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Canada

Aboriginal Communities and Crime Prevention: Confronting the Challenges of Organized Crime

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RÉSUMÉ

Ce texte explore les défis que comporte la prévention de la criminalité par le développement social dans les communautés autochtones associées à des activités transfrontalières, activités qui constituent un élément clé du « crime organisé autochtone ». S'inscrivant dans un contexte des trajectoires de délinquance chez les autochtones, de leur déplacement vers les milieux urbains et des changements culturels au sein des communautés, les activités transfrontalières émergent comme un choix rationnel pour ceux habitant dans les communautés relativement bien développées et prospères qui témoignent d'une économie importante entre les frontières. Il est évident que cette forme de « crime organisé » est de la même façon une source importante de développement social, favorisant le développement économique et alimentant les actions politiques. Les défis auxquels est confrontée la prévention de la criminalité sont donc amplifiés par une ambivalence envers le concept du « crime » comme tel ainsi que par une tension entre les avantages et les désagréments qu'il peut apporter à la communauté. Ces éléments soulèvent une question intéressante concernant la prévention de la criminalité : comment peut-on prévenir le crime par le développement social quand ce dernier constitue en même temps une source de développement social?

ABSTRACT

This paper explores the challenges of crime prevention through social development in those Aboriginal communities commonly associated with cross-border activities that comprise a central element of 'Aboriginal-based organized crime'. Contextualized within historic offending patterns, as well as changes in residence patterns and community culture, cross-border activity emerges as a rational choice for those residing in communities commonly characterized by relatively high levels of social sophistication, development and affluence. To the degree that the latter has been significantly enhanced by the cross-border economy, it is clear that this form of 'organized crime' is at the same time an important source of social development, economic growth and political activism. Given this, the traditional challenges facing crime prevention are magnified by ambivalence toward the 'crime' and an ongoing tension between the positive and negative impacts it may have for the community. These factors raise an interesting question for crime prevention, namely, how might crime be prevented through social development when crime is a means of social development?

Introduction

When an individual's life chances are poor, their likelihood of coming into conflict with the law will be increased (Laprairie 1994: 63).

Two quite compelling, but often overlooked, research findings must inform any meaningful discussion of crime prevention in Aboriginal communities. The first, articulated by Crees of Northern Quebec to Carole LaPrairie and Yves Leguerrier (1991: 256) in their field study of the administration of justice in James Bay country, was revelatory largely because it should not have been. In responding to queries surrounding policing, Crees consistently stressed that they simply wanted their complaints and concerns to be taken seriously; they wanted meaningful reactions from police and actions from courts which were commensurate with the nature and degree of the victimizations they experienced. The Cree were clear: they wanted no more and no less than other Canadians desire and receive – peaceful communities made so by the effective prevention and control of acts of crime and disorder.

The second finding is of a similar nature, that is, it is remarkable only because it is a truism which is so rarely encountered in discussions concerning Aboriginal people and crime. Remarking on the challenges of reducing the over-representation of Aboriginal people in Australian prisons, Weatherburn

et al. (2004: 65-73) reminded us that "the majority of Aboriginal people have never committed a crime". In a discourse dominated by a focus on offending, offenders, and victimization, the comment was surprising and refreshing, both as a reality check and a suggestion that, if we wish to work with First Nations to address high crime rates, we need to do so in much the same manner that we approach this goal in non-Aboriginal communities. That is, we must work to understand those characteristics and qualities which distinguish those Aboriginal people who frequently come into conflict with the law from those who do not.

There is limited information in this regard, but that which does exist indicates that what separates Aboriginal people who experience conflict with the law from those who do not are such factors as family dissolution, poor school performance, unemployment and substance abuse – in other words, the same sorts of factors that put non-Aboriginal people at higher risk of coming into conflict with the law (Weatherburn et al. 2004). Insofar as these factors seem to have more social policy roots than criminal justice ones, it seems increasingly clear that one way to help keep people out of conflict with the law is to give them healthy, prosperous communities to live in. This requires a greater commitment to the prevention of crime and disorder through social development.

This paper will explore the challenges of such an approach in the context of what has been perceived as a rising tide of Aboriginal 'organized crime'. To do this, we will need first to explore the contexts of Aboriginal offending as well as the nature of overall offending patterns, of which an emergent organized crime component is merely one aspect. Shifting the focus to cross-border activities, one of the most well-documented and highly debated forms of Aboriginal organized crime, will lead to a discussion of the potential for effective prevention of this form of Aboriginal offending through a social development approach. In conclusion, we will look at some of the lessons learned by the restorative justice movement and consider how these may better inform crime prevention efforts within Aboriginal communities.

