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RÉSEAU
pour la stratégie urbaine
de la communauté
autochtone à Montréal



Montreal
Urban Aboriginal
Community Strategy
NETWORK

**EXECUTIVE
SUMMARY**

THE ABORIGINAL JUSTICE RESEARCH PROJECT

International Centre for the Prevention of Crime | NETWORK, Justice Sub-Committee



INTERNATIONAL
CENTRE
FOR THE
PREVENTION
OF CRIME

CENTRE
INTERNATIONAL
POUR LA
PRÉVENTION
DE LA CRIMINALITÉ

CENTRO
INTERNACIONAL
PARA LA
PREVENCIÓN
DE LA CRIMINALIDAD

Urbanization and the Aboriginal population

Since the 1960s, there have been increasing accounts of urbanization of the Aboriginal population in Canada. According to Statistics Canada¹, almost 28 percent of Aboriginal people live in 10 of the nation's largest cities and the growth has more than doubled in most of these cities, and in some cases has tripled. It is increasingly the case that such migration is voluntary. Some Aboriginal people are motivated by opportunities in urban areas for employment, health, housing, education, political participation, social recognition and visibility or other benefits that they may lack in their territories. At the same time, in the face of insecurity urban centres might provide safety. Others are pushed to the cities by poverty, lack of water supplies and the deterioration of traditional livelihoods and environmental degradation².

.....
*City life is now
an integral
component of
Aboriginal
people's lives in
Canada*
(Newhouse &
Peters 2003: 5)
.....

Urban inequality is a major challenge for the Aboriginal population. There are no nation-wide studies in Canada that have explored the link between urban Aboriginal populations and safety. However, we do know that compared to non-Aboriginal residents, urban Aboriginal people have lower rates of employment and lower average incomes, and the women and youth are often faced with situations of extreme marginality and vulnerability due to poverty, homelessness, intergenerational impacts of residential schooling, impacts of the child welfare system and substance abuse. There is some understanding that increasing numbers of Aboriginal women and youth are moving to cities and thus compounded with such marginalization, offending and victimization rates are more likely to be disproportionately high for this population.

¹ <http://www.statcan.gc.ca/pub/81-004-x/2005003/8612-eng.htm>

² Royal Commission on Aboriginal People (RCAP 1996b)

Safety and the Aboriginal population

Aboriginal people are overrepresented in the criminal justice system across Canada; Aboriginal people represent 19.6% of those incarcerated and 13.6% of those on conditional release. From 2000-2001 to 2009-2010, the Aboriginal incarcerated population under federal jurisdiction increased by 28.1% (Public Safety Canada 2010). Statistics Canada estimates that due to the fast growing young Aboriginal population, the 20 to 29 age group will more so be overrepresented in correctional facilities in the future³. In terms of reoffending, time and again Aboriginal offenders show higher reoffending and reconviction rates than non-Aboriginal offenders, and Aboriginal male reoffending rates are usually higher than for women (Bonta, Rugge & Dauvergne 2003-2).

The Office of the Correctional Investigator (2006) found that the Correctional Service of Canada (CSC) routinely classifies First Nations, Métis and Inuit people as higher security risk than non-Aboriginal people in prison, they are charged more often for violent offences, receive shorter sentences, and have longer criminal histories. The profile of Aboriginal offenders differs from non-Aboriginal offenders: Aboriginal offenders are young, single, have low educational attainment, are unemployed, were in foster care, and potentially have an alcohol or drug related problem (Trevethan 2003; La Prairie 1996; La Prairie 1997). According to CSC (2002), issues related to employment and education are universal for the general offender population in Canada, yet it appears to be more problematic for Aboriginal offenders. Further, living conditions of Aboriginal offenders have been noted as 'more strained' (Trevethan 2003). These circumstances are commonly seen across all provinces and territories, necessitating a need for different and tailored approaches for this population.

.....
*Safety embodies
all aspects of
one's life and is
instrumental in
the achievement
of an equitable
and inclusive city
for all.*
.....

