

Research Findings on a Community-Based Restorative Justice Model for Baawaating

*Recommendations of the Restorative Justice:
Anti-Racism Youth Diversion Initiative*

Northern Ontario Research, Development, Ideas and Knowledge



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Inside Cover information:

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This research was produced with support from Heritage Canada's Anti-Racism Action Program and with support of the Northern Ontario Heritage Fund Corporation's People & Talent program.



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Acknowledgments

This research was generously supported by the Anti-Racism Action Program of Heritage Canada.

The research and activities associated with the *Restorative Justice: Indigenous Youth Diversion Initiative* could not have been accomplished without the support of the Baawaating Justice Committee, which oversaw and guided the developments of the project and research. The committee consists of:

- Ashley Vincent (Native Family Court Worker, IFC)
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- Samantha Kyle (Social Worker, Waabinong Head Start)
- Sophie Priddle (Criminal Court Worker, IFC)
- Wayne Wesley (Addictions and Mental Well-being Coordinator, Batchewana First Nation Health Centre)

We also wish to acknowledge the participation of past members of the Baawaating Justice Committee:

- Chantelle Syrette (Crisis Response, Maamweysing North Shore Health)
- Mona Jones (Huron Superior Catholic District School Board)
- Carol Trudeau-McEwan (Algoma District School Board)

These initiatives would also not have been undertaken had it not been for the leadership and activism of the Indigenous Women's Anti-Violence Task Force, who coordinated the writing of the funding proposal to Heritage Canada.

Many thanks as well to Sarah Potvin, Community Development placement student from Algoma University who contributed to research design and data collection.

Executive Summary

The *Restorative Justice: Anti-Racism Youth Diversion* Initiative emerged from work of the Indigenous Women's Anti-Violence Task Force (IWAVTF), who had identified the need for more alternative, community-based justice processes for Indigenous perpetrators of violence. In 2020, the IWAVTF partnered with NORDIK Institute and was later awarded funding through Heritage Canada's Anti-Racism Action Program to foster dialogue with Indigenous partners about the potential creation of a community based justice approach for Indigenous youth and to conduct research to inform the development of such a model. In November of the same year, a voluntary advisory group of Indigenous stakeholders in and around the community of Baawaating was struck for the purpose of stewarding the development of the community-based justice model, known as the Baawaating Justice Committee (BJC).

Among the needs identified by the BJC in dialogue with Indigenous and public agencies that work with Indigenous youth who are in conflict with the justice system was to further research the experiences of Indigenous persons with the justice system at the local/district level. This research was pursued to better identify the gaps and needs of Indigenous youth navigating the justice system and to inform the development of a community-based justice model.

The research was conducted by a team of researchers, including Zachary Low (Community Based Justice Project Coordinator), Samantha Recollet (Indigenous Youth Justice Liaison), Dr. Vivian Jiménez-Estrada (Associate Professor, Algoma University) and Dr. Sean Meades (Director of Research, NORDIK Institute).

A review of literature related to community-based and restorative justice programs was conducted, as well as an environmental scan of existing restorative justice programs throughout Ontario. Participants were recruited for primary research from four different segments of the population, including Indigenous youth, age 12-29, with interactions with the justice system; Indigenous and non-Indigenous social service providers staff; police and legal professionals;

and Elders and Knowledge Keepers. In total, 22 semi-structured interviews were conducted on topics such as factors that influence Indigenous youth coming into conflict with the justice system; experiences with the criminal justice system and restorative or traditional justice models; and how the needs of Indigenous youth can be met in a culturally-responsive way.

Themes that emerged from the research related to the needs of Indigenous youth in conflict with the justice system included:

- The need for more holistic supports, including supports for their family and accessing relevant services.
- Greater awareness and accessibility of existing services as well as opportunities to connect with their Indigenous culture(s), learn from safe mentors, and have access to opportunities to practice their culture.
- Access to positive mentorship and role modelling to promote healthy relationships, particularly with Elders or peers who have shared experiences, interests or goals.
- Decolonization of the justice system, namely through the incorporation of Indigenous values and approaches to justice, such as through restorative justice programs, and including advocates to achieve more equitable treatment of Indigenous youth within the justice system.
- The need for sustained, coordinated efforts around anti-racism and cultural sensitivity training and education among non-Indigenous community justice partners.

Based on the literature review, environmental scan, and local research, the BJC is recommended to consider the creation of a restorative justice model based on a *Circle* approach. Circles are a common traditional practice often rooted in ceremony amongst many Indigenous peoples, where participants sit in a circle and take turns speaking to discuss and resolve a common issue (Cormier 2002, p. 5). The circle model typically involves a more diverse group of individuals than other models and can often include participation from families, community members, counsellors, Elders, justice related professionals, trained volunteers, and others (Tompsonski, Buck, Bargaen, & Binder 2011, p. 818). Elders often play

a crucial role in the circle by being able to connect youth to the prayers, ceremonies and teachings of their ancestors.