Contextualizing "organized crime" within established patterns of aboriginal life and offending patterns

A prerequisite to any attempt to explain Aboriginal offending patterns is some discussion of the limitations of the data base which can inform such discussions. Mainstream data on Aboriginal offending and criminal justice processing in Canada are characterized by limitations and gaps (see Gabor

2003; Dickson-Gilmore 2005). At present, Canada prohibits the collecting and reporting of race data at the level of police and courts. This results in difficulties in determining whether differential approaches to Aboriginal offenders exist, as well as whether more or fewer Aboriginal people are moving through the system. This gap is worsened by the fact that national, provincial and territorial data that are comparable and standardized do not exist in Canada. Data collection over the years has been piece-meal, and is generally time and issue-specific. Trends over time and jurisdiction-comparable data on criminal justice processing are not generally available. What follows, therefore, is limited in scope.

At present, Aboriginal people, who constitute approximately 2.8 – 3.0% of the Canadian population, comprise upwards of half of the inmate population in some provincial prisons, and one-third or more of federal inmates. Closer scrutiny of these offenders reveals a population who, when compared with their non-Aboriginal counterparts, possess longer histories of conflict with the law, a much younger age of first contact with the criminal justice system, and more frequent, often short periods of incarceration. In the majority of cases, these offenders graduate to the commission of a far greater rate of serious violent crimes. Almost without exception, these acts of violence are perpetrated against other Aboriginal people, predominantly women and children, and within a family violence context commonly involving substance abuse. These Aboriginal offending patterns are both a cause and effect of the ongoing cycle of conflict and disorder evident in many Aboriginal families and communities. Raised in what are, too often, profoundly stressed and disordered environments, Aboriginal children are at high risk of early exposure to violence and substance abuse, a fact that places them at higher risk of family dissolution, poor school performance, and as the child ages, substance abuse and unemployment, and conflict with the law (Dickson-Gilmore and Laprairie 2005).

Stresses and strains within the family are exacerbated by the larger community context and the nature of many Aboriginal communities. For many, life on the reserve is not easy. For a lot of these communities, especially those which are rural and/or isolated, daily life is marked by ongoing struggles with joblessness, poverty, and substandard and over-crowded housing which lacks some of the most basic amenities, including potable water, indoor plumbing, adequate insulation or heating. When contrasted with those living off-reserve, people residing on reserves have the lowest incomes overall and are more likely to have less than a grade nine education. More than any other group, on-reserve Aboriginal people rely on government transfers for their income (Dickson-

Gilmore and Laprairie 2005). As well, social relationships in many of these contexts are intense and characterized by asymmetrical power relations between families and individuals which are replicated at the level of the local government. This can lead to tensions between community members as well as between those members and local government officials (Dickson-Gilmore and Laprairie 2005:13-26). These pressures foster difficult social and political climates which many reserve residents counter by disengaging from much of community life or leaving the reserve altogether.

Leaving home is not always an easy choice, however. Life on the reserve, while profoundly challenging, is not without some benefits that help counter its negative aspects and make the reserve "home" and where the heart is for many Aboriginal people. For example, although there may be little wealth on the reserve, residents may not be worse off financially because of social and housing benefits that may accrue with living on reserve. In addition, the reserve may offer supports that do not exist outside it. It may be a place were families reside, and while these can be characterized by conflict and stress, they are also locations of familiarity, acceptance and supports such as assistance with daycare in the event of a job opportunity arising for a parent, or the provision of living space for older children waiting for a home of their own. There may also be informal social controls on the reserve which can sanction inappropriate behavior. While this is not always the case, it is certainly the reality for some reserves and some families. However, this control cuts both ways; while it may work for the good of the community, it may also work to the detriment of some members who may find the gossip, pressures and "inconsistent justice" implicit in such forces alienating and confining.

While this life is the norm for many Aboriginal people, a small but significant percentage of predominantly non-Status Indians and Metis people have escaped the legacy of poverty and isolation to achieve relative affluence. These individuals stand as an important qualification on the majority's experience of a life of working poverty or unemployment, lived near or below the poverty line, with limited opportunities through which to escape that reality. For the most part, these individuals found their success off the reserve, as part of an increasing number of Aboriginal people who are leaving for the promise of the cities. In 1951, 27% of Aboriginal people lived off-reserve and in the cities; by 1996 that proportion had more than doubled to 64.3%, siphoning people not only from reserves but also from smaller rural towns and urban centers (Drost 2001; Statistics Canada 1999a, 1999b). The trend shows little sign of abating.

