to organize a program. They knew what had to be done.

Intrusion into people's lives. That is what intervention is. You are stepping into their private life. It was quite a serious change in many ways. However, the people knew that the state of the community was so bad that if something didn't happen, many youngsters and elders would die.

Establishing the Crisis Intervention Program

There are many communities where youth are running at large and irresponsible adults are encouraging it and profiting by it. Many communities have that difficulty and the smaller and more isolated they are, the more likely that this type of crisis intervention program fits. It eventually came to be in 1980. We did a lot of research which included

an inventory of resources available in the community. It took 4 months to establish the fact that there was a need for services between 8 at night until 4 in the morning. This was not going to solve all the problems of the world but it would provide a patrol during the night so there would be some peace.

We established a lobby group, including the police, the Band Council, judges and anyone we could find. We generated letters and sent them off. The first source of money became available. It was one of our Ministers who had never, to my knowledge, been in the north. There had been a couple of suicides in another community and it hit the papers, and a question was asked in the House and he stood up and said, "I have some money put aside for a suicide intervention program." It turned out to be \$25,000 for the whole of northwest Ontario. However, because we were ready with our proposal, we changed our primary goal to be the reduction of violent deaths and it was on his desk within a day and a half. Currently, the Ontario Ministry of Corrections and the Ministry of Community and Social Services provide funding for the program.

How was the crisis team to run? The criticism of agencies was a potential problem. We designed the program so that there was a supervising committee and it was an edict of the band that any member of an agency that came to the community, including the Children's Aid worker, or probation service, or parole service or Special Constable or OPP officer, had to be a member of the supervising committee. The supervising committee included a band council representative, a health aid counsellor, probation officer, Children's Aid worker, and all of the other responsible parties. Defining the structure and how people would report to each other was also very critical because unless it was clear people would argue. In this particular case, the full-time workers were responsible to committee members.

There are many ways to skin a cat. When someone became a critic of the program, they were given credit for the program. It was a very deliberate scheme, knowing full well there would be critics. At the first opportunity we gave the credit for successes to the leadership of the community. We did not hesitate to enlist the support of potential opponents by encouraging them and commending them and giving them recognition for all the little things or even the very few little things that they did.

The crisis intervention workers were hired by the committee on the reserve, by people who lived there. They were originally picked because they were big and strong and genuinely interested in their community.

Many of them had records, but that was not the critical thing. The critical thing was interest in the community and a desire to improve it. The band council passed a resolution that the program and its members had the right to intervene in critical situations. They had the right, for example, to take a youth to the crisis centre. The duties of the crisis team members included patrolling the community, identifying crisis situations, conferring with community agencies, supervising emergency cases, diagnosing home situations, and referring cases to the appropriate agencies for followup.

There was one additional thing. We knew that the crisis intervention team members required skills, but we had no money for training. So we developed a one-week training course designed to answer all of their questions. We brought in an expert on suicide prevention techniques. Now, we have a certified suicide prevention and intervention package within the training. Additional training involved the standard St. John's ambulance course in first aid, nursing tips, materials on personality development and cultural training. As crisis team members came across situations they did not know how to handle, we would develop another course for them.

In setting up the crisis intervention team, we addressed everything: how the system would keep its records; feedback to the funding source; what the community involvement would be, and what the team was supposed to be doing. For example, if you picked up the phone, would the hospital actually recognize the crisis intervention team member as not just a bother but as someone who knew what they were talking about. All of those issues were dealt with prior to the start up of the crisis intervention team.

In the first three months the crisis intervention team went out on patrol. They stopped youths from smashing windows, They took them home. They took youths to the crisis centre so they would not hurt themselves or anyone else. If a youth was intoxicated, they would sit with them until they sobered up. Or if they were passed out completely, they would at least get them out of the rain, so they would not die. If they saw a youngster with a gas bag they would walk over to him and take it away. if he was in bad shape they would find a place to hold him until he was safe enough to take home. They would stop people from doing foolish things.

As the weeks went by, they started patrolling the entire community. The original volunteers spent a great deal of time with them because they were so anxious for this to be successful. They would give the workers

counsel and give them direction. These volunteers burned out because they were fairly stable and had their own jobs. They worked all day on and then ended up working all night and, after three months without sleep, they packed it in.

The police were astounded at the number of calls that came in. The first reaction from the police was "What in Hell is this group doing? I'm getting call after call after midnight." It was a Zenith number and although the detachment was right at the border of the reserve, it took almost a hour and a half for the officer to get to the community. All of a sudden, there were demands upon the police service to be there. The leaders of the rowdy groups were being identified. Every officer in the detachment logged an average of 100 hours overtime per month. It played havoc with the district budget.

People in the various agencies were down on our necks, so the biggest argument was to convince them that it would be this way for the first 3-6 months, but then would start to go down. The Children's Aid Society was sensitive to criticisms from the committee about not dealing with the problems of youth in the community. As Probation Services was involved in the development of the program, we had to produce constantly and the demands on agency people were monumental.

People in the community began to notice the quiet: "My God, my gas cans weren't ripped off last night." "Well, look at that. I fixed the window and it's still there." However soon after the crisis intervention program began, there was criticism from the community, particularly from the rowdy, strong-willed people who did not want things in the community to change: "What's the matter with me taking this 13 year old girl? That's o.k. What's it to you? Sure I can give her gas. Have my way. It's of no consequence to you, so what do you care?" These people were really upset and after the program had been operating for six months, the critical point came. It took that long for the usually unorganized radicals in the community to get together and start to defy the system.

People heard that a gang of people were going to try to disrupt and take advantage of the three crisis workers who had helped create quiet in the community. On the first night of the confrontation, there were about 16 young men and women who came out and confronted the crisis workers in the road. When, out of the bush, about 20 men came up and stood behind the crisis team. Members of the community who did not want to lose the peace and quiet of the community. They stood up and said, "No, we see the difference. We know the difference. We will stand behind them." And that was the first major success of the program.

The committee got results because the responsibility was within the group. They lobbied the band office to bring in programs or to resurrect programs. They changed the time of patrol for the crisis team members so they could get the kids after school and start doing things with them. They held dances because there were no organized recreational or social things. They never lost sight of the objective of trying to intervene. They kept working at it.

KEY STEPS IN ESTABLISHING AND OPERATING A CRISIS INTERVENTION PROGRAM

1. Identify exactly what you want to do in terms of crisis intervention. Know what type of intervention you want.

Identify what the crisis is. If you see it and it is there and if you as rational people believe that it is a crisis, I defy anyone outside to deny that it is. The trick is getting what you perceive as the crisis well organized on paper and then arming your group with the strategy of what you want to do. Everything from how to use the press to how to give credit to people.

All crisis intervention programs succeed or fail depending upon how well researched they are, depending upon how clear your idea of what you want the crisis team to do is. If it is to intervene in the crises of domestic disputes, then it must be organized to do that. You have to be quite clear on how, where, and what limits you can put upon it so that you do not leave an open end where all of your energies slip into. You have to have a clear definition of what you want. In the case of Grassy Narrows, the whole community was the crisis. Once they identified that, they had the statistics and information to back them up so no one could argue with them. The statistical package is proof outside of your area of what is needed.

2. Set up a lobby group of everyone who works in the area and of people who have power: judges, police, health workers, community members, and your members of Parliament.

All crisis intervention programs are not the same. Each is born within its own community.

3. Identify the most likely place for money.

Be very persistent. Keep firing off letters. We received 3 months

funding to start the crisis team. We had the proposals all ready and at the first opportunity for money, we didn't care what it was for. We put pressure on Members of Parliament. Put pressure on everybody you can think of. Within the space of a year, we had three programs going and now we have added a fourth one.

4. Maintain the integrity of the program.

There is a tendency for agencies such as the police, probation, or Children's Aid Society to make it their program: "Go out and get these children for us." "Give us the goods on that family so we can be well prepared in court." The strength of the Grassy Narrows program was that the committee said, "No. No. No. You do your work and the crisis intervention team will do theirs. They know what their job is and it is not going out and apprehending children."

We were flexible and we admitted mistakes. When we came across brick walls, we didn't draw away. It was a crisis almost every day as we nurtured the program. The judge would say, "What do you mean you arrested him?" And we would say, "Well, it is the wrong word, your Honor. We didn't really arrest him. He was a concerned citizen and he didn't want him to be hurt." There was understanding for this because you had already talked to the judge and said, "Your honor, this is likely to happen. Please don't let something bugger it up." And the judge, of course, who has seen the case load from that court going down and down and down, is getting very defensive toward people who are critical of the crisis intervention program. He is writing letters saying, "What do you mean there are no funds." And the chief justices and everyone become part of your lobby group.

5. Identify needs and develop community resources.

It was the task of the committee, in working with the crisis intervention workers, to lobby for and fight for the establishment of programs that would stop the flood of problems. The crisis team members identified very simple needs: organized recreational activities for youth, organized cultural activities for youth, organized social outlets for all age groups. Within two years, they were successful in hiring a "Social, Cultural, and Recreational Convenor."

You have to be imaginative and innovative. Five years ago, there were perhaps 45 children in training school about 900 miles away from the community. Not much family contact. There were no services in the community so we had to send them away. Today, we have one

child who is away, out of our territory. Just one. Now we have group homes. They didn't come out of the blue. They came out of development and because we bent our system. Instead of sending a child away, I would go to any private home, anyone, and say, "Would you be willing to work with this child? He is going to take 24 hours of supervision." They would say, "My God, I can't stay up all night." And I say, "Hire somebody." I've got judges' orders saying that I have to do something with this child and I know that this is my ticket to the treasury. As long as we can convince the judge not to send the child away to secure custody.

DISCUSSION

QUESTION Didn't giving authority to these crisis team members, even though they were trained, cause a lot of problems? Didn't they have to be trained in what not to do as well?

RESPONSE (Chester Draper): Of course. Part of the training was to tell them they were not policemen, but crisis workers who have a specific objective.

QUESTION How did you get enough people in a community that were interested in working on a committee?

RESPONSE (Chester Draper): I didn't get them there at all. They were there. They are the heart of the community. There are several communities in which they thought, "There is no one." But that's not true. Outside agencies want to bring in services because they don't think anyone in the community is capable of standing up. But, that's not true. They are there. They may be so discouraged that they are sitting back and protecting their own and holding on to their own family. But if they see an opportunity where they can devote time and energy through a program, to get out and work for their community, they will.

OBSERVATION It seems like one of the hardest things is when a group starts something like a crisis intervention program, it is like it belongs to them. It is almost like letting go and making sure it belongs to the whole community.

RESPONSE (Chester Draper): It is in your plan of attack. We knew that these complications would happen. You have to take a deliberate stand on how you are going to address this. There is no ownership of the program. The only thing that is owned is the spirit within the community that has been revived.

QUESTION How can you encourage people to become involved in addressing social problems in the community? Particularly if they don't want to face the problems, don't want to talk about them. They just want to leave. And when they send problem people away, saying "We will not have problems if these people are sent away."

RESPONSE (Chester Draper): I know many communities like that. Over the past 30 years, government would offer all these wonderful services: "If you have a kid who is a problem, send him to us. We'll fix him. We have a training school here. We can rehabilitate him." All of this was done with good intentions. Government offered these services and the communities abdicated their responsibilities. They gave up their responsibility and would say, "Look at that kid breaking that window. Somebody should do something." The people in the community were standing right beside the kid and saying that government should do something.

There is now a very intelligent movement in the Ontario government that says, "Hold it, cut off the services, folks." Not brutal hatcheting, but pulling them back, putting them back into the community. A policy which says that native child welfare agencies should be operating in native communities. Highways? Why not contract it to a local person. Probation services? Why can't they be run by a local committee.

QUESTION Do you see there ever being an end to the need for crisis intervention teams or do you think they might evolve into something beyond that? What would happen if you didn't have a team?

RESPONSE (Chester Draper): It would go back to the way it was before. Until all of the programs are in place that they are trying to do. Dances, socials, games; all of those little things that are helping to reduce the problems. Until they are established as part of the community, then the crisis still exists.

RESOURCE MATERIALS

READINGS

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YOUTH MENTAL HEALTH

Issues in Youth Mental Health:
Mobilizing the Community

Susan Soule

Developing Mental Health
Programs for Youth

Jack Kyle

Role Models for Youth

Heather Hodgson

ISSUES IN YOUTH MENTAL HEALTH: MOBILIZING THE COMMUNITY

*"The place that community mental health has to start and really focus on is community development, community education, and reawakening people's belief in their own ability to take care of themselves."
(Susan Soule)*

*"So many of these kids have no structure - at least no positive structure. If all they have at home is people who are drunk, people who are beating them, no food, no heat, there has to be intervention. There has to be an alternative. I always look right at the aunts and uncles and say "What are you doing.?" Or the grandmother or the grandfather, because they are part of it too. It's very serious when the relatives don't intervene and don't participate."
(Conference participant)*

In a wide ranging discussion of the mental health problems of northern youth and the issues surrounding community intervention, Susan Soule described the problems of native youth in Alaska villages:

A major problem is that young people do not believe in themselves. My experience with the villages in Alaska is that communities no longer believe in themselves. It's difficult for the non-native professional not to compound the problems because one of the reasons the communities no longer believe in themselves is because the professionals have come in and said, "We'll solve it for you. We know more." And, after a while, the community says, "O.K. Solve it for us." They become dependent. Problems that the native communities have dealt with successfully for decades, suddenly they do not want to address any more.

The bottom line is that kids are dying. One problem is that the native culture has norms against the expression of anger and so a lot of anger at gross injustice gets internalized. It's a culture that does not talk about feelings easily. They get bottled up inside and alcohol releases it, but it releases it explosively. So, you have a perfectly nice kid in whom all kinds

of justifiable angers have built up. He lets them out by drinking, hits someone, and is sent to jail. It's grossly unfair and it's of crisis proportions.

The kids growing up look at the options available to them in their villages and they don't want to leave their villages. They love them, but there are few options. So, we have depressed kids for whom it is terribly difficult to find work and who no longer believe in themselves.

DISCUSSION

QUESTION (Pierre Laganier): Is one way to get the community involved and make the community more responsible to make greater use of the elders?

RESPONSE (Roselynn): On Hudson's Bay, when we have to deal with mental health cases, the elders don't necessarily get involved. They will get involved if there is a family-related problem, where there is marital breakdown, issues of that type, with much more facility.

RESPONSE (Susan Soule): One thing which is potentially very controversial, but must be mentioned is that I think we put a terrible burden on young people when we tell them to listen to their elders. At least in the villages in which I work in Alaska, the elders are not good role models for these kids. The elders are not trapping, they are not living traditional lifestyles. They are drinking themselves to death. This is another example of the mixed messages we give to kids. We have told kids to respect the elders, listen to the elders, and then we tell the kids not to drink and then we tell them to respect the elders who are drinking. This is a situation that is very rarely dealt with honestly. It puts a terrible burden on the kids.

I have a group of elders who come and have lunch in my office once a month and I invited the 5th and 6th grade class to join them for dessert and listen to all the old time stories of the elders. The only elder who talked was a women I am very fond of, but she berated those kids for 40 minutes. She told them they were rude, they didn't respect their elders, wouldn't work like they used to anymore. The kids sat there politely and took it. I never did that again. But, the mythology still exists that kids should respect the elders.

- QUESTION** (Susan Soule): It's difficult to make the first connection with high school students. It has been stated that high school students are often waiting for someone to reach out to them. How can we do it?
- RESPONSE** (Camellia Loreen): Come off your high horse and meet them halfway and show them that you are willing to listen to them and that you are concerned. Don't use all big words that a lot of young people do not understand. Speak their language. It's not going to happen the first time and it may not happen the second, but keep on trying. It's going to take time for the youth to really open up but give them time, show them that you do have the time.
- RESPONSE** (Susan Soule): If you can get young people together in an environment where they feel safe talking, they're going to talk. For younger kids in the community, we have sledding parties and movies which are on mental health topics. Everybody comes for the sledding and comes in cold and waiting for cocoa and popcorn and movies. Then the kids start talking and sharing with each other. This year, for the first time, our peer counsellors are doing lunchroom presentations at the high school which include skits and discussions. All you have to do is create an environment and the young people will grab onto it and use it for what they need.
- COMMENT** Sometimes communities want to banish somebody and the mental health process is a great way to banish a person. It's called 'suitcase therapy.' For better or for worse, we go along with that because that's the only way that person can get back into his community - to have gone out and then come back.
- RESPONSE** (Susan Soule): That doesn't work well. In Alaska, the villages have learned that mental health banishment means a maximum of three weeks because the Alaska Psychiatric Institute believes that they cure people by putting them on medication and shipping them home again. So the villages rely on the prison system now. It's a longer banishment.

QUESTION (Jack Kyle): What about the mental health of the people who are coming out to the villages? Is this producing a mental health problem in the community? What is the mental health of these 'imports'?

RESPONSE (Susan Soule): I am especially sensitive to this problem because the majority of our school teachers in Aniak, Alaska are from places like Oklahoma and Alabama. They are, in fact, the rejects. I have seen a surprising number of strange dropouts from the white world playing 'king of the mountain' in little Eskimo villages. One of the first things I did was to help a village legally evict one of these characters.

RESPONSE (Jack Kyle): We've got the same thing in British Columbia, except all of ours are British ex-patriots. What were they doing in England before they ended up in Alert Bay? One of my most vivid introductions to Canada was in Alert Bay, which is a thriving band, a very powerful band, a very together band. The band is really healthy, psychologically healthy. However, the school principal, who was very British, referred 25 of the 30 students in his class to me. It seemed a bit strange to me that this many kids would require psychological intervention until I met with him. Then we shifted to him rather than the 25 kids. But these kids were powerless. If I had gone along with him, they would have had every right to distrust my intervention.

DEVELOPING MENTAL HEALTH PROGRAMS FOR YOUTH

Dr. Jack Kyle of the British Columbia Ministry of Health identified several strategies to be used by mental health professionals in developing programs for youths in northern communities as well as providing material on programs operating in rural British Columbia.

The Three Levels of Intervention

1. primary prevention: Intervention in a community before the problem develops. Use of training courses or identification of people at risk.
2. secondary prevention: A problem has been identified, a target population has been identified. Intervention is designed to limit the duration of the problem or reduce the severity of the problem.
3. tertiary prevention: Intervention in an attempt to prevent identified problems from getting worse.

Strategies for Mental Health Professionals

1. The use of volunteers

The more isolated the community, the less support that will be forthcoming from the bureaucrats, the less support from any kind of major organization, so the community must rely on itself. The community must develop its own resources. It is easy to become locked into the feeling that, as a small community, there are no resources to be mobilized. Volunteers are one way to mobilize community resources.

EXAMPLE: Crisis Lines

A traditional way in which volunteers have been utilized is for staffing crisis lines. Crisis lines were very popular in the 1960's and 1970's. In practice, crisis lines encountered a number of difficulties and there was a backlash by professionals against them. There are people who want to do good in the community but often they have a variety of

reasons for wanting to do good. They may have hidden agendas. There was also a lack of proper supervision. There wasn't the proper screening done for volunteers. A problem, particularly in smaller communities is the 'fishbowl concept' - you are a kid who has done something wrong and you don't want to tell your parents or your probation officer, so you call the crisis line and recognize the voice as that of your next door neighbor. And you hang up.

2. Identifying community resources

There are 'hidden' leaders in every community. People other than the mayor and leading socialites who can make a positive contribution. Ask people in the community who they feel can help. This worked well in a crisis line we recently established for adolescents. Most of the names I received were delinquents. These kids were all very bright, they were all very delinquent, and we used them as the volunteers. It is a quite successful crisis line.

3. Interagency cooperation

Examine how well the agency resources in the community are being utilized. The different branches such as the mental health centre, the school, social workers, the probation officer. Do you meet regularly? If you don't, you should. Establish an interagency council or committee. If you operate on your own, you will fail. Develop a series of interlocking networks within the community.

4. The target population

Know what you are trying to do and who you are trying to do it for and what you are expecting to get out of it. Begin informing the community about why this group is at high risk and how the community can become involved in addressing the problem.

5. Community self-help and support groups

There is a thin line to walk with self-help groups. If you try to direct them, it defeats the purpose of self-help. If you take a hands-off approach, then you do not know what they are doing and whether what they are doing is appropriate. Be active with self-help groups, particularly in the area of education.

6. Travelling roadshows

Develop a travelling road show of workshops. In my jurisdiction, we decided that there were a lot of people in mental health who knew a fair amount, but they were also getting burned out so they were freed up to travel around the province and do two or three day workshops. These workshops also involved people from the community, including probation officers, school counsellors, church leaders, and other interested people, depending upon the topic.

7. Undertaking a community analysis

Identifying the needs within the community and the community development and community prevention techniques for doing a community analysis. The purpose is to focus on prevention and to reinforce self-care ability, the ability of an individual or a community to take better care of itself or themselves, the ability of a community to be more responsible to its citizens, the ability of family members to be more responsible to each other. The attempt is to enhance self-care, competency, and coping skills rather than waiting until the damage has been done. All of this falls under prevention.

The specific things to look for in conducting a community analysis:

- a. what kind of housing is there?
- b. what sort of facilities are there in the community?
- c. what is the media saying about the community?
- d. what kinds of self-help groups are there in the community?
- e. what kinds of leisure opportunities are in the community and to whom are they available?
- f. what are the transportation arrangements?
- g. if the focus is on youth, what is the town like for youth?

Prevention Program Initiatives in British Columbia

In British Columbia, there is a community health system of about thirty mental health centres ranging from 4-20 people, including social workers, psychologists, nurses, some psychiatrists, and a few community workers. In addition, there are satellite centres, which are smaller one or two person mental health centres in the smaller communities.

There are also travelling clinics which go out to the isolated areas. This is a 'band-aid' measure. Outside experts are parachuted in and most of the people are leary of these professionals. They visit for one or two days every couple of months. This quite often causes more problems than it solves. An attempt has been made to become more specialized. There are specialty planes. One is a neuro-psychological travelling clinic for assessment of juveniles. There are also travelling clinics that focus on community development and sexual abuse.

There is a need to become more non-traditional. To examine self-care skills, the utilization of volunteers. For example, there are many different roles for volunteers and this is one area where there is room for considerable innovation.

ROLE MODELS FOR NORTHERN YOUTH

Heather Hodgson of the National Native Advisory Council on Alcohol and Drug Abuse described a major program initiative designed to create positive role models for native youth:

The campaign began when the National Native Alcohol and Drug Abuse Program (NNADAP) became a permanent program in 1982. We went to the communities, talked to elders, talked to young people, talked to the children, parents, and to professionals. The message that came back was loud and clear: "We have had enough of the negative. We want the positive, so go out and look for the good things and emphasize them." One of the things we came up with was the "role model campaign."