The Seven Grandfather Teachings have also been highlighted as foundational principles to the future model and to guide its development.

Recommended next steps in the process include the revision and extension of the BJC's Terms of Reference and the development of an Agreement with Shingwauk Kinoomaage Gamig, one of the community partners in the BJC that has expressed interest in bringing the new program to fruition. Additionally a gathering of the BJC is recommended to reach consensus on factors of client eligibility, what types of offences will be considered for the diversion initiative, defining potential diversion outcomes, and determining the staffing resources necessary for the initial phases of the program.

Beyond the development of the program itself, the research has also pointed to a number of other opportunities for advocacy and collaboration to address some of the factors that influence the overrepresentation of Indigenous youth with the justice system, such as mentorship, culturally appropriate and responsive education, and the training of advocates within the justice system among other priorities. These may represent future opportunities for the new program as it grows, or among the participating stakeholders in the BJC or others.

1.0 Background

The *Restorative Justice: Anti-Racism Youth Diversion* Initiative emerged from work of the Indigenous Women's Anti-Violence Task Force (IWAVTF). Following years of activism and community mobilization around Missing and Murdered Indigenous Women and Girls (MMIWG) and gendered/colonial violence more generally, the IWAVTF identified the need to “implement, advocate and educate about alternative community-based justice processes for Indigenous perpetrators of violence” among its objectives in its Strategic Plan 2018-23.

Indigenous peoples are disproportionately represented in the justice system in Canada and in Northern Ontario. Clark (2019) reported that In 2016/2017, Indigenous adults and youth accounted for 28% and 46% of admissions to correctional services, 30% and 50% of admissions to custody and 25% and 42% of community admissions respectively. This is significant when Indigenous peoples account for only 4.1% and 8% of the total Canadian adult and youth population respectively (Statistics Canada, 2018). Indigenous women's overrepresentation in admissions, particularly compared to non-Indigenous women, representing 60% of custody admissions among youth and 43% among the adult population (Clark 2019).

According to the 2021 Census, Sault Ste. Marie, 13.26% of the population identified as Indigenous¹. Similarly, it also describes how Sault Ste. Marie is one of the top 5 cities in Ontario that have the greatest percent of urban Indigenous persons residing therein.

For those individuals of Indigenous ancestry who require support services throughout their interactions with the justice system for both pre and post charge diversion, the primary service provider is the Sault Ste. Marie Indian Friendship Center (SSMIFC) through the support of the Native Courtworker Program which includes both a Family and Criminal Courtworker. Both of these

¹ This category includes persons who identify as First Nations (North American Indian), Métis and/or Inuk (Inuit) and/or those who report being Registered or Treaty Indians (that is, registered under the Indian Act of Canada), and/or those who report having membership in a First Nation or Indian band.

positions are held by one worker who travels between Elliot Lake and Wawa to support individuals in the legal system. These positions are the only designated Native Courtworker positions in the entire Algoma District.

In 2020, the Task Force undertook NORDIK Institute to assist in coordinating a project to foster dialogue with Indigenous community stakeholders in Baawaating (Sault Ste. Marie) on the creation of a community-based justice model for Indigenous people who are in conflict with the law. The underlying motivation was to systematize the local approach to restorative justice for Indigenous persons and increase the capacity of all service providers in the justice system to contribute to more equitable outcomes for Indigenous communities.

After receiving funding from Heritage Canada's Anti Racism Action Program, the IWAVTF in collaboration with NORDIK, A voluntary advisory group of Indigenous stakeholders in and around the community of Baawaating was struck for the purpose of stewarding the development of the community-based justice model, known as the Baawaating Justice Committee. A full list of committee contacts can be found in Appendix 1. The committee worked with Indigenous agencies and service providers, as well as public agencies that work with Indigenous youth who are in conflict with the justice system, and identified the following research and community development needs:

- Further research on the experiences of Indigenous persons with the justice system at the local/district level;
- Education and training for non-Indigenous service providers working with Indigenous youth in the justice system; and
- Greater collaboration between service providers working with Indigenous persons in the justice system on the one hand, and Indigenous organizations and communities on the other.

The research was conducted by a team of researchers, in keeping with NORDIK's team-based approach. The team included principal investigator, Dr. Vivian Jimenez-Estrada, Associate Professor in the Department of Sociology at

Algoma University; Zachary Low, BA, Community Based Justice Project Coordinator; Samantha Recollet, Indigenous Youth Justice Liaison; and Dr. Sean Meades, Director of Research at NORDIK Institute, who provided administrative support and oversight. The Baawaating Justice Committee also struck a sub-committee to oversee the progress and inform decision making during, serving as the governing body for this research.