And yet the city may not offer a better place for individuals or families. Many of the conditions encountered on reserves are re-created in concentrated and racially segregated areas which maintain striking similarities to the rough, impoverished inner-city neighborhoods characteristic of large American cities. Such contexts, defined as they are by residential instability, concentrations of poor, female-headed households with children, multi-unit housing facilities and disrupted social networks, have been demonstrated by American researchers to foster and support the rise of criminogenic structures and community cultures (Bursik 1988; Sampson and Wilson 1995; Sampson and Earls 1997; Sampson and Raudenbush 2001).

If the American research is applicable to the urban experience of Aboriginal people in Canada, the sad reality may be that Aboriginal people who have fled bad situations on reserves may find little better in the cities. For some Aboriginal people, the city may only offer an experience like the ones on reserve they are struggling to escape, but absent the support of band and reservation-based programming or the comfort of kin. Indeed, the city may be a worse place in many ways, as life in the urban core tends to be much more public and anonymous, and more vulnerable to detection and reaction by police. The city also offers a wider range of influences and dangers, all of which may combine into a much more toxic social mix. The statistics documenting Aboriginal offending rates and over-representation would seem to confirm the risks presented by the city, for as the migration has intensified, so too has the rate of over-representation of Aboriginal people in Canadian prisons, especially in federal prisons (Dickson-Gilmore and Laprairie 2005: 34-36).

The urban migration of Aboriginal people requires that we shift our understanding of Aboriginal communities, crime and crime prevention. First, we need a more complex and nuanced understanding of these communities. Historically, they have been conceived of as mainly rural, often isolated, and inhabited predominantly by status Indians who received most government services and entitlements in that location. This perception needs correcting, given that 71% of Aboriginal people now reside off-reserve, in Census Metropolitan Areas such as Vancouver, Winnipeg or Toronto, or in smaller cities such as Thunder Bay. Within those larger urban centers in particular, we see a range of communities going from those concentrated and racially segregated Aboriginal communities common in prairie cities, to the more dispersed and disconnected ones encountered in Toronto and Montreal (Dickson-Gilmore and Laprairie 2005: 24-26).

There are other important factors at play. For example, the urban Aboriginal population is more mobile than the reserve one and certainly more mobile than the non-Aboriginal population. This is especially true in the Prairie cities of Winnipeg, Regina, Edmonton and Saskatoon (Statistics Canada 1999b; Siggner 2001). The Prairie cities and Thunder Bay have the largest, youngest, least educated, poorest and most mobile Aboriginal populations (Laprairie 1994). These distinctions become even more pronounced when the Aboriginal urban population is compared to the non-Aboriginal one. The urban Aboriginal community is generally more mobile, less well educated, less employed and poorer. At the same time, however, there appear to be distinct regional differences; the most disadvantaged, at-risk groups appear in the Prairie cities of Winnipeg, Regina, Saskatoon and Edmonton where we see the most pronounced employment and the largest income gaps between the Aboriginal and non-Aboriginal populations across Canada (Statistics Canada 1999a; Siggner 2001). It is interesting to note that, when looking at Aboriginal and non-Aboriginal income differences in urban areas, in cities where people are more likely to claim *Aboriginal origins*, but not *Aboriginal identity* (i.e., Montreal, Toronto, Vancouver), the incomes of the Aboriginal origin groups are higher (although still below those of the non-Aboriginal group) than those of the Aboriginal identity groups (Siggner 2001). As will be seen later in this paper, such diversity across and within communities will, of necessity, require greater diversity and flexibility in our approaches to counter community dysfunction and conflict.

The reconfiguration of communities also demands a shift in our thinking about crime. Historically, it was assumed that the bulk of Aboriginal crime occurred on reserves – not a surprising position given the general view that reserves were the location of most Aboriginal people. However, as early as 1976, McCaskill discovered that the majority of Aboriginal offenders were incarcerated for offences committed in *off-reserve areas*. Twenty years later, a Correctional Service of Canada Aboriginal offender survey found that the number of Aboriginal offenders from reserves had diminished radically (Johnson 1997). As of 1996, 19% of Aboriginal offenders were from reserves, but only 51% of them had grown up in their home community, suggesting that while many offenders were 'from' reserves, they had spent the majority of their lives off-reserve. Aboriginal offending, it would seem, has now assumed a firmly urban dimension, suggesting that traditional community-based crime prevention initiatives premised upon the notion of a relatively homogeneous, rural reserve community, may not capture the bulk of what is going wrong in Aboriginal communities.