We have been fortunate to find four young native people who have excelled in what they have done and have been willing to share that success with others who don't seem to be so fortunate. The process of finding role models was a most difficult task to go through. There was literally an army of individuals across Canada looking for suitable individuals – an army that consisted of elders, children, teenagers, parents and professionals. It took nine months until one evening I was watching the 1984 Olympics and up on the podium was Alan Moriss waving his arm in victory with an eagle feather in his hand. And I said, "That's it. That's the one we want." We contacted him and asked whether he would be willing to take on that kind of responsibility. He thought about it. He was very busy because he was the first Indian in the history of Canada to go to the Olympics and win a gold and a bronze medal. Alan is a Mohawk and grew up under the guidance of his grandparents. We had long meetings, long discussions. When you take an individual and say to him, "We would like to make you a role model," you are asking him to take on a tremendous responsibility. Alan said yes and joined the staff of one of the caravans going into communities to help develop and motivate people. Alan goes into schools, spends time with the elders on the reserves, but stays out of the political end of things.

The second person was a Cree girl from Winnipeg who is a professional actress and who also joined the caravan staff. The third is a hockey player who plays for the Pittsburgh Penguins and the fourth is a girl named Kim Scott, who is in the Masters program at Waterloo.

The underlying theme of the campaign is motivation. If individuals at the community level want to identify anyone they want, then we've succeeded. Just to get that initial thrust to get them going to do their own thing. These four people may fade out in a couple of years and do other things, but they will have done their part in turning the tide.

One intent of this approach was to avoid the types of programs that were the traditional approaches that haven't worked. When we pointed a finger at kids and said, "You shouldn't drink. It's bad for you." This doesn't work. So we have changed our approach from treatment to prevention.

There are many wise and important elders, but there are very few who have the capacity to talk to young people. It's extremely difficult. When we first started putting this campaign together, we talked to many elders and asked whether they would be interested, and they said "No."

DISCUSSION

QUESTION The four people chosen for role models are all successful in the white world. What about people who have been successful in the native world?

RESPONSE (**Heather Hodgson**): Very interesting point. What we are working on is to make the point that kids can be successful in both worlds. So many of our young people grow up with a negative attitude toward themselves as Indians. One of the messages that all four of the people say is "Don't follow us. If you have any ambitions, you should have an idea of where you want to go in life. You may want to be a carver, want to have a profession, want to be a housewife. But, to do it well takes time, takes effort, and you should be proud of whatever you are doing." That's what we are trying to get across to the kids. That there are other things to do besides hang out and drink and sniff gasoline. Be proud of your heritage. Don't be ashamed of it. It should help you, not hinder you. Cultural pride and heritage will help you to be strong and have an identity. When a person leaves the community, they will be in a position to deal with the outside. "Take pride in your culture. Do whatever you want to do, but don't forget who you are."

COMMENT I am bothered by the statement you made that many of the elders cannot talk to their young people. In northern Manitoba, they have youth/elder workshops once a year where elders from the surrounding communities come and talk to the young people. The young people want these workshops to continue because the elders are providing them with some very valuable knowledge.

RESPONSE (Heather Hodgson): One of the problems we consistently run into when it comes to elders is that an elder may be accepted in one area but not in another.

COMMENT I think it is very important that the elders be seen on television. Every day, so much knowledge is being lost as they pass away. The language will be gone in a matter of years in many areas. The old stories, the legends, everything is just disappearing. If the young people are bombarded with the media message, they don't pay any attention to the elders. Put them into a wilderness setting and they spend all of their time listening to the elders. We brought elders in to teach traditional skills recently – legends and traditions and they ended up being our most effective counsellors. Kids who are having trouble dealing with authority very often see camp life as an extension of probation officers, teachers, police officers, or parents. The kids are not threatened by the elders and will tell them their problems.

COMMENT (Susan Soule): Some years ago we did a study of value change. It involved forced value choice, and there were only two options for each question. Half of the questions presented to the people in the community related to their children in high school. Among the questions were: "Would you be more proud of your high school age child if he or she packed water for old people after school or played basketball and was on the basketball team?" "Would you be more proud of your child if he or she got straight A's or he or she went out beaver trapping in the winter?" The other half of the questions related to feelings about grown-up children: "Would you be more proud of your son or daughter if he/she was a trapper and lived in Stoney River or he/she was a lawyer and lived in Anchorage?" The questions always opposed old ways and new ways.

For high school aged kids, the majority of their parents wanted them to succeed in the white world of high school: "We want basketball stars." "We want cheerleaders." But, when these same kids were adults, the parents wanted them to stay in the village and be trappers and fishermen. That's an impossible situation for kids - totally mixed messages.

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FILMS

WITHOUT AN EMPTY QUIVER

25 minutes, 16mm, videotape, 35mm slide-sound, English.

A film suited for discussion of self-image. It offers a view of the obstacles encountered by native youth in North America today. The overall mood of the film is positive as each person relates his story and describes his feelings about the world around him. A jailed alcoholic, a football player, and a successful young law student emphasize the need to organize and to set goals in life if anything worthwhile is to be achieved.

COLD JOURNEY

1972, 75 minutes, 29 seconds, 16 mm, 35 mm, sound, colour, English.

A dramatic account of a young Canadian's attempt to find a place for himself in society. It tells of the cultural shock of an educational system that teaches him to be a white man, and of his attempts to discover a way through the unexpected pitfalls and disillusionment that are as cruel as the bitter wind that greets him on his cold and lonely journey. The film was shot on location with the people of Indian reserves and schools in northern Saskatchewan and Manitoba.

National Film Board. PO Box 6100, Montreal, Quebec H3C 3H5

DREAMSPEAKER

76 minutes, 16mm, 35mm slide-sound, colour, English.

An emotionally disturbed boy escapes from an institution and flees to the forests of Vancouver Island. He is found and "adopted" by a shaman, who, with ancient Indian rites, tries to help the boy control the terrors which periodically drive him to acts of violence. When the authorities locate him, the idyllic relationship is brought to an abrupt and shattering end.

National Film Board, 2959 Station M. Calgary, Alberta T2P 3C3

PROGRAM INITIATIVES FOR YOUTH: CREATING ALTERNATIVES

**Confronting School Failure
and Unemployment Among Youth:
Initiatives in Northern
Saskatchewan**

Walter St. Cyr

**Alcohol, Drug,
and Substance Abuse Programs**

Henri Tremblay
David Ducharme
Denis LeBlanc
Muriel Edmunds

CONFRONTING SCHOOL FAILURE AND UNEMPLOYMENT AMONG NORTHERN YOUTH: INITIATIVES IN NORTHERN SASKATCHEWAN

Walter St. Cyr of the Department of Advanced Education and Manpower, located in La Ronge, Saskatchewan, shared with conference delegates initiatives undertaken by his provincial department to address the school drop-out and unemployment problems among youth in northern Saskatchewan:

One of the major reasons youths drop out of the educational system and out of job training programs in northern Saskatchewan is the courses have no meaning for the young people. The program content is often not related to anything they want to do. They find the universities in Regina and Saskatoon too large and impersonal and feel lost. Few of the students continue on with their studies. They are often homesick and they don't like the big schools which are primarily white.

In the past three years, we have created three community colleges in northern Saskatchewan. Housing was created next to the institutions so the students would have a place to stay and there are also eating facilities. The training system is set up so that students can progress at different rates. They can go at their own speed. We have set up an apprentice board where people can work in their community and they can take their apprenticeship training in the north for the first year. They don't have to go down south to school. The first year, they take their training at Stony Rapids and the second year in Buffalo Narrows. The third and fourth years, they have to go to a bigger institute for 8 weeks each year. So, the first two years of training are in the north.

We have also set up competency-based modular training, where each course in the school is individually modelled. All of the training courses have a life-skills component built into them. It's not a progression-type training with 12-15 people all coming in the morning and doing the same thing. It's individualized training.

The biggest step we have taken is that we have gone to the employers, including local government and the mining industry and got a firm commitment from them to hire people who complete our training courses. In the course which was run at Buffalo Narrows, part of the course consisted of taking the students on a mine site for a day so they had a good introduction to what would be required in working at the mine. At the end of four months, 14 of the 15 students were hired by the mine and the 15th one went on to University.

We established another arrangement with 7 communities that wanted to hire and train home care workers. We agreed to provide a 2-year certificate in home care work if the communities agreed to hire the students completing the course.

All of the training which is done in our programs is based upon guaranteed jobs. There are two programs: the Northern Economic Development Subsidy Agreement, a federal-provincial program and the other is the Native Trade Development Program which is operated by the Province of Saskatchewan. These programs allow employers to be reimbursed up to 50% of the employee's salary for a period of 4 months to 2 years depending upon the particular job.

Lifeskills is a component of every training course, even carpentry, and we currently have 12 native people in a certificate program training to be life skills coaches. In the northern portion of Saskatchewan, there are 40 communities that range in population from 60 to 1000, with the exception of LaRonge. When people who have spent all of their lives in those small communities come into Buffalo Narrows, to them it is a big place. School is different for them, the recreation facilities are different, everything is different. If we don't build in life-skills training, the courses will not be successful.

Three years ago, there was not one person placed in a northern job on the basis of provincially-sponsored on-the-job training. In fiscal year 1983-84, we found employment and training for a little over 200 people. Of those, 87% are still working. As of November, 1985, we have found employment for 286 people and 92% are still on the job. We are having good success keeping young people on the job by combining school and a job commitment. Youths have been placed in a variety of positions, including heavy equipment operator, receptionist, mine worker, and lab technician.

We began the program with \$650,000 and, in 1985, spent a little over \$1 million on training. If the drop-out rate begins to rise, the money will stop. Politically, as long as we can do a good job and can train natives for jobs in which they stay, we'll keep getting the money.

Program Example:

All of the towns up north had their accounting done either by the government or by private accountants. None were qualified to do their own work. So I went to the University of Regina where they have a two-year course in local government administration. They modified it slightly for the people in the north. We then went to the Federal government and got joint funding and recruited 15 young people from 15 communities who took a one year pre-local government administration course. This was to bring them up to Grade 10 level so they could do the University course. In 1985, they were in the first year of the 2 year University program and 13 of the 15 are still in the program. When they complete the course, these students will be able to do all of the bookwork in their communities.

Program Example:

We put on a trapper training course and wildlife training. The elders of a native community came to us and were worried that young people weren't staying in trapping. So we put on a training course for trappers one that is also given in Alberta. It's done on the job. We hire 3 instructors and they go to each community and train the youth right there.

DISCUSSION

QUESTION What are the minimum ages for youths to participate in the program?

RESPONSE (Walter St. Cyr): We prefer youths who are at least 17 years old, but the average age of the students in the program is around 20-22, 95% of whom are native.

QUESTION What are the entrance requirements?

RESPONSE Some courses have none. In the home care worker program, for example, there were no prerequisites. The technical institute that we are dealing with does not require a minimum age or grade. We have some people

in our program who can barely read and write. There are a couple in the home care worker program who have difficulty reading and writing so they take tapes home with them. But, that's an exception. Normally we try to get Grade 8, but that is very difficult. In northern Saskatchewan, the average grade level is Grade 4.

The school system in Saskatchewan has waived a lot of the grade requirements that are required in the south. In southern programs, there is a minimum level of Grade 10 for programs. In the north, we have to give much more personalized attention in school. We would need two teachers where one would suffice in the south.

QUESTION Do companies in the North have a mandate to hire a certain percentage of northern workers?

RESPONSE (Walter St. Cyr): There are often service agreements where the mining companies, for example, agreed to hire a certain percentage of northerners in different trades - up to 10%. No one ever monitored or enforced these agreements. Rather than negotiating a service agreement with the mines, we negotiate a 'human resource development plan' under which the company agrees, as part of their lease, to hire northerners. No specific number, but it is re-negotiated each year. We let them handle their own hiring without enforcing. They have done a better job than when it was enforced. In one mine, 60% of the employees are native.

COMMENT While your program seems like a good model for northern Saskatchewan, in Eastern Ontario, north of Highway 11, the job opportunities are pretty scarce for everyone. There are no opportunities for on-site apprenticeship training, unless it is with the government.

Native youths can follow one of two streams: the traditional stream or the assimilated stream. Very often they come from traditional families where attendance at school is not very significant. The families tend to go far afield hunting and fishing in season. The students do not attend secondary school very faithfully and are often graduated without the background for further education.

COMMENT In the Western Arctic, kids tend to drop out of school in Grade 8, which means they really have only about Grade 6 level of education. They leave school, and after a couple of years, want to do something, get into a training program. They don't have the educational or academic criteria to get into a program, so they might get into an adult training program. But these are tied to the Manpower guidelines which are so inflexible and rigid. The federal government has put the onus on industry to create employment, but there are communities with 80% unemployment. There's maybe a nurse and an RCMP officer working in the community.

COMMENT In my jurisdiction, we have communities where there are no industrial opportunities within 800 miles.

COMMENT (Allen Neepin, youth participant): The major problem in Manitoba is that there are jobs available but the employers hire who they know. It works that way for both natives and whites. I got hired last summer because my brothers have good standing in the native organizations in the community. Someone else my age may not have an older brother or sister. That's the big problem in our community: it's not what you know, it's who you know.

RESPONSE (Walter St. Cyr): In our program, we make sure there is no favouritism or nepotism. The school and the employer interview the students before they go into training for the job. The employer has the final say, but the school can veto it by setting prerequisites. We've never had the problem. The person who is involved in the hiring for the program is an ex-RCMP officer who has no relatives in the area and attempts to insure that all communities in the region are represented.

One of the factors that helped make this program a success was that people in the communities decided they wanted more than what they had. The band chiefs and the mayors got together and founded a Local Community Authority which is comprised of the mayors from all of the communities. They suddenly said, "We have a problem.

No one in our communities is working. The white people have all of the good jobs. They are taking care of all the books and making all the money. We're not making anything." We agreed to spend money on training if the communities would assume responsibility for monitoring the program and insure that people go to work. So the commitment from the communities was very strong.

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FILM

WANDERING SPIRIT SURVIVAL SCHOOL

1978, 27 minutes, 32 seconds. 16mm, 35mm, videotape, sound, English.

This school was established as an alternative to residential schools. Organized by concerned parents, it broke with tradition by introducing subjects that are of particular relevance to its pupils. Indian legends, traditions, languages, and crafts balance the program of academic subjects required by the Ontario Ministry of Education. The experience of the children at Wandering Spirit is contrasted with the very different life experienced by their parents who were educated in residential schools.

National Film Board. 2959 Station M. Calgary, Alberta T2P 3C3.

ALCOHOL, DRUG AND SUBSTANCE ABUSE PROGRAMS

Henri Tremblay, program officer with the National Native Alcohol and Drug Abuse Program (NNADAP), provided a brief overview of the history and operation of the program. This presentation was followed by a discussion of two projects, one operated by the James Bay Cree and the other by the Labrador Inuit:

There are some strong statements regarding alcohol and drug abuse, and it's contributing to the break-up of native families and communities, and the decaying of cultural values and traditions. Alcohol and drug abuse are related to an increase in the number of suicides, especially with young people. Up to 3/4 of all deaths of Inuit and Indians due to accidents or violence are related to alcohol abuse. Eighty percent of the deaths of young people are related to alcohol and drug abuse. All of these very serious statistics brought out the need to develop programs to fight alcohol and drug abuse. NNADAP developed out of an awareness of the native elders, health workers and community leaders that the abuse of alcohol, drugs and chemicals were the most serious health problems among natives and the Inuit today. To support the efforts of the native communities to eliminate this abuse, NNADAP came about in 1982.

There are 9 regions across Canada. Each region has a regional director and its own budget for treatment, training and prevention. It is up to the Regional Director to make final decisions and to sign agreements with the bands. He/she is advised by a group of people known as the Regional Advisory Board, made up of primarily native people from treaty associations, friendship centers, the native association of women, and provincial associations. There are usually 8 to 12 people on the Board. They receive proposals from bands under one of the three categories of training, prevention and treatment, and they make decisions and provide advice.

The program is composed of community projects and programs that are designed and delivered by native people. The goal of the program is to reach 90% of the Indian and Inuit population. Today there are more than 340 projects on alcohol and drug abuse across the country. NNADAP

itself has several components including: prevention, treatment, training, and research. Prevention is helping the communities to become more aware of the dangers of abuse. It involves counselling the people who have addictions, referring people to treatment centres, and being supportive of them when they return to their home communities. It also encourages community members to become involved in spiritual and cultural activities. This helps to develop healthy and strong families, and more positive self-esteem toward people living in their communities. Prevention seeks to organize alternative activities within communities. It looks into what is missing, and tries to fill those gaps.

Treatment is for people who need more intensive help in overcoming drinking or drug problems. The average stay in the treatment centre is about a month. A lot of work has to be done when the client returns home, helping that person to stay sober or stay off drugs. There is also the training. One important part of NNADAP is training the people who are in the field. The goal of NNADAP is to have 800 trained native people in the field by 1987, from the project workers to counsellors to program administrators.

Research is another component which deals with answering questions, such as the extent and nature of abuse in different communities, root causes of alcohol and drug abuse, and the social problems related to alcohol and drug abuse. Effective methods for the prevention of abuse are also researched. Research is also very much concerned with Fetal Alcohol Syndrome.

The James Bay Cree

David Ducharme and Denis LeBlanc, coordinators for alcohol and drug abuse prevention programs in Chisasibi, Quebec, outlined the program operated by the Cree Board of Health and Social Services:

Our project with the Cree Health Board is very different than that operated by other native groups across Canada. The Cree people of Quebec have a very different relationship with the Federal Government than other Indians. The Cree have a Cree Health Board that looks after Health and Social Services. The decision-makers are Cree people as a Board made up of representatives from the community and also the managers.

One of the things that we have been working on is the youth caravan. We will be delivering the caravan January 21 to March 21, going into

each of the communities for a stay of four days. Once we are in communities, there will be workshops on different topics such as computers and videos. Then, there will be cultural games, traditional games, drama, recreation, peer counselling and career counselling. By bringing the youth caravan into each community, it is going to create a great need. Once you leave the community, people realize they have to do it on their own if they want to have things. That is exactly what we want to do. We want to try to spurn people to take their community into their own hands, and do the things they want to do.

The Labrador Inuit

Muriel Edmunds, a community liaison worker with the Labrador Inuit Alcohol and Drug Abuse Program, described the wide range of program initiatives undertaken in her jurisdiction:

The Labrador Inuit Alcohol and Drug Abuse Program (LIADAP) is a community-based health care program. It began in January 1983 with initial funding from NNADAP and serves an Inuit and Indian native population of 3,290. This health program is the first to be designed, implemented, administered and operated by the Labrador Inuit themselves. The Board of Directors has representation from six communities and meets four times a year. The program constitution is in place and there is at present 13 employees. We have an Executive Director, community liaison worker, office manager, secretary, correctional liaison worker, youth development officer, counsellor and six alcohol and drug workers. Part - time staff consists of a translator. All permanent staff are native people.

In 1983, a 6 month problem and needs assessment was conducted in all six communities. Over 50% of the adult population were interviewed by NNADAP field workers and staff. Extensive reviews and research of other native and non-native programs were also carried out by the staff. The combined results of this research formed the basis for our program. The goals of LIADAP are to:

1. assist the Labrador Inuit to address problems of alcohol and drug abuse;
2. reduce associated health problems;
3. increase the level of public awareness and education in Labrador Inuit communities;

4. increase the number and quality of service workers and programs designed to assist Inuit families and special groups with alcohol and drug-related problems;
5. develop quality and appropriate education for Inuit schools concerning alcohol and drug abuse among students;
6. promote increased teaching and participation in traditional Inuit skills, occupations and activities, and to promote pride in Inuit culture, heritage and lifestyle;
7. assist the Labrador Inuit in reinstating the role of the elders in the communities; and
8. promote and increase meaningful consultation and communication between government agencies and departments, native health organizations and the Labrador Inuit communities.

The Labrador Inuit Alcohol and Drug Abuse program works with all local resources. We especially team up with the Labrador Inuit Health Care Commission which administers the Community Health Representative program. There is a CHR in each community we serve. Our field worker and CHR support each other in promoting good health and alternative lifestyles. We felt that it is also important to work hand-in-hand with the community councils, recreation committees, the clinics, social services, the Royal Canadian Mounted Police, public health, schools and women's groups. Community response and feedback has been extremely positive. More than 85% support the LIADAP's major initiatives.

Among the public school education training and prevention programs are: ongoing training of full-time community workers; school education programs; public awareness and information workshops; the establishment of self-help groups such as AA, Alanon, and Alanteen; individual and family support and guidance; a resource center for educational materials; general community service in health matters; alternative programs such as youth groups; and women's and senior's activities. We have a newsletter that comes out four times a year in both English and Inuituk.

Youth education and appropriate school programs are a priority in our program. We feel that the youth are the future and they should know exactly what they are doing, where they are coming from and where they are going. The Northern and Coastal Labrador face a higher drop-out rate than the regular school system. Twenty-seven men aged 20 to 29

who were interviewed in Nain had an average of 8.4 years of education. This high drop-out rate can be attributed to the lack of awareness of career opportunities, high unemployment, and the fact that training courses are far from home. Fifty-six percent of the men and women surveyed in Nain (188 of the 356 people of adult age) were unemployed. These figures are even more frightening when we realize that all northern communities have a large percentage of the population under 15 years old.

In the past two years, LIADAP has been making a special effort to assist youth. We have implemented sports activities and drama, and also promote awareness of alcohol and drugs. Through our efforts there are youth groups set up in each community. These groups meet two or three times a week and talk to each other on a tele-conference calling system each month. These tele-conference meetings keep group activities going and the youth offer support and assistance to each other. The meetings also help youth solve their own problems.

The tele-conference system was set up as a result of a suicide conference held in Nain. The theme was "Youth Alive in 85." Participants came to Nain from each community for three days to partake in suicide, alcohol and drug-related workshops. These workshops let the youth look at themselves and decide what they could and should do for each other. It was a great lift to the youths. They participated fully, and before wrap-up, they had 9 resolutions placed on the conference floor. It was a great feeling of accomplishment. A follow-up conference has been planned.

The first resolution was to set up a crisis line, staffed by volunteer youths, in each community. In larger communities, the youths would get together and talk about their own problems and come up with solutions. They decide what they want to do in their community. They have their own groups and decide whether adults should be involved, and make decisions on fundraising. The youth are working together not only in awareness programs but also in promoting Inuit traditional games, songs and sports. We feel that we must promote pride. The youth really enjoy these activities and they enjoy hearing from the elders about the Inuit culture.

The second resolution was that youths and elders should attend workshops to share ideas, thus closing the gap and working toward a unified adult/youth community. The third was that training programs be offered to youths to effectively and efficiently run their own programs. Fourth, a youth newsletter was to be designed and printed on a regular basis for each community. We put out a newsletter four times a year.

The fifth resolution was that the media should stop portraying native people in a negative way, and that the youths would work to change the media's attitude. When we had this conference, it seemed that the media was showing all the negative aspects of the youths. There was nothing positive coming out of the media. The youth are now changing this image. They are coming up to the media and saying what they feel. Prior to this, the media did not ask the youths what they felt. The sixth resolution was that a follow-up conference be held with involvement from all communities, and that the government should financially support this conference.

Community response has been manifested by information requests from community nurses, schools, correctional services, law enforcement personnel, social workers, and other individual enquiries. These diverse responses demonstrate that LIADAP must develop and provide a variety of program activities as well as promoting a meaningful community health team approach. Only in this way can we address the complicated problems of alcohol and drug abuse, poor health and social strain among the Labrador Inuit.

