

Indigenous-Settler Incarceration Disparities in Canada: How Tribal Justice Programming Helps Urban Indigenous Youth

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INTRODUCTION

There are various factors that help to explain the overrepresentation of Indigenous people in Canada's correctional institutions. Some of these factors include Indian residential school effects, family breakdown, poverty, addictions, social exclusion, institutional racism, social inequality and racial discrimination. For Indigenous peoples, Western justice standards are often seen as culturally inappropriate and alien (Aboriginal Justice Inquiry, 1999; CFNMP, 2004; Comack, 2012; Green & Healey, 2003; LaRocque, 1997; Hansen & Callihoo 2014; Milward, 2013; Ravelli, & Webber, 2010; Smith, 1999).

This article explores how the Saskatoon Tribal Council Justice—Extra Judicial Measures Program staff (community justice workers) deal with urban Indigenous youth offenders. It discusses the consciousness of community justice workers in the way they perceive and understand the value and impact of their work. It examines, in other words, an Indigenous interpretation of the services being offered to youth offenders in Saskatoon, Saskatchewan, Canada and the meanings of success from the youth workers perspectives in how they evaluate the effectiveness of their work. The fundamental research question discussed in this article is; how does the Saskatoon Tribal Justice Program help urban Indigenous youth? The first part of the article provides the context, followed by a review of relevant Indigenous justice literature. Next, the following sections proceed with the research site, methods and analysis, followed by conclusions and recommendations. This may seem to be too large a task for one article, I am actually making one basic claim. I am asserting that some central and exciting methods have been made in Indigenous thinking about justice and crime, and these methods have demonstrated to be beneficial to Indigenous youth. I will present the perceptions of the Indigenous youth justice workers to show that youth offenders can move away from criminal activity: that healing offenders rather than punishing them is well grounded in and accepted within Indigenous justice programs, although not widely accepted in the modern criminal justice system in Canada.

Perhaps one of the most commonly held notions among Indigenous justice proponents is that Indigenous justice initiatives can deal with the problem of overrepresentation of Indigenous people in custody; as they hope to reduce society's reliance on incarceration as a response to crime (Green & Healey, 2003; Hansen & Calihoo, 2014; Milward, 2013; Ross, 1996). Indigenous restorative justice focus on repairing harm and bringing victims, offenders and communities together in a healing process, and have been used as a response to crime that ranges from domestic violence, shoplifting, physical

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assault, mischief and various minor crimes (AJI, 1999; CFNMP, 2004; Green, 1998; Hansen, 2013; Ross, 1996).

Although Indigenous restorative justice initiatives have increased in recent decades, and continues to grow in Canada as Indigenous communities work with the criminal justice system, there is a shortage of research on the effects of these programs. In addition, one may interpret that Indigenous justice initiatives to date are relatively unsuccessful because the violence and incarceration rates among Indigenous peoples continue to increase. In other words, Indigenous restorative justice programs have not produced a dramatic impact on reducing overrepresentation in the wider Canadian correctional institutions (Hansen & Callihoo, 2014 Perreault, 2011; Statistics Canada, 2012; Sudbury, 2002;).

Limitations of the Study

Upfront I want to note that there are particular limitations in this study that need to be acknowledged. First, this study does not claim to speak for all Indigenous people. It is, nonetheless a good example of how Indigenous community justice workers understand the quality of their work. Open-ended questions were used to collect the data and discovered that besides the Saskatoon Tribal Council Justice—Extra Judicial Measures Program, the Indigenous youth offenders are also influenced by peers, family and the community. The Indigenous youth that are discussed in this article have been referred from authorized services such as the Crown Prosecutors office under section 10 of the Youth Criminal Justice Act & Saskatchewan Diversion Policy. This is how the youth come into the program according to which Indigenous youth justice workers can and do deal with the youth offenders at a restorative level. The program is similar to other ethnic specific youth program operating in the United States and Canada, and does not claim to be unique or superior to other diversion programs.