Shifting understandings of aboriginal offending:
Aboriginal-based organized crime

At the same time as Aboriginal crime has been assuming an urban emphasis, there has also been a significant increase in what is described by the Criminal Intelligence Services Canada (CISC) as "Aboriginal-based organized crime". This phenomenon is believed to be characterized by regional variation and to be dominated by two forms of organized crime activities. In the western Canadian provinces of Alberta, Saskatchewan and Manitoba, Aboriginal-based organized crime consists primarily of 'criminal gangs' manifesting quite fluid structures and alliances, and generally involving "opportunistic, spontaneous and disorganized street-level criminal activities" (Criminal Intelligence Services Canada 2004: 2) much of which is drug-related. In recent years, gangs have begun to extend their influence and membership from major urban centers into rural reserves, where gang members and associates may have family and personal ties. Connections based on kinship appear to be central not only to the recruitment of gang members, but also to the proliferation of the gang's activities in each province (Criminal Intelligence Services Canada 2006: 25).

Although the overall sophistication of their activities would appear to be quite low, these Aboriginal gangs are perceived to present at least three clear and present threats to communities (both Aboriginal and non-Aboriginal): they have demonstrated a high propensity for violence and an affinity for firearms; they are involved in the trafficking of drugs and appear to be linked, however loosely, with Hells Angels and Asian-based gangs through the drug trade; and they target Aboriginal youth in both urban and rural communities, and in correctional institutions, for inclusion in the gang and its criminal activities (Criminal Intelligence Services Canada 2006: 25). Given the relatively well-documented threats to communities generally by violence, drugs and criminal subcultures, the impact of gangs on what are often quite vulnerable Aboriginal communities cannot be discounted.

The second predominant form of organized crime activities involves cross-border activities associated primarily with border communities in Ontario and Quebec. According to CISC (2004: 3), this activity transpires through networks of entrepreneurs who act as "criminal brokers on or around reserves", and "facilitate cross-border smuggling of commodities including marihuana, currency and humans". In addition to 'smuggling', this second category of Aboriginal-based organized crime has also been known to include "marihuana cultivation, organized vehicle thefts, illicit firearms activities, illegal gaming, the illicit diversion of tobacco, and drug trafficking on and off-reserve

areas". Acknowledging the negative impacts of such activities on Aboriginal communities, Criminal Intelligence Services Canada (2006) did not anticipate abatement in this or any other form of Aboriginal-based organized crime in the foreseeable future. The rest of this paper will focus on this type of organized crime activity.

Applying current conceptualizations of organized crime to activities such as those articulated above suggests that there is little about "Aboriginal-based organized crime" which distinguishes it from organized crime generally – save the heritage and special status characterizing its protagonists. For example, as our knowledge about the form and functioning of organized crime groups has grown, we have come to understand these as consisting of *networks* of varying magnitude, involving individuals or groups whose respective interests and goals are advanced by participating in the network These connections are of varying duration and resilience; at some locations they will be based on trust and characterized by a sharing of kinship, friendship or ties of ethnicity, while other connections will be more distant or professional. Much about them resembles the relationships encountered in so-called "legitimate business". Indeed, current theorizing around organized crime groups stresses not only the similarities in structure and organization between legitimate and illicit entrepreneurial activities, but also that both types of enterprise may be seen to originate in a common economic culture within society generally. Such an *economic approach* suggests that both types of entrepreneurs perceive a 'business opportunity' and take it up, often mirroring each other in approach and motivation. While profit may be central among the latter, it will not be the only or dominant motive in all cases – most definitions of organized crime activity now acknowledge that profit and/or power are among a range of motivations which may inform such activity.

This overlap between illicit and licit organizations was revealed clearly by Desroches (2003), who in his study of high-level drug dealers discovered that many of these were legitimate business people who came upon an opportunity and merely generalized their approach to licit enterprise into an illicit context. These individuals did not define themselves as 'criminals' nor did they see their activities as falling within a matrix of organized crime, especially as the network through which they conducted their criminal enterprise was usually small and based largely on the security of trust and strategic distance between partners. A similar form of overlap has also been demonstrated in the direct involvement and complicity of 'legitimate' corporations such as R.J. Reynolds and Northern Brands in the cross-border smuggling of contraband cigarettes.

Historically, there has been little of what might be understood as 'profit-motivated' crime in Aboriginal communities; rather, what we have seen quite consistently is a division of criminal activity between two poles on a continuum of offending. At one end, we see relatively minor offending principally comprising public order and administrative offences, while at the other are quite violent crimes reflecting a well-entrenched pattern of criminality by serious offenders. The bulk of cross-border activity, such as cigarette smuggling, would seem to present a shift in that traditional distribution of offences, and such pursuits appear to stand in contrast to the classic offending pattern. The earlier pattern of largely spontaneous acts of violence, almost always involving alcohol, is quite different from the well-planned, deliberate and profit-motivated activity seen in the cross-border dimension of Aboriginal organized crime. Successful prevention will require careful consideration of the implications of this shift.