DISCUSSION

QUESTION Has there been any peer counselling training in any of these communities, or are the young people there familiar with the concept of peer counselling? Are they given very basic skills in counselling each other? This has been shown to drastically reduce the number of suicides in a number of areas.

RESPONSE (**Muriel Edmunds**): In Happy Valley-Goose Bay, the youths are counselling themselves and some of the schools are now getting guidance counsellors.

QUESTION What is the role of the alcohol worker in all of this?

RESPONSE (**Muriel Edmunds**): We help set up these groups and we organize the adult nights. We have card games, hockey, skating and things like this. We also go into the school to give workshops. We give workshops to women's groups on alcohol and drugs, and we arrange for guest speakers to come in and have workshops with these people. For

the youths, we provide the facilities for them to have their youth nights two or three times a week. We supply the board games or the hockey sticks or whatever they need. Then they raise their own money to get other games. We arrange for skidoo trips. We also have drama workshops, guest speakers, entertainers, movies, slides and the tele-conference system. In schools, we have discussions, movies, slides and workshops.

For the adults, we have adult evenings, fun games, and card games. We have workshops, counselling, self-help groups and senior citizen's evenings. The whole community does workshops and conferences, offers alternative lifestyles through self-help groups, offers public education and awareness of alcohol, drugs and suicide. We have just started a new thing in one community where the youths went out picking berries for the senior citizens. In turn, the seniors set up their own nights and they teach life skills, carving, sewing and traditional things like this to the youths. So it works both ways.

QUESTION What is happening in the non-native community? Wouldn't their incidence of alcoholism be just as high as the native community?

RESPONSE (Muriel Edmunds): We do not exclude anyone.

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FILM

CHILDREN OF ALCOHOLICS

1983. 18 minutes, 16mm, videotape, colour, sound, English.

This film examines the effect of alcohol upon the family. It was filmed in a community in northern Alberta.

National Film Board. 1 Lombard Street, Toronto, Ontario M5C 1J0.

PROHIBITION IN THE NORTH

1980, 26 minutes, 16mm, videotape, sound, colour, English.

A film which examines alcohol and crime in the North. Shows how the communities of Fort Franklin, Pond Inlet, Igloolik, and Pangnirtung deal with the problem of alcoholism.

Ministry of Health, Alcohol and Drug Problems, Province of British Columbia, #201-1755 W. Broadway, Vancouver, British Columbia V6J 4S5.

***PROGRAM INITIATIVES
FOR YOUTH:
TEACHING SURVIVAL
SKILLS AND
CULTURAL AWARENESS***

The Nazko Band Wilderness Caravan

Sandy Brunton
Stanley Boyd

Teaching Survival Skills to Youth:
Project Rediscovery,
Queen Charlotte Islands

Thomas Henley

Program Pitfalls:
The Yukon Wilderness
Alternatives Program

Pat Simcox

THE NAZKO BAND WILDERNESS CARAVAN

"The whole idea came from Stan. The kids were sniffing glue and getting into trouble. Finally the band said that they were going to do something. And that was it."

(Sandy Brunton)

"Maybe the mistake we have made is that we have been too organized. In the criminal justice system, people are always looking for programs and sentencing options without really using the resources that are already there."

(Sandy Brunton)

Sandy Brunton of Quesnel, British Columbia Probation and Family Court Services and Chief Stanley Boyd of the Nazko band shared with workshop participants the experiences of creating a caravan involving young people and elders.

The wilderness caravan, in contrast to the Wilderness Alternatives Program in the Yukon Territory, is a very low profile type of program. We had very little money. We tried to make a program that was totally consistent with the lifestyle that was presently being carried out in the community. We tried to use the resources that were there and the kids who were living in town. We tried to get them involved with families that had moved from the more remote areas into town, and with the elders who were still living out there.

In 1982, we hired a guide and outfitter to take the kids out. Then we stepped back and said "Why are we doing this? There is expertise from all the elders in the native community. Why should we be paying some white man to take the kids along a native trail?" For \$6,000, we planned a trip. We bought the food, rented horses, talked to everyone involved, asked some elders along, and then went into the bush for a month. We brought some moose hide and then we had a symbolic trade with the people in Bella Coola.



What really prompted us to involve the elders was when we went down to the Bella Coola valley the first year. We got down into the valley and the whole village turned up. We had a massive celebration, a big supper for everyone, and dances. The next evening we had a meeting with the young people and the elders. Some of the elders were in tears because they remember as young people using that trail, and it had not been used since the 1930's. It was a very emotional experience to see the young people doing that again.

The next year, we tried to do the same thing with our elders. We expected just 20 people to show up, but over 40 did. We dropped back into town and rented more wagons and horses. We just took off into the bush for ten days to get the young people and the old people together, away from the pressure of the bars and the music. This year we thought we would be doing the elders a favor by taking them along with us to Bella Coola. We thought this would be a nice experience for them. We soon found out after a couple of days in the bush that the elders were taking us along.

There was not any point in trying to get the kids and the elders together in town because the elders were really shy. They did not feel comfortable coming in and teaching culture. It seemed to be a more casual kind of thing in a wilderness setting. The elders would tell the kids things in their own time and in their own way.

Through the trips, the kids have acquired a new respect for their elders and for their culture. We were going to take the elders but then it turned out that the elders were taking us. That is what happened. These people just did not function in the bush - they functioned well. They had everything under control. People would naturally evolve as leaders in the bush, according to their abilities. That helped the kids a lot because some of the elders, when they are in town, are drunk a lot and the kids do not have any respect for them. But in the wilderness, where they took care of each other, they had a sense of family.

How we got the elders involved: The elders stand back and do not say a lot. They do not get involved in planning. I would go up before the trip and say to an elder, "Would you come along? You have a lot to offer. We would like to know. We would feed you and you do not have to do all the cooking." They would say "maybe". Very noncommittal. For a bureaucrat like myself who would like things to be planned and very concise, it is very troubling because I never knew whether they would become involved or not. It involved so much nonverbal communication.

The elders decided among themselves that it was important and meaningful for them to become involved, but that was not necessarily communicated back to me. They just sort of showed up. That indicated approval of what we were doing, but there was never a verbal pat on the back saying, "We think you are doing the right thing." So, in terms of being able to tell you what we did to get the elders involved with us, I really can not tell you what we did. I think that it is important not to impose structure on elders. They have their own way and their own means of doing things. We have to come to them rather than them coming to us.

The followup from the caravans has been quite informal and has focused on talking to the kids and the elders and asking them how things might be done differently. What has happened also is that other people in the community were sitting back, being critical, and saying "You guys will never do that. You will never make it to Bella Coola. If you make it you are going to break down." Some things did go wrong on the trip. Nothing is perfect. We never came out on the road exactly where we were supposed to. But that was OK. The people who were critical and never got involved would come up and say "I will help you out next year. Next year we will do it better." There were 22 of us that rode over there, 7 or 8 elders, a white man (an anthropologist) and a band member.

In putting together the program with the band, I felt hesitant to ask for too much money because I felt the government would want to put controls on it if they were spending a lot. Then the people who are important lose control of their own project. It is their project. It is their kids who are getting into trouble. It is their kids who are dying and it is their problem. All we can do is to help create situations which will help them deal with that. So that is all I felt that I was doing by providing money. It is their responsibility. The success or failure of the program depends on them. It does not depend on how much money we get.

DISCUSSION

QUESTION Were there any rules and regulations for the kids? Did they bring their ghetto-blasters?

RESPONSE (Sandy Brunton): They did one year in 1983. It was really neat because they had all their combs and there was rock and roll music until the batteries went dead.

TEACHING SURVIVAL SKILLS TO NORTHERN YOUTH

Thomas Henley, Rediscovery Foundation
Victoria, British Columbia

There was a pressing need in the Queen Charlotte Islands to develop an organized program that would assist the young people in learning survival skills that would be useful to them both in the bush and in urban areas. There are major differences between northern youth and youth in more urbanized, southern areas of the country in terms of isolation, available services, career options, the size of the communities in which they live, language, and educational opportunities.

Among the factors in northern communities or home life that are threatening to young people:

1. **Boredom:** in the Charlottes, the vast majority of crimes that are committed in the community are committed because of boredom. Eventually, it becomes a very dangerous game.
2. **Depression:** this is widespread among native youths.
3. **Lack of Identity:** northern native youths are often caught between the traditional and transitional and are not really sure where they are going. I've asked the over 350 kids that have gone through our program what they want to do when they get older and they say, "Maybe get a job." A sense of purpose and future doesn't seem to exist. There is no reason why communities in the north cannot have a strong sense of identity, a strong sense of purpose and future.
4. **Lack of Control Over Their Life:** many youths don't feel they have much control over their life when they are living in a family that has alcohol or drug problems or major economic problems.
5. **Abuse:** some youths endure a considerable amount of physical, sexual, and verbal abuse.
6. **Lack of Role Models:** the education that has been offered to northern youth is not relevant to their needs.

7. the lack of native teachers and the lack of culturally relevant education.

There is no reason why a wilderness camp cannot be providing services that address the threatening and difficult areas in a young person's life. A lot of kids have tremendous difficulty moving from small northern communities into the urban areas of the south because they do not have a firm grounding of who they are. They certainly don't have the skills to enter the workplace. In provinces such as British Columbia, there is a mass exodus from rural communities to the urban areas. We have to look at ways to make northern communities more relevant to youths lives and more meaningful.

Project Rediscovery

Project Rediscovery has four major objectives: 1) to develop recreational leadership skills, to help youngsters discover for themselves new self-confidence and a positive self-image; 2) to contribute to a greater sense of pride and cultural identity for Haida youth and a greater sense of cultural appreciation for non-native participants; 3) to expand environmental awareness and compliment formal education courses through field investigations and marine biology, botany, geology, and zoology; and 4) to provide the participants with specialized training outside their formal education including search and rescue, first-aid, wilderness guiding and recreational planning which might be later developed into life skills. Among the other objectives that we are meeting is helping to bridge the misunderstanding and racial hostility that often exists between native and non-native people.

Project Rediscovery attempts to instill knowledge and self-confidence. It doesn't have to be just a nice time out in the woods. The youths can be learning real things that will benefit them all through their lives. It is really important to explore and expand the opportunities for learning. Hunting and fishing and food gathering can easily be expanded into commercial guiding. We've had kids on the Charlottes that have done their first fishing in Project Rediscovery and have gone on to become commercial fishermen. Outdoor recreation and nature skills can lead to positions as park interpreters and commercial tour operators.

The vast majority of the kids we get in our program are school dropouts and their teachers tell us, "Oh, these kids aren't interested in learning at all." And whenever I hear that I just really wonder where that teacher is coming from. Because, at that age, if you have a young person who is

not interested in learning, you have a young person who is not interested in living. The two go hand in hand.

The program attempts to incorporate both traditional and transitional values and a sense of reconnecting with the land, rediscovering past by acquiring the sense of identity which a person really needs to carry with them through life. They are not going to be able to move forward unless they really know where they come from. We try to focus on survival skills, not just in terms of bush skills, but how these can apply to the different stages in a young person's life in the home, the community, the school, the workplace, or a northern setting.

One major component of our program is cultural tours and exchanges. The kids in the program went on a dance tour to different parts of the province. We have also taken them to Alaska and California. This is really important because it puts northern youth in touch with the mainstream southern cultures. Otherwise they only see these things on television and they are not sure how they relate to their lives, except that perhaps life is more exciting down there. What we found is that when kids come back from trips to places like Disneyland and Hollywood, they come back to their communities really proud of what they have and feeling better about what they have. There is a saying on the Charlottes that "We're so far behind, we're ahead." And there's a lot of truth to that. There is a lot of strength in northern communities. It's not all problems. A lot of people see only the problems up there until they have a chance to go to some of the big urban areas and see the soup lines and people.

All of the workshops that take place every day are done in very small groups, usually never more than six youths. When we take the kids to the forest, the whole concept is to feel like you are part of the forest and to tune into the sounds, smells, and to touch things as you go by them. We have fourteen participants at a time and they are out in the woods for two weeks. We have a ratio of one staff member per two youths. That is staff in the field, not in administration, and does not include volunteers and the elders.

We brought elders into the program hoping that they would teach craft skills and songs, dances, legends and bush skills. It took us awhile to realize that they were not only doing this, but were our most effective counsellors. Kids who were having trouble dealing with authority, such as parents, teachers, and the police, often viewed the camp guides as an extension of that authority. But the elders aren't seen that way. They'll sit down beside them for hours and talk and it is a wonderful thing to see.

We run five, two week sessions during the summer. We charge the on-island residents \$5.00 per day and off-island residents pay about \$40.00 per day. If there is a participant whose family cannot afford the fee, it is waived. No youths are denied access to the program because of money.

Setting Up a Wilderness Experience Program

The most important thing is to define what your needs are in the community, who your target group is, and what you are working toward. Are you setting up a program for youth? For adults? For a combination of youth and adults? Are you setting up a program for juvenile offenders or are you going to cater to the needs of young people that are in a crisis for one reason or another? In Project Rediscovery, we try and meet the broadest possible range of community needs. Our program is probably much more integrated than most. We serve both native and non-native boys and girls, corrections referrals, human resource referrals, and kids that are just not well adjusted. It's very important to determine what you are trying to achieve by doing the program. There is no sense in being unrealistic.

It is very important to identify what resources you have in your community. You have to determine what kind of facilities you are going to need, whether you want an elaborate structure or something primitive. Determine the staffing requirements of the program and if there are people in the community that have the required skills. Also, where funding for the program is going to come from. It is important to establish a time frame for all of these components.

To determine a start-up date for the program or pilot program, it is usually a good idea to approach funding sources and request a guarantee of three years of funding and then, based on a record of success, long range funding and possibly establishing a trust fund or endowment. Prepare the preliminary budget. Leave nothing out. Make sure it is totally padded. Don't miss out on any of the administrative costs and that includes staples and paper, as well as transportation costs, and facility development costs. Look at the total training costs and the cost for liability insurance.

When you draft the program proposal, give a complete description of what the project is and clearly state all of the goals and objectives. Make sure they are measurable so that you can have an evaluation process. It's important to describe the history and make-up of the sponsoring society or organization or the community group that is acting as the

sponsor for the program. Many programs start out under the sponsorship of an existing program to increase its credibility. When Project Rediscovery began in the Queen Charlotte Islands, we were under the Haida Counselling and Legal Assistance Society. At the end of the three year pilot phase, they assisted us in establishing the independent Rediscovery Society.

Careful consideration must be given to the program proposal. After we had our final budget and program proposal put together, we took some posterboard and took photographs of the types of areas where we wanted our activities to happen. Anything at all that we could use for visual impression. With the pictures went a short written text. All of this was then put into a beautiful cedar box that a Haida friend made for us with a Haida design on the front. This is what we took to the foundations and agencies. They're used to a lot of paper being shuffled across their desks and all of a sudden this comes along and everything else gets pushed aside. This is what really made the difference.

We operate the Rediscovery program on \$50,000.00 per year which includes a full summer program and a very skeleton winter program. We are working on building a \$1 million endowment, to be held in trust and which would provide \$180,000.00 per year to operate.

It is important to come up with a cultural role model for your program. In Project Rediscovery, we use 'Stoneroot', which is a mythological or legendary Haida character. This is used with the permission of the Haida people. This character had a weakened life, but found inner strength and used that strength to help people all over the island. We give the name 'Stoneroot' to a camp participant who lives up to that ideal on Ceremony night.

I cannot overemphasize the safety standards. They are extremely important. This can make or break a program. Have a health inspector come out and make sure your kitchen and first aid station are in proper order. Have an oxygen unit in the camps, especially if there are elders. It is critical that your senior staff have Industrial First Aid. We also require our senior guides to be lifeguards because we have many water-related activities. You must have your evacuation procedures carefully worked out.

In selecting the staff for the camp, it is important to look for good qualifications and an ability to work with people, to relate to and empathize with children in a positive way, but also to be a good role model for the kids. In our program, the Board of Directors, the majority of

whom are Haida, do the hiring. As program director, I may make recommendations, but I do not sit in for the hiring.

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PROGRAM PITFALLS: THE YUKON WILDERNESS ALTERNATIVES PROGRAM

*"Sometimes money can ruin programs"
(Sandy Brunton)*

Pat Simcox of the Council of Yukon Indians related to workshop participants the experience of the Wilderness Alternatives Program which was established in the Yukon Territory in 1980:

A group of interested people in the Yukon Territory wanted to set up a wilderness alternatives program, not for delinquents or bad kids, but for kids we knew might potentially get into trouble. The program was called Wilderness Alternatives and was funded by the Ministry of the Solicitor General for a three year demonstration project during the period 1980-1983. Funding was also secured from private organizations, including the Clifford Lee Foundation and the Macmillan Foundation. We set up a Board of Directors in Whitehorse and hired a Project Director. Then we set up community-based committees with project workers and recruited volunteers to work in the program at the community level.

There were numerous difficulties that were encountered in setting up and operating the Wilderness Alternatives Program. Although the program was designed to be community-based, a distinction had to be made between volunteer and resource people. The individuals on the local committee were already on several other committees and it was difficult for them to put all of their energies into the wilderness program. Second, there was no training program. One year after the project was initiated, we found that training was required for the community workers and community coordinators, especially in the area of safety. Third, a power struggle developed with the Board of Directors in Whitehorse over the funding. Many of the resource people were on unemployment and we wanted to pay them a set amount for their work. Half way through the three year demonstration period, we had to go back and rethink our goals and objectives.

We ended up with three demonstration projects in three communities. All were completely different from one another. The wilderness program in Ross River was primarily for youths who were potential troublemakers, the program in Teslin involved school children, and the program in Mayo was school-oriented as well.

One of the greatest difficulties was that no one really had ownership of the program. The community people wanted to know where the program was coming from. What we were trying to do as the Board of Directors was to get the community people together and say "This is your program". We had really good people on the community Board, like the priests, the RCMP, a band counsellor, and a teacher. Anyone who wanted to get involved in this type of program could, but it was difficult for these people to get together because they were the sole resource people in the community. They had not only this program but several other boards that they sat on as well. It was very difficult for them to sit down and make plans for the next outing - the next hunting trip or the next canoe trip.

The program in Teslin was closed for a year and a half because no one wanted a program. The band was saying that there were no bad kids and that this program was set up for bad kids, which it was not. It was for kids that were potentially going to be bad, or for kids that did not have anything to do. There were parents saying "My kid is not bad. So why should we put him in this program?" Then we realized that we had to sell the program. We made pamphlets and told the community exactly what the program was. That helped quite a bit. We were hoping that at the end of the program, the bands or different community resource people would pick up on this program, and would start their own. Slowly they are, but there has not been a wilderness alternatives program since this one.

DISCUSSION

QUESTION

Is there any chance of the Yukon reviving itself at the community level?

RESPONSE

(Pat Simcox): The communities have cultural camps in the summer with the elders and the kids. When I was growing up in my community, we went to hunting camps, fishing camps, and berry camps. They were not structured. It was with the seasons. You automatically went. Sometimes it

is best without any money either. One of the best times of my life was my childhood, and we were the poorest people in town. It is different with programs. Once you hear of a program for a specific group of people, you naturally hesitate and say, "What next? What now?" All of a sudden you need canoes and skis - there is so much you need for a program.

The activities we did at home were natural. They came with the season and the environment. You knew exactly when you had to go. I think there is a lesson to be learned in programs such as wilderness alternatives or survival camps. If it is going to work, it has to be with the seasons and with what is going on now.

COMMENT: The essence of the program is the people and the relationships between people. Too much money shifts the emphasis away from the people to the different things you can get with the money.

RESOURCE MATERIALS

READINGS

Fort Liard Youth Development Program. 1984. Fort Liard Youth Program. Fort Liard, Yukon Territory. Available from The Northern Conference Resource Centre.

Nelms-Matzke, Joyce. 1982. Rediscovery Program: A Review. Ottawa: Ministry of the Solicitor General.

Prince Rupert Community Enrichment Society. 1983. A Report of Project Sea Adventure. January 1, 1982 - December 31, 1982. Prince Rupert: Prince Rupert Enrichment Society. Available from The Northern Conference Resource Centre.

Wilderness Alternatives Society. 1984. Final Report. Whitehorse: Wilderness Alternatives Society. Available from The Northern Conference Resource Centre.

FILMS

REDISCOVERY - THE EAGLE'S GIFT

29 minutes, 3/4" video tape, sound, colour, English.

Wilderness camp operated in the Queen Charlotte Islands for native and non-native youths. Designed to assist youths to learn about wilderness, history, and culture.

Vision Quest Films, Inc. Box 1542, Station E, Victoria, British Columbia V8W 2X7

YOUTH AND THE LAW

**Developing Community Resources
Within the Framework of
the Young Offenders Act**

Paula Simon

**The Young Offenders Act:
One Year Later (1985)**

Judge Pierre-Michel Dube

**Developing Public Legal
Information Materials**

Lynn Gaudet

**Creating and Operating Community-Based
Mediation Programs**

Anthony Tobin

DEVELOPING COMMUNITY RESOURCES WITHIN THE FRAMEWORK OF THE YOUNG OFFENDERS ACT

Paula Simon of the federal Ministry of the Solicitor General outlined several major points relating to the role of northern communities in the implementation of the Young Offenders Act.

Assumptions Underlying the Young Offenders Act

Throughout the YOA, there is reference to the responsibility of youths for their actions as well as the recognition that there is a need to safeguard the young person's liberties and ensure due process. Parents are still responsible for their children under the YOA and the authority of the parents is not to be usurped unless this is deemed necessary by the court.

The Role of the Community in Implementing the Young Offenders Act

There are several options available to communities under the YOA to develop alternative measures and a range of programs. Alternative measures are the various non-judicial proceedings used in dealing with young persons alleged to have committed an offence and can take the form of an apology, the payment of restitution, referral to an outside agency, and community service projects. Alternative measure programs must be approved by the provincial or territorial authorities.

The question must be asked whether the use of an alternative measure in a specific case protects society and whether it is appropriate for the young person. To participate in an alternative measure, the young person must admit some responsibility for the act that was committed. If the Crown counsel does not feel there is sufficient information to take the youth into court, the young person cannot be sent to an alternative measure program. On the other hand, if the offender does not accept responsibility for the act, then the case should proceed in court. There are also alternatives to confinement such as community service orders.

There are numerous opportunities for community involvement in the youth justice process, beginning with the pre-disposition report where information on the youth's situation, culture, and background can be presented as well as suggestions as to the most appropriate disposition of the case. Community-based 'youth justice committees', while not clearly defined in the YOA and still in the developmental phase in many jurisdictions, provide an opportunity for northern communities to become involved in the decision making process and to keep the response to the problems of youth at the local level.

The conditional release and intensive supervision programs provided for in the *Young Offenders Act* are designed as alternatives to confinement as well as allowing the youth to be released early and serve the balance of the sentence in the community.