Research was conducted with community members who have had a lived experience with the justice system to better identify the gaps and needs of Indigenous youth navigating the justice system and to inform the development of the alternative justice model. This research sought to identify unmet, individual needs that early intervention and prevention strategies could fulfill. Participants were recruited from four different segments of the population, including Indigenous youth, age 12-29, with interactions with the justice system; Indigenous and non-Indigenous social service providers staff; police and legal professionals; and Elders and Knowledge Keepers.

2.0 Methodology

In total, 22 semi-structured interviews were conducted across 4 different group population segments to draw robust perspectives on the youth justice system and its impacts on urban Indigenous peoples: Youth aged 12-17; Youth aged 18-29; Service providers and legal professionals; And Elders and knowledge keepers. Interview questions examined:

- Factors leading youth to become involved with the justice system;
- Knowledge and understanding of the criminal justice system and restorative, community-based and traditional justice; and
- How the needs of youth in the community can be met in a culturally-responsive and appropriate way.

A number of themes emerged from each segment, with many overarching themes overlapping across each group. These themes will support the

recommendations in the approach to developing an alternative community-based justice model that would best meet the needs of Indigenous youth living in and around Baawaating.

A community-engaged arts inquiry was also designed to illuminate the understanding and vision for justice of local Indigenous youth. In total, 35 self-identified Indigenous youth aged 12-29 (engaged variously through programs at the Indian Friendship Centre, St. Basil Elementary School, Algoma Treatment & Remand Centre, and Kina Aiiwaya Secondary School) were asked to create a piece of art that represents what “justice” means to them. “Justice” could represent personal experience in the court system or corrections, what a young person's perceptions are of the police; or it could represent fairness and equity, accountability, being heard, having a space to talk, feeling respected, truth and reconciliation, healing, well-being, community, balance, decolonization, etc. The youth were asked to write down one word in the centre of their canvas that represents their understanding of the concept, and they were then invited to decorate their canvas however they pleased. Upon completion of their art piece, the youth were asked to contribute their individual art pieces to be included with art pieces from other youth in the community as one large collaborative piece of artwork. The collective art mural was displayed at the Arts Hub space in downtown Baawaating during the Summer Moon Festival², June 21-25 2022 (refer to Appendix 4 for a photo of the display). In recognition of their contributions, participating youth were given a small gift card and their names were entered into a draw for a small prize.

After the art project had been completed, youth were asked if they would like to voluntarily take part in a short interview to further the discussion around justice. A total of 6 youth volunteered to be interviewed.

² The Summer Moon Festival is an annual festival in Sault Ste. Marie that features the creation of large-scale public art combined with musical performances and professionally-led community programming that celebrates in honour of National Indigenous People Day.

During the time period from January to April, 2022, an additional 22 semi-structured interviews were conducted exploring experiences with and knowledge of the youth criminal justice system.

Analysis of both the arts engagement and interviews was drawn on to assess the needs and barriers in the community that a community-based justice model could potentially address, or highlight priorities in local reforms.

3.0 Literature Review

The literature surveyed focused on community-based approaches to justice with specific connections to Indigenous populations. The themes that emerged include the overrepresentation of Indigenous youth in the justice system stemming from the roots of colonialism; Core models of restorative justice that can be adapted to provide alternative approaches to justice; And the importance of community and culture to harm prevention and healing. An environmental scan was also carried out (see Appendix 2) and demonstrates the diversity of community-based justice programs in Ontario. These examples offer key considerations for the development of a local community-based justice framework in Baawaating.

3.1 Overrepresentation in the justice system:

There is a clear overrepresentation of Indigenous youth in the criminal justice system. In 2018, Indigenous youth represented 8.8% of the youth population in Canada while representing 43% of youth admissions to correctional services (Malakieh, 2020, p. 7). Between March 2009 and March 2018, the Indigenous incarcerated population in Canada grew by 42.8% and Indigenous inmates represented 28% of the federal in-custody population while comprising just 4.3% of the total Canadian population (Clark, 2019). For women, the Indigenous inmate population in Canada grew by 60% over a ten-year span with a total representation of federal incarcerated inmates of 40% (Clark, 2019). Indigenous

youth are also overrepresented in both custody and community supervision admissions to correctional services, accounting for 50% and 42% respectively (Clark, 2019). This proportion is even higher for Indigenous female youth, who account for 60% of all female youth admitted to provincial and territorial corrections (Clark, 2019).

Indeed, Clark (2019) illustrates that Indigenous youth are overrepresented in nearly all phases of the criminal justice process. Indigenous youth are denied bail more frequently than non-Indigenous youth and are therefore more likely to be held in a pre-trial detention (Clark, 2019). If bail is granted, it often comes with a set of conditions (fines, probation, conditional sentences, etc.) that the accused may have difficulty fulfilling, resulting in Indigenous youth having disproportionately high rates of breaching bail conditions, which in turn leads to longer periods of incarceration (Clark, 2019).