The Context

Some scholars claim that racial discrimination has been an important factor in the development of incarceration disparities between Indigenous people and mainstream Canadians (Comack, 2012, Ravelli & Webber, 2013; Sudbury, 2011). The overrepresentation of Indigenous peoples in custody and their underrepresentation as employees is a political interpretation of Western-based justice and its reliance on a state sanctioned punitive justice model. In settler societies such as Canada and the United States the dominant group has dominated practically all institutions in Western society, particularly the criminal justice system (Hansen, 2013; Comack, 2012; Sensoy& Diangelo, 2012; Sudbury 2011). According to Sensoy& Diangelo, 2012: 105) racial inequality between “whites and people of color exists in every institution across society”. However, the notions of racial discrimination against Indigenous people in the criminal justice system are often hidden from view, and can be considered unintended as the justice system does not have policies that directly discriminate against Indigenous offenders. Indigenous- settler incarceration disparities, thus, is a very complex issue. We can eliminate all the policies that discriminate against Indigenous peoples in the criminal justice system, all the prejudgments, and we still have obvious incarceration disparities between Indigenous people compared with non-Indigenous people in the criminal justice system. For example, Statistics Canada (2012) report that:

In 2010/2011 a disproportionate number of youth entering the correctional system were Aboriginal...The disproportionate number of Aboriginal youth admitted to the correctional system was particularly

true among females. In 2010/2011, Aboriginal female youth comprised 34% of all female youth in the correctional system... (2012, p. 7).

While Indigenous youth and females are disproportionately incarcerated in correctional institutions it is interesting to note that beyond over incarceration, Indigenous peoples are overrepresented as victims of crime, including non-spousal violent victimization. Perreault (2011) states that “Non-spousal violence includes sexual assaults, robberies and assaults committed by anyone but the victim’s partner” (p.7). Perreault writes:

Aboriginal people are more likely than non-Aboriginal people to be the victim of non-spousal violence. In 2009, 12% of Aboriginal people reported being the victim of at least one non-spousal violent crime, more than double the proportion of non-Aboriginal people 5% ...Aboriginal people are also more likely than non-Aboriginal people to report being victimized multiple times (2011, p. 7).

Systemic schemes of racism are not only apparent in the disproportionate Indigenous incarceration and violence rates, but are also apparent in the underrepresentation of Indigenous people as employees in society’s institutions (CFNMP, 2004; Hansen, Booker, Charlton, 2014; Monture, 1995).

Monture argues that racial stereotypes and prejudices are used to reduce Indigenous peoples to an inferior level, and thereby potential employers can overlook them for employment. Monture (1995) observes:

As dramatic as the figures of over-representation of Aboriginal people in the criminal justice system as clients, the under-representation of Aboriginal people as employees within any component of the justice system is equally notable (Monture, 1995,p. 1).

One may argue that systemic discrimination, which had been reproduced since the start of European imperialism, became interconnected into Canadian institutions such as the criminal justice system, and that it remains today. Systemic racism is defined as “a continuation of traditionally accepted inequities that keep certain groups from fully participating in the workplace, in our schools, and in many other social institutions (CFNMP, 2004, p. 1-17). In addition, Indigenous people living within mainstream society cannot avoid racial stereotypes through their encounters with store clerks, police, schools, and so on. This partly explains why Indigenous people are socially excluded, and overrepresented in correctional institutions. The Office of the Correctional Investigator (2012) reports that:

Aboriginal people comprise more than 55% of the total inmate population at the Saskatchewan Penitentiary and more than 60% at Stony Mountain Penitentiary. The situation is even worse in some provincial institutions. For example, in 2005 Aboriginal people in Saskatchewan represented 14.9% of the total population but accounted for 81% of those admitted to provincial custody and 76% of youth admitted to custody.

The overrepresentation of Indigenous people in the justice system is connected to economics; and this development is reflected in the prison industrial complex.

The prison industrial emerged from an overreliance on incarceration promoted primarily by politicians, governments and institutions who advocate a tough on crime discourse. Sudbury, (2011) claims that the prison industrial complex is “made up of an intricate web of relations between state penal institutions, politicians, and profit-driven prison corporations.” (p. 57). The disproportionate incarceration rates of racial minorities, Indigenous peoples, and women are a sad situation and can be considered a political interpretation of tough on crime discourse. However, it is important to note that the tough on crime approach disproportionately applies to racial minorities and Indigenous peoples. Sudbury notes, “[since] the prison industrial complex (PIC) emerged in the US, the past fifteen years have witnessed its transformation into a global phenomenon” (62). She observes:

Increasingly, black women and women of colour are the raw material that fuel the prison industrial complex: as scapegoats of tough-on-crime rhetoric, targets of drug busting operations that generate millions for police, customs and military budgets, or workers sewing and assembling electronics in prison workshops (Sudbury 2002, p.72).