Developing Community-Specific Responses: Identifying Problems, Mobilizing Human and Financial Resources, and Making a Program Operational

STAGE I: Identification of problems of youth in the community. The community must meet and determine what the specific problems of youth are in the community. These may include a lack of meaningful educational and employment opportunities, alcohol and drug abuse, a lack of adult leadership and positive role models, and parental neglect.

STAGE II: Placing the problems into a number of problem statements and focusing on the IDEAL situation – the resolution of the problems.

The resolution of the problems of youth in the community may be dependent upon the development of recreational resources such as wilderness programs, increased employment opportunities, relevant educational programs, positive role models, and cultural programs that bring elders and youths together in positive, non-threatening settings.

STAGE III: The dirty part – identifying why the problems of youth are not being met by the community.

The community must examine why the needs of youths are not being met. Among the reasons may be alcoholic and despairing parents, a lack of leadership in the community, no recognized elders, and a general lack of community motivation.

STAGE IV: Mobilizing the community.
Community mobilization to address the needs of youth depends upon the identification of people in the community to form a small committee. This committee can survey the community for direction. The network must then be expanded beyond the committee to include each individual in the community who must take some responsibility so as to relieve the overworked few who consistently volunteer to serve on committees. The community must focus on one problem at a time, decide what is realistic and proceed with one major idea at a time. Criminal justice personnel, parents, and youths - those directly affected by or involved in the problems - should be recruited for the community effort. Workshops, videos/films, and community radio as well as mock courts can be used to educate youths and adults about the criminal justice process.

STAGE V. Identification of resources for program development.
The community must identify those resolutions that require human resources and those that require financial resources. Human resource requirements should be matched with people who are prepared to work within the community. Program budgets should be as realistic as possible, noting which financial requirements can be generated within the community, from the corporate sector, and from government. The federal government should be considered as a potential source of financial support, but not the only source.

DISCUSSION

QUESTION What would be the process for a band to set up a Youth Justice Committee?

ANSWER (Paula Simon): You have to be designated by a province or a territorial authority who officially says 'Yes, this is a Youth Justice Committee.' The YOA says very little about these committees, so it is basically up to your jurisdiction to decide. You have to negotiate with your Province or Territory. They have the right to decide whether they are going to appoint the committee members or whether they will allow the community to appoint members. They really do have a fair bit of control over how Youth Justice Committees are set up. There are lots of options, particularly in native and northern communities, to make those Youth Justice Committees fairly innovative. But whether this will happen is a different story.

QUESTION Bands already have all kinds of committees. If they set up a Youth Justice Committee, even though it wasn't recognized by the legal system, could they implement it at the band level if they pass a by-law?

ANSWER (Paula Simon): I don't think so. That's one of the situations that is certainly a bee in peoples' bonnets around the YOA. It's a federal act and yet it is administered by the Provinces.

OBSERVATION In the Northwest Territories, corrections comes under the auspices of the Department of Social Services. In each of its 6 regions, there is a YOA trainer-consultant. It's the trainer-consultant's responsibility to go into the community and educate the elders of the community, the population of the community, the schools, etc. on the YOA. Then the hamlet holds an election, the community votes people onto the Youth Justice Committee. Those names are forwarded to the Minister of the Department of Social Services and the Minister designates the community's representatives as the Youth Justice Committee for that particular community.

QUESTION What kinds of things do these Youth Justice Committees do in the communities in the Northwest Territories?

ANSWER They are involved in alternative measures, such as looking after fine option arrangements, and community service orders. In addition, they can make recommendations to the courts for action to be taken against young offenders.

For example, if a young offender sets off a fire alarm, one of the recommendations to the judge might be to have the youth apologize to the community – apologize to everyone on the volunteer fire department –and then do 80 hours of community service work for the fire department.

QUESTION So, the Youth Justice Committees in the Northwest Territories are involved in the supervision of alternative measures?

ANSWER Yes. The link between government and the Youth Justice Committee is either the YOA trainer consultant or the social services representative in the community, who is on the Youth Justice Committee to advise as a resource person.

QUESTION Are these volunteer groups?

ANSWER Yes, although they are paid an honorarium. Every time a Youth Justice Committee meets, each member is paid \$35.00. The Chairman of the committee gets paid a little bit higher.

QUESTION What kinds of people did the communities elect?

ANSWER A very diverse cross-section of people.

OBSERVATION Communities in the Northwest Territories have also adopted a regional position that none of our young people go out of the region. If for some reason they have to go out, it is for assessment purposes only. All of our group homes have YOA open-custody facility designations. We have open-custody foster homes and they have a YOA open-custody designation. Also, because young offenders cannot go into the same cells as adult offenders, if you are in a community and you have only two cells, or one cell and there is an adult in it, we use our foster homes. There is a pilot project in Cambridge Bay in which we pay a per diem to a person to assure that there is a YOA bed available in that home. Friday night, when an arrest is made and the youth court worker is contacted and there is no room at the cells, the young offender does not go south, but into the foster home on a remand basis. So you can do all kinds of creative things in your community and it doesn't cost that much.

QUESTION Is there some piece of legislation in the N.W.T. that allows you to place pre-trial detention cases in group homes? Federal legislation speaks only to temporary detention, not as to whether it is secure or not.

ANSWER These arrangements are made under the 24-hour provisions of the YOA. The youth may be held for 24 hours and then, following the preliminary hearing, the youth may be placed in the foster home on remand status.

QUESTION So, instead of using a police lock-up, you are taking them to a group home.

ANSWER We do use the police lock-ups on occasion, if it's empty. But Friday night in Cambridge Bay, that's when everybody gets to buy their two six-packs of beer and it doesn't take long to fill the two cells.

THE YOUNG OFFENDER'S ACT: ONE YEAR LATER (1985)

*"An overemphasis on the form, rather than the substance, of helping can be very detrimental. In the Baffin Region, one of the government agencies that is responsible for helping young offenders is going to have a week-long seminar on how to fill out the forms that arise under the Young Offenders Act. While they are trying to figure out where to put the kid's birthday, what box to put it in on what form, he's out on the street blowing his brains out with a bag of glue."
(Joe Bovard, 1985)*

The first meeting of The Northern Conference was held in Yellowknife, N.W.T. in 1984, two weeks prior to the enactment of the Young Offenders Act. At that time, the delegates could only speculate on the impact of the legislation in their respective jurisdictions. There was a feeling among the 1984 conference participants that the legislation was more relevant to the needs of youths in southern urban areas of the country than to northern youth, particularly natives. Specific concerns centred on the fact that the YOA is the antithesis to the JDA which provided for a more informal, discretionary approach to youths, an approach that may be more appropriate for the administration of justice in northern communities. Also, delegates noted the enormous legal, social, and geographical difficulties confronting those persons and agencies in the north charged with implementing the YOA.

In 1985, a year after the enactment of the Young Offenders Act, many conference delegates at the meetings of The Northern Conference in Val d'Or, Quebec, expressed serious reservations about the relevance of the YOA in addressing the problems of northern youth and the extent to which the provisions of the Act could be enforced. These concerns are reflected in the following comment:

"There is the assumption that the JDA was outdated, that there was definitely a need for something else. Now, you find a lot of judicious people saying: "The JDA was not that bad at all, once you have a year and a half of the YOA." A lot of us are thinking back to the good old

days of the JDA. I wonder why. Is it because the YOA is so screwed up or is it because we haven't been interpreting it right in the provinces? Or are the provinces not giving us enough money to make the YOA work? There is something wrong." (Conference Participant)

Opening remarks on the Young Offenders Act and its potential impact on the the administration of youth justice were made by Judge Pierre-Michel Dube of the Provincial Court of Alberta:

My personal perspective is that the YOA is as important as the Charter of Rights in terms of the kind of legislation it is and the effect that it can have, on a long-term basis, in our society if it is implemented properly, starting at the community level. The philosophy of the YOA is to ensure that the youth is held accountable and responsible for his or her involvement in misbehaviour. But, at the same time, the act requires that parents become more accountable for the consequences of their children's behaviour. The community is also accountable and responsible for addressing problems relating to youth. The Act has the potential of having a major impact if communities can become involved in addressing their problems on a collective basis.

RESPONSE (member of audience): Philosophically yes, but as foot soldiers trying to implement it, there are a few wrinkles. Take, for example, the Statement of Principles. The thing that is wrong is that they are not observed. It is one thing to have a Statement of Principles, but another to apply it. And, when it is not applied, it is of no use. In the north, it is not applied. So, what is the use of having it?

Subsequent discussion centered on the major areas of difficulty encountered by practitioners in implementing the provisions of the Young Offenders Act in northern jurisdictions during the first year following its enactment. These included access to legal counsel for youth, the lack of understanding of the justice process among northern youth, the involvement of parents and the community, the development of alternative measures, and the separation of adult and youth cases in northern circuit courts.

1. Access to Legal Counsel

QUESTION (Judge Dube): What has been the experience with respect to the provision of legal counsel for youthful offenders under the provisions of the Young Offenders Act?

OBSERVATION The YOA was supposed to insure that young people would have the same protection under the law as adults, protections that the old JDA did not provide them. Our experience so far is that this is not occurring and, in fact, these kids are getting screwed. Under the YOA, the young offender has the right to call a lawyer 700 miles away, but how does he get that service? In Toronto, you go to Legal Aid, pick up a lawyer and away you go. In the far north, that right to a defence is not really there. In the top 2/3 of Ontario, for example, there are two legal aid clinics, but no lawyers in any of our 42 communities. Youths have the right to a lawyer, but who is going to spend \$800 to fly a lawyer in? I don't think the provinces are prepared to spend the money required to insure that northern youth have access to counsel under the provisions of the YOA.

EXAMPLE A few weeks ago, a murder occurred in a northern community. The girl who was charged with the offence spent four days in the police station. There is no lawyer in the community. By the time she had spoken to a lawyer on the telephone, she had spent three days in the police station and had made a declaration. I asked the lawyer, "Why didn't you go visit the girl?" He said he didn't have the money to go. If that girl had been in the south, she would have had access to a lawyer within one hour.

COMMENT (Police Officer): We pick up the young offenders and tell them they have the right to counsel. We give the telephone numbers of counsel and they say, "Why in the Hell would I want to phone him?" We tell them to telephone before they talk to us, but they are not making the phone calls. We say, "Go talk to your parents", but they don't talk to them either. What do we do? Here we are trying to protect them and they are not helping us.

COMMENT (Member of Audience): How can the YOA operate in communities where there is no lawyer and only one police officer? Do the youths in these communities have a right to counsel as opposed to their parents who have a right to their own counsel? There is only one lawyer who flies the circuit court. Is everybody represented by that one defence lawyer?

2. Lack of Understanding of the Youth Justice Process Among Northern Youth

OBSERVATION (Lawyer) The youth does not know what the lawyer does. Ask them the difference between the judge and the lawyers. He knows the community workers and sometimes the social worker. But he doesn't have any idea who decides what. He doesn't have any idea what is going on. He knows he did something wrong and he's being punished for that. But he doesn't understand all the mechanics that go on.

QUESTION (Judge Dube): Is that a failure of the YOA or a failure of the individual lawyer?

RESPONSE (Lawyer): I think it is a failure of the YOA because it is more formal than the old JDA and, in that sense, creates more problems. Under the JDA, the kids left everything to the parents and the parents were involved right from the beginning. But the YOA has a more formal structure and is even more alienating than the old system. The system under the JDA was alienating enough and difficult to comprehend, but the YOA is more complex than the old system and more difficult. This is compounded because there have been no educational efforts. Most of us are trained as lawyers, working with the criminal justice system and we are not trained to educate people. It is very difficult, in the short period of time that you are in northern communities, to explain the operation of the YOA and outline the persons rights under the YOA.

3. Parental Involvement in the Youth Court Process

QUESTION (Judge Dube): What has been the experience thus far regarding parental involvement in the youth court process?

RESPONSE There is some question as to how extensively the parents have been involved in terms of accepting responsibility for the young offender. Parental notices seem to be the last things that go out. They arrive way too late. We have these incredible number of forms that go out at each phase of the process and the Parental Notice form is

frequently left floating around. The kid shows up and the Parental Notice form is still sitting there on file. Parental involvement is lacking.

RESPONSE Sometimes communities abdicate their responsibilities and shout at the social service workers or the judge, "Let the judge take care of it. Let the lawyers and social workers take care of it."

RESPONSE The public has never understood the difference between the federal and provincial systems of corrections. The public has never got that one straight. How can we expect them to take a piece of legislation as complex as the Young Offenders Act and absorb it? It's beyond me.

4. Community Involvement in the Youth Justice Process

QUESTION (Judge Dube): What about the extent of community involvement in the youth justice process under the Young Offender Act?

RESPONSE (Daniel Bedard): In 1983, Abraham Bearskin surveyed 8 Cree communities to see what people thought about the application of the YOA and the provincial Youth Protection Act. Two major points emerged: 1) people were dissatisfied with the application of the two laws. They did not like the delays, they did not like to go into court to resolve problems; and 2) people did not like to have the law come into their villages every four months. They wanted a Cree court.

RESPONSE One major difficulty appears to be the seeming inability of the court to use the services which are available in the community. It highlights the need for the community to become more involved. The community has to understand what the Hell it is getting involved in. This is not being made clear.

RESPONSE We seem to constantly define resources as budget or dollars. Our real resources are the individuals in the agencies and in the organizations in the communities that can effect change. That's the real resource.

RESPONSE Since the YOA was introduced, things have gotten worse in our communities - much worse. One of the communities decided it wouldn't go by the Act. They made two little jails for young people, one for boys and one for girls. The circuit court came up and told them it was against the law. And the community said, "You can take us to court if you want, we don't care. We are going to do it our way."

RESPONSE While youths in white society at 18 years old have the right to make their own decisions, in native culture, as long as you are single, age is not considered. They live by the rules of their elders. When a social worker starts dealing with native young people and telling them that they have this right and that right, this goes completely against the rule of the elders and the family.

OBSERVATION Perhaps a lot of the problems will be solved by people in the community working hard. The people want to take their own affairs in their hands. But, why then, last week, when a public consultation was held in the rec hall, with an announcement on the FM radio and there are 1200 people in the community, were there only 15-20 persons at the meeting? And the specific goal of the meeting was consultation to hear people say what they want to do and how they want to do it.

5. The Development of Alternative Measures Under the Young Offenders Act

QUESTION (Judge Dube): What are the best use of alternative measures? Are youths being diverted by the police and are Crown counsel becoming involved in assisting the police in diverting youths from the judicial process?

RESPONSE I sit on the Youth Justice Committee in a community in the N.W.T. and in 1984, we had several youths who vandalized an Esso gas station. The youths were brought before the Youth Justice Committee and questioned. The committee decided not to refer the kids to the youth court, the youngest being nine and the oldest fifteen. We decided that the youths should be made to work and pay off the Esso station for the damage. The police cooperated all the way and thought it was an excellent idea.

RESPONSE In Goja Haven, N.W.T., which is a very tight-knit community, they have come up with all sorts of options, such as sending kids out with the grandparents on trapline for weekends. If you provide those options from social services, it can work. But training needs to be done. People on the front lines need to know there are more options than going to jail or doing community work service.

RESPONSE (Joe Bovard): I was recently in a community in the Eastern Arctic. The whole court docket was composed of young offenders. The judge wanted to put those who plead guilty on probation and to make a Community Service Order so they could do something constructive. But there is no probation officer in the community. How the Hell are those kids to be helped? There's no resources. The Young Offenders Act is an interesting document and provides a lot of tools that can be used to assist young offenders, but if governments do not provide the resources to implement them, then it's not going to work.

6. Separation of Adult and Youth Cases in Northern Courts

QUESTION (Judge Dube): How are young offenders dealt with in northern jurisdictions? Are they dealt with on the same day that adult matters are dealt with? Or, are they dealt with on a separate day?

RESPONSE In Quebec, the judge may do the adults in the morning and the young offenders at night or vice versa. In larger villages, they will do it on separate days but in smaller communities, they do it on the same day. It may happen that you have the father in the morning and the son in the afternoon.

RESPONSE In the N.W.T., the distinction is even less clear. I have been in court on a number of occasions where everyone has shown up regardless of age. The first case will be heard and the judge will ask the age of the next person. They may be 15 and so the judge says, "Let the record show that it is Youth Court." Nobody will move. Everybody will be in the same place. Most of the kids now perceive

that they are in an adult court. And there really is no difference. They also perceive that they will never get off, that there will be a guilty plea and that the lawyer will only speak to sentence.

COMMENT When we are on the circuit court, we do the same thing. We deal with young offenders in the morning and adults in the afternoon. If we finish the young offenders early, we begin adult court.

COMMENT (Judge): I do the circuit court in northern B.C. in the area surrounding Fort St. John and we deal with young offenders, adults, and family court matters all on the same day, but with a 1/2 hour break between each one.

DEVELOPING PUBLIC LEGAL INFORMATION MATERIALS

Lynn Gaudet, Program Coordinator,
Yukon Public Legal Education Association, Whitehorse, Yukon

"Generally we have found that when people come to us and solicit or give us a request for a project or program they are very well attended, and quite successful. When we say 'We would like to do this for you,' those are the projects that do not work very well."

(Lynn Gaudet)

Yukon Public Legal Education Association (YPLEA)

The Yukon Public Legal Education Association (YPLEA) was incorporated in 1984 and serves a population of 24,000 people spread out over 200,000 square miles. YPLEA operates with a board of approximately twelve people, all of whom have been selected because they are interested in the field. Various funding sources and various government agencies have requested that certain people sit on the Board. Therefore, there is an advisory committee to the Board composed of a number of people who are too busy to be involved in the running of YPLEA but who are nevertheless interested. They receive the minutes of meetings and when their assistance is required for a particular project, they are phoned.

Core funding for YPLEA came from the Access to Legal Information Fund from the Federal Department of Justice which provided a two-year, \$130,000.00 grant that was used to set up the office and pay the Executive Director. The federal Ministry of the Solicitor General also provides monies for specific projects that relate to young offenders. Another major source of funding for public legal education is the law foundations. YPLEA also receives in-kind support in the form of services from the Yukon Territorial Government. All programming, with the exception of the Executive Director, is done on a voluntary basis

The objectives of YPLEA are:

- To provide information regarding the law, the legal system and various conflict resolution services.
- To develop, collect and distribute print, audio and visual materials to increase public understanding of legal issues.
- To facilitate access to legal services and conflict resolution services.
- To establish and operate a "peoples law centre" to carry out all of the above, and
- To work with government and non-government agencies with similar objectives.

YPLEA programs in several major areas: 1) information, which involves the writing and distribution of pamphlets on various areas of the law for the public; 2) training, wherein YPLEA serves as an intermediary between the legal system and members of the public who are going to work in the system, such as courtworkers, Justices of the Peace, and community justice workers, and 3) developing alternatives to the court process and advising people of the alternatives that exist, such as mediation and diversion.

In Canada, there is a tremendous collection of public legal material and so anyone who wants to let people know what the law is does not have to start from scratch. The Canadian Law Information Council (CLIC) plays a major role in public legal education. It is attempting to improve the quality of legal information in Canada and also conducts research on public legal material for the provincial and territorial public legal education associations.

CLIC has recently published guidelines for the writing, editing and designing of public legal education materials and produces "How To" manuals for public legal groups so that everyone does not have to keep reinventing the wheel. CLIC has an extensive resource library which contains all of the public legal information materials available in Canada. CLIC also has two newsletters which are distributed to all of the public legal education organizations and also produces abstracts on various research projects conducted in the area of public legal education.

DISSEMINATION OF PRINT MATERIALS

There are a wide range of mediums through which public legal information can be disseminated, including:

PRINT MATERIALS

All of the public legal education organizations in Canada are involved in producing print materials. In the area of criminal law, materials are transferable across the country because criminal law is Federal. However, among the population in the Yukon, the reading level is not very high. People do not like to read and so print materials are not a great way to give out legal information. There are videos available that are a better method if you have a place to view them, but we find that training intermediaries is more efficient. Our manual on spousal abuse was done for public health nurses, the NAADAP Workers, and social workers. The focus of these materials is on training these people to know what the criminal justice procedure is for assault, for example, rather than trying to educate the victims of assault.

VIDEOS

There are videos on various topics dealing with the law. Most of the public legal organizations now have videos. They produce videos, and have borrowing processes whereby schools or any organization can phone them up and have the video put in the mail. Many of them do not charge nonprofit groups.

There are a number of kits produced now that have a manual and a video for teachers to teach a subject to youths. For example, there is a mock trial kit which has a whole kit for a criminal trial, teaching young people how the criminal trial process works. There is a kit for teachers, called "Teaching Law For The First Time", that the Canadian Law Information Centre has put out for teachers of students who are going to work in law.

TELEVISION SHOWS

There is also general information about producing television shows, both in Canada and in the United States on the cable TV systems. There are two different kinds of public television channels: those which present written information on a screen that runs continually and those on which there can be programming of interviews with people and discussions about areas of the law. There is a booklet called the "Community Television Handbook", and it explains how community groups can produce television shows in Canada. It is specifically written for northern and underserved communities. Many of the public legal organizations now produce videos and television shows. Thus, a regular television

show once a week or once every two weeks is often part of the programming as well.

NEWSPAPER COLUMNS

Newspaper columns are another useful way to present public legal information and education, and most of the organized PLEA groups have regular newspaper columns. The B.C. series can be ordered as can the Saskatchewan series. These are relatively easy to do and they can have a significant impact.

RADIO SPOTS

Radio is a very effective way to do public legal education in the north. YPLEA has had discussions with the native radio station in Whitehorse regarding the development of a particular radio character who would get into one problem after another.

COMICS

Comics are a good way of reaching young people and providing them with access to legal information.

SCHOOL PROGRAMS

The school program in British Columbia is very developed and they have a unit within the public legal services office that produces excellent materials for curricula in British Columbia. They are superb and each time they will take one topic and cover it in depth. They have many exercises for students which involve things to do, read about and think about. For example, they will write a book on contracts for students. They are good for anyone who is involved in working with the schools, or other groups as well because it is not just students who do not know about the law.

There have been studies on why people use legal materials in libraries and what it is they need to know. They confirm that people look for specific answers to specific questions. It seems that the public is not interested in learning how the criminal justice system works, such as the philosophy of law, the history of a particular law, or how a law impacts on groups. What people want to know is what they should do to get money out of their husbands, something very specific.

GENERAL PRINCIPLES FOR PROGRAMMING IN PUBLIC LEGAL EDUCATION

There are several principles and strategies that have evolved and been learned by people who work in the field of public legal education. Like all general principles, they apply at some times and not others.

1. Get People Involved

Do something that will get people involved. Things have to be interesting. Law is generally boring to people. If they, for example, attend a court proceeding, it would be very dull. But if that same information is produced in a packet, it is a more interesting format that people will sit and listen to. One of the reasons law is so dull is the language that is used. It is beyond the general lay person's ability to understand.

2. Know The Audience and Their Needs

Consider the audience that you are preparing the material for. Look at the number of people involved. Is it a very small audience or a large audience? Are there any linguistic barriers? Look at the age of the audience and their reading level. Look at the mode of delivery and how the audience is going to pick up the information. If they are to come somewhere, there may be problems with transportation. There also might be problems with child care if your audience is composed largely of women. Always look at the best format for the audience involved, whether it is better to produce printed material, a video, or a seminar. If the material is very complex, consider a whole course. In determining the format have some kind of rationale for picking one format over the others.