Rudin (2002) offers 3 commonly cited reasons for this overrepresentation; culture clash; socio-economic marginalization; and colonialism (p.1408). The “culture clash” argument stems from a difference between Indigenous worldviews and Western worldviews, which have been noted by such works as the *Royal Commission on Aboriginal Peoples*, which states:

The Canadian criminal justice system has failed the Aboriginal peoples of Canada. First Nations, Inuit and Metis people, on-reserve and off-reserve, urban and rural in all territorial and governmental jurisdictions. The principal reason for this crushing failure is the fundamentally different world views of Aboriginal and non-Aboriginal people with respect to such elemental issues as the substantive content of justice and the process of achieving justice (qtd. in Berlin, 2016, p. 12)

The “culture clash” explanation, then, suggests that measures such as cultural competency training and accommodating traditional beliefs may be means for addressing the overrepresentation of Indigenous peoples in the justice system (Rudin, 2002, p. 1409). Rudin argues, however, that the laws and policies of the Canadian legal system fundamentally do not reflect the traditions and values of

Indigenous communities and therefore, should not be considered a system of “justice” for Indigenous peoples.

Many have also attributed the socio-economic marginalization of Indigenous peoples as a root cause of their overrepresentation in the justice system, with poverty playing a decisive role (Rudin, 2002). While it can be argued that prisons are typically disproportionately overrepresented by those experiencing poverty, Rudin argues that the ongoing impact of colonialism - particularly measures taken to assimilate Indigenous peoples and dismantle their socio-economic and political orders - provides the greatest insight to this overrepresentation (2002, p. 1409).

The impact of such factors do have some means for being considered by the courts with existing legislation. The Youth Criminal Justice Act provides for the particular vulnerabilities of Indigenous youth being taken into consideration with any actions to be taken against a youth who has committed an offence (Malakieh, 2020, p. 7). In 1995, amendments to the Criminal Code also provided for consideration of such factors. Section 718.2(e) reads:

A court that imposes a sentence shall also take into consideration the following principles:

(e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstance of Aboriginal offenders (Clark, 2019, p. 26).

Such measures, however, do not prevent the overrepresentation of Indigenous peoples before the courts in the first place. The Truth and Reconciliation Commission’s Calls to Action identify the need to eliminate overrepresentation by eliminating barriers and lack of funding for alternatives to imprisonment; to respond to the needs of victims and the underlying causes of the offending; and for the implementation of Aboriginal justice systems in accordance with Treaty rights (2015). The importance of Indigenous self-governances is similarly emphasized in Article 5 of the United Nations Declaration on the Rights of

Indigenous Peoples emphasizes the right of Indigenous communities' to "maintain and strengthen" their unique legal institutions (United Nations (General Assembly), 2021). Developing alternatives to the mainstream criminal justice processes that focus on healing, reconciliation and restoring Indigenous legal traditions shows promise for not only managing this overrepresentation but potentially addressing some of its root causes.

3.2 Restorative Justice:

Restorative Justice practices are a leading alternative to the mainstream justice system; one that many communities have adapted and adopted. Restorative justice takes an approach to justice that focuses on repairing relationships and harms done by placing accountability on the offender while simultaneously providing opportunities for victims, families, and the community to have their needs met while all together seeking possibilities for healing and reparation in preventing future harms (Cormier, 2002). Having the victim involved in the restorative justice process is essential to repairing the harm(s) done by the offender, and fostering healing and wellness. Often in the mainstream court system, victims report feeling unheard and being left with unanswered questions. For communities, restorative justice offers a means of understanding the root causes of an offence and a way for community members to be able to better support the offender and the victim. Clark (2019) notes that any alternative approach to the mainstream criminal justice system for Indigenous peoples should be culturally relevant and aligned with traditional Indigenous approaches and values, with a focus on healing rather than punishment. Chartrand & Horn (2016) describe restorative justice as a forward thinking process to bring individuals into healthy relationships again without the need of sanctions from the criminal justice system, though not all applications of restorative justice are external to the existing system.

In Canada, most criminal matters that use a restorative justice approach are upheld by the Youth Criminal Justice Act (YCJA), where the criteria for youth extrajudicial measures and sanction referrals are defined (Tompsonski, Buck,

Bargen, & Binder, 2011, p. 819). The YCJA's objectives can be seen to be in alignment with the principles of restorative justice, namely to produce offender responsibility and accountability by acknowledging the harm they have done; to provide voluntary opportunity for victims to be directly involved in case matters; and to provide the opportunity for families and community supports to mentor and respond to case matters (Tompsonowski, Buck, Bargen, & Binder, 2011, p. 820).