Resisting crime and crime as resistance: Understanding the linkages between communities, crime and crime prevention

Increasingly, responses to crime are informed by, and conceived within, a larger dialogue around the responsibilization and mobilization of communities, (Hastings 1996). In large measure, this reflects a growing disillusionment with the ability of the criminal justice system to respond meaningfully to acts of conflict and disorder, coupled with a rising climate of conservatism that would see a more 'active citizenship' take responsibility for a growing range of services off-loaded by governments claiming fiscal temperance. Those things the system can no longer do will now fall to communities who, through volunteerism and partnerships, will manage their own growth and revitalization (Hastings 1996).

The idea that crime can be prevented by developing community capacity to overcome the variables that encourage crime and disorder makes a good deal of sense, and indeed, the research indicates there is much to support such an approach. As always, however, there are a number of devils in the details, and how – or whether – we choose to deal with them will have a significant impact on the success of our efforts to engage this approach. This is especially true with regard to crime prevention through the social development of Aboriginal communities, where issues of agency, mobilization and human and other resources present formidable obstacles.

The preceding section of this paper gave a sense of those obstacles as well as of the increasing complexity of Aboriginal communities in Canada. There can

be little doubt that these communities are, for the most part, in desperate need of social development, since many of the pathologies they face can be directly linked with the social phenomena of poverty and unemployment, substandard lived environment and community infrastructures, family instability and substance abuse. These realities feed into a disproportionate rate of crime and victimization which the criminal justice system has proven unable to stem. However, if alternative approaches are to work, they must to be informed by a substantial measure of knowledge, realism and resources. We will have very little positive impact on Aboriginal communities if we attempt programs and partnerships in the absence of a good understanding of "community" and those human and other resources it can contribute to the project. We must engage the challenges facing communities in a meaningful and respectful manner. We must also ask whether these communities, as locations desperately in need of both social development and crime prevention, are able to mobilize the resources necessary to make these things happen.

We face a variety of challenges in making crime prevention an effective part of the community infrastructure, but these take on a much larger and more compelling form when it comes to Aboriginal-based organized crime involving cross-border activity. It is the latter which is the primary focus of this section, and we will turn to it in a moment. However, before doing so, a couple of observations are worth making about crime prevention in this context.

Aboriginal communities, especially those rural, more isolated reserve contexts or the inner city enclaves, present at least two categories of challenges to crime prevention. First, too often the Aboriginal communities most impacted by conflict and disorder, and thus most in need of effective crime prevention, are those which manifest the greatest degrees of poverty, family and social disorganization, substance abuse and an absence of effective local governance. This is complicated in some reserves by local politics dominated by factionalism and asymmetrical power relations. As noted by Hastings and Jamieson (2002), there will be agency here, albeit in a small and nascent form; the challenge will reside in locating it and engaging it effectively and meaningfully, thereby mobilizing the community toward crime prevention.

Community mobilization is neither straightforward nor easy, but it is especially difficult in Aboriginal communities. It is difficult to mobilize people who already hold negative perceptions of the justice system, police and courts. Furthermore, in the small, 'face-to-face' communities which are characteristic of many Aboriginal reserves, concerns about what other people might think of volunteers, or of repercussions which may result from involvement in justice

or crime prevention projects are not minor hurdles. While many reserves may be characterized by economic marginality and dysfunctional power relations, they remain home to many Aboriginal people and can be a refuge from the often negative scrutiny and further marginalization experienced 'outside'. To jeopardize this acceptance and security (however limited it might appear to outsiders), through participation in a crime prevention or justice project which may be of uncertain origin and may have a dubious future, is no small thing. These risks are made that much greater by the reality that many of those whom outsiders would recruit to participate in such a project may already face considerable stress in their lives. If you are accustomed to being disempowered and marginalized and have had little opportunity to become involved in a work situation such as that offered in community projects of this kind, there may well be little apparent 'up side' to volunteerism.

There are also concerns about 'taking on too much' in communities with few human and other resources. People who are originally involved in projects also become uninvolved, whether due to exhaustion and "burn-out" (the most often cited reason for this), or some other factor. Too often, those developing justice-related projects do not take the time to realistically assess the nature of the human and non-monetary resources which can be brought to bear on a problem, nor is there enough attention to the sorts of problems the community has the capacity to deal with effectively (Dickson-Gilmore and Laprairie 2005: 125-130). We can learn from the experience in restorative justice in this regard. Communities are attempting to control and 'heal' offenders with long records of quite violent and intractable crime, and to break the cycle of offending by caring for victims, all with very limited, often short-term funding and minimal, if any, training (Dickson-Gilmore and Laprairie 2005: 111-130). The restorative justice movement has taught us that effective programming requires a significant amount of pre-implementation work with communities, much of which will be directed to assessing a community's capacity, agency and potential to sustain the intended program or project. Insofar as these are 'community' projects, it is imperative that those projects are shaped and informed by a realistic understanding of the nature of the community and what it can accomplish.