³ See CSC's *Strategic Plan for Aboriginal Corrections, Innovation, Learning & Adjustment 2006-7 & 2010-11*; <http://www.csc-scc.gc.ca/text/prgrm/abinit/plan06-eng.shtml>

Aboriginal population in Montreal, Quebec

Increasing numbers of Aboriginal people⁴ in Canada are migrating to cities. The city has for many decades been envisioned as a place of opportunity and a space for new ideas; providing freedom from challenges back home. Montreal is but one example of a city that has experienced a growing Aboriginal population; in particular a growing youth population. At this point in time we know that 17,865 Aboriginal people live in Montreal⁵ (Census 2006). Montreal is among the smallest per capita Aboriginal population⁶, whereby Aboriginal people account for just 0.5 percent of the total population of Montreal, on par with Toronto (UAPS 2011). However, according to the Census (2006), the Aboriginal population in Montreal is the fastest growing populace out of all the cities that were examined. The UAPS (2011) Montreal report⁷ suggests that the 'average' Aboriginal person living in Montreal identifies him/herself as First Nations, is between the age of 25 and 44, female, has either a high school or college degree, has an average household income of \$10,000 to \$30,000, and lives in a rented apartment or house. This can be compared to the 'average' Montreal resident who is male, identifies himself as a Canadian citizen, is 35 to 44 years old, has either a high school or university degree, has an average household income of \$68,000, and lives in a private house or condominium (Statistics Canada 2007).

According to Statistics Canada (2008-2009)⁸ the province of Quebec has the lowest rate⁹ of Aboriginal people in correctional facilities. However, over the years Quebec¹⁰ has shown increases in the number of Aboriginal offenders; experiencing the most growth in the number of Aboriginal offenders under community supervision, with an increase of 34% (Motiuk & Nafekh 2004). According to CSC (2011)¹¹ Aboriginal men make up 11% of the male prison population in federal prisons in Quebec, compared to 89% of non-

⁴A number of different names are used for Aboriginal people. There are in fact, 52 uniquely distinct Aboriginal cultural groups, and Aboriginal populations in Canada are typically classified into four major groupings: Status Indians, Non-Status Indians, Métis and Inuit (Norris, 1998: 168). For the sake of this report, we have used 'Aboriginal people' for the sake of simplicity and in regards to Government of Canada use of terms

⁵ 10135 First Nations, 6010 Métis, 570 Inuit

⁶ In relation to Vancouver, Calgary, Edmonton, Thunder Bay, Saskatoon, Winnipeg, Toronto, and Halifax

⁷ See <http://uaps.ca/wp-content/uploads/2010/02/UAPS-Montreal-report1.pdf>

⁸ Statistics Canada, Canadian Centre for Justice Statistics (CCJS), Adult Correctional Services Study, and Demography Division, Census - Table 7 Characteristics of adult offenders admitted to correctional services. See: <http://www.statcan.gc.ca/pub/85-002-x/2010003/article/11353/tbl/tbl07-eng.htm>

⁹ Alongside Prince Edward Island

¹⁰ As well as the Ontario and Prairie regions, 2008/2009

¹¹ These are unpublished statistics

Aboriginal male offenders. Aboriginal women represent 8% of the total female federal prison population in Quebec, compared to 92% of non-Aboriginal female offenders.

Gathering existing information and data for Montreal on Aboriginal people's interaction with the criminal justice system has been challenging as there is a significant lack of research on this topic. However, we do know that the Aboriginal population in Montreal is one of the most discriminated groups in the city¹², and is highly marginalized which in part speaks to the significant growth in the Aboriginal poverty and homelessness, and those at-risk of being homeless. The Aboriginal homeless population is highly vulnerable to offending and victimization. They oftentimes receive fines for various offences such as public intoxication, drug use, possession, and sleeping in public spaces, which leads to incarceration. Douglas (2011) suggests that this situation is essentially a 'criminalization of poverty,' which stems from a misunderstanding and abrogation of social responsibility and community cohesion. In terms of the Aboriginal population, fine default is a common occurrence due to poverty-related issues. The result is detention or incarceration, and therefore a criminal record and added difficulties for the Aboriginal person. In this case, there needs to be more than legal reforms and the changing of by-laws to improve the situation – there needs to be balancing of legal reforms with social awareness, concern and action. This can be accomplished by working with police, the City, courts, intervention workers, and community organizations to find equilibrium between public order, law enforcement and social concern. It necessitates a redirecting of funds to social services and affordable housing.

¹² *Racial profiling and systemic discrimination of racialized youth* (2011), the Commission des droits de la personne et des droits de la jeunesse (Quebec)

The Aboriginal Justice Research Project – The first of its kind

The Aboriginal Justice Research project reflects an intensifying movement from the Aboriginal community in Montreal to build awareness regarding their needs and rights to the city as equal citizens, and to develop concerted action to influence, create and guide the very processes that impact their everyday lives. This 'movement' is in part experienced through the Montreal Urban Aboriginal Community Strategy Network (NETWORK), which started out as a partnership between the *Regroupement des centres d'amitié autochtones du Québec* and the Government of Canada and Quebec¹³. The result was an overwhelming demand for a space where groups could meet to exchange on topics relevant to the community, and combine efforts to deal with the issues.