The prison industrial complex needs a large supply of humans to function. Indigenous youth, men and women furnish this supply of human commodities. The prison industrial complex therefore arose from economic factors that exploit racial minorities and women.

When racial disparities take form in a human community, that disparity can be the product of an ideology that arose within this community. Or it can be the product of a development in which the idea or its influence came into the community, that have originated in some other culture or community. Perhaps it is the product of Eurocentric ideology, which is basically the belief in the superiority of European people, their culture and their descendants. Since the concept of race is a social construct the concept of racism can be considered an ideology. The sociologists Ravelli & Webber (2010) define racism as “an ideology that justifies treating people differently because of their racial category. More formally, racism is an ideology that maintains that one race is inherently superior to another” (p. 256). In Canada, it is not uncommon that Indigenous people have negative attachments to their identity. Indigenous peoples are invariably subjected to the familiar racial stereotypes – criminal types, gangsters, drunks. For example, in Winnipeg Manitoba, Canada; the Sociologist Elizabeth Comack interviewed 78 Indigenous people in the inner city and documents that Indigenous males are “regularly stopped by police, sometimes on a weekly basis, and asked to account for themselves” (Comack, 2012, p. 210). In addition, Comack observes that Indigenous participants expressed that Winnipeg police often presume that Indigenous women are in the sex trade and some police refer to them as “squaw, dirty Indian, and fuckin Indian ” (p.227) . These kinds of names are a powerful way of degrading Indigenous people. Meanwhile, Comack notes that ‘discourse of denial’ is the response by Winnipeg’s Police Chief Jack Ewatski who dismissed racial policing as “urban lore” (pp. 220-221). As a further injustice, The Commission on First Nations and Métis People (2004) report that “Aboriginal accused are more likely to be charged with multiple offences...more than twice as likely to be denied bail...Aboriginal people often plead guilty because they feel intimidated by court proceedings and want them over with ...spend more time in pretrial detention... are less likely to have legal representation at court proceedings” (p. 9-38). (CFNMP, 9-38). Not only are many Indigenous peoples extremely intimidated by the courts, some are very fearful of the police. The Commission on First Nations and Métis People (2004) report that, “young Aboriginal men and women have been beaten, disappeared and died while in police contact or shortly after police contact” (p.1-61). Fear of the police is apparently understandable given the tense relationship with the justice system. Olson (2006) concurs that

Indigenous peoples are treated unfairly in the wider society, “it is no accident that those who are marginalized or disadvantaged or discriminated against in the larger social and economic order tend to be over-represented in the prison system” (p.123).

It is puzzling why the rates of Indigenous incarceration continue to increase even after the Gladue Report of 1999, which requires courts in Canada, to consider all sensible options to incarcerations when dealing with Aboriginal offenders. The Canadian Bar Association (2012) notes that, “Canada’s Criminal Code applies to all aboriginal people, including offences by Indians whether on or off reserve. However, if convicted, the sentencing provisions of the Criminal Code direct judges to consider all reasonable alternatives to imprisonment, with particular attention to Aboriginal offenders” (p. 1) Fortunately, in recent years, there has been a growing discourse of Indigenous justice initiatives.

Review of Indigenous justice literature

Indigenous justice initiatives were a ground-breaking look into the restorative justice systems of Indigenous cultures in the 1970’s. But that was then—this is now, and Indigenous justice systems are increasing all over the world (CFNMP, 2004; Johnstone, 2002; Weitecamp, 1999). Considered the backbone of restorative justice, Indigenous culture and traditional teachings are the foundation of most restorative justice programs on the scene today (Friedrichs, 2006; Hansen, 2013; Johnstone, 2002; Weitecamp, 1999). As Friedrichs (2006) notes that, “it is now commonly noted that restorative justice is rooted in the most ancient and enduring practices of indigenous peoples in what in the modern world has come to be defined as crime” (p. 449).