A second set of challenges relates to the imperative of culture and tradition in any Aboriginal-directed project, but especially those concerned with the prevention and control of crime and disorder in communities. It has long been assumed that Aboriginal people experience disproportionate levels of conflict and disorder owing to a loss of culture and the social and spiritual disorganization that ensued. However, many Aboriginal people are coming

to question whether tradition and culture can respond to the wide range of pathologies facing them. Clairmont (1994) has observed an increasing measure of questioning within Aboriginal communities of the degree of Aboriginal and traditional distinctiveness characterizing many Aboriginal justice projects, and a growing ambivalence around the relevance and appropriateness of traditional values and especially native spirituality.

Others, such as Obonsawin and Irwin (1992), have also questioned tradition as an acceptable ingredient in community justice projects given the vast changes in communities since "traditional" times. It may be that in focusing on culture, we risk losing sight of the community. That is, it may be less important whether an approach to crime prevention or community justice is traditional, than that it is based on a clear and thorough understanding of the modern community culture that surrounds and informs acts of conflict and disorder, and which may offer insights regarding their prevention and control. Thus those who would enter communities to engage in mobilization around crime prevention and justice must be attentive not only to the importance of tradition and culture to the community, but also of the contemporary community culture within them. While influential elites and outsiders may well be looking for the traditional component of a program, the grassroots community is more likely to be interested in how the program fits with the community, its modern culture and capacity, as this is more likely to determine the success or failure of the program.

A new challenge? Engaging communities in the prevention of organized crime

Aboriginal organized crime constitutes a shift in the pattern of Aboriginal offending. As noted above, the historic pattern has been one of violent, often spontaneous crimes against the person which are intra-Aboriginal, predominantly intra-familial, and involve substance abuse. These crimes are often associated with the impoverished and highly stressed reserve and inner city community contexts. In the case of Aboriginal organized crime, the most well-known type of this activity is also associated with some of the more functional, well-organized and, relatively speaking, affluent Aboriginal communities. For example, cigarette-smuggling, also known as 'butt-legging', is an activity most closely associated with the communities marking the 'contraband corridor' – Akwesasne, Kahnawake, and Kahnesatake. These are among the most high-agency, well-organized and effective Aboriginal communities in Canada. Although there is clearly cross-border involvement by other communities which do not fit this mold, it is nonetheless rather interesting that the most

conspicuous departure from general offending patterns should correspond most clearly with communities that also depart from the general pattern. This would seem to suggest that engaging these communities in activities toward the prevention of organized crime will require a rather different approach.

The argument could be made that crime prevention in these communities should be a less formidable task than with many other Aboriginal communities, as these communities are, as noted above, relatively prosperous, high agency, sophisticated places. They have demonstrated their ability to mobilize around a shared problem (i.e., the Oka Crisis of 1990 is probably the most spectacular case, but there are myriad other, less public examples) and, especially in Kahnawake, there is a remarkable measure of community and local government efficacy and organization. In short, social agency and social development in these contexts are significant. At the same time, these communities are also characterized by estrangement from outside law, police and courts, as well as considerable ambivalence toward the larger Canadian society which is often perceived as intolerant and disrespectful of Aboriginal people, their rights and entitlements. Thus, the same sophistication that encourages the community's ability to mobilize is also material in its decision about what to mobilize around. Nowhere is this tension more evident than in regard to cross-border activities.

Cross-border activity has a more overt and political aspect which sets it apart from other forms of offending and that, for many – whether participant or onlooker – obscures its 'criminal' aspect. A compelling argument can be made that the bulk of Aboriginal offending manifests a political dimension, insofar as a clean line may be drawn connecting a history of state-sanctioned marginalization and deliberate underdevelopment of Aboriginal communities, to the criminogenic environment of too many of these communities, to the resulting offending patterns which are manifest within them and lead to the over-representation of Aboriginal people at every level of the Canadian criminal justice system. Much of the offending witnessed in these communities may be directly linked to the stress of cultural dislocation, community dysfunction and hopelessness which bring many Aboriginal people to violent, self-destructive activity. It is difficult to distinguish this reality from the political organization and arrangements which foster it, and which render it a distinctly political character.

One could argue that this activity falls within a 'crime as resistance' frame, and that the refusal to buy into the larger social project constitutes both a statement of defiance of that project and its ongoing exclusion of many

Aboriginal people, as well as refusal to absolve the state of the many crimes it has committed against them. It is perhaps sufficient to say that, for purposes of implementing relevant and effective crime prevention in Aboriginal communities, policy-makers would be well-advised to appreciate the history and politics which have produced the configurations of conflict and disorder that currently impact so many of these communities. The latter will most certainly have a sense of this reality, and the failure of 'well-intentioned outsiders' to be sensitive to this aspect of community consciousness could substantially impair the community mobilization process and the success of any community-based initiative.