Within the NETWORK, the Justice sub-Committee of has been active in various issues: proposing an initiative to prevent the displacement of Aboriginal people from Cabot Square in connection with the Special Planning Initiative by the Ville Marie Borough; and to offer Aboriginal-specific services and resources for vulnerable persons accessing the public space.

As part of its work to examine the elevated exposure of Aboriginal people to the criminal justice system, the Justice sub-Committee was granted funding by Aboriginal Affairs and Northern Development Canada (AANDC) to engage in a research project. The project explored the need to expand Aboriginal-specific programming (before, during and after custody) for Aboriginal people coming into contact with the criminal justice system in Montreal. The research is the first of its kind for Montreal.

A combination of 63 semi-structured interviews and unstructured in-depth interviews were conducted in English and French, in person, over the phone or via email. The interviews were carried out in March and April 2012. There were two sets of respondents: Aboriginal people who have been in contact with the criminal justice system and/or police in Montreal at any point in their lives; and individuals who have worked or currently work on Aboriginal justice issues, including staff and directors of Aboriginal organizations in Montreal, social workers, street workers, criminal defence lawyers, provincial prosecutors, Native court workers, researchers, practitioners, police officers, legal aid professionals, social services, shelters, Elders, youth, federal, provincial and local government and municipality officials, policy makers, and not-for-profit organizations. Of those interviewed, 18 were in the first set of respondents (having come into contact with the criminal justice system) and the rest (45 respondents) were

¹³ <http://www.reseaumtlnetwork.com/eng/Home.aspx>

in the second set. All respondents signed a consent form, which ensures complete confidentiality.

The research explored two central hypotheses: High offending and recidivism/reoffending rates among Aboriginal people in Montreal are related to: a) the over-reliance on the use of imprisonment which is compounded with the lack of appropriate services and programming for Aboriginal people; and b) the lack of a targeted prevention approach, considering that more of the Aboriginal than the non-Aboriginal population fall into the socioeconomic group most vulnerable to involvement in the criminal justice system.

The purpose of the research is to have concrete information on the issues in order to adequately address the challenges. The outcomes are being used to create an action plan. This plan will be part of a broader reflection on: a) the need and value of 'Aboriginal-specific' programming/services in Montreal; and to b) integrate prevention as a tool to address the underlying complexities that are affecting this population and influencing their [repeated] involvement in crime and violence. Key stakeholders [government and non-governmental bodies] will be involved in consolidating the action plan and finding solutions.

The research as an immediate response to the current crises

Securing the stability and sustainability of Aboriginal organizations and services [in Montreal] has always been a challenge. This situation is becoming severe with the looming closure of the Native Friendship Centre of Montreal (NFCM) and Projets Autochtones du Québec (PAQ). If a solution cannot be found in time, an important landmark and significant service for the Aboriginal community in the city will be lost. This situation necessitates urgent and concrete action.

The research results speak directly to these immediate crises since issues of safety and homelessness/poverty are increasingly affecting the Aboriginal population in Montreal, which is tied to broader socio-economic issues, mental health problems and substance abuse. Such problems are not being properly addressed and one result has been the growing involvement of the Aboriginal people in prisons. Despite the discouraging realities facing the population, the research results reveal optimism. The respondents foresee the crises as an opportunity to adapt to the changing realities for those coming to and living in Montreal – to reassess what is working and what is not working, to strengthen community mobilization, and to rethink about their presence in the city. One approach identified by the respondents is the renewal/revitalization of the concept of the friendship centre – which emphasizes the importance of offering a communal meeting space in the city and the provision of socio-economic services which embody a holistic, non-hierarchical, and prevention-based approach.

Research Results

The following results capture the majority of responses. For other results please consult the main report.