The Aboriginal Justice Inquiry (1999), states that the “purpose of a justice system in an Aboriginal society is to restore the peace and equilibrium within the community, and to reconcile the accused with his or her own conscience and with the individual or family who has been wronged” (p. 22). The Cree word, ‘opintowin’, for example, describes a Cree justice process that “involves the principles of repairing harm, healing, restoring relationships, accountability, community involvement and community ownership. It reflects opintowin, Cree for “lifting each other up” (CFNMP, 2004, vol 1: 4-1). For the Cree, justice is about community members coming together to heal from crime. As Yazzie and Zion, (1996) advise that Indigenous Navajo justice “is not to a process to punish or penalize people, but to teach them how to live a better life.” (p.160). Indigenous justice is based in the community. Similarly, McIvor (1996) states that Indigenous justice occurs when “families and communities can rely on their traditions, values, languages and ceremonies to heal themselves...successes of the Aboriginal sentencing initiatives promise benefits for the Aboriginal community and for Canadian society” (McIvor,1996, p. 20). However, in order to do this, Indigenous people need to exercise more control over violence and crime in their communities. As Palys & Victor (2007) explain:

Denying Aboriginal communities the right to practice “justice” in ways that are meaningful to those communities and peoples is tantamount to denying and suppressing Aboriginal Peoples’ right to be themselves, which is exactly the failed policy of assimilation we all now recognize must be left behind (p.13).

Indigenous peoples believe that justice is a community matter that should not be overwhelmingly controlled by the state. Yazzie and Zion (1996) concur that, “the core idea behind the Navajo

peacemaker court space is to allow people to solve their own problems without the interference of judges or attorneys (cited in French, 2006, p. 224). However, as long as Indigenous people are practicing traditional justice they must work with the courts. Hollow Water for example, an Ojibwa community in Manitoba, Canada collaborates with the courts.

According to Ross (1996) Hollow Water's sentencing circle program works with the courts from the period that the offender is charged to the day of their court hearing. During that time the community documents and presents information to the court as to the nature of an offender's behavior, in terms of expressing remorse, making reparations and staying out of trouble, which eventually became part of the justice process. Ross (1996) learned that, "a group of people determined to create a healing response in their own way can fundamentally change how justice is done in their community (p. 211-212). LaRocque (1997) recognizes the usefulness of the Hollow Water program, she notes it "is very important in the consideration of not only culturally appropriate models, but also gender issues, especially in view of Aboriginal self-government aspirations" (p.75). Indigenous justice initiatives are not only culturally appropriate ways to deal with crime, they are an aspect of self-government. LaRocque (1997) maintains that "one cannot emphasize enough the need for Aboriginal peoples and their cultures to be taken seriously, given the long history of their devaluation" (p. 77). Rather than continue to devalue Indigenous culture the restorative justice movement is developing together with other Indigenous groups in Canada.

The Tapwe Youth Warrior Program, for example is an innovative Indigenous youth justice program in Alberta that helps Indigenous youth to find their inner selves by relearning the concept of warrior. The Native Women's Association of Canada (NWAC) notes the program helps youth, "to find and follow a spiritual healing path – a way of seeking the good life" (p. 18). The Cree word, tapwe means truth, and can refer to the act of finding a Cree identity. The program is built on traditional teachings or "Natural Law (caring, kindness, respect, love and self, which are learned through ceremony and ritual" (NWAC, p.18). Tapwe stresses seeking Cree consciousness, cultural awareness and living a good life.

The Challenges of Indigenous Justice Initiatives

The last few decades saw Indigenous communities explore traditional justice as possible solutions. However, these programs can be considered relatively unsuccessful because the violence and incarceration rates among Indigenous peoples continue to increase. Although Indigenous communities have been inspired to believe that restorative justice will keep their people out of jail, these programs have not produced a real impact on reducing overrepresentation. However, Indigenous justice initiatives have helped to mobilize a decolonization process across Indigenous nations. Such initiatives have also helped us to realize many misconceptions: the misconception that Indigenous people had no justice system until the Europeans arrived; the misconception that punishment will bring justice; the misconception that incarceration will bring results; and the misconception that Indigenous justice initiatives will produce a dramatic impact on reducing Indigenous overrepresentation in the justice system. It is now apparent that the problem of over incarceration cannot be solved by Indigenous justice initiatives or restorative justice programs, or by the government. Faced with these grim realities, the Indigenous justice movement continues to try and make improvements. In the meantime, Indigenous justice initiatives have received public and scholarly attention, as part of the Canadian criminal justice system.

However, once Indigenous justice became embraced in the justice system, it would be difficult to separate it from state control. Although total subjugation of Indigenous culture and methods of dealing with crime is no longer occurring to the present Canadian justice system, the early principles of Western domination remain as a feature of Indigenous justice. Tauri (2009) asserts that standardization of Indigenous justice serves the interests of the state:

Through indigenisation the state system begins to adopt, for its own use and control, traditional justice approaches it once prohibited or restricted.... Canada, New Zealand and Australia, where the contemporary use of supposedly indigenous justice philosophies and practices is being driven by, or at the behest of, the very system that sought the eradication of these social control mechanisms throughout the colonisation process (Tauri, 2009, p. 5).