Though restorative justice practices and policies are not unique to Indigenous communities or people, it is nonetheless based on Indigenous holistic worldviews wherein justice is connected to healing and restoring of balance (Shah, Stauffer, & King, 2017, p. 11). Some have also made the case for integrating restorative justice practices with the values of social justice and anti-oppression to better address potential harms caused by more limited applications of restorative justice principles and practices within the criminal justice system (Shah, Stauffer, & King, 2017, p. 10).

Couture & Couture (2003) provide a list of nine unique forms taken by restorative justice approaches (a list that they warn is not definitive). Among these variations include Community Justice Forums; Community Justice Hubs; Youth Justice Committees; Sentencing Circles; Circles of Support and Accountability; Family Group Conferences; Restorative Dialogues; Training and Consulting on Forgiveness; and Victim and Trauma Services (Couture & Couture, 2003, p. 38). These models may be classified in four broader models: victim-offender mediation, conferences, justice committees and circles (Tompsonowski, Buck, Bargen, & Binder, 2011, p. 817). What follows is a review of these four broad classifications and an analysis of their components, strengths and challenges for potential application in a community-based model for Baawaating.

3.2.1. Victim offender mediation is often used post-charge where the victim and the accused offender come together by means of a professional mediator or facilitator to discuss the harm done and to develop an agreement that will resolve the crime outside of the courtroom (Cormier, 2002, p. 4). The process

can vary widely and be referred to as victim-offender conferencing or dialogue (Hansen & Umbreit, 2018, p. 100).

Victim Offender Mediation (VOM) is a dialogue driven process between offenders and victims to discuss the harm(s) that has occurred, its impacts, and ways to establish resolution and restitution (Hansen & Umbreit, 2018, p. 100). VOM places a strong emphasis on the interactions between the victim and the offender rather than on families or community members like other models. (Hansen & Umbreit, 2018, p. 100). Both parties involved are able to share their narratives directly and engage in dialogue and active listening under the careful presence of the mediator who is there to ensure no further harm occurs (Hansen & Umbreit, 2018, p. 101).

Components:

Victim offender mediation is typically a four-phase process. The first phase is intake or referral. The mediator will establish contact with both the offender and the victim separately to ensure that both parties are willing to participate voluntarily in the mediation process (pp. 101-2) Next, the mediator meets with each party separately to get to know them, establish trust, to explain the mediation process and to ensure realistic expectations (pp. 101-2). This is a crucial step in the process as it allows for trust to be built in the process and it allows the mediator to get a better sense of the harm done and how each party communicates. The third step is the mediation itself where the mediator provides an opportunity for the offender and victim to share their narratives, answer each other's questions and come to an agreement (p. 101). The final step is the follow up stage, where the mediator will check-in with both the victim and offender to ensure that they are following their agreement and ultimately finalize the mediation process (p. 102).

Strengths:

Hansen & Umbreit (2018) report that the greatest strength of VOM is that it is centred on the victim's needs and the process often leads to the victim receiving a restitution agreement and an apology. Quite often victims report a

sense of empowerment from this process and find that the process helped humanize the offender. Generally, the victim and offender both find satisfaction in the fairness of the process and the fulfillment of the outcomes compared to the mainstream court process (p. 106). When available, VOM tends to receive more diversions from court proceedings, is more cost effective than the traditional justice system and leads to decreases in recidivism and incarceration (p. 106).

Challenges:

This model is restorative in nature but is not innately rehabilitative compared to other models. Despite the general trend, victims participating in the mediation process sometimes come with expectations that are not always achieved and can leave them feeling disappointed. Without proper preparation for the process, victims have also reported feeling pressured to accept an apology or form an agreement before their truth and emotions were properly dealt with and their needs were met (Hansen & Umbreit, 2018, p. 103). Without proper facilitation, this process can feel insincere and cause more harm to the victim. In addition to potential feelings of revictimization, Choi, Bazemore and Gilbert (2011) report other challenges including the lack of authority in some VOM programs to assure restitution and dissatisfaction with the competency of the mediators (p. 37). The latter point, however, is one shared by all models (and indeed any experience of the justice system).

There is a gap in the research regarding race or ethnicity in the victim offender mediation process. Considering the overrepresentation of people of colour in the criminal justice system there needs to be more cultural sensitivity and overall representation in this process from communities of colour (Hansen & Umbreit, 2018, p. 107).

Where is it being used?

There are few examples of the VOM model in Ontario, with the only regular service provided by the Collaborative Justice Program in Ottawa.

3.2.2. Conferences can be referred to by many different names, but are most commonly categorized as family group conferences and community group conferences. Family group conferences originated in New Zealand and were based on Maori traditions and are typically centred on conflicts involving youth (Cormier, 2002, p. 4).