Biggest problem facing Aboriginal population in Montreal

- Lack of culturally appropriate support, lack of long term programs/support, language issue, and homelessness, lack of knowledge about the criminal justice system and lack of resources to assist Aboriginal people at court
- Lack an understanding of the judicial system, family issues

Similarities of Aboriginal and non-Aboriginal

- Lack an understanding of the judicial system, family issues, abuse

Differences between Aboriginal and non-Aboriginal

- Cultural factors (specific to Aboriginal people), lack an understanding of their rights and the judicial system, lack access to services in the city, mental health problems
- These differences are needed for programming/services purposes

Discrimination

- Racial profiling, police brutality and taking advantage of those that do not know their rights

Assessment/Classification

- No proper assessment of those in conflict with the law (before, during, after)
- Police do not provide referral to services or assessment
- Lack of: information on the justice system; Aboriginal workers within the Justice system; correctional staff understanding about Aboriginal culture; use of the Native court workers; and screening for mental health and substance abuse

Needs of those in contact with the system

- Assessment for treatment
- Mental health, substance abuse/addiction treatment
- Housing

- Options at court and access to alternative measures of justice
 - Healing circles, Gladue courts, treatment, family conferences, community-based trials
- Information on legal processes
- Culturally appropriate services
 - At-risk – Prevention: Family support, youth programs, anger management, education, employment
 - In custody: Community work, traditional therapy and treatment
 - After release: Transitional housing, healing lodge, education and skills building, counselling, treatment, Elder’s mentorship, healing circle
- Long-term support and programming
- Capacity building: Education, employment, self-esteem
- Understanding of responsibility/accountability

Need for services before/during/after contact with the system

- Major lack of Aboriginal-focused services in Montreal
- Need for: specific services for at-risk, staff that have adequate training and appropriate skills, services with a mix of traditional and urban values, language interpreters

Role of prevention

- Programs for at-risk Aboriginal men, women and youth, healing circles, trauma counselling and treatment, family, parenting and life skills training, job training, educational opportunities, resources and help for new arrivals to the city

Alternative justice

- Alternatives to incarceration: Community work, traditional therapy and treatment, and Gladue courts
- Training for police officers on the available services and realities for Aboriginal people

Lesson learned

- Outreach / one-on-one attention
- Keeping the community busy – jobs, education, sports
- Restorative justice
- Working with specialized tribunals
- Research
- Mix of Aboriginal traditional values and urban context
- Database for up-to-date information
- Justice system can be flexible

Recommendations from the research

The research results ultimately reveal that safety is a major issue for many new arrivals as well as long-term residents, which is being perpetuated by the significant lack of services and programmes. In order to mitigate a growing crisis for the Aboriginal population in Montreal, a series of targeted recommendations have been suggested below.

Co-existence and social cohesion

The recommendations from the research reflect a growing interest in working in collaboration with other partners (Aboriginal, non-Aboriginal, government, private sector, civil society) to focus on enhancing co-existence. Improving safety for Aboriginal people in fact involves creating a safer environment for all residents of Montreal.

A common vision - Positioning ourselves

A key step in moving forward would be to define a common vision of Aboriginal justice for the Montreal community. This vision would have to reflect the merging of Aboriginal traditional values (keeping in mind the multiplicity of values across nations) and the urban context. It would also have to include the voices of Aboriginal youth, who are often struggling between these two facets of their identity.

Communication strategy - A safe city for all - Spreading awareness, building a positive image

A recurring issue is the lack of awareness of the general public concerning the history and current issues facing Aboriginal people. An awareness campaign would include developing a 'communication strategy' to enhance advertisement and public engagement. The strategy could also foster and enhance partnerships with the communities outside of Montreal, and with the Assembly of First Nations of Quebec and Labrador, Makivik, Avataq, etc.

Cooperation between nations

The Inuit community has noted a sense of isolation from the larger Aboriginal community in Montreal. Cooperation and better integration must be consolidated to ensure for a concerted way forward.

Aboriginal Justice Committee

The creation of an Aboriginal Justice Committee for Montreal would act as a centralized decision-making body, and direct link to the City, police, courts and corrections (and other affected public institutions) to the shelters, and to all services/programmes regarding Aboriginal people at-risk or in conflict with the law. The members could include Elders, Aboriginal and non-Aboriginal people working on justice issues, youth and potentially ex-offenders, and anyone interested in getting involved.

New arrivals

Aboriginal people coming to Montreal also need adequate support and assistance to prevent victimization and involvement in criminality. Communication between the Aboriginal communities and Montreal needs to be improved. One idea is developing a resource guide to provide information on available services and programmes, and processes involved in accessing healthcare, housing, education, and information on rights and legal procedures, as well as legal aid services.

The importance of research

It is extremely challenging to propose solutions with a lack of information. This research project has revealed the significant absence of data regarding the situation for Aboriginal people in Montreal. In this sense, there is a strong need for ongoing analysis of the situation.