Needs assessments have been done in the public legal field quite extensively, and there are reports on doing these assessments in public law areas. YPLEA has not found it useful to do an official or an academic needs assessment for legal information needs. The reality is that people have no idea what the law is about or how they can use the law to save themselves trouble in a preventative sense. So, if people have no background with which to tell you what they need to know, it is pointless to ask people what their areas of ignorance are. Needs assessments are not accepted as the only way to go in dealing with public legal areas.

In the Yukon we rely on the YPLEA Board of Directors. An informal needs assessment is done by using their experience and perception of what people need. For example, a court worker sits on the board. Her mandate includes responsibility for assisting parents whose children have

been apprehended. YPLEA relies on her to translate the needs of that audience. Other people who work on the board as volunteers have similar experiences. One is the mediation director. Another works at Yukon College with students who are doing upgrading and also works in the Lifeskills program. These people have been selected as people who can identify needs. That is the major way that needs assessments are done in the Yukon.

3. The Consultation Process

Another process that YPLEA goes through involves consultation. Before YPLEA would consider producing a radio program, the CBC would be contacted and an inquiry would be made as to whether a radio spot could be developed. The same applies to the working relationship with the television station. Before YPLEA undertakes most of its projects, there is consultation with the particular group that has an interest in the clientele in the area under consideration.

Virtually all projects initiated by YPLEA have co-sponsors. For example, the manual on spousal abuse was done by YPLEA in conjunction with the Ad hoc Committee on Family Violence. They identified the need for legal information for women who are victims of domestic violence. This has proven to be a very worthwhile way to work. The view is that if another group that is interested in conveying this area of law cannot be found, who is the audience? Why is no one else interested? Generally when people come to YPLEA and solicit or request a project or program, these are very well attended and quite successful. When YPLEA says, "We would like to do this for you," those are the projects that do not work very well.

One of our program initiatives was an unexplained failure. We offered child care which was the only cost involved and we advertised by putting a flyer in the mailbox of each home in the area we were covering. The program was a tremendous flop. We could not figure out what we did wrong. We still do not know. We are going to do a lengthy analysis of it because we spent a lot of time doing it and we thought it would work.

4. Mediated Access

An important principle is mediated access. As a general rule, there must be someone to interpret the question that the person or group has. Materials cannot do that. For example, YPLEA will be opening a legal information centre in Whitehorse in 1986 and there will be a library which will be accessible to the general public. However, it is unrealistic to

expect that an individual with no background in law will be able to ask the questions they need the answer to. There has to be a mediator - someone who understands what it is they are trying to get at. The mediator knows what literature is available and how to utilize it to find the answer.

5. Clear Project Objectives

The more clear the objectives of the project, the easier it is to know whether or not they have been accomplished. If there are very fuzzy objectives, this is difficult. Terms such as "to understand", or "the objective is that people are aware of..." or terms to that effect are not used in trying to describe YPLEA program objectives. It is necessary to have a goal to work toward, an idea of what is being attempted with the print material. The more objective and less subjective, the better.

Public legal print material generally falls into the two categories of what I call "Awareness" and "How To." It is difficult to assess whether general awareness materials have met their objectives or the needs of any one particular group. "How To" materials are easier to evaluate because the person is being given concrete instructions and directions regarding a particular legal process. The small claims manuals, for example, are easier to evaluate because there are ways of telling if the person understands the information or not. Regardless of the program, the clearer the objectives, the easier it is to determine if they have been achieved. Then the program can be improved if need be.

6. Readability

This relates to print materials. In the area of public legal education, there have been a number of works done on readability tests for various print materials. In the Yukon, YPLEA was very concerned about the readability of materials. It depends upon the audience. If it is for the general public, the reading level is approximately at the Grade Eight level. Thus, it is not possible to produce sophisticated materials unless they are being produced for intermediaries who can 'translate' it to a target audience.

GUIDELINES FOR PUBLIC LEGAL EDUCATION PUBLICATIONS

The Table of Contents

The publication should state how the material is organized. It should not be left up to the reader to synthesize how the concepts fit together.

The Organization

The organization of the publication should be stated at the beginning and should be obvious from the Table of Contents.

Informative Headings

An informative heading is a heading which gives information to the reader. The heading does not assume that the reader already knows the material in the body of the text. An example of a helpful heading is a question that specifically asks a query that the reader might have, and that the body of the material will answer.

Focus on the Reader

The publication should focus on how the reader will use the text, not on how the system works from the system's perspective. Many people, when trying to explain the criminal justice system, explain it from the way the system sees it. Lay people who read materials never read it from how the system sees it. They only read it from how they see it, and from how it affects them and what they need to know. For example, there is a two-year limitation period as far as the legal system is concerned. But as far as the reader is concerned, he/she needs to know that he or she must get their papers into court within that period of time. When people say things like there is a two-year limitation period, they are making the assumption that the reader knows what follows from that. The assumption is unfounded when it comes to legal procedures. So, it is preferable to tell the reader what their obligation is or what the onus on them is rather than to state any rules from a bureaucratic point of view.

Style

- a. Use a conversational style as if the person were being spoken to: This means using concrete rather than abstract expressions, personalizing the material and providing illustrations. Throw away the pen and get a dictaphone. That is the way to write legal information for the public. If the thing reads as no one would ever say it, it is bad writing as far as communicating effectively goes. It is as simple as that.

In trying to explain legal concepts, it is important to include aspects of real life situations that people can relate to. The objective is for people to draw legal inferences from their situation, and, as we all know, the law that will apply depends to a large degree on the facts of the

person's case. By setting out the facts or aspects of the case, people can identify with that individual and see that "Yeah, that's me." Using terms like "worry" is helpful in dealing with lay people. A lawyer would never write a word like "worried" or "fearful", but when writing for lay people, it is important to use emotional language. For example, "Bob was really worried when they separated. He heard his friends talk about their wives taking them to the cleaners." That is a very common expression that one hears among men. There is nothing wrong with writing about it in your publications. To some people, it sounds hokey or unprofessional. The idea is to communicate with the audience. Using common expressions is appropriate.

- b. Avoid noun chains: A noun chain is three, four, or five nouns strung together that make something sound important and bureaucratic. The Maintenance Order Application Procedure is an example. That is four nouns in a row. The public does not talk like that. People do not talk like that when they are discussing things. Bureaucratic language is full of nouns strung together, and that is why there is such a gap between that kind of writing and the kind of writing the public can relate to. Break it up by saying, "The way to apply for money from your husband is..."
- c. When in doubt, use familiar words: Remember that the reading level is often Grade Eight or Nine. There is nothing to be gained except confusion and pretentiousness by using words like "utilize" instead of "use", "cease" instead of "stop", "remuneration" instead of "pay", and "unexceptional" instead of "ordinary". It is very important to use language that people use. This includes those expressions that have three or four words where one would say the same thing.

If it is necessary to use technical language, explain the word as if going through a legal procedure. For example, "Each side may file an affidavit." The word here is "affidavit": "This is a written statement given under oath, setting out the facts as you see them." It is possible to define the word within the body of the sentence, or have another sentence defining the word. Always define words the first time you use them and include a section on legal words at the back, defining them again.

- d. Beware of common words which have a special legal meaning: This is another point in writing for the public. Lawyers use language that has a very specialized meaning, and in writing materials it is important not to inadvertently continue that use. Lay people, as editors, are helpful in finding words like "action" which to a lawyer means a legal

proceeding. The "bench" means the judge, and "information" means the criminal charge. "To execute" means a couple of things, either to sign a document or to collect money from the judgement. "To serve" means to deliver to a lawyer.

- e. The use of non-sexist language is also important: Avoid using the masculine or feminine pronoun unless only one sex is being referred to. If the intended readership is inclusive of women, it is important to try to find words like "spouse" instead of using "husband" or "wife."
- f. Avoid the use of unnecessary negatives: They cause confusion. It is generally better to express things in the positive rather than the negative. Here is an example of unnecessary confusion: "Persons other than the tenant may not enter." That is kind of hard to get a handle on. What is really being said is that only the tenant may enter, and the difference in comprehensiveness is obvious. Lawyers are trained not to make bold statements like this. Lawyers are trained to use language that is qualifying, and which includes the possibilities of exceptions. Thus, a lawyer will say, "I do not disagree with you" instead of "I agree with you." When writing for the public, there are very few cases where things will have to be expressed in the negative and an attempt should be made to use the positive whenever possible.
- g. Reader evaluation is also important: At the end of the brochure or publication, tell the reader what it is they should now be able to do or know, so the reader can assess whether or not they do. They should be able to evaluate whether they have gotten out of it what they were supposed to.

DISCUSSION

COMMENT (Stan Jolly): We are involved in public legal education in Ontario because the research on the need for native JP's has demonstrated one overwhelming fact: people, particularly native people in the north, do not understand the court system. As a result of this, public legal education has become one of the duties of the native JP's in Ontario. We have also inaugurated northern education circuits for judges which provide an opportunity for the chief judge and senior judges in the province to be exposed to native communities.

COMMENT (Joe Bovard): Speaking of the failure of public legal education programs, we had a similar experience in Frobisher Bay. We prepared a detailed program on the law. It was very well outlined, basic, and structured. No one came. Not one person.

RESOURCE MATERIALS

READINGS

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CREATING AND OPERATING COMMUNITY-BASED MEDIATION PROGRAMS

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Mediation is essentially a problem-solving process. It differs from other forms of dispute resolution. It is not to be confused with negotiation, arbitration, conciliation, psychotherapy, or counselling. It is a highly focused problem-solving process which is facilitated by a third party. The third party facilitates a resolution between the two parties, one that is their own resolution. In other words, the solution they come to is one which accounts for the cultural mores of the two parties. The attitudes and values of those parties are not handed down by the third party. Mediation allows for a "win-win" situation, whereas the other processes usually result in a "win-lose" outcome.

There are several different types of dispute resolution:

1. Negotiation: Two parties who are in a dispute work together to achieve a compromise solution which meets both of their needs. Traditionally, this particular mode is adversarial in nature, although it does not have to be that way. There are approaches to negotiation that do not result in a 'win-lose' outcome. However, negotiation usually takes place within a competitive mode. Thus, neither party's expectations are met.
2. Arbitration: A process where a third party, having listened to both sides, renders a judgement. This is very similar to the judicial system where you have a judge who renders a decision. The arbitration process does not account for underlying needs. The process does not necessarily respond to any emotional content, or the reasons why the conflict started in the first place. The resulting solution may only address what are the symptoms of a problem as opposed to the underlying problem. Therefore, there is no hope that the problem will be prevented in the future.

3. Mediation: This allows for the solution to be generated by the parties themselves. The role of the mediator is that of a neutral facilitator. A mediator is not an arbitrator and does not bring his or her own perspective to the process. The mediator is one who facilitates the decision-making process of both so both party's needs and interests can be accommodated.

The Development of Mediation

Mediation developed in the Western hemisphere because of frustration with the adversarial system. Courts are blocked with heavy case loads, many of which could be dealt with in other contexts. People who go to court are often dissatisfied and do not feel they are obtaining justice. The victim is almost totally excluded from the court process, and the offender is usually a passive participant or observer in terms of the decision-making.

This has created alienation on the part of the parties involved and the community. In other words, many people do not view the justice system as theirs. It is something which is done by other people to them. And, in that process, one of the things which has been lacking is any skill-building in the community to resolve disputes. Another problem, and the reason for the development of mediation, has been the lack of accessibility to the courts for lower income people.

While mediation is relatively new in Canada and the United States, it goes back over 2,000 years. China, under the Han dynasty in about 150 B.C., had mediation committees. Elders of the community were designated as mediators to resolve conflicts of both of a criminal and a civil nature. In those cultures where mediation is a preferred mode of dispute resolution, there is a much higher value on the notion of community as opposed to individual rights. In North America, the protection of individual rights has assumed importance. Where community is the overriding value, the integration back into the community of those in a dispute is paramount.

In North America, mediation has started to be used in the criminal justice context, either at the pre-trial or post-trial stage. It is less expensive than following the regular court process and provides the opportunity to respond to and resolve the circumstances surrounding the offence more rapidly than the criminal justice process. There are, however, few mediation programs currently operating in Canada.

Court-Based Versus Community-Based Mediation Programs

The major issue surrounding the establishment of mediation services is whether they should be court-based or community-based. Court-based mediation programs are centred in a court building and operated by some part of the criminal justice system. Personnel from the criminal justice system are the main actors. The intakes and the referrals happen in the context of the court. Community-based mediation programs, on the other hand, are located in the community and operated by the community for the community. Such programs may or may not liaise with the criminal justice system.

Court-based mediation systems are generally compulsory and the participants, particularly the offender, are required to be present. In community-based mediation programs, participation is voluntary. The court-based program is reactive to crime and is not preventative. The offence happens and then is dealt with. In community-based programs, on the other hand, the parties often come before the conflict escalates to the point of becoming criminal. Justice is promoted in a very broad sense and the program builds skills for problem-solving and concrete resolution in the community. Court-based mediation programs may have more resources at their disposal than community-based programs as well as having a legal mandate from the criminal justice system to operate.

One of the most successful court-based mediation programs is the Night Prosecutor's Program in Columbus, Ohio. It started in 1976 with the idea of a local professor of law and a local prosecutor. The idea was that it would be court-based. When a person is picked up and given a notice to appear in court, he first goes to the clerk at the police station. The clerk is trained to look at the situation to determine whether or not it is one which can be mediated. The bias is toward mediation. An appointment is made and a hearing is set for about 3 days later. The parties are subpoenaed to come to the hearing which is mediated by someone with legal training. It started off with law students doing it.

The hearings last about two hours and the end result is a signed agreement between the parties which states what the offence is and what the offender and the victim will do. There is a commitment on the part of the offender to do certain things. For example, Johnny broke into Mrs. Jones' garage to steal a stereo. Johnny may agree with Mrs. Jones to repair the garage and rake her lawn for a month. The agreement is monitored by the court in an informal way. It started as a prosecutor's probation order which is just a letter saying that if you fail to keep this agreement, then we will prosecute.

Despite the apparent strengths of court-based mediation programs, such initiatives are too legalistic and do not view conflict as a positive tool for change. Rather, such programs attempt to suppress conflict and to control it. They may widen the net of criminal justice. The argument is that those who are operating a court-based mediation service will include more people in the criminal justice process than would normally be involved. For example, where a police officer would just give Johnny a warning, he now sends him to mediation. For cases that the prosecutor would not normally prosecute, he or she may recommend mediation. Nothing is being done to build community. It is not the community's program. It is the judge's idea or the prosecutor's pet project. It does not promote community involvement.

A very well-established and very successful community-based mediation program operates in San Francisco. This program has 400 to 500 volunteers involved in it. This is called the Community Boards Program. It is very much community-based, and has a Board of Directors who run it with the help of the staff. The role of the staff is to improve the selection and training of volunteer mediators, and then the mediations are done by community people. Anyone in the community can phone up, contact the agency and say "We have a dispute here. Can we do something about it?" The case worker will go out and interview the party and find out some background about the case. They contact the other party as well and try to arrange for a session.

The board staff interview the parties, prepare the case and schedule it, and then refer the case to a panel which is made up of representatives of the community. An attempt is made with the panel to have people from the same ethnic group as the parties. The disputants come before the panel and through a process of questioning and suggesting, the panel assists the parties in coming to an agreement.

The agreement is usually in writing and the staff follow up once the agreement is made to make sure that things go according to the plan. If there is any further dispute or problem, or even if there is not a problem, they will have a follow-up meeting with the original disputants to see how things are going. This program deals with a very broad range of community problems, from assaults which are criminal matters to landlord/tenant disputes, etc. The program is not tied into the justice system. There is no coercion involved, and no legal representation. It is just the parties who want to get a dispute resolved.

A major criticism of community programs is that they are too informal and provide no legal protections for the participants. There is also no consistency in the approaches. Each matter is dealt with on its own merits, and various programs operate differently. The other criticism is based on the paranoia of the legal profession that the people operating community-based mediation programs are practicing law.

Establishing a Mediation Program

In the process of deciding what kind of mediation service is most appropriate for a particular community, it must first be determined what types of issues are going to be mediated. This will, in part, determine the nature of the mediation services. It must be determined what the service is designed to achieve. Is it to build community, or is it to reduce the backlog of cases in the courts?

There must be an initiator of the program. It can be the police, local justice personnel, a high school counsellor, or any interested lay person. For example, it may begin as a project in a high school and then expand incrementally. If a group of students and teachers are interested in it at one school, it will spread to others.

This stage involves a recognition and identification of community needs. There may be a triggering event or situation, such as dissatisfaction with the circuit court and its inability to address the problems of youth in the community. The framework of the YOA provides for this process and this would be a way to secure funding. As an alternative measure, mediation is the most flexible and would accommodate many of the concerns that communities have about the criminal justice system.

The target group for the mediation program must be identified. A decision must be made as to whether the program will be a general or a specialized mediation program. Are the issues to be mediated general or specific? Is the program going to address criminal justice matters or parent-child conflicts which are not being resolved? In a general mediation program, there are few restrictions on the type of conflict the program will be prepared to mediate. This will, in turn, influence the type of training the mediators receive, the intake procedures, and where the program is established.

In the community, groups of interested people will contribute ideas from their own perspective. For example, a lawyer might state that the clients should retain their rights during the mediation proceedings, while the Chief may feel that it is most important that people in the community be taught conflict resolution skills. It is very important that the values and practices significant to the particular community be identified and incorporated into the mediation program. If the program is designed to resolve disputes involving youth, it is important to involve the parents. This will influence the design of the program. If age of the clients is a consideration, it should be determined at the outset what age groups the mediation program will accept.

The factors that that may inhibit the creation of the program must be examined and potentially negative influences neutralized. If certain people are going to be opposed to the program, they should be involved from the early stages, rather than confronted after a proposal has been prepared. A program development plan must be designed which includes the intake criteria for the program, staff criteria, intake-outtake processes, location of the program, etc. Time frames should be established for each part of the program and mechanisms included to facilitate the monitoring and evaluation of the program.

At some point, there must be negotiations with the local criminal justice authorities. Identify the people from the various agencies who are going to be affected by a mediation program and get them on board early. Involve those people who are potential opponents of creating a mediation program. Give them the opportunity to become involved in the decision making process, rather than presenting a completed package to them and trying to sell it. Include the judiciary, members of the local bar, and Crown counsel. Secure the participation of community people as well.

There are other decisions to be made with regard to the type of mediation, and the people who are going to mediate. Is the community going to accept peer mediation or will the elders be more accepted? What sort of training is going to be offered to them before the program begins? Is there going to be staff for this agency? What kind of staff? Another factor to consider is the applicability of mediation. Here is an ideal opportunity in terms of the selection of staff for the agency, be they volunteers or otherwise, to include people from the community. Included in the mediation training may be youths from the community, youth leaders, members of the local police force, high school teachers, and others. This is a way of building conflict resolution skills in the community.

The Process of Mediation

THE PRE-SESSION

Prior to the actual mediation session, there is a pre-session during which cases are screened and the rules of mediation are made clear to the participants and their commitment to the mediation process secured.

The basic rules of mediation are:

1. It is understood that it is a voluntary process.
2. Confidentiality of what transpires within the session is important.
3. There is an openness and commitment to sharing all pertinent information. It is very difficult to come to an agreement if someone is holding some aces behind their back. The mediator may feel an agreement has been reached, but there are factors that one of the parties has kept secret which makes a major difference in how the mediation process developed. There is a commitment then for both parties to fully share all information which is pertinent to the dispute.
4. There is to be no damaging, detrimental behaviour in the context of mediation. No blaming behaviour allowed. Mediation is not a free-for-all. One party cannot get up and start calling the other party an S.O.B. etc. The mediation process is one in which there is an opportunity for the emotionality of the situation to be explored as well, and of course some people will express themselves in powerful language.
5. The role of the mediator is to maintain a safe environment for both of the parties. Throughout the mediation process the mediator has to be focusing on ensuring a safe environment. That means that one does not allow any bad behaviour to continue.
6. It is important for the mediator to maintain a balance of power. It is difficult if one person is the underdog. It is similarly difficult to mediate or have an effective resolution where the power is totally out of balance. There are ways in which the mediator can help maintain the balance of power between the two parties to the mediation.
7. Whatever agreement is reached by the parties is to be abided with by both. If they come to an agreement, there is a commitment at the outset that they will fulfill that agreement.

STAGE 1: Exploring the Conflict

During this stage, both parties to the conflict are given the opportunity to state their position. The opening position which is stated is often about obvious issues. The task of the mediator is to assist the parties in identifying the underlying issues which, more often than not, are far more significant. Each party is given the opportunity to make an uninterrupted statement. They state, to the best of their ability, how they feel about the situation which they are in with respect to the conflict with the other party. The other party sits and listens to that opening statement and communicates an understanding of that statement. The process is then reversed and the other party is given an opportunity to make a statement about their position. Then the other party is to listen and communicate back the essence of what the other party has said.

While this would seem to be relatively straight forward, it is amazing how people in conflict will not communicate accurately what has been said, and will put it into their own frame of reference. When they do that, they often include little remarks, asides, negative comments which cut down, twist or distort what has been said. The role of the mediator is to ensure and facilitate an effective communication. The mediator will then intervene and try to facilitate a more accurate communication.

At the beginning of Stage 1, the mediator explains what his or her role is. It is very important that this is reiterated. The mediator says very briefly that they are a neutral third party, that they are not on either side, and that their role is not to make a decision, but to facilitate both parties coming to a resolution of their conflict. In doing that, the mediator will ensure that rules of mediation are adhered to by the parties.

STAGE 2: Understanding the Conflict

Stage 2 is understanding the conflict. Part of the process is to try and sort out the major area of the conflict and deal with that in a systematic way. The role of the mediator is to keep focusing the task on resolving the major issues. Otherwise the process can get sidetracked, and a lot of time and effort can be wasted and frustration can arise. Once the issues have been identified, it is a question of working those out.

STAGE 3: Resolving the Conflict

During this stage, the mediator examines the goals of each party and identifies the various options for resolving the dispute. The intent is to

produce a final agreement which, in itself, is not a legal document. The agreement should be written in clear and unambiguous language which the parties can understand. This is signed by both parties. It is written in language which is action language, ie. Johnny will do so and so three times a week and Mr. Jones will do such and such once a week. It is a time referenced agreement with specific behaviours identified for the parties. There are no vague generalizations. It is very specific as to what the parties will do behaviourally.

POST-MEDIATION

Once an agreement is reached, provisions are made for monitoring it and assessing the extent to which both parties are abiding by it. This can be decided in a number of ways - whether or not someone from the mediation centre phones up or goes and visits, or the parties come back one or two months after the agreement is reached.

The mediator has to know at the outset whether or not the problem which the parties want to be mediated is something within his or her competence and whether or not the issues that they are bringing to the mediation are in fact ones which are mediatable. Those decisions have to be made before the process starts. The mediator has to be aware enough to intervene and refer the parties out to counselling or other modes of help.