The **family group conference model** is a community approach based upon principles of dignity and respect while sharing power within the group to achieve positive outcomes. The conference model involves offenders and victims, extended family members and other persons of support along with a trained facilitator coming together to talk about the offence and its impact and what can be done to repair the harm done (Date & Monkman, 2019, p. 67). The aim of this model is to bring awareness of the consequences of the offenders behaviour and move the resolution process outside of the justice system and into the responsibility of the extended family or community through victim and offender reconciliation (Tauri, 1998, p. 174). Family group conferences may similarly be suitable for diverse groups of people, cultures and communities (Date & Monkman, 2019, p. 67).

The **community group conference model** is a voluntary approach and is designed for victims to receive information from the court regarding the offender's responsibility and in identifying the impacts of the offence. The model also provides support for victims and their supporters in preparation for a meeting with the offender and their supporters, as well as any community members impacted by the case (Goulding & Steels, 2013, p. 328). Victims are encouraged to participate at a level they are comfortable with and in some cases a victim surrogate can represent the victim at the conference. In contrast to the family group model, offenders must plead guilty to the charges before any preparation for the community group conference takes place. The circle of support provided in this model is used to identify underlying root causes leading to the offence in order to develop a plan for restoration and rehabilitation (p. 328).

Components:

According to Date & Monkman (2019), The Family Group Conference model developed in New Zealand is guided by seven main principles:

1. *Responsibility – accountability for behaviour, impacts on the victim(s) and the public.*
2. *Diversion – encourages alternatives to incarceration by strengthening family and community ties.*
3. *Proportionality – limiting the excessiveness of sanctions and other interventions with young offenders.*
4. *Equality – seeks appropriate responses to behaviour based on the offence itself rather than one's status, class and race.*
5. *Determinacy – sentences and sanctions account for an appropriate time frame.*
6. *Specificity – emphasis on building an understanding of the nature of alternative sanctions.*
7. *Frugality – seeking the least restrictive alternative to the offender's behaviour. (p. 67)*

Typically, the family group conference would start with a welcoming and introductions by all parties, with an optional opening prayer. The facilitator then clarifies their role in the mediation. A summary of the offence that occurred will be read, typically by an officer, where the youth either takes responsibility for their behaviour or refutes responsibility. This decision will inform whether the conference can proceed or if the matter returns to the court (p. 68). The victim will then provide their narrative on the impacts of the harm done. At this point everyone shares their views on the matter and discusses an appropriate agreement to be completed by the offender. Typically, the families are given opportunity to convene privately before everyone rejoins the conference where, based on the plan developed by the family, consensus is made on an agreement (p. 68).

Community Group Conferencing starts with the offender entering a guilty plea and accepting the opportunity to participate in the conference, which involves

three stages (Goulding & Steels, 2013, p. 329). The first takes place in the offender's home or in the home of a support person where the offender and their supporters will identify issues to be addressed in any developed plan moving forward. The victim is then contacted and asked to participate in the conference. Victims are informed of the case details and that the offender has taken responsibility for their behaviour and would like to make changes to their actions to seek reconciliation or avoid causing future harm. The community group conference will not proceed without the victim's participation but they may participate in a variety of different ways, depending on their level of comfort (p. 329). If the victim does not wish to participate, then only the first stage is conducted and a mutually agreed upon plan is developed amongst the offender's support community. This plan provides a glimpse of aspects of the offender's life and underlying issues (p. 329).

If the victim volunteers to participate, the second stage takes place in the home (or location of choice) of the victim with their family and support network, and consists of informing them of the process in preparation for an in-person meeting with the offender (p. 329).

The third stage is between the victim and offender (and their respective support networks). Two facilitators explain the "ground rules," which include each person being able to speak their truth undisturbed. One facilitator will lead the process while the other monitors the process and takes notes. The order of who speaks is the choice of the victim. After everyone has spoken, the groups are removed from one another, each with a facilitator to discuss what is necessary for a resolution. Once the two parties reconvene together, they offer their recommendations. A report is then compiled to assess whether or not the two groups have reached a mutually agreeable resolution. This report along with the offenders mutually agreed upon plan then go back to the judge in court for sentencing (p. 329).

Strengths:

Conferencing models share many of the same strengths as other restorative justice models, including greater cost effectiveness, diversion from incarceration, and decreases in recidivism (Metze, Abma & Kwekkeboom, 2015; Little, Stewart, & Ryan, 2018). With its origins in Maori justice practices, Metze, Abma & Kwekkeboom (2015) argue that the conference model may be considered a more appropriate response for Indigenous youth navigating the justice system (p. 166). This model follows a strength-based approach and focuses on one's own capabilities and the supports available through their extended social network, which can often lead to empowerment and resilience (p. 167). The collaborative nature of the model is also a potential strength, where decision-making power is driven by both the offender and the victim, along with their social support networks, rather than being driven by professionals. Metze, Abma & Kwekkeboom (2015) also highlight the importance of a young person having a reliable network, fostering support for their decisions to make positive changes in their lives (p. 176). However, if a young person does not have a positive support network in place, this model will likely not be as effective and may require external professional interventions. Overall, victims and offenders and their support networks have seen increased satisfaction, greater accountability, and more timely and effective alternatives to the conventional criminal justice system (Little, Stewart, & Ryan, 2018, p. 4084).