Building strong partnerships - Working with the police, the courts, civil society and the City

The police and judicial system can play a key role in prevention for the Aboriginal population in Montreal. The first step would entail training on historical and current issues as well as providing updated information on available services and programs for the population. This could help to reduce incarceration, detention, fines and ultimately the cycle of violence and offending. It would secure links between the groups and offer support and exchange of information for sustainable action.

Helping young people, foster care

Many Aboriginal youth in Montreal are homeless or at risk of being homeless. These individuals have oftentimes been adopted or were in foster care. There is a need to focus on strengthening families, parental education based on their aboriginal values; hiring and training Aboriginal social workers to monitor and follow-up with families; therapy and support for the youth; and raising public awareness in and out of communities about foster care issues and violence.

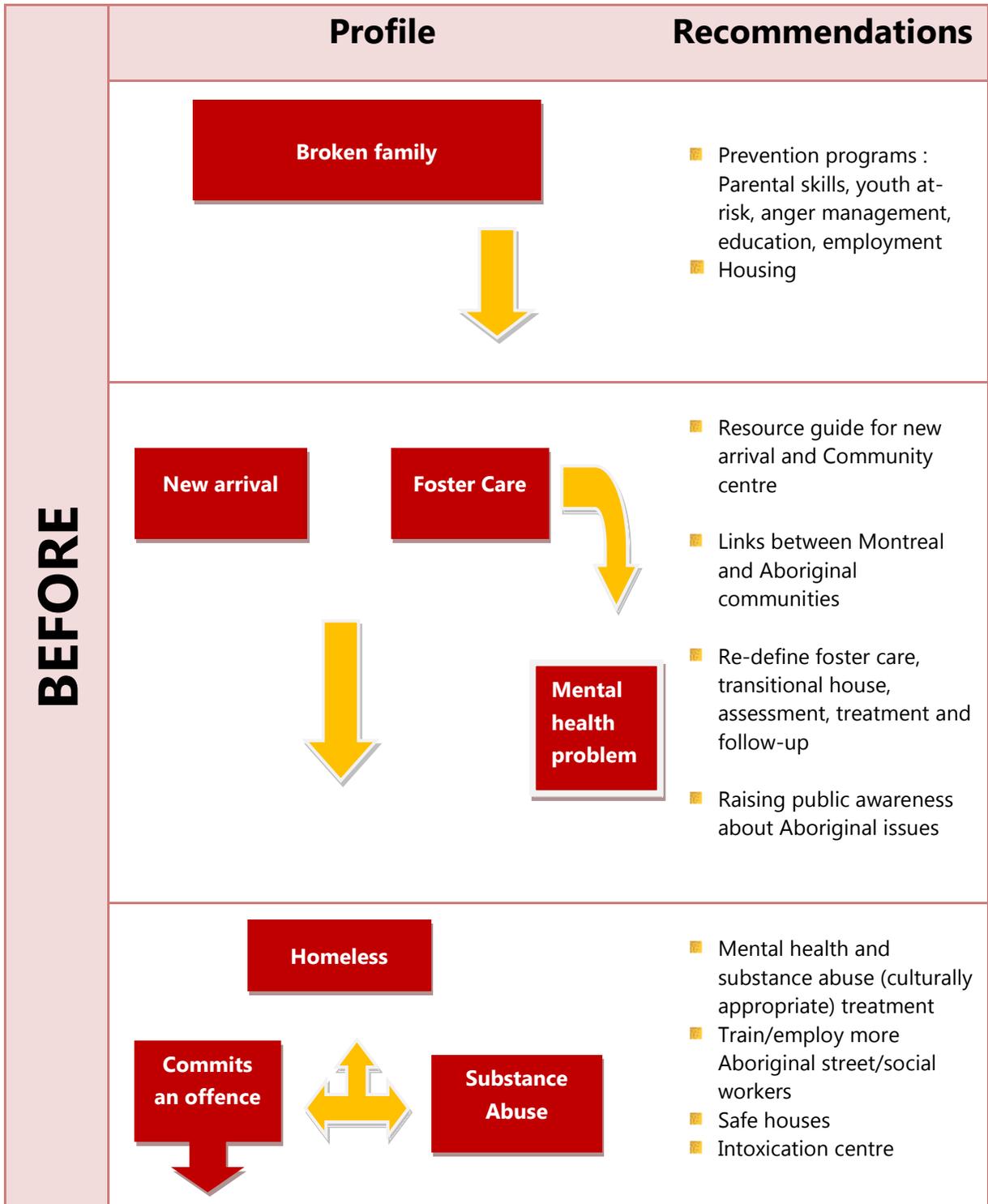
Prevention [Underlying challenges - foster care, mental health, homelessness]

There is a strong desire for long-term prevention programs that help families and children to prevent foster care, and help those at-risk through treatment and counselling. Considering the high number of Aboriginal youth from foster care who end up homeless and being conflict with the law, a prevention approach for youth is required; a transitional home for foster care youth, treatment, assistance for employment and education. Also, general programs such as learning languages, job skills development and improving self-esteem are useful, and the existing service Projet Ka Mamukanit could be expanded.