Nowhere is this awareness more important than in the context of prevention efforts against cross-border activity. For while there is some debate over the propriety of various commodities smuggled, and some community members express concerns about the impact of the implicit and explicit violence which informs much cross-border activity, there is an almost absolute consensus among the Mohawk people about their right to freely cross the border which bisects their traditional territory and divides their nation. Mohawks believe they have a right to freely cross the border. Moreover, they can offer compelling evidence to establish their cross-border rights on the basis that their nation is a sovereign entity whose history and presence in the northeast long pre-dates that of Canada or the United States, neither of whom can claim dominion over the Mohawks by conquest or cession. There are also compelling arguments that ground this perception of cross-border rights in both treaty and Aboriginal rights. While the precise details of those arguments are not germane to our discussion here, it is important to understand that, for the Mohawks, cross-border activity is simply not wrong – or rather, it is only a crime because the Canadian and United States governments have chosen to define it as such (see Dickson-Gilmore 2002; Jamieson 1999).

As might be expected, this perception injects a fair measure of ambivalence toward efforts to 'prevent' this form of 'crime'. This ambivalence is easily shifted into recalcitrance by the reality that, in Kahnawake in particular and at the height of the cigarette trade, the money secured from cross-border activities has contributed much to community development. Here, a well-managed tithing system established a community loan fund whereby local people obtained low- or no-interest loans to build homes and establish small businesses. How might we engage the 'prevention' of an activity which makes possible many things which would not otherwise be possible – and which, more importantly, are routinely denied by the same government which has defined cross-border activity as illegal?

Preventing crime is, unquestionably, easier if people actually agree that an act is a crime; it is also helpful if there is some manner of consensus about the harms caused by that activity. Yet here again we encounter a difficulty in mobilizing communities around cross-border activity, as agreement on its harms is hardly shared across the community. For while there is considerable debate about the violence associated with smuggling and the ethical dilemmas created by the range and nature of some of the commodities smuggled, the harm in either context is also juxtaposed with the good things brought by the cross-border economy and a certain pride in the demonstration of activism and agency implicit in that economy. Thus the challenge with cross-border activity is not just that its 'criminal nature' is obscured by its political nature, but also that there is a rather mixed view on the matter of harm in most cases. As noted elsewhere (Dickson-Gilmore 2002: 36) in regard to the challenges posed by cross-border activity, how would British peasants have responded to a suggestion that they mobilize to prevent the 'crimes' of Robin Hood?

Yet it is also clear that there *is* harm in some of this activity. Community members express concerns over the weapons and violence which are involved in cross-border activities, and are often troubled by some of the commodities transported, which have included migrants from Asia and elsewhere seeking illegal entry into the United States. Participation in these 'markets' requires alliances with the gangs who control much of the drug trade and migrant smuggling, and which constitute an additional source of strain in the community. Even here, however, any attempt to engage community crime prevention will likely flounder, as community members are perhaps understandably reluctant to align themselves with outside agencies or authorities against what is perceived as the questionable exercise of a very legitimate right. In such contexts, it is likely the community will prefer to police its own, informally and perhaps through the extant network of those involved in cross-border activities, rather than through partnerships with agencies connected with a government who does not share the community's view of cross-border rights.

It is also important to understand that these harms will be measured against the benefits of the cross-border economy, especially in the less prosperous border communities. In such contexts, cross-border activity can provide a source of economic activity and relative prosperity in a context where legitimate options are often blocked and sometimes non-existent. Although Akwesasne is a community with greater affluence than many in Canada, it has also been characterized as one of the single most polluted places in North America (Jamieson 1999: 259-272). This status has blocked any opportunity for the practice of traditional subsistence within the territories and it has also removed much possibility of developing a tourist economy. Given this, the choices in Akwesasne seem clear and circumscribed: out-migration in search of education and employment; waiting and hoping to gain employment in one of the industries currently contributing to the degradation of the environment, or with local government in a limited number of jobs; or participating in the illicit, smuggling economy at admittedly greater risk, but with far greater monetary rewards and in an exciting, politicized context of Aboriginal activism. The opportunities implicit in the cross-border economy may be expected to be especially attractive to the rapidly growing Aboriginal youth population, many of whom have tasted the fruits of this form of activism. For this generation, estrangement from the dominant society and culture is unlikely to lead to the disempowerment experienced by many of their elders; indeed, it may be expected to have quite the opposite impact, as youth actively seek out the status and empowerment offered by the 'alternative economy'.