Challenges:

Because conference models rely on informal support from family and community, there are often limits to capacity within these networks, which can result in "over-burdened carers" (Metze, Abma, & Kwekkeboom, 2015, p. 176). There are also ethical tensions for informal caregivers on the question of where the social network's responsibility becomes an obligation (p. 177).

As with all restorative justice practices, these approaches don't always address the risk factors (addiction, low socio-economic status, behavioural issues, etc.) and the levels of disadvantages that a young person may face (Little, Stewart, & Ryan, 2018, p. 4083). Therefore, it may often be necessary to integrate more professional supports and referrals to appropriate programs in their community in

order to address these risk factors. These are particularly significant issues for youth that live in remote communities (Little, Stewart, & Ryan, 2018, p. 4083).

Where is it being used?

There are no unique examples of the conferencing model, however the principles it shares with community and youth justice committees and circle models are apparent in many programs.

3.2.3 Community and Youth Justice Committees usually involve a group of volunteer members of the community who are involved in working with at-risk youth in some form or capacity (Tompsonski, Buck, Bargaen & Binder, 2011, p. 818). Additionally, some committees will also be active actors in resolving criminal matters that are referred to them, typically when it comes to extrajudicial measures and sanctions (p. 818). Committees may perform other functions as well, including providing advice to justice officials, conducting mediations and reconciliation procedures, providing public education and planning, providing prevention programming and providing any other support and assistance to offenders and victims as needed (Hann & Associates, 2003, p. 14). Typically, committee hearings don't require as much initial time investment as compared to mediation or conference interventions.

Components:

Committees can play an essential role in the response to youth offences in that they can often act as a central hub for referrals from the Crown or police services in both the pre-charge and post-charge stages (p. 19). Typically, cases are not serious offences and often involve cases such as theft under \$5000, break and enters, drug or alcohol related offences, mischief, etc. and are usually first or second time offences (p. 19). It is key for committees to have a culturally diverse mix and ideally reflect experience with at risk youth (p. 38). Many committees are guided by a steering committee that typically consists of members of the justice system who provide advisory support and general oversight of committee development and implementation (p. 39). Most committees have at least one paid position (coordinator, case worker, etc.) that

is typically funded by the Ontario Ministry of the Attorney General (MAG) (p. 40). Volunteer committee members usually undergo training in the youth justice system, conflict resolution, cultural sensitivity training, and facilitative strategies such as role playing, among others (p. 40)

Most committees are central actors in considering the appropriate measures to take when dealing with referred cases from the Crown, police or probation related to pre- and post-charge offences (p. 40). Cases tend to be decided by panels of volunteers with the coordinator or paid staff acting in an advisory role for the volunteers. Committees will recommend that the youth and parents or guardians involved inform themselves of their rights in the process before the case proceeds. Victims are invited to attend if they wish to speak to the harm(s) done (p. 40). Outcome and conditions from these hearings can vary greatly including: recommendations to the court regarding sentencing, providing mediation and conferencing services, connecting youth and families to appropriate programming, community service, apology letters, aid in school related adjustments, mentorship, public education, mobilizing supports and resources for new youth programming and follow up with youth to see how they are managing their conditions (p. 41). The youth is often consulted on what the appropriate measure should be taken in their case.

Strengths:

Cases are often dealt with much more quickly with a committee than a traditional courtroom. Committees can offer a more meaningful and satisfying alternative for youth and youth are able to take responsibility, accountability and committees may be better suited to connect youth with appropriate supports and programming that may prevent the youth from obtaining a criminal record (p. 42). Overall, committees are a more healing-oriented approach that provides a more tailored response to early intervention for youth offenders (p. 42).

Challenges:

This approach shares many of the same challenges with other models. Though training is an integral part of this approach, recruitment of committed volunteers who can invest the time necessary for the process is one of the most significant challenges.

Where is it being used?

Variations on Community and Youth Justice Committees are employed by the Métis Nation of Ontario's Community Justice Service and Community Diversion Program servicing the regions of Peel, Durham and Newmarket; the Odawa Native Friendship Centre's justice program in Ottawa; Sagamok Anishnawbek's Gwyaksijigewin Teg (A place where things are made right); and Toronto's Aboriginal Legal Services' Community Council program.