The really big picture: Addressing the lack of Aboriginal-specific services/programming – Multi-purpose centre / Aboriginal cultural centre

Aboriginal values have a lot to teach in terms of community participation, guidance, collaboration and partnership, as well as working across sectors and breaking down institutional barriers. These elements have been addressed through the research in terms of the development of a multi-purpose centre for the Aboriginal community in Montreal. This centre would be a space embodying Aboriginal values that are adapted to the urban context; providing a range of interconnected services and programmes and offering a communal place to gather, exchange, share and learn.

Visual representation of the results and recommendations

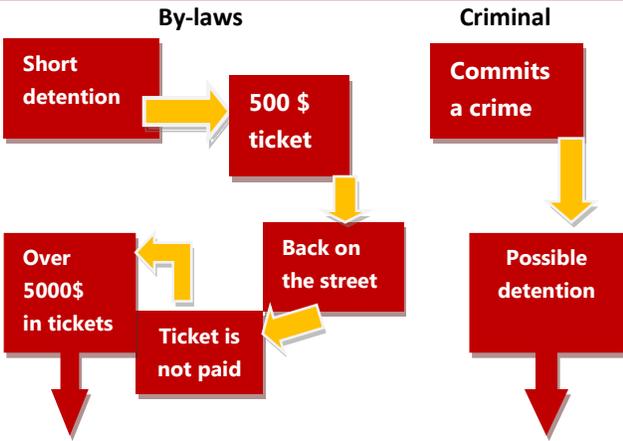


DURING

Contact with the police



- Training for police officers
- Up-to-date information on services
- Sensitization
- Referral to urban Aboriginal justice committee



- Information on rights, legal processes and options
- Preventing fine default
- Referral for assessment
- Compensatory work program
- Enhance access to a Native court worker
- Referral to urban Aboriginal justice committee

Entering the Justice System



- Referral to urban Aboriginal justice committee
- Alternatives: diversion programs

In Court



- Enhance access to : Native court worker, legal information, counselling, language interpreters and treatment services

Sentencing



- Sentencing recommendation from justice committee
- Gladue report, healing circle
- Community work

In custody



- Aboriginal values+ urban context programs
- Training staff in correctional facilities
- Traditional therapy and treatment options
- Language options
- Preparation for reintegration

AFTER

Released

Participates in a short-term program

Back on the street

- Referral to urban Aboriginal justice committee
- Transitional long-term support
- Assessment for treatment/counselling
- Follow-up & reintegration
- Resource guide
- Capacity building programs

- Housing, employment, educational opportunities
- Access to social services
- Awareness for integration
- Reassess services and programs
- Keep up-to-date information

Next Steps:

Developing an Aboriginal Justice Strategy for Montreal

Short-term goals

- April 30 2012: Justice sub-Committee meeting
 - Presenting the research
 - Developing an Aboriginal Justice Strategy for Montreal

- May-June 2012:
 - Present research and Action Plan to key stakeholders (i.e. City of Montreal, provincial government, representatives from political parties and public institutions in Montreal [Media coverage])

- Create an Urban Aboriginal Justice Committee
- Develop a Resource Guide for new arrivals
- Organize a Public event on Aboriginal issues in Montreal and surrounding communities

Long-term goals

- Consolidating the Aboriginal Justice Strategy for Montreal
- Cooperation – Inuit and other Aboriginal groups
- Multi-purpose centre
- Awareness campaign
- Annual training for the police, courts, City of Montreal
- Transitional housing in Montreal
- Addressing homelessness and foster care
- Private member's bill [Marc Garneau, MP Ville-Marie/Westmount]

The full research report will be available at the following websites:

- International Centre for the Prevention of Crime (ICPC):
<http://www.crime-prevention-intl.org/>
- Montreal Urban Aboriginal Community Strategy Network (NETWORK):
<http://www.reseautlnetwork.com/eng/Home.aspx>

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