Although colonialism is the source of Indigenous oppression, the justice system is in a process of restoring these systems using Western standards as the norm. However, Tauri argues that “the standardization of restorative justice creates specific problems for indigenous peoples, including constricting their ability to meaningful respond to issues in ways they consider appropriate” (2009, p.12). Thus, Indigenous justice initiatives, once they have become standardized the people are unable to adjust their response to wrongful behaviour. Although standardization of restorative justice certainly looks like culturally sensitive justice; it has deeper intent. This standardization has an influence in producing and sustaining within Indigenous peoples a consciousness of dependency, which in turn fosters subservient and powerless attitudes. Such attitudes are necessary for maintaining control over Indigenous people.

Western justice standards are different from Indigenous standards and therefore culturally inappropriate. According to Milward (2013) the Charter right to silence is culturally inappropriate and limits accountability:

Some Aboriginal societies had truth speaking traditions whereby those individuals accused of misconduct were obligated to explain themselves to their elders. What if an Aboriginal man in contemporary community invokes the Charter right to silence and therefore informs his Elders that he does not have to speak to them because of the Charter? (Milward, 2013, p. 4).

The important thing says Miward, from the point of view of Indigenous peoples, is for a “culturally sensitive interpretation of legal rights, which essentially means reinterpreting rights under the Charter to better reflect aboriginal justice traditions” (2013, p.5). Although one may interpret that Milward argues that Indigenous justice standards are superior to Western standards, in reality he is claiming that a culturally sensitive interpretation of the Charter is more appropriate.

Intrinsic to Indigenous justice is a community’s sense of identity and culture that emerges from a conscious understanding of a people’s customs, spirituality and traditions. However, Indigenous peoples of imperial nations have been forced to attend residential schools, which reduced their cultural ways of knowing and being. For example, Milward notes that the “old ways of proving oneself a leader may have eroded to a large degree. People often become leaders in Aboriginal communities nowadays

by mimicking Canadian leaders. Members of contemporary Aboriginal communities often compete with each other for power and money” (Milward, 2012, p.4). Much of their energies are now directed at personal economic gain within a Western society. Within the context of culture, Indigenous justice is challenged by the fact that our social and economic conditions are watched by the colonizer and his justice system.

The Saskatoon Tribal Council Urban Extrajudicial Measures Program

Indigenous community justice initiatives have been increasing for over three decades, and their popularity continues to grow. The Saskatoon Tribal Council Urban Extrajudicial Measures Program has been in operation since 1997 providing a community-based, culturally sensitive program for young offenders. The Department of Justice (2007) states that:

The primary goal of the program is to assist youth in taking responsibility for and repairing the harm caused by their conduct, thereby achieving victim satisfaction. Pre-charge and post-charge referrals are received from Saskatchewan Public Prosecutions with assistance from a Screening Committee. With a focus on mediation, youth enter into victim/offender agreements. Extrajudicial Measures workers facilitate these victim/offender agreements, which are monitored to completion....The Program also coordinates and plans ongoing relationship-building and team-oriented activities, which may include Elders, youth from other programs, youth workers, police officers, community members/agencies and funders. The aim is to move at-risk youth away from a pro-criminal lifestyle by providing them with skills and continuing support (p.1).

The Extrajudicial Measures Program defines and interprets crime in terms according to ideas that harmonize with Indigenous culture and values. So their philosophy for dealing with youth crime is practical and healing based.

Methods and Analysis

This study used semi structured open ended interview questions to determine how Indigenous youth respond to the Saskatoon Tribal Council (STC): Urban Extrajudicial Measures Program. Creswell (1998) advises a case study can be “multiple individuals, events, processes, activities, or programs” (p. 114). In this case, the study involves the people involved in an Indigenous restorative justice program. In terms of obtaining community engagement, I approached the Saskatoon Tribal Council INC; (White buffalo Youth Lodge) in September 2012 to discuss the idea of conducting potential research concerning Indigenous youth crime and restorative justice. The STC Community Justice Coordinator expressed interest in the project. I had considerable discussion with the coordinator who arranged for us to have a meeting with the community justice workers to discuss the nature and purpose of the research; we did this through a sharing circle. Since I worked for the Saskatoon Tribal Council as a teacher for youth at risk about 10 years ago and am Cree, I found it easy to relate with the Indigenous justice workers who participated in the study. Keeping in mind Indigenous research methods, for example, the Cree scholar Ermine (1995) advises that Indigenous research is done through personal narratives and introspection; it is conducted “by exploring existence subjectively; that is, by placing