The Role and Skills of the Mediator

There are several components to being an effective mediator:

1. A mediator must be able to create conditions for effective communication.

It is important that the mediator establish an environment for effective communication between the parties. There are several variables in this. One is the language that the mediator uses, which must not display any pre-judgements of either party and not be parental in tone. It is neutral in tone. Secondly, the mediator must place himself in a position where he can see both parties and observe what is going on. The mediator's behaviour must communicate full interest and attention to the parties. The mediator must not merely assume the role of a judge, saying, 'Just carry on. I'll make some notes.'

Third, there has to be the reality of a balance of power. Even at the point where Johnny has been found guilty or has plead guilty there should still be sufficient room for Johnny to try and express his feelings about the situation. He should be able to express his frustrations and needs to have an impact on what happens to him. Otherwise, do not call it mediation. Call it arbitration.

2. The mediator must be able to identify relevant and key issues as well as the needs and interests of the parties.

The mediator must also maintain a problem-solving orientation. There is a real danger in the interpersonal area, particularly for persons who have been trained in interpersonal dynamics, to think that is the end. A mediation is a problem-solving process. It is task oriented. It is only process oriented to the extent that it is related to the task.

Persons who come from a counselling, psychotherapy, or social work background are inclined because of that conditioning to say, "Okay, let's talk about that some more. That sounds like an interesting point you have there." It really does not focus on the task or the issue, and may be an interesting point, but mediation is not therapy. One must really guard against falling into the trap of just responding to the feelings for the sake of responding and facilitating more exploration of that area. One only uses the exploration of feelings to facilitate further movement toward problem resolution. While you can not leave feelings behind, they are not the primary focus of the mediation session.

3. The mediator must have the skill to respond accurately to the feelings of the situation and the meaning of what the parties are saying.

One of the things that the mediator must be able to do is to communicate with immediacy - to be able to respond to exactly what is happening here and now in terms of the behaviour of one or both parties. This involves a command of behaviourally descriptive language. If one of the parties is talking and the other party is looking out the window, there are ways of dealing with that. The mediator must communicate what the specific behaviours are in a non-judgemental way so as to keep the interaction focused on what it is supposed to be focused on. It is a delicate balance then between the parties who are facilitating the resolution of their own problems and the mediator who is moving them toward that without intervening and saying, "Well, why don't you do this?" The solution is only meaningful when it comes from the parties themselves.

The mediator must be able to observe what each of the participants is doing all the time. This is the skill of attending. If either party is behaving in a manner which indicates a lack of interest or attention on their part, it must be responded to. Attending, observing, and listening are crucial skills. It is really important to try as much as possible to capture some of the words the parties are using.

4. The mediator must maintain a position of neutrality.

Neutrality means not taking sides, not only verbally but even in body language. If it appears that the mediator is only listening to one of the parties, it may be perceived that he is losing some of his neutrality. It is extremely important that the mediator's language communicates neutrality and that the mediators' body language do the same. It also means that one is not deferential. If there is an adult and a teenager, the mediator does not say: "Why don't you take this comfortable chair and, Johnny, why don't you just pull up this little chair over here." There has to be a balancing so Mr. Jones and Johnny sit on similar types of chairs. The mediator will be sitting on a similar type of chair, not higher or lower but at the same level.

5. The mediator must be able to confront the parties.

There are various levels of confrontation, going from mild to heavy. The mild confrontation may be something like, "Well, Johnny, I now heard you say that you did not feel that you had the time to spend on a Saturday morning working for Mr. Miller. Yet, at the beginning of the session, I heard you say that you find yourself at loose ends on weekends, and you did not know what to do with yourself." The mediator does not have to go much beyond that to facilitate further exploration. We need to know exactly what the words were that were used.

6. The mediator must be able to respond to the parties.

The skill of responding is one of the foundational pieces in mediation because without this the mediator will not have a basis to move in with any of the other skills. It is another word for communicating understanding. The mediator must communicate understanding. The skill of responding is based on listening. It is a response to the content of what has been said. What is it that they are doing and who is doing it? That is the first thing the mediator should be listening for. Who is this person talking about and what is the situation? Also, is it internal or external? Is it the world out there which is affecting the

person? For example, is it that the police did such and such when they arrested the person?

If the mediator has good attending skills, good observing skills, and good listening skills, these provide the basis for responding skills. For example, if what the mediator is hearing is consistent with what he is seeing then he can be reasonably confident in terms of his assessment of what is going on. On the other hand, if someone says, "Yes, I am really interested in what you are saying" but the mediator sees him looking out the window and fidgeting, this must be checked out.

7. The mediator must be a source of problem solving, not problem generation.

Frustrations can arise in all sorts of contexts, and for all sorts of reasons. The mediator must preclude a conflict being generated by the fact that he is mediating. The mediator does not want to become part of the problem. Frustration occurs when an individual has a need which is not being met or fulfilled, whether it is a need for self-actualization, a need to be loved etc. A process of conceptualization occurs which says either it is their fault or someone else's fault. An individual may get into a self-fulfilling prophecy cycle where they feel they are no good, and they start acting that way. Alternatively, they will externalize the frustration about their needs not being met, and conceptualize that it is not their fault.

Mediation helps in this whole cycle of conflict. It is a response to the frustration which communicates an understanding of the underlying need. The perceptions of the parties must be examined. For example, "I feel blocked because I don't have a stereo and all my friends at school do." Now these perceptions may be accurate or inaccurate conceptualizations of the situation. When parties are in conflict, mediation enables the checking out process to occur where Mr. Miller can check out his own perceptions of Johnny. Is Johnny really the person who just could not care less, and who is just out to vandalize his store? Johnny also gets to check out his perceptions of Mr. Miller. Is he just someone with a lot of power and money who is not interested in kids, etc?

The Potential for Community-Based Mediation

The justice system is focused on input/output. The problem with the adversarial approach and the prosecution at trials is that the victim rarely,

if ever, gets the opportunity to say how they really feel about what has happened. At the same time the accused is never allowed the opportunity to say how they feel about the circumstances until they are in the sentencing process, and then the defence lawyer will say he is remorseful. In this process, the offender is still an observer and not an actor. Mediation gives him some potency in terms of his own life instead of having ten social workers etc. acting upon his life.

Mediation is clearly an alternative in resolving disputes. It is an alternative which gets away from the compulsoriness and the arbitrariness of the system, and it focuses on the individuals themselves. The notion is that two human beings are in conflict, one of whom has transgressed certain rules. Nonetheless, there is still a human interaction somewhere in all of this. Mediation tries to re-emphasize some of those values as opposed to strict judicial processing.

The focus in mediation is on generating new alternatives, new ways of doing things which will result in a "win-win" situation for both. In a mediation process, there is an expectation that they will be listened to and understood. If that does not occur, all the mediator is doing is increasing this frustration level. The more conflicts that are unresolved, the more conflicts there will be in the future.

RESOURCE MATERIALS

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YOUTH AND THE CIRCUIT COURT

The Circuit Court and
Young Offenders

Catherine Beamish

Dialogue: The Role of Defence Counsel, Joseph Bovard
Judge and Crown Counsel Involved Orval Troy
with Youth in the Court The Hon. Victor Carlson

THE CIRCUIT COURT AND YOUNG OFFENDERS

Catherine Beamish, a lawyer from Souix Lookout, Ontario, lead a discussion of the operation of the circuit court in northern communities and utilized a case study to illustrate the difficulties encountered in responding to the needs of young offenders:

There are many problems associated with the circuit court in the north. The court often meets late at night and the court sessions continue on for many hours because of tight schedules. The defence lawyers often do not have the opportunity to speak with the accused prior to arriving in the community. Often, there is no interpreter available. There are also frequent adjournments which lead to year-long delays in resolving cases involving young offenders.

Case Study:

We had a situation a few months ago where two young offenders were picked up in a community. They first arrived in Souix Lookout, but were flown out by the Ontario Provincial Police after being held overnight in an adult cell, which is contrary to the Young Offenders Act. They were then taken to a close observation detention facility in Kenora, two hundred miles away and held there for two weeks. They were then returned to Souix Lookout which is the northern-most court. The Crown was requesting that both matters be put over for trial in their home community for the next circuit court, and requested that one of the youths be released and the other be held in detention.

There was a long argument. The kids were a \$500 airplane charter from their home community which had no scheduled air service. The parents had indicated their intention to come to Souix Lookout and had chartered a plane but were turned back because of bad weather. The next circuit court date in their home community, Cat Lake, was three months away. If they had been remanded until that time, they would have spent Christmas in detention. Neither youth spoke English and were each 14 years old.

The report from the detention centre indicated that both of the kids were enjoying all the new and exciting things they were seeing. It took the

judge an hour to make the decision about whether or not to release the kids or keep them in custody. He canvassed the whole northern justice system. Eventually, an older, adult brother of the kid that they wanted to detain happened to be working nearby and showed up in court. He didn't know where to sit so he sat in the prisoner's docket beside his brother. Everybody thought he was just the next guy on the court docket.

Everyone agreed that the other youth should be released as well, but we found ourselves in a situation where the youth fell in between the lines of authority of all the various agencies. We had a non-English speaking 14 year old who had never been out of the bush suddenly released in town and nobody is responsible for him and nobody is responsible for getting him home and he has no place to go. Child Services said he was not their problem; juvenile probation said he was not their problem and the police said "We just bring them out. We don't have any authority to take them back." The town said they didn't know anything about him. The judge said, "I don't have any authority to order any expenditure in this case."

We were faced with a situation where we have a very undesirable result if the child was remanded in custody – a lengthy detention, a long separation from the community and the family; not speaking the language on the one hand and, on the other hand, we have a situation where the child, if released onto the street, had no place to go and nobody to take him there. This is another case of the inappropriateness of the Young Offenders Act.

Eventually, a very nice court officer at the OPP got him a hotel room and a room for the other youth and his older brother. They asked the older brother to look after both youths and the band had to pay for the plane to take the kids home.

DISCUSSION

QUESTION Isn't the justice system responsible in a case like this?

RESPONSE (Catherine Beamish): In that situation, if you are successful in getting yourself out of the system, then you are not the responsibility of anyone in the system. We had a similar situation last month. The defence counsel had been working locally to try to develop some kind of solution to this problem. The child's family and community were not in a position to send a plane. The defence counsel took the kid to the

Children's Aid Society, put him on the door, and said, "Here is a child in need of protection. It is your responsibility." Children's Aid eventually paid the plane fare, but we had to force the issue, arguing that they should either apprehend the kid or send him home.

QUESTION What about mental health services and facilities for assessing youths?

RESPONSE (**Catherine Beamish**): The problem is that kids are taken from the north to facilities in the south for psychological assistance or a psychiatric assessment and the professional that sees them doesn't know anything about the north. They take it for granted that the tests are valid and reliable, but the tests don't apply to the problems we have.

COMMENT Recently in Povungnituk, Quebec, several kids were caught tampering with planes at the airport when they were high on glue during the night. We were all scared that the airline would stop coming to the community and we would not have services such as Medivac. So we built a jail that same day and put them behind bars for a couple of weeks. We found that the crime rate of breaking and entering and sniffing gas and propane went down drastically after that.

QUESTION Were these kids remanded into custody by a judge or a Justice of the Peace?

RESPONSE No. The local town council – the aldermen and the mayor – put the kids in jail.

QUESTION There were no lawyers involved to insure the kids rights under the Young Offenders Act and the Charter of Rights?

RESPONSE No. When the circuit court came and finally met with the community council, they were told they were breaking the law. So, we said, "Ok, put 150 people in jail. Put us all in jail."

COMMENT In Ontario, the functioning of the circuit courts has deteriorated and almost ground to a halt in terms of actually administering justice. It is almost incapable of handling the paperwork. There was one community which has a scheduled circuit court. The court handles adult, family, and young offender cases once every three months, four times a year. Due to weather and plane problems, the court was cancelled twice. We had people charged in October, 1984 who made their first appearance in court in September, 1985 nearly 12 months later. The court didn't schedule an extra sitting, so they had a backlog. The adult list was dealt with first and it was so long that they didn't get to the young offenders list. So they remanded all of the young offender cases to the next court, which was November. There were 98 young offender cases with charges that have been accumulating for over a year.

COMMENT What you are describing makes me feel quite pleased with the situation in Saskatchewan. We have two provincial court judges based in LaRonge that deal with the 30,000 people in northern Saskatchewan and in some communities, the court sits four times a month or two times a month depending upon the load. We don't have these long delays. The two judges are in the communities many times a month and can adjourn things from week to week. They are not based in a southern area, scuttling around once every six months - going off to make a gesture that justice is being done in remote areas. We are at least there. The only way to solve the problems is to have more judges.

COMMENT In the Yukon Territory, the Minister of Justice has stated that he wants to shorten the delays in the criminal justice process. His intention is to have all criminal justice cases processed in 60 days, even the cases on the circuit court outside of Whitehorse.

COMMENT In the State of Alaska, the accused has the right to a trial within three to six months. If it doesn't happen, they are free to go. There is a strong incentive on government to provide the resources.

COMMENT The major problem on the circuit court is the press of time. People are herded through like cattle. It has the smell of indecency. They are herded through so fast that nobody can understand what is going on. Consequently, nobody has any respect for it. You can't respect something that treats you like that and there is developing an 'us versus them' attitude that does not hold well for the future.

COMMENT There is a need for leadership. You need one person to say, "Ok, we have a problem here. Let's do something about it." Forget about the court system. Make your own rules and regulations. Make your own justice system. There is one person who has to do it. There is always someone in the community you can turn to. It doesn't have to be the mayor or a resource person. There is always one outstanding individual in the community that will take action. I found that in many of the communities in the Yukon Territory. I know which person I can go to. He may be just a husband, a hunter, or whatever, but I know he is strong and he will take action if only somebody asked him to.

COMMENT (Catherine Beamish): There is a need to develop and use community resources to alleviate the pressures on the circuit court. Alternative measures or community justice committees make it easier for the court to function.

OBSERVATION (Stan Jolly): What I hear native people who live on the circuits saying is that 'We don't count. We don't matter to you. For you to come in with this system of justice and really give us efficient service.' That alone is the single strongest motivating force behind the drive for a separate, independent justice system. Not that this system is going to look substantially different from the white system, but it would be their justice system. They could respond to their needs in a prompt and efficient manner.

DIALOGUE: THE ROLE OF DEFENSE, JUDGE, AND CROWN COUNSEL INVOLVED WITH YOUTH IN THE COURT

Joseph W. Bovard, Maliganisk Tukisiniavik, (Legal Services) Frobisher Bay, N.W.T.

The Honorable Victor Carlson, Superior Court of Alaska, Anchorage.

Orval Troy, Q.C. Department of Justice, Ottawa, Ontario.

QUESTION (Audience): In a case where there is a young offender who may have a psychological problem or emotional problems, who comes from a bad home and is charged with a break and enter. He has a bit of a record so you know he has been in trouble before. Are you ever tempted or do you think that it is right to take a more social work approach to such a case and perhaps, as defence lawyer, plead him guilty just to give him access to counseling?

RESPONSE (Joe Bovard): That is one of the problems I wrestle with in the N.W.T. The kid talks to me, admits that he did it. Being a father myself, I would hate to see the kid going to court and a trial situation and be acquitted. If I know in my own heart that he did the offence, I would be doing a disservice if he walked away and said, "Hey, my lawyer got me off." In that sense, the adversarial system falls short. You are looking out for the child's best interests and, in a lot of cases, it's much better for him to go into the court and take his lumps. It's a bit of a dilemma. As defence counsel, your role is to assist the court in searching for the truth. Once you get the truth, you try to apply the law to the situation and do the best that you can to help that individual. I don't think that the Crown should be out for a conviction. He should be out to try every alternative way to help the youth before putting him in jail or in custody.

COMMENT (Orval Troy): I agree with that. I've been a prosecutor for nearly twenty years in the north and I just hate the right-wing attitude of a strict adversarial system. The young lawyers are very right wing, very conservative, very 'letter of the law' and more supportive of the police than I ever was.

COMMENT (Victor Carlson): In Alaska, when a child is charged with a crime, he has the opportunity to demand all of the rights of an adult in the adversarial process. He has a right to a jury trial. He has the right to remain silent and the right to be represented by a lawyer. If he goes to a jury trial, it's a public trial. If he is found guilty of being a delinquent, the social work approach comes into play. The charging process is done in Alaska by intake officers who work for Health and Social Services. Those officers decide whether the youth is going to be diverted or prosecuted.

As a judge, until I know whether the youth is going to plead guilty, I have to take a very adversarial approach in order to reserve the youth's rights and, of course, all of the youths have a lawyer unless they have waived their right to legal counsel.

COMMENT (Joe Bovard): We are all saying that we favour a quasi-legal 'social worker' approach to young offenders. The irony is that Canada has just passed the Young Offenders Act which is very detailed and very legalistic. It gives the kids more rights than ever, but the people in the field want to be less legalistic. In a lot of areas, certain provisions of the Young Offenders Act are being ignored because the people involved are refusing to be so legalistic so as to invoke every provision of it.

QUESTION (Joe Bovard): As a judge, Victor, in a case in which you feel after hearing the submissions that the youth has a lot of problems that require counselling or other types of programs, do you consider giving that youth a longer sentence for the purpose of getting treatment than you would to an adult in the same situation?

RESPONSE (Victor Carlson): In the juvenile court in Alaska, rehabilitation is the number one business - what is it going to take for this kid to get himself under control so that he can start making rational and socially acceptable

decisions. Many times this requires that the youth be put into a safe environment, whether this is a detention setting, a correctional setting, a group home setting, or a drug and alcohol rehabilitation program which is residential. As a judge, my objective is rehabilitation whether I'm dealing with a very serious offender or with someone whose crimes are symptomatic of family breakdown or deterioration in another way.

COMMENT (Joe Bovard): As a defence lawyer, I find it very difficult to figure out all of the alternatives for your clients on the circuit. If there are nine or ten young offenders on the court docket, it takes time to inquire about counselling services and psychological services.

QUESTION (Joe Bovard): As a judge, Victor, what is your reaction when you see a defence lawyer or Crown counsel in court with a young offender's case and being overly adversarial or super-technical?

RESPONSE (Victor Carlson): I wonder what they are doing. Sometimes, it can give the kid the right impression. The legal process is there for his protection and other times it gives him the idea that the legal process is merely to get him off and maybe the next time he does something he can get a smart lawyer and get off again. Most lawyers start out being super-technical and after a few months become more practical. It's important to be practical. It's important to show the youth that discipline is necessary and appropriate.

COMMENT (Joe Bovard): One problem in the Eastern Arctic, which gives rise to the practice of overcharging, is that the police have become accustomed over the years to everybody pleading guilty. So the police officers could lay as many charges as they wanted. The only way to discourage that practice is to become more legalistic and forcing the police to substantiate the charges. But, we don't want to become too legalistic. As a defence lawyer, I try to urge upon the Crown and the police a reasonable approach to things and hope that they can catch onto the sanity of that approach and not push me as a defence lawyer to the wall where all I can do is say 'not guilty.'

- COMMENT** (Orval Troy): I went on one circuit in the Yukon and went to a settlement. They had five cases for trial and I either stayed the proceedings or withdrew the charges. There wasn't one of them worthy of proceeding with. The evidence wasn't there. They were just so stupid, I dropped the whole thing.
- COMMENT** (Joe Bovard): You should see the sparks fly when the Crown does not do what the police want him to do. They put so much pressure on these prosecutors that they give in. That's the big problem we have.
- QUESTION** (Joe Bovard): As a Judge, Victor, do you perceive your roles as including putting pressure on the authorities to provide more resources for young offenders in the north? I consider that part of my role as defence counsel - writing letters to the ministers to lobby and agitate for more resources so that my clients can be sentenced to better alternatives.
- RESPONSE** (Victor Carlson): I like to see lawyers bring cases against the executive who has the responsibility to provide services and programs. Then, I can write long decisions which gives the Governor of the State an excuse to go to the legislature to get more money.
- QUESTION** (Audience): Can you proceed with a hearing without the parents being present?
- RESPONSE** (Joe Bovard): Where a parent does not attend the proceedings the court may, if in its opinion the presence of the parent is necessary or in the best interest of the young person, order the parents to be there. As defence counsel, I can always say to the judge, "It's obviously in the best interests of this young person to have his parents here to know what is going on." If the parents refuse to honor the judge's order, they can be arrested.

We were just in a community on Broughton Island where a lot of the parents did not attend the hearings of their children in court. I started asking for these orders. I asked the courtworker who had lived in that community before and knew a lot of the people whether he thought this

would be an effective tactic and he said, "Oh yeah. These parents are going to be very embarrassed, very angry that their young child has caused them to have to come to court and be shamed in front of the community." So maybe the parents will say to the kid, "No more of this."

QUESTION (Joe Bovard): As a judge, Victor, would you do anything to pressure parents into taking more responsibility for their children?

RESPONSE (Victor Carlson): I've had them in court. I've forced them to pay whatever they can within reason. You can force them to pay and that seems to get their attention. It's also good for the kid because maybe, for the first time in his life, he knows that his parents are contributing something. Judicial pressure is anything that encourages people to be interested in their kids. Of course, I am not successful 100% of the time.

QUESTION (Joe Bovard): Orval, what about the role of the Crown? Is it the Crown's responsibility to get the parents of the youths into court by pressuring them?

RESPONSE (Orval Troy): In my experience, lack of interest by the parents, especially by young adults, is just shocking. The few worried fathers that have appeared in court and stated they were concerned about what happened to their sons, I made sure they spoke to defence counsel to see what could be done.

RESOURCE MATERIALS

READINGS

Angell, John E. 1979. *Alaskan Village Justice: An Exploratory Study*. Anchorage: Criminal Justice Centre, University of Alaska.

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Jolly, Stan. 1983. *The Kids are Hurting: Fact Sheet on the Disproportionate Involvement of Indian Young People in the Juvenile Justice and Child Welfare Systems of Ontario*. Toronto: Ontario Native Council on Justice.

Kueneman, Rod, Rick Linden and Rick Kosmick. 1986. *A Study of Manitoba's Northern and Rural Juvenile Courts*. Ottawa: Ministry of the Solicitor General.

Ministry of the Attorney General. 1985. *An Evaluation of the Lay Assessors Program on Christian Island*. Toronto: Research Services Branch, Ministry of the Attorney General.

Stiles, Carla. 1985. *Young Offenders in the Yukon: Profiles and Forecasts*. Whitehorse: Department of Health and Human Resources.

FILM

THE SPECIAL COURT AT CHRISTIAN ISLAND

8 minutes, 16 mm, sound, colour, English, with accompanying support materials.

A short film about legal justice for Indian youths. It explains the removal of a Family Court to the reservation at Christian Island where the Indians became involved by forming a committee to advise the judge on possible sentences for convicted young people.

Canadian Filmmakers Distribution Centre, #602-III Avenue Road, Toronto,
Ontario M5R 3J8.