There can be little doubt that engaging communities in the prevention of 'Aboriginal organized crime' of this variety is a daunting task. The communities most commonly associated with cross-border activities are, as a general rule, more prosperous, organized and successful than many First Nations in Canada, and in the case of Kahnawake in particular, do not suffer from the sorts of social pathologies which are commonly linked with high rates of crime and disorder. Even in the case of Akwesasne, where social problems are more apparent, rates of crime and disorder do not approach those of many other Aboriginal communities. Again, we can probably find much more receptive audiences for crime prevention through social development where the crime we are trying to prevent is not, in fact, already a major source of social and economic development for the community.

Conclusion

The challenges posed to crime prevention in Aboriginal communities are significant. In attempting to identify and overcome those challenges, we can learn much from the experience of the restorative justice movement notwithstanding the limitations which characterize much of the evaluation. The first lesson is that any program, whether directed to crime prevention or restorative justice, must be subject to careful and unhurried pre-implementation development and planning, an important element of which are good, sound diagnoses and evaluations. In the absence of solid insights into what it is these programs are really doing in communities, we will be unable to build on their strengths or overcome their weaknesses. And while there seems to be a general reluctance to evaluate community justice projects, given the nature of

the challenges facing Aboriginal communities, and the implicit and explicit promises of redemption crime prevention and restorative projects make to them, it behooves researchers and policy makers to ensure that the programs are effective, sustainable, and respectful of communities.

In order to be sustainable, there must be serious consideration to the nature of the resources which can be directed toward crime prevention and justice in communities. Monetary resources are limited and likely to become more so given the current political climate in Canada. They must be apportioned to communities in a manner which maximizes the ability to engage long-term planning and development of the project. A common problem is that funding is provided in short-term blocks, such that project personnel must spend disproportionate amounts of time and energy simply ensuring more money will come in when the present funding runs out. This is a drain on resources better put to use in the project itself.

Limitations on resources also tend to mean that projects are run largely by volunteers. As discussed above, volunteerism is not an easy thing in Aboriginal communities, and those who do get involved are every bit as likely as outsiders to face profound challenges in mobilizing community participation. This tends to result in entire programs or projects being sustained by a handful of over-worked, over-involved, and over-extended individuals, who as often as not are spread thinly across a range of community responsibilities. Programs cannot be sustained by volunteers alone, who experience considerable fatigue and burn-out in trying to meet the demands of implementing and sustaining them. People who work should be paid for that work, and insofar as we tend to value and respect paid employment over unpaid work, a crime prevention or justice program that provides jobs not only is likely to have more credibility in the community, but will also bring much-needed jobs to places often experiencing upwards of 75% unemployment.

Community members who are active in programs must also be realistic about the problems characterizing their communities and how these should be prioritized. Restorative justice projects suffered a considerable loss in credibility when they began to intrude into Aboriginal communities, primarily because the majority of these projects were designed to respond to relatively minor types of offending, most commonly crimes against property and involving young offenders. When these programs were parachuted into Aboriginal communities, they were confronted by a far more serious and intractable amount of offending than most were able to accommodate. As well, unprepared for the nature of politics and power relations characterizing many

of these communities, many projects stumbled over entrenched, internecine conflicts not readily apparent to outsiders and floundered because of a failure to appreciate the ambivalence over crime and disorder characterizing both communities and local government.

Crime prevention initiatives would do well to be mindful of such pitfalls, and to avoid repeating the same mistakes of restorative justice. In this regard, those who would enter communities to develop partnerships and programs must take the time to consult with, and get to know, the community. Too often, outsiders who attempt to work with communities to respond more effectively to crime and disorder are hampered by a lack of knowledge regarding those factors which must be emphasized in community projects. We have spent considerable time and resources studying what is wrong in Aboriginal communities, when we probably would learn more about how to foster successful communities if we studied communities that are, in fact, successful. Research to illuminate those factors which are key ingredients for success of communities and crime prevention projects would constitute an important addition to the current state of knowledge.

When it comes to the prevention of organized crime, most notably cross-border activities, researchers and policy makers will face all of the preceding challenges as well as those arising from the political content of this activity. Getting communities on board to address the ongoing, more minor types of offending that can drag down communities is difficult, but not impossible. It is also likely that it will be easier to challenge gang activity where the harms they present are seen by the community to outweigh a more general reluctance to partner with criminal justice system actors. The difficulty with cross-border activity, however, is that although it can be a very mixed blessing, for many it is still a blessing. It has provided a very real and tangible level of social and economic development that neither community nor outside governments have been able to replicate. This would seem to suggest that, unless those governments are prepared to step up to the plate to support significant community development, the 'illicit economy' will continue to be a growing part of Aboriginal life in Canada.

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