themselves in the stream of consciousness” (p. 104). In addition, the study looks at, how the participants perceive their work with Indigenous youth offenders . The exploration of this research question resonates with the research methods in Kovach’s (2012). *Indigenous Methodologies – Characteristics, Conversations, and Contexts*. I maintain that a decolonization framework is needed for Indigenous peoples to improve their relationship with the criminal justice system. Many Indigenous researchers have a motive for decolonization that characterizes their work. “Knowing our history, the politics of our oppression, and the desire for reclamation, it is difficult to imagine an Indigenous methodology, at this time, without a decolonizing motivation,” wrote Margaret Kovach (2012, p. 86), a prominent Indigenous scholar. Kovach asserts that, “a decolonizing agenda must be incorporated within contemporary explorations of Indigenous inquiry because of the persisting colonial influence on Indigenous representation and voice in research (2012, p. 81). In addition, I did what Creswell (1998, 15) recommends: “the researcher builds a complex, holistic picture, analyzes words, reports detailed views of informants, and conducts the study in a natural setting.” The methods of narrative, ethnography, interviews, observation in a cultural context were utilized. Creswell describes such methods as qualitative research:

- i) a systematic procedure for inquiry;
- ii) access to natural cultural settings;
- iii) collection of a variety of empirical resources, including:

Case study

Personal experience

Interviews (1998, p.15)

The open ended interviews took place at the Saskatoon Tribal Council White Buffalo youth lodge in the inner city of Saskatoon. These open ended interviews were structured to comfortable help the participants feel at ease to share their perspectives of how Indigenous youth can be healed from crime.). This study examines how Indigenous youth perceive the Criminal justice system. According to Burgess (1984) the open-ended questioning style provides the participants “an opportunity to develop their answers outside a structured format” (p. 102). In addition, this study echoes with what Janesick (2003) observes as “procedures that are simultaneously open-ended and rigorous and that do justice to the complexity of the social setting under study” (p.46).

Data Analysis

Data was analyzed for themes which involve interpretation of the data. Stake (1995: 71) notes that: “there is no particular moment when data analysis begins. Analysis is a matter of giving meaning to first impressions as well as to final compilations.” The data analysis will incorporated personal interpretations and experience to identify and discuss the emergent themes.

Each of the participants told a story of the youth, their lives, journeys, aspirations. The participants all hold an undergraduate university degree and have worked with the youth for some two years on average. In this time, they have observed the youth overcome tough obstacles of life in the inner city. To the Indigenous youth, the participants are more than justice workers; they are trusted supporters and positive role models. All of the participants are unique in their own way. They are from different northern Dene and central Cree communities in the province of Saskatchewan. The participants checked on the consent form to remain anonymous in contributing to this research so their name will not appear in the study. For this reason I use two letters to identify each participant; three are female

AG, AC; DL and one JX are male. But two factors unite them all; they are relatively young Indigenous adults all females in their twenties and the male in his early thirties. I trust that this brief information will not reveal their identity. All of the participants are concerned with the future wellbeing of Indigenous youth. The traditional teaching of reciprocity obliged the researcher to provide each participant with an honorarium of 25 dollars in acknowledgement of their contributions to the study. Such concepts of reciprocity resonate with Indigenous cultural values and ethics (Comack, 2012; CIHR, 2005; Hansen, 2012; Hansen & Callihoo, 2014; Ross, 1996).

Repairing Harm:

In response to the question, what are the responsibilities of offenders in terms of repairing harm? JX states:

Part of our jobs as justice workers is that we have to do mediations, so, that's the kind of training I use when I'm working with these youth... it's so tied into addictions well, I was drunk, you know like, I wouldn't have beat that guy up, you know. Well how'd you think that guy felt, he's probably sucked, you know. How would you feel? So things like that, eh? Honestly, really, in some cases that's all you can really do. You know, in order to repair something you break it down, just like repairing an engine. It's easier to stop a leak you know, that will stop it for about 1000 kilometers and after that it'll be broken. But in reality, if you want to repair the engine that means you have to take it apart, and work on it. So that's what I try to do is break down the scenario, see what we can do--JX.