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YOUTH IN CONFINEMENT: PHILOSOPHIES AND PROGRAMS

Managing Incarcerated Youth

Margery Heath

Anger Management for
Incarcerated Youth

Rod Howitt

MANAGING INCARCERATED NORTHERN YOUTH

Margery Heath, Director of Corrections for the Northern Region of Saskatchewan, discussed the issues surrounding the confinement of youth from northern communities and identified for workshop participants the basic principles of custodial programs:

The philosophy of the Young Offenders Act is expressed in a section entitled 'Declaration of Principles.' The principles of the YOA are intended to strike a reasonable and acceptable balance between the needs and rights of youth and responsibility for their behaviour. The principles of the YOA are that 1) young persons are responsible for their behaviour, 2) society must be protected, and 3) young persons who commit offences require supervision, discipline, and control. They also require guidance and assistance.

Under the YOA, incarceration may not exceed two years unless the youth is convicted of an offence for which an adult would receive a life sentence or if there is a combination of offences involved. The maximum sentence in custody is three years. The court specifies the level of custody. This requires that judges be aware of what open and closed facilities have to offer. Judges in the north have seen the open custody facilities in the north but have not seen the closed facilities in the south.

THE OBJECTIVES OF CUSTODIAL FACILITIES

1. To provide and maintain a safe and humane custody to control youths incarcerated by the courts;
2. To provide guidance, assistance, and opportunities that contribute to the overall physical, spiritual, social, emotional, and intellectual growth and health of the offender; and
3. To assist offenders to prepare for return to the community, which, when facilities are 500 miles from the youth's home community, is quite difficult.

PRINCIPLES OF PROGRAM OPERATION FOR YOUNG OFFENDERS

1. The program should place responsibility on the offender in accordance with his or her developing capabilities and exercise control only to the extent that it is clearly necessary to ensure the protection of the youth, the staff, and the community.
2. Programs should be provided in the most normal environment possible, approximating life in the community to the fullest possible degree.

However, knowing the type of communities that many of the youths come from, we would not want to run our custodial facilities in a way that is as terrible as the conditions that the youths experience in their home communities. We would not be allowed to do so by Health regulations. For many young people, facilities provide better conditions than their homes and communities.

3. Programs should be emphasized which assist the offender to develop and use the knowledge, skills, attitudes and behaviours that are required to function responsibly in the community or in a less secure setting.

The offender should be assured of reasonable access to the same standard of rehabilitation and/or specialized treatment, education, and support centres available to citizens in the community and community-based resources should be utilized in service delivery as often as possible. Open custody facilities should use community resources for programming. Young people should be able to go out to school, to treatment and to make use of community resources.

4. Where possible and practical, secure custody programs should be located within reasonable proximity to the offender's home community. The fact that so many young people are going far from home to be confined in custodial facilities means that we are only supporting the breakdown of the family, the concept of banishment, and are only taking the problem further away from the community.

A trend now is that every community wants a jail in their settlement. They don't want their young people going out of their settlement. Yellowknife was supposed to be the answer in the N.W.T. and was viewed as a solution to young people being sent to the south. The communities have learned over the years, however, that Yellowknife is no different from a southern institution. If youths are 100 miles away from home, they may as well be 1,000.

5. The program should be provided in a manner which enhances the offender's feelings of worth and value and which supports continued development in the areas of personal identity, cultural identity, interdependence and positive relationships with family.

This is a beautiful statement which is very, very difficult to operationalize.

6. Programs should be located as close as possible to medical facilities and psychological services.
7. Priority should be placed on hiring native staff from the local area to staff open and secure facilities for youths. Equally as important as locating the facility near the home communities is to have local people in the staff positions. Even if they do not have all of the academic credentials, they have so much more of an understanding of the person and the community that the person comes from, the circumstances, and the culture. They are excellent staff because of the knowledge they have. They know more of what is going on inside the institution than the non-native staff.

In northern Saskatchewan, Chipewyan and Cree are the first languages of the people. It is spoken on the street and in the home. You cannot run a jail where the staff do not know what the inmates are talking about. So my staff are 75% Chipewyan and Cree speaking, hired from the surrounding area. The problem is that these are government facilities and, in order for these people to have permanent status, the positions must be advertised provincially. My staff would not be successful in applying for these positions because they do not have the seniority that a great many other people in the system have.

What we have done is to appoint the staff on a temporary basis for up to two years. They receive training and receive all the other benefits of permanent staff. The major hurdle will come when the first temporary position expires and the question is whether the union will allow the person to have a permanent position without holding a competition. Even two years of experience would not be enough for that staff person to compete against corrections officers who work in large centres in the south and would like to work in a small northern community.

8. Where appropriate, the offender's participation in program decisions significantly affecting him should be facilitated.

DISCUSSION

- QUESTION** Are there facilities in northern communities or, is it the general practice to send young people out to southern facilities?
- RESPONSE** In Ontario, it is the practice to send youths to Sudbury for secure custody. There are several group homes in northern Ontario which are used for open custody and which allow the youths to remain near their home community.
- RESPONSE** In the N.W.T., there are three closed units, one of which is in the wing of an adult correctional centre. It is used primarily for 16 and 17 year old youths on remand status. The other two units are independent buildings, in Fort Smith and in Hay River. Both are temporary until permanent structures can be built. Both are quite unsatisfactory. Both facilities hold white, Dene, and Inuit youths. Putting the Dene kids with the Inuit kids causes a lot of problems and there are a lot of tensions between the two groups. Only the Fort Smith facility accepts female offenders. We have an open custody facility in Frobisher Bay and in Cambridge Bay, Fort Smith, and Inuvik. There is an open custody wilderness camp outside of Inuvik and two more in the planning phase.
- RESPONSE** There are no facilities in northern Alberta. All youths are taken to Edmonton, including youths from native communities. That creates problems when native youths are taken out of small communities. The provincial Ministry of the Solicitor General is studying the privatization of all young offender facilities in the province and many native groups are putting together proposals for traditionally oriented, native operated programs for young offenders.
- OBSERVATION** I have had young people throw a brick through the Hudson's Bay store window just so they could get down to Yellowknife. They've never seen a tree or all of their buddies are down in Yellowknife. He's the best baseball player and they want him on the team for the summer, so he does a B&E so he can get six months in the Yellowknife Correctional Centre to be with his buddies and play baseball. It is strange to think that a guy would bust a window just so he could see a tree. It's really macho to go to Yellowknife.

COMMENT (Art Montague): Saskatchewan is unique in that the open custody facilities are also charged with holding children apprehended under the provincial Family Services Act. They are housed in the same facility. We have situations where youths come in on three month sentences and, as soon as this sentence has been served, the Family Services Act is produced to apprehend them. For some youths, a three month sentence can become quite lengthy. Among the youths in the facility, there is nothing to distinguish young offenders serving open custody sentences and youths who are there as a result of Family Services intervention. They are basically the same.

QUESTION In Canada, if a youth is sent to a closed facility, does he remain there for the full two years?

RESPONSE (Margery Heath): Yes, subject to review. There are a number of situations where the court can review a sentence and reduce it, but not increase it. It is not possible to reclassify young offenders from open custody to secure custody. Only the judge can make that decision. In Canada, the best that can be done is to shift the youth from one open facility to another.

QUESTION Is that different from Alaska?

RESPONSE Yes. In Alaska, our goal is to get the kid out of closed custody as soon as possible. The court sentences the youth for a period of up to two years, but the progress is reviewed by a treatment team in the facility which makes a recommendation to a review board. The judge sets out an institutional order and it is up to the probation officer to go to the classification committee to decide which institution in the state system is best for the kid.

ANGER MANAGEMENT FOR INCARCERATED YOUTH

Rod Howitt, Chief Psychologist,
Cecil Facer Youth Centre, Cecil Facer School, Ontario,
Ministry of Community and Social Services, Sudbury, Ontario.

Dr. Rod Howitt, a registered psychologist, provided a comprehensive overview of an anger management program for youth in custodial facilities. The program was specifically designed for youthful offenders, 12-15 year olds, and, although it was originally devised for a closed custody setting, it could also be operated in a group home or foster home.

Anger Management: A Cognitive-Behavioural Approach

The investigation of anger problems has received scant attention in the psychological literature. This largely has been a function of behaviouristic traditions which favoured the study of aggressive behaviour over that of anger. In other words, we have a lot of materials on aggression, but very little on the handling of anger. Although anger inductions have been an integral part of the prolific research on aggression, experimental interest in anger has been incidental to the study of harm-doing behaviours.

This program involves the application of a cognitive behavioural approach to the treatment of anger disorders. The treatment procedure incorporates a variety of methods developed in the field of behavioural therapy, including self-control semantic therapies, cognitive therapies, and problem-solving therapies. From the aggression and behaviour therapy literature, a set of propositions regarding anger management was generated, from which a treatment procedure was constructed that incorporated cognitive coping. We use a lot of deep muscular relaxation training. The intent of the approach is to 'innoculate' youths against anger, teaching the child how to recognize anger-provoking situations and to develop the skills to cope with them.

Anger, like anxiety or pain, is a stressful reaction. Continued exposure to stress in the absence of coping resources has cumulative adverse effects over time. In other words, if the environment continually makes more

demands than youths are capable of meeting, not only will they have problems in terms of adapting to the stress of the moment, but those adverse effects seem to be cumulative. Over time, this can result in disorders such as hypertension, cardiovascular problems, and many other stress-related symptoms such as sleep loss, poor appetite and diarrhea. To summarize, the routine exposure to stressors in the absence of coping resources has long-term and cumulative effects.

Chronic anger can have extensive consequences and it goes far beyond simply being in a poor emotional state. The "stress inoculation" procedure is a coping skills therapy. It is concerned with developing the youth's competence to adapt to stressful events in such a way that stress is reduced and personal goals are achieved. In our program, the personal goal to be achieved is getting out of training school. The second goal is to stay out. The youth learns to cope with the stressful events that have a high probability of occurrence. Young offenders often do not have the skills to deal with stressful situations and the antagonistic response is often the only one they know.

My approach to anger management is skills training. In other words, first I teach the youth to relax, and then I teach him those anger signs that he experiences in his body as part of the "fight or flight" mechanism. This is like a warning sign that you are getting angry. Then, we cue the magic word "relax". If the mass practising of relaxation has worked, just by saying the word "relax," the youth should buy some time for himself. Then, when he is feeling relaxed, he can use the skills he has been taught so that he can get out of the situation without fighting. You have to teach the youths to discourage the bad responses and provide them with a repertoire of skills for positive responses. Anger management procedures are based on the conviction that emotional arousal has a course of action, and that such arousal is determined by one's cognitive structure of the situation. In other words, it is not so much what happens to the person; it is how he interprets it in his head that counts.

The restructuring in one's head of mental events that are confused with anger is one of the most serious problems young offenders have. They often do not take the time to look before they act. Knowing the facts of the situation is called "cognitive restructuring, or the ABC model: A is the event that someone does to you, like calling you a name; B is what you think about it in your head; and C is what you do. Typically, in training schools we find that a boy is in the shop working when someone calls him. He turns around, puts down his paint brush on the newly finished table, looks at what he has done, says all sorts of things we can not

repeat here and then goes after the other kid with a vengeance. A is the event, B is what you think about is, and C is the result.

It is pointed out to the youths that anger does not always have to be a bad thing. That is very important to stress with adolescents. We tell them in the very first session: "Anger can be a good thing if it works for you and if it is under control. It is when anger gets out of control that negative consequences result." We actually give them examples of how their anger can work for them, and we tie this into arousal. For example, in a sudden-death hockey game, being angry can stir you up and cause you to win the game. Being angry can be an energizer, like when you come on the scene of an accident and have to tend to the needs of the victims. On the other hand, when anger gets too great, you lose the ability to think and you can not handle it anymore. This is when assaultive behaviour occurs.

To use an analogy and visual imagery that youths in Northwestern Ontario can relate to, I point out the advantages of a fire. I say to them, "If you are on a camping trip, what would be the first thing you would do after you beach your canoe at night?" They typically say, "Set up camp and make a fire." That's right-- the fire allows you to cook, keep warm, and see things. The fire has a lot of good things connected to it. What happens if some guy comes to shore who has been drinking, and he throws gasoline from his outboard on that fire? Things change dramatically. You could have an explosion and the fire would get out of control. It could literally burn the whole place down. That is much like your anger. When anger is under control and small, it is like the campfire. It is adaptive and it works for you. But when anger gets out of control, then it explodes and becomes a life-threatening situation.

The treatment approach consists of 6 stages:

1. Securing Commitment:

I get each one of my 5 group participants (I never have more than 5 people and they are always unisexual; in other words, I never mix boys and girls together) and I say to them, "I want to have a commitment from you that once you are in the group, you are going to do your very best for me. In return, two things are going to happen. First of all, if you apply for a temporary release, I am going to back you on it. Secondly, this is going to give you an edge on all the other guys." So, on a one-to-one basis I make sure that each individual is highly motivated to cooperate with me. That is important when you are

dealing with really aggressive youngsters - kids who are in for aggressive assault, rape or murder. You want to make sure in a situation of 5 that you can simply remove a person from a group by invoking a moral obligation: "We have already talked about this. I want you to leave." The first phase, before you do anything, is to get a commitment. Each one of those people in the group has to tell you one-to-one that he is going to cooperate with you.

2. Intensive Muscular Relaxation

The second stage involves intense muscular relaxation. Each time I go through the half-hour relaxation, I put forward a different form of imagery to make it a new experience. Then I tell the youths that if they do the exercises every night, they will find that just saying the word will make them feel relaxed. The word "relax" is paired with an antagonistic response which is to get angry.

3. Recognition of Anger Signals

The third stage is the recognition of anger signals. That is based entirely on the "fight or flight" mechanism. We go over that in some depth so the children will recognize it. Then we ask them to recognize what their sign is when they are getting angry. This is the only part of the program that really calls for any introspection, and it is the most difficult part. Essentially you are asking a young offender to look back in time to some point when he was angry, and remember the signs that he had. Typically, this is something which is done after the relaxation, which helps the youths to think better.

After the youth has come across the cue to his anger, you then tell him that when the role-playing part of the course takes place, he is to remember that. As soon as he starts to feel that symptom of anger arising within himself, that is when he is to say the word "relax." After he has said the word "relax" to himself, then he is to start trying to solve the situation without getting into a fight. The word "relax" is paired with an antagonistic response, "I want to fight." By diminishing his anger and feelings of anxiety, he calms himself down to the point where he can now start dealing with the situation rationally.

If you wait until a youth is angry, has a whole group around him, and has his fists up and is ready to go, there is no technique that will help then. It is too late. He will not back down because of the loss of face. But if you can teach him to recognize when he is getting angry before he is angry, you stand a good chance of teaching him not only how to

cope with the situation before it gets any worse, but you have a good chance that he will do it.

4. Cognitive Preparation

The next stage is called "cognitive preparation". This involves the youth talking to himself, preparing for the impact, saying "I know I am coming into a rough situation. I know it is going to be bad. I know I have got to watch out for this. I know I have got to say at the critical time the word relax, and then when I hit the situation, I know it is going to be o.k."

5. Skill Acquisition

The fifth stage is called "skill acquisition". I take certain situations which are very fundamental to the youths and I tell them how to handle them. For instance, one of the situations that always proves bad for young offenders is when they come to training school, typically people know about it. When they go home, people like police officers confront them and say, "What are you doing here? Are you AWOL? Are you in more trouble?" Typically, this is the time when the youths blow their cool and start up a ruckus.

So we role-play the situation. I take all the other kids out of the room, and then, one-by-one, the youth and I confront each other in front of a closed circuit video camera. I am the owner of the "Bus Stop" or restaurant. The kid is the young offender. I push him very hard. I come on very strong and actually grab him. I point my finger at him and shout at him. I make it as realistic as I possibly can and usually by the 6th or 7th session, the youths can handle that.

6. Application and Practice

The last stage is called "application and practice". Along with the role-plays, this actually goes on through the whole program. In the training school where I am, we have what is called Behaviour Reports. Every time a youth does anything really good or bad, it is written up in the form of a Behaviour Report. These reports are my dependent measure - the things that I measure before, during and after the program. This is the way that I know the kid really has been practising what I have been teaching, or whether it is just garbage which goes in one ear and out the other. If the number of incidents of verbal or physical abuse is not less when the course is over, then this kid has probably not learned anything.

In the closed environment of Cecil Facer, for 24 hours a day, 7 days a week, I know exactly how each youth in the group is doing. I have a good dependent measure of whether he is really using what I am teaching him or not. If he is using it, then I feel in good conscience, that I can recommend him for a review or a temporary release, etc. This is one of the advantages of working in a closed custody environment.

THE ANGER MANAGEMENT PROGRAM

There are eight sessions, each 1 1/2 hours long. I inform each youth why he is being invited into anger control. The selection criteria are four: test scores, charges (that is, behaviour outside), behaviour inside (his interaction with peers), and/or a judge's orders. Sometimes a judge will specify that the youth is to participate in an anger management program while in custody.

At the outset of the program, I emphasize to the youths in the group that anger not be construed simply as a negative emotion. If you come on very strong and say, "That is no good; that is all bad", they are going to tune out. What is more, they are going to become really discouraged because it is a well-entrenched habit. On the other hand, if you tell them that their anger is not entirely a problem, and it can be a good thing, they are more willing to listen to you. It does not seem to be such a difficult task. We are not asking them to get rid of their anger, just to keep it in check so it works for them and not against them.

Second, I emphasize to the youths that the program involves skill training, not therapy. I say to them that "This is going to give you an edge. This is going to put you one up on all the other guys. No one is going to be able to pull your wires again like a puppet on a string. This is going to make you really cool. This is going to give you the upper edge." Call it therapy and they will say, "Ah shit, I'm not sick." It will turn them right off. But if you make it a skill, it is something positive.

Third, I explain to the youths what is involved in the course. Part of it involves teaching things like how the central nervous system works. Another part of it is role play, and I say to them, "By the way, when you come into this group, I am telling you now that you are going to have to come up with one incident - one time when you were in the community and got so angry that you assaulted someone." Then I explain to them that we will role play the same incident in front of a closed circuit Sony video camera. They get to use the other group members to act it out

with. They have to show me that they can get out of this situation without fighting. Then I keep saying to them, "Anything you have learned is no good unless you practice."

Once you hook a kid into a program and you explain the benefits to him, you lessen the risk of AWOL dramatically because he knows what he has to do to get out. It gives him some way of keeping his anxieties in check: "If I do this, then you will do that." Young offenders tend to think very basically - black and white, right and wrong. It is one of their biggest problems. But you can use it to your advantage in a session like this. It is when they sit there and someone says, "Yes, you have a year of closed custody" and they walk in the door and are looking ahead to a year. That is when they get panicky. That is when they get anxious and are going to run away, not when they are tied into a program.

I ask them, "What is in it for you? What is the payoff?" First of all, I tell them it is going to be about a year in terms of their graduation. Then a review comes along - an appeal or their Temporary Release comes up. I also point out to them that this not only has short-term payoffs, but it has long-term payoffs because it will help them to stay out of trouble.

I hold the sessions during the middle part of the week because that is when the kid is most likely to be there. I always try to schedule them so the youths that are involved are not missing out on a favourite activity. I will not set up a group when they are taking shop or woodworking because those are their favourite courses. I have no intention of competing with them. Incidentally, with the girls, if you try to hold the anger control sessions after school when the soap operas are on, forget it. The girls would rather watch soaps on T.V. than do anything else.

SESSION I

In the first session, I inform them that the format of the group will be the same for all eight sessions. First, they will lay on the mats and do progressive relaxation for 1/2 hour. and then they will take a break.

During the first session, we talk about how anger can be both good and bad, depending upon how it is expressed. Through questions and answers, you want them to come up with the right answers. You feed them the cues and direct their thinking until they give you the right answer. You say "Right." They hit upon the answers themselves and that way they take responsibility. They take ownership of it. Whereas if you teach it, then you are responsible.

What is discussed is that sometimes anger becomes so great that instead of helping a youth to do better, it causes them to be disrupted - to become white-hot and explode. Anger is also bad when it is a form of embarrassment, like when you make a mistake and overreact. Anger is bad when it leads to verbal or physical aggression. It is also bad when you are using it to promote an image, i.e. the macho, tough man.

SESSION II

One week later we come back in and the first thing they do is hit the mats. Once again, they do 1/2 hour of progressive relaxation, but each time the visual imagery is changed. Then I sit down and talk about situations that make one angry. I go through the external factors such as frustration, annoyance, insult, inequity, and abuse which serve as stimuli to anger and aggression. Then I talk about the internal factors of anger, I break these down into cognitive (thinking) and affective (feeling) factors.

Then we talk about how the mind blows things out of proportion. When someone nurls a lot of verbal abuse at you, what goes on in your mind will determine whether you handle it appropriately or inappropriately. Then we go through all the behavioural reactions - antagonism, hostility, avoidance, and passive aggressiveness. We discuss how each one of them is not good. Following this, we tell them the way we want them to handle it more appropriately. This is where we move them toward a more verbal approach. Get it out verbally and appropriately without using their fists.

The other thing I use in the break is the Behaviour Reports. I say to them, "By the way guys, you are now into the second session, and remember what I initially said our deal was. I know that you have learned something if behaviour reports are decreasing. How did it go last week? Did anyone get any Behaviour Reports?" Someone says, "Yeah, I told Mrs. Walker where to go in Shakespeare." I say, "Tell us what happened." He says, "Well, I was in a bad mood. Jimmy Johnson stepped on my model. I told the little sucker I would make him into a suppository if he did it again." I ask him how he could have handled that differently. He says, "I should have punched him out." All the guys say, "Yah, punch him out." I say, "No. What happens when you punch him out? What happens Joey?" He says, "Oh, shit. Restrictions for a week."

The idea is to constantly remind them of the consequences of their behaviour. Their behaviour is being monitored and if they want to get out of this, they had better start doing what I tell them. Again, because I am

working in a closed environment, I get the Behaviour Reports. The program is geared for success, and there is constant confrontation and monitoring because this creates more compliance.

SESSION III

A week later, we start out with the same format, the progressive relaxation. During the coffee break, I again stress the fact that they should be doing these exercises every night, and I ask them about their Behaviour Reports. This is very subtle because it is part of the break. We want to move them gradually to the goal of expressing their anger more appropriately. In Session III, we get into the ABC model. Before we get into this, to try and break down some of the words into something the kids can understand, I use a little story.

Here is a situation: "You are in the shops. You have just taken down this table and now you have brought it up with a coating of Verathane. Just as you are finishing the job, Jimmy Jr'inson says, "Ray, come here man. I have a TM (a tailor-made)." So you turn around and want to know where the TM is. As you turn around, you put your brush down on the table that you have just completed. Then you realize what you have done. What do you say? "Oh shit. This is crazy I am going to punch some fucker out." The idea is: "A" is always the event, something you do. "B" is always what you think about it, what self-statements are going through your head; and "C" is the outcome or another event. What we are trying to get through to them is that it is not the external events which cause you to get angry and lose control. It is what you do with all of those events when you think about them in your head. This is the cognitive part of the program.

We go through some examples, and generally you can get everyone to agree to the fact that at one point or another in their life, they made a mistake. Then you say to them that instead of getting angry and talking to themselves and saying all of those things that cause them to be angry, I want you to say the word "relax". Then you can introduce self-statements like "Yah, I made a mistake but I can fix it. Everyone makes mistakes."