JX observes that the youth offenders' responsibilities are mainly related to addictions recovery because their criminal activity is connected with addictions. He also conveys that healing Indigenous youth requires that you have to analyse their situation to see what is wrong in order to repair it. It is worth noting that Indigenous peoples tend to discuss issues related to justice and culture from their direct experience. This, in turn makes it easier to relate with the youth. AG responds in the following passage"

I think a major responsibility a lot of our youth have to accept is accountability. Make sure that they realize that it was because of them that these events happened, instead of, like you said, blaming it on alcohol, blaming it on something that happened to him. Because if they can begin to realize that they did these things it's going to make them stop and think about what they did. I think, everybody has the ability to slow down, think about what they did, and take responsibility for it. I try to help them gain coping skills because some of them don't have coping skills. Like my mom was a good teacher and I've got a lot of coping skills for everything but that doesn't mean the youth I'm working with had that chance. I think one of the major responsibilities is just accepting and being accountable for it--AG.

AG believes that offender accountability must be addressed to successfully effect offender responsibility. Being accountable will not happen if the youth blame others for their actions. AG also points out that the youth need to develop coping skills. AC responds in the following way:

When I meet a youth, I get to know them, I ask how they were-, they were raised and that's how we decipher if they have coping skills or not. A lot of times they don't. So in order for them to repair harm, they have to learn how to forgive themselves, it takes time to work with these youth... if I was going to have a criteria for offender to work with me, you'd have a little bit more open minded, I would say. And that will open the door to accepting responsibility and wanting to heal. So, that's my position--AC.

AC believes the most important and effective way to deal with the youth is to get to know them. It also helps to be open minded, which can increase the ability to communicate effectively with the youth. In order to do this one must keep an open mind.

DL When we get their files, some of them have restitution orders, or community service hours that need to be done or counselling as part of their probation order... that's how they hold them accountable.

DL mentions that restitution and community services are important activities that assist in holding the youth offenders accountable.

Enhances Community Inclusion:

In response to the question: Do offenders who participate in a community justice process feel satisfied with the outcome? Do they demonstrate remorse for their behaviour? Or are they reoffending?

Of course it depends on the individual, like this one youth basically comes here to see me. He's engaged, at cultural, round dances, powwows. So, it's easy to work with them...it's a hit and miss, and I've had some misses. I had had this one youth, comes to singing practice all of a sudden he gets out, he's drinking. And, he's probably going to reoffend... Then you start thinking there's other factors you know, like FAS. They have so many things against them. And mostly there is remorse for their behaviour? I think generally there is, but in some cases like I said, if they've never been taught love, or they've never been loved, never been taught accountability, they don't know--JX

JX interprets that the Indigenous youth are generally remorseful for their behaviour. He believes that some of the youth may suffer from fetal alcohol syndrome, an effect of a mother drinking during pregnancy. He also believes that some of the youth may have never been properly taught that they are loved. These are a general behaviour pattern to residential school effects. Residential school survivors have a deep sense of loss of parenting skills, addictions becomes part of their life.

The biggest challenge I've had with these offenders who participate in our program is it's hard for them to differentiate between worker to

worker to worker 'cause there's social services, there's their probation officer, I think what I like to do with them first is try to explain what restorative just is. Because I always tell them, look I'm not a teacher, I'm not your mother, I'm not a cop, I'm not a judge, I'm not a lawyer, I'm just simply here to help you. I think if I can get across to them what restorative justice is, because they're like what, all they know is the courts. All we know is their sentences and their legal aid lawyers. The biggest challenge for me is to find a way to explain to them what restorative justice is. Some of them got it, some of them didn't. It is a different way or a different approach than just dealing with all these cops, and all these judges, and all these lawyers. A lot of the kids that I work with demonstrate a little bit of remorse. Not really, these young men I work with they're kind of hyper, they kind of enjoy 5k sprints away from cops...like this one kid, he's like, I could do a 5k in half an hour and sprint away--AG

For AG, working with the Indigenous youth who have been involved in crime involves teaching the concept of restorative justice. In terms of remorse, AG expresses that the youth demonstrate some remorse. She also mentions the activity of running away from the police. However, I would suggest that perhaps the youth are afraid of the police given the historical relations with Indigenous people. The youth know that the police interact with them on the basis of stereotypes so they learn to run from the police as much as possible. This running away from the police is indication of a negative aspect of Indigenous youth/police relations. AC in response to the same questions states:

When it comes to remorse, yes they are. I work a lot of one on one and I go to court and their trial with them, so when I'm sitting there with them, I tell this to my youth, I'm right there with you...It's not easy, to sit there and be surrounded by shame and remorse, it's heavy work that we do. And with the youth that I work with they're pleased that someone's sitting right there helping them because their parents are either too hung over or they're not around. I went to a trial one time with this young lady, she was just a new mother, and her boyfriend didn't show, her mother-in-law, nobody showed but me. When it was time for her to stand up and talk to the judge, she wouldn't let go of her newborn, the judge said, can someone hold the baby for you? She hesitated, turned and looked at me and her face said it all, she didn't say anything, but her face said this could be the last time I'm holding my baby. I wanted to cry but I didn't, I swallowed it and I took that baby. And I sat there and she talked and she cried, for her crime was really violent. She was grieving over a deceased brother that was murdered--AC

This passage by AC demonstrates the significance of developing a relationship with the youth. For the young mother her family and supporters did not show up for her court appearance. The difficult situation of the young mother triggered emotions for the worker, and demonstrates the seemingly insurmountable obstacles that the young mother is facing. In her response to the same question:

We do see them on the street again, you know, after their file's closed, you might see them around and that's when you can tell how they're doing...and it's good to see the kids so I imagine most of them are satisfied. A lot of them are happy to have a mentor and somebody who care. Do they demonstrate remorse for their behavior? I think a lot of kids are desensitized to committing crime, going to court, then being in jail, it's kind of like institutionalized...they'll commit a crime and then they'll know that they'll probably get, you know, a little bit of time, maybe some more hours kind of thing. And I think that there should be more sentencing circles, I know they made a nice court room for that, I don't think there's really that many sentencing circles, but I think there should be more of that because then maybe they can actually hear how they've impacted a family... are they reoffending? Definitely some of them are, and in the community connections program, probably most of them are, because we do get the kids who are repeat offenders. So we work with them and connect them so they don't reoffend or we lower that risk of reoffending. I think when they get older a lot of them probably do straighten out--DL

DL indicates that the program can decrease the likelihood of youth from re-offending. In addition, the offenders do show remorse for their behaviour, and that Indigenous justice programming such as sentencing circles can further improve a culturally appropriate response to crime.

Discussion on Themes

Some of the commonly held theme among the participants was the importance of developing a relationship with the youth, which illustrates that justice, for them is a personal matter. The Indigenous ways of dealing with crime included making reparations to the victim and doing community service allowed the youth to make reparations, which enabled accountability to occur. Parenthetically, simply incarcerating the youth does not allow much opportunity to repair the harm. Indigenous justice is connected with community and serves to make healing from crime a personal and community matter. The importance of developing relationships with the youth provides them sense of belonging to a community. As healing is emphasized in the Indigenous justice process it is not surprising that Indigenous cultural teachings are stressed.

A common theme was that the youth respond positively to cultural protocols and teachings, and take pride in understanding the traditions of Indigenous peoples, such as being involved with the drumming and singing. Such practices speak of decolonization and hope to address the needs of urban Indigenous youth who are involved in crime. Participants expressed that repairing harm is paramount to the Indigenous justice process. The implications of this theme suggest that Indigenous youth have a responsibility to repair harm based on the importance of addressing the needs of the victim. Traditionally Indigenous peoples focused on repairing harm and the Saskatoon Tribal Council Justice—Extra Judicial Measures Program continues to practice this method when dealing with urban Indigenous youth that have been involved in crime.

Conclusions and Recommendations

This article discussed Indigenous youth justice workers perspectives in how they see the effectiveness of their work. The participants in this study indicate the Indigenous youth who experienced the Extra Judicial Measures Program resulted in some incredible outcomes, including increased feelings of accountability, reduced anxiety, improved victim and offender satisfaction, greater awareness of the impact of crime and increased sense of responsibility. Therefore this study demonstrates that Indigenous justice programs should continue to exist and expand based on the meanings of success from an Indigenous perspective. The study recommends that local, regional, and national governments increase support for Indigenous justice initiatives even though the Indigenous incarceration rates continue to increase. The divergent program discussed in this study is not popular in Canadian culture and such programs are still marginal in comparison to the orthodox methods utilized in the dominant criminal justice system. However, there are signs at the Saskatoon Tribal Council Justice—Extra Judicial Measures Program Indigenous youth justice level that some healing is emerging. The struggle for Indigenous justice is a daunting one, however it is for this reason that it must continue to be sought.

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