There will be very little reinforcement for the youth from the external environment. So the youths must move from external reinforcement to internal reinforcement. "Every time you do that I want you to tell yourself you did well. Say to yourself - I can control my anger. I can handle these situations appropriately. I can get out of this without fighting." I try to get

them to reinforce themselves because I know their environment will not. In other words, I want them to feel good about themselves. I want to build this self-feedback loop into their heads that they are doing good - that they are not in the hands of fate. They can bring about change.

Many young offenders come to the training school after being in foster homes or group homes or in trouble with the law. They have a lot of failures behind them. There are very few positive factors to work with. You want as much as possible to build this positiveness. Then they can see positive things even if their environment is not providing positive input.

SESSION IV

The first half hour is progressive relaxation, changing the visual imagery. We ask the same questions during the coffee break. Then, in front of the video camera, we act out the incidents that made them angry. The kids take as many members of the group as they need to act out their incidents. The rest go out of the room so there is no jacking around. Then they role play one incident which led to an assault that occurred either in training school or in the community. Each kid has to act out one incident, and it has to be long enough that it can be analyzed by playing back the video.

SESSION V

The next week we review the tapes again. Then we say to the kids that we want them to role play the right way this time. We emphasize the fact that keeping your cool is a skill, and that it will be necessary in a lot of situations outside training school. It is at this stage in the program that they are actually called upon to do something. This is the first time they have to definitely show you that they can put to work all of the things you have been teaching them. Sometimes they find it very hard. It takes time.

There is a lot of positive reinforcement after the boy has done it the right way. You also say when it is all over, "The next time you are in that situation and you are not here, I want you to talk to yourself. I want you to tell yourself that you did well. I want you to tell yourself that because you handled this situation right, you are going to be able to handle other situations the same way."

SESSION VI

Now we have started the role play. Now they have to show you that, in addition to the decreasing number of Behaviour Reports, they can handle situations. And you make it even rougher on them. Now when there are role plays going on, it is me and him and he has no group support. In session VI, I like to use "Dealing with an Accusation." The bus stop scenerio is where the kid has gone home on Temporary Release, ususally to try and reintegrate himself into the community before his sentence is terminated. He has had a successful release, but now he is coming back. As he sits at the bus stop, someone comes up and confronts him. They confront him with the fact that he is in a training school and here he is on the street. How come he is there? The big accusation is that he is AWOL.

These are the steps that are going through the kid's mind:

1. Think about what the other person accused you of.
2. Think about why he accused you.
3. Think about ways to answer the accusation.
4. Choose the best way and do it. While he is thinking about what the other person accused him of, he is also thinking,
5. Is the accusation accurate or inaccurate? Is this a constructive criticism? In other words, "Why is this person criticizing me?"

And these are the self-statements that the kid goes through in his head to help keep his anxiety in check and to work through the steps we have taught him.

I would come along with a towel, clean up and pretend I was a grouchy bus stop manager. Then I would say, "Hey, I know you. You are the kid who did all of the B and E's in town here, Man. They sent you to training school. What are you doing here? Are you AWOL?" Then I push him. I push him really hard. I may put my hands on him or walk around him. I say, "Now you wait right here because I am going to call the cops. I think you are AWOL." Can the kid work through the incident? Can he identify that first anxiety sign, the increased heartbeat or whatever it is, and say the magic word? If he has been doing the exercise, then he should be able to keep the lid on.

One of the things I teach them, and this is sometimes very hard for native kids, is that when you are talking to someone, always keep good

eye contact. I also tell them that when someone is shouting at them, do not interrupt. Let them say what they have to say and then talk. Because if you interrupt, they are just going to get more angry. We also teach them to talk in a well-modulated voice, neither high nor low, not too fast. Then we point out the alternatives to them. The right thing to do is wait until the police come. They will take you to the training school and find out you are on leave.

The idea is that you can simulate it as much as you want. You can make it rough or easy. But you want to find out if the kid can use some of the skills you taught them without the group support. If the kid handles it right, then it is a very positive thing and you reinforce it. If he does not, you can go over it again until he does. This is sort of the acid test. If a kid can handle this situation, you have a pretty good idea that he at least has that skill within his repertoire of responses. The next question is - Will he do it? Will he continue to display appropriate behaviour? Again, intrinsic reinforcement and the idea of making the kid reinforce himself is important.

In terms of the cognitive steps, think about what the other person said to you. Think about why he accused you again with the idea of empathy. He accused you because the last time you were there, you caused a lot of trouble. It is natural that he would accuse you because you did all of the things he accused you of. Think about ways to answer the accusation. "I am on Temporary Release. It is right that I am here. It is OK. I am going to wait until he finishes shouting and screaming at me, and then I am going to tell him why I am here."

SESSION VII

The course is almost over now. This stage is called "negotiating." One of the things that most youths feel a little bit reluctant about is how to handle situations in the community where there is no right or wrong way. There are a lot of judgement calls. If the kid says, "I want to go out tonight," and the mother says "No", what do you do? How do you handle this situation? How do you handle a probation officer who does not understand? How do you handle a teacher who will not give you the time of day? An hour of progressive relaxation starts the session off. The same questions are asked during the coffee break.

We now get into learning how to negotiate. You and another person are having a difference of opinion. The typical scenario is that two guys are going down into a lounge and they both want to play a favourite tape on

the stereo. So you have to decide if this individual and the other person are having a difference of opinion. Then you have to tell the other person what you think about the problems. Again, you wait for your turn and speak with a well-modulated voice and good eye contact. You must also be sure not to invade the person's interpersonal space; to remain a comfortable distance away from him.

After the person who initiates the role play tells the other person what he thinks the problem is, he has to ask the other person what he thinks about the problem. Then he has to listen openly to his or her answer. Then, as a cognitive aspect, he has to think about why the other person might feel this way. After you have gone through why individuals do what they do, to engender empathy with the other person, it makes you feel less likely to aggress against the person. Then he has got to suggest a compromise, something he can live with. Those are the steps of negotiating.

SESSION VIII

The final session is a review where we sum things up. We go over the whole idea of anger - it is physiological and can be good at times. The bottom line is that when your anger is small and manageable, it works for you. When it is big and out of control, it works against you. The way to keep your anger under control is by continuing to do progressive relaxation so that when you say the word "relax", you feel relaxed.

Then, we talk about the determinants of anger, those factors which are external and those which are internal. Those factors which are external will always be there. There is nothing you can do about them. But the internal factors, the most important factors, are those you are in control of. Then we go over these internal factors - appraisals, expectations, and self-statements. Then we talk about the "fight or flight" mechanism. Again, we go over confrontation one-on-one. What are your early warning signs when you get angry? What are you going to do when you get angry? Say the word "relax". Say what you have to say and then walk away.

As part of this review, I also say other things to the youths like, "If you have any problems in the community, be sure to get some help with them. Just like you have learned in this course, you can learn something when you are on the outside. If you have problems, who is the person in the community who will be able to help you?" I try to stress the positive roles of probation officers and all of the things they can do to help.

I also go over the consequences of an assault: "What is going to happen if you get an assault charge? If you are over 18, you are going to wind up in jail. You will get a record, and will not get a job. Most important is the fact that you will get a reputation as a scrapper. People come looking for you and, after a while, it is very hard to break out of the habit. Besides, who wants to be known as a guy who can be sucked into anything? Keep your cool. Use it as a skill."

As much as possible, I make sure there is some positive reinforcing event that occurs when the youth successfully completes the course. If possible, if he is not going to graduate and leave the school, then I try to work with the probation officer to get him a Temporary Release. There has to be a big payoff. There has to be something really important that happens to the kid so that this whole thing becomes an achievement experience. Even if it is a day pass to go shopping downtown. Something has to happen so that the youth has a feeling of achievement.

YOUTH IN CARE

Traditional Native Child Placement

Wally McKay
Louisa May

Taking Care of Their Own:
Native Child Welfare Programs

Wally McKay
Linda Leach

TRADITIONAL NATIVE CHILD PLACEMENT

Wally McKay of the Tikinagan Child and Family Services noted that there were several characteristics of native communities that provided the basis for child welfare and traditional adoption:

Unlike European communities, Indian communities were not just a collection of individuals. By necessity, natives formed themselves into a collective group where a person defined his responsibility as the welfare of the community. Whether he was a medicine man or a hunter, the individual saw himself as providing a service necessary for the survival of the whole. In this context, the family was a microcosm of the community and the family members worked together. Each family member had a clearly defined role and responsibility designed to serve the good of the community.

Collective community responsibility can be seen in the practice of traditional native child placement. In a situation where the father has deserted a mother with children, the elders and community leaders take responsibility for the threatened family unit. The first priority is to keep the family together, as long as this will not endanger any of the family members. Should this not be possible, any subsequent decisions about the fate of the family and individual family members must be taken with the full consent of all parties involved - the mother, community leaders, and in the case of a placement, the adoptive parents. The mother would consent to having another couple take over the rearing of some or all of her children. She would never interfere with the adoptive parents role and would never try to reclaim her children. As the mother, it was her responsibility to fully inform her children why they were transferred to new parents. In this way, the child never lost a sense of identity with his own clan.

In the traditional Indian family, there were never plans to adopt children. The community understood it would be their responsibility if misfortune happened to a family and the adoptive parents were honored to have been chosen by the community to take care of other people's lives. There was no assistance or compensation provided to the adoptive parents. The adoptive parents informed the child who his original parents were

and insured contact between the child and his biological parents. The child had the benefits of two sets of siblings and two families to support and enrich the child's life. The adoptive parents worked hand-in-hand with the original parents.

The practice of child placement in native communities led to a further inter-linking in the community rather than segmentation or division. All parties agreed to the placement and the two families became linked in their mutual efforts to support the child. The child was given the best possible alternative to his own family and the community became more interdependent.

The Conflict with White Law

Louisa May, the Youth Protection Director in Kuujjuaq, Quebec, discussed the conflicts that arise between provincial legislation and the practice of traditional adoption:

With traditional adoption, it is impossible to follow the law because the families usually knew who they were going to adopt. None of the native communities want to follow the provincial law. There is no way that it would fit. When a woman wants to give her baby up for adoption, they don't go through social services or anyone else. It's family-to-family or between friends. When I explained the requirements for adoption under provincial law, they were very surprised and very sad. They would never want to follow white law. The women knows who is adopting the child and, as soon as the child is born, the baby is taken away by the adoptive parents.

Under provincial law in Quebec, it takes 30 days for the mother to decide whether to keep the child or not. During this time, the baby is hanging in a tree trying to find a place to stay. Nobody loves him and then, over another six months or so, the court and social services are trying to decide who the adoptive parents will be. In the end, the adoptive parents agree not to tell their adopted child who his relatives are, where he came from, where his roots began. In the Inuit tradition, as the baby is growing, he knows where he came from.

If we followed the provincial adoption laws, it would create a lot of problems. The woman gives her child up through traditional adoption to people whom she trusts. If these people were to be evaluated by social services, they would feel they were being watched. Further, they would have to wait for a longer period of time, say 30 days, giving the

biological mother a choice whether to take the child back. We are going to keep fighting until we have recognition of traditional adoption.

DISCUSSION

QUESTION What is the long term impact of traditional adoption on the child? They know their natural parents. Do they feel rejected?

ANSWER (Louisa May): I have not seen this. The adoptive child always knows who his brothers and sisters are. When children are adopted under the white system, the child disappears from its biological parents. A problem that might occur when they became an adult is that a brother and sister might meet and they don't even know they are brother and sister. When they find this out, it is a big problem. The majority of adoptive parents are very open. There are a few who try not to give much information to their adoptive child. Still, the majority of adoptive parents have to let their adoptive child know who their parents are and who their biological brothers and sisters are.

COMMENT I have been doing traditional adoptions for three years with the Cree and Inuit people. Only once did the problem arise when a 16 year old girl was forced by her parents to give the child up because they said she was not capable of taking care of it. The only reason the girl contested the adoption procedure is because she had been interviewed by a white lawyer who had explained her rights to her and said she could take legal action to get her child back because it had been a traditional adoption. After the interview with the lawyer, the girl was all mixed up and she wanted her child back.

TAKING CARE OF THEIR OWN: NATIVE CHILD WELFARE SERVICES

*"Native child and family service agencies practice what non-native agencies have preached but have not carried out."
(Wally McKay)*

*"A lot of people have given up. They don't want their kids. They are used to a system where everything is done for them. It is up to the community to tell those people they have responsibilities for their children. Often communities have ways of making families deal with their problems."
(Linda Leach)*

Linda Leach, Dakota-Ojibway Child and Family Services in Brandon, Manitoba, and Wally McKay of Tikinagan Child and Family Services, Souix Lookout, Ontario discussed the creation and operation of band-operated child welfare services.

Tikinagan Indian Child and Family Services

Wally McKay outlined the principles upon which the Tikinagan Child and Family Services operates:

1. We will uphold the family as the fundamental unit of our society as derived, not from legislation, but from the Creator himself: The family is to mankind as bedrock is to the plant. Without family, we will build on foundations that will crumble. The family must be kept together.
2. Child and Family Services cannot fulfill its mandate unless it focuses all of its resources on all members of the family: What needs to be reinforced is the commitment of Indian controlled services to the holistic treatment of the problems in families which affect children. We must see to it that every family member is given equal opportunity to remedy a problem that threatens its existence. To protect an Indian child, you have to protect his family.

3. A native child and family service must say to those who argue that such an approach is too expensive that the human costs of any other approach are much too high.
4. Indian child welfare agencies must see that the responsibility for family nurturing and development is returned to the Indian community, where it belongs: communities have been given back what is rightfully theirs - the responsibility for their people. Along with this comes the recognition that each community will have its own approach to solving problems and therefore policies must allow for these differences. There can be no standardization.

Tikinagan Child and Family Services is a family support mechanism and addresses problems that threaten the existence of families. Non-native agencies have divided children according to legislative jurisdictions, while our native philosophy is to care for the individual from birth to adulthood and to care for him within the context of his family and community.

When you are establishing child and family services, it is assumed that you have all the answers. The philosophy that we follow at Tikinagan is that the front line workers are the community itself. We are in a secondary role - if any special support system is required, we'll do the leg work. But the community is to do the front-line work. This division of responsibility is and must be clearly identified and understood.

In any community there is a process of establishing a band family service committee. This is a group of people who, through their own initiative, want to be involved in matters related to child and family services in their community. In a number of communities, the band leadership has given these committees a total mandate in looking after child and family services. Tikinagan Child and Family Services operates in a support role to assist the local community committees. The approach we use is one of entering into community service agreements. Each of the communities undertakes responsibilities by agreement in terms of what the function of the committee is and what they are responsible for. We cannot provide any service within the community unless we have a contract or agreement with the community.

The Dakota-Ojibway Child and Family Services

Dakota-Ojibway Child and Family Services operates out of tribal headquarters in Bandon, Manitoba and serves eight reserves. The

Service was started in 1974 after a study revealed that a large number of Indian children had been adopted out of the community into white families. A large portion were adopted into the United States and never seen again. There was little or no understanding on the part of the parents as to what was going on. Some of them agreed that their children would become permanent wards, but without knowing what that meant and the children were placed through adoption and never seen again. And the situation in the family which led to the difficulties in the first place never really changed.

The Tribe was also not satisfied with the services that were being provided by the provincial Children's Aid Society which tended to limit its involvement to crisis intervention. The Children's Aid workers would come in a crisis situation when children were left alone and take them off the reserve with little or no consultation with the family or band members. There was no prevention work being done with the families.

The Tribal Council hired a person from one of the bands to start developing a program and he went around to all of the communities and began developing an awareness of child welfare. He envisioned the gradual transfer of mandate and funds to the DOTC and this occurred in 1981. In recent years, Child and Family Services has expanded and now has a Level 3 group home that operates in Souix Valley. This is for youth who come out of lock-up or who are one step away from lock-up. This facility incorporates tribal philosophy in its programs. We also have a receiving home in Verdun, which is close to three of the native communities. We have also been involved in developing special foster homes for kids that come out of the youth home. It is a place for them to move into prior to returning to their families.

We have had considerable experience in the area of repatriation. Since 1983, we have had approximately 40 children come back from the U.S. In 1983, we were given authority over adoption and the Children's Aid Society gave over to us 47 native youths who were permanent wards from our communities. They told us we had one year to find adoption placements for these youths and if we didn't, the Society would place them in non-native homes. Most of these children were special needs kids, including Fetal Alcohol Syndrome kids. For most of the 47 kids, we used long-term foster care rather than adoption.

It is important to give the communities responsibility rather than just talking to them and then not following their advice. This is done through local committees that make decisions. These committees are comprised of volunteers who meet with the family worker and the family to try to

come up with an agreement. Support has to come from the chief and the band council. The band councillor with the portfolio for child welfare is the chairman of the committee and, in most cases, he is the only man on the committee. We are trying to get more involvement from the fathers.

Our communities range in size from 200 to 4,000 and each committee varies in size from a minimum of 5 members to a maximum of 14. The smallest community has the largest committee. They are also the most effective committee, because everybody is involved in trying to help the family from the chief-in-council to the family members. Most of the people on the committees are volunteers, some of them are resource people and there are also foster parents. Also, there is at least one elder on the committee in each of the communities.

The people in the community who volunteer to sit on the local committee must realize what they are getting into. There is often a lot of turnover of committee members because it is difficult for them to confront their relatives about family problems. In any situation where a child is apprehended, there is a committee meeting and the whole family is involved. We never leave until there is a consensus and a resolution of the situation. There is a lot of pressure on the workers in the community. They can't just leave their jobs because people either phone them or go to their house. If there is a problem, it does not matter when it is. In most of the communities, volunteers are on call on weekends and evenings.

Each community has its own way of doing things. Each community is different from the next. Also, within the community, each family is different. The local band family service committees are the ones that know these differences. They are the ones that know a particular family is really traditional and that another is more contemporary. The committee is valuable because they are the people who know the families and have lived with them and seen them develop right back to the grandfather.

DISCUSSION

QUESTION What is your impression of Bill 77 which was passed in Ontario in 1985?

RESPONSE (Wally McKay): This is the general Child Family Services Act for all children in the province of Ontario. It deals with child protection, children's mental health services, and treatment. It makes provisions for Indian child welfare agencies in two important ways. Throughout the main section of the bill, it makes the child's band or community a party to every proceeding. They get full disclosure and participate in decisions regarding the child, including participation in court hearings. It establishes the principle that the community has a right to participate. In addition, Part 10 of the bill provides for Indian and Native Child and Family Services and the establishment of Indian authorities to provide services as may be negotiated and agreed upon between Indian bands and the provincial government.

QUESTION When you state that you provide services, do you have authority to make all of the decisions, or at some point are you required to go into a Western court, such as in the case of adoptions?

RESPONSE (Wally McKay): We will be taking on total responsibility for child protection and adoption and other services on April 1, 1986.

RESPONSE (Linda Leach): We still use the regular court system in Manitoba, but some of the Dakota-Ojibway communities have their own courts right on the reserve and the provincial courts have become sensitive to the local decisions that are made. Previously, the provincial courts would not recognize child welfare activities at the local community level and we still have trouble with a couple of judges, but the trend is for the reserve communities to resolve their own child welfare problems.

QUESTION Have you ever had a situation where the local committee came up with a plan to do a certain thing with a certain family or child and the band council or some other official body has disagreed with that?

RESPONSE (Linda Leach): No. There has to be full backing by the chief and council. One way this is assured is that there is a representative called chief-in-council who sits on our committees and he is given full authority by the chief. Sometimes the chief himself sits on the committee and he sits on the Board of Directors of Child and Family Services.

QUESTION Linda, how do you deal with the hardest types of cases, such as those where sexual abuse is involved, where a child has been raped by a member of the family? Are these types of cases dealt with by the white justice system?

RESPONSE (Linda Leach): We had a situation on a very traditional reserve where the main language is Ojibway. A man, who was very highly respected in the community, was involved in sexual abuse and so we worked with the local committee and told them that something had to be done, that it had gone on too long and that too many children were involved. We also told them that the province of Ontario had certain requirements, but that we were leaving it up to them to resolve the situation, and said, "We don't care what you do as long as you do something about it. Deal with it."

The provincial coordinator for abuse, who has worked with native people for many years, came to this reserve and talked to the people about sexual abuse and about the law. The people did not know that much of this behaviour was against the law. The community then sponsored a workshop on the topic and gave increased attention to the problem. They dealt with the situation in their own way and felt good about it.

COMMENT (Linda Leach): It must be a community effort. Everybody has a responsibility. Sometimes we have to go to the Chief to force people to take on that responsibility. In the past, people have been paid to do everything, especially Indian people, and a lot of their self-determination has been taken away, a lot of their dignity has been taken away. You have to give that responsibility back to them. The usual approach is "We are going to help the Indians" and that has perpetuated the situation. It is not help that is required. It is a change in attitude and responsibilities.

OBSERVATION (Participant): We run into the same thing in Quebec all of the time. I think the ultimate example was when the hospital in Chisasibi prepared large Bush Kits which contained, among other things, prescription medication and equipment to do minor surgery in the bush. They were not prepared to give out these kits unless the people came in and took a course on how to use the kits. People refused to come in unless they were going to be paid to take the course to learn how to use the Bush Kits. Similarly in the area of child welfare, people saying "so and so got money for looking after his nephew. I should get it too." If the responsibility is with the local community, they are in a position to determine who should receive monies. This makes it far easier than involving government agencies.

RESOURCE MATERIALS

READINGS

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FILMS

TAKING CARE OF OUR OWN

Dakota-Ojibway Child and Family Services. 1982. 53 minutes, 53 seconds. 16 mm, 3/4" video tape, sound, colour, English.

The Dakota-Ojibway Child and Family Services was the first Indian-operated child welfare system created to answer not only the physical needs of native children coming into care, but the cultural needs as well. The film examines the reasons why DOCFS was formed and outlines the activities during the first year of operation

Dakota-Ojibway Child and Family Services. Box 322. Brandon, Manitoba R7A 5I2.

DO NOT BEND, MUTULATE, OR STAPLE.

Native Counselling Services of Alberta. 15 minutes, 16 mm slides, sound, English, with accompanying support materials.

Slide-tape examines Child Welfare Services in the province of Alberta from the native perspective. Features comments and suggestions from a foster child and feedback from foster parents. It increases awareness of how child welfare can be utilized in conjunction with the legal system.

Native Counselling Services of Alberta, 9912-106 St. Edmonton, Alberta T5K 7C5.

OUR CHILDREN ARE OUR FUTURE

Tony Snowsill and Christine Welsh. 1981. 57 minutes, sound, colour, English.

This film deals with the problem of native children in foster homes and the resulting dilemmas where native children are raised in the white culture. Requirement of the Children's Aid Society and the problems they cause are illustrated. There is clear evidence of the need for more native Indian social workers and better child care facilities on the reserve. The movie portrays the problem and the viewer is left to reach a conclusion.

Canadian Learning Company. 67 Mowat Avenue, Suite 338, Toronto, Ontario. M5K 3E3

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