3.2.4 Circles can often be utilized and categorized in many different ways including but not limited to healing circles, peacemaking circles, community circles, sentencing circles, talking, support, and learning circles, among other forms (Tompsonski, Buck, Borgen, & Binder 2011, p. 818). Circles are a common traditional practice often rooted in ceremony amongst many Indigenous peoples, where participants sit in a circle and take turns speaking to discuss and resolve a community issue (Cormier 2002, p. 5). The circle model typically involves a more diverse group of individuals than other models and can often include participation from families, community members, counsellors, Elders, justice related professionals, trained volunteers, and others (Tompsonski, Buck, Borgen, & Binder 2011, p. 818). Elders often play a crucial role in the circle by being able to connect youth to the prayers, ceremonies and teachings of their ancestors. The circle is a more culturally responsive, non-hierarchical approach that aligns with Indigenous ways of justice centred in support, inclusion and healing.

Components:

The circle process is a traditional one focused on building dialogue and resolutions for all involved in the circle. The circle process is one that takes a deeper communal approach to community healing and prevention rather than

restoration and restitution. Community is key to the circle process because they are rooted in a response from community to harm, conflict and imbalance and allows for youth to develop a greater understanding of community and responsibility while fostering empowerment (Buchanan, 2020, pp. 321-2).

The circle process is voluntary and often begins with the offending youth accepting the responsibility of their actions and willing to participate in the process. The circle itself often consists of a circle keeper or facilitator, the offender, the victim or victim surrogate, community volunteers, Elders, family members and other support persons (p. 325). A talking piece or feather is typically used to signal who holds the floor and is passed in a consistent fashion so that everyone has a chance to discuss the harm done and its impacts. Consensus is then decided upon on a healing plan or agreement on recommendations and benchmarks for good behaviour (p. 325). Follow up circles are often held to ensure the fulfilment of the healing plan or agreement. Once the plan has been fulfilled it is then presented to the court, where a decision will be made to dismiss the case or not (p. 325).

The circle process can be approached by many different ways. For example, sentencing circles can be held with judges, and law professionals where they hold the decision to consider the community's recommendation or not (Chartrand & Horn 2016, p. 5). Releasing circles typically take place in prison when an offender is facing parole. Healing circles typically are used in the justice system when a person is about to re-enter the community after they have served their sanctions and the process allows for them to discuss their healing journey and the underlying issues that led to their offence (p. 5).

Strengths:

Circles provide a space where conflicts can often become an opportunity for building relationships and learning and in supporting the healing of communities themselves (Buchanan 2020, p. 334). Circles are a community driven process where members have a shared interest and therefore fosters the promotion of

collective healing, the creation of shared values, empowerment and accountability and may strengthen the sense of community itself (p. 334).

Circles also provide a great opportunity to address root causes of offences and to connect youth to culturally appropriate teachings, ceremonies and supports. Circles are also a traditional practice of community conflict resolution in many Indigenous civilizations of North America and therefore are a more culturally and wholistically sound practice. This helps to explain why it is by far the most popular model of restorative justice program in Ontario, which will provide a wide range of experience to draw from for any new program using the same model.

Challenges:

One of the central challenges of circle methods lies in the community outreach, recruitment, retention and training of community volunteers and staff (Buchanan 2020, p. 334). However, this is a common feature of nearly all community-based processes, though circles may tend to rely more heavily on this pool of actors. Similarly, considering the potential involvement of offender support networks, we may expect to find similar risks of over-burdening, as Metzger, Abma, & Kwekkeboom (2015) noted with Family and Community Conferencing.

Otherwise, nearly all of the challenges associated with circle models are those common to most restorative justice practices.

Where is it being used?

The circle model is by far the most prevalent across Ontario Indigenous communities. Variations on the Circle model are run by United Chiefs and Councils of Mnidoo Mnising (UCCMM)'s justice program, Nishnawbe Aski Nation's Legal Services Youth Restorative Justice Program, and restorative justice programs in Fort William First Nation, Chippewas of Rama First Nation, communities of the Nokiiwin Tribal Council, and Indigenous Friendship Centres in Thunder Bay, Kenora, and London, among many other communities. There is

also an example of an Indigenous Education Institute, the First Nations Technical Institute in Tyendinaga, which also offers restorative justice circles as part of its programming.

3.3 Conclusion and considerations:

An environmental scan of justice programs being applied in Ontario (see Appendix 2) demonstrates how most models in operation incorporate a hybridization of restorative justice core values and principles with that of Indigenous traditions of justice, community well-being and culture. Most of the programs identified are multi-tiered and aspire to provide a more holistic, well-rounded approach to a young person that is centred on culturally appropriate healing and wellness plans to restore relationships and repair the impacts of harm and trauma. Many of the models contain multiple points of entry to their programs, thereby strengthening the effectiveness of keeping youth out of the criminal justice system.

Common Challenges

Each of the models discussed also share many common challenges. Depending on the point of entry, Hansen & Umbreit (2018) highlight the risks associated with victims and offenders giving up their legal protections and rights in order to participate in restorative justice programs, where admissions of guilt are required prior to accessing diversion programs.

Every program must also face the challenge of training and selecting the right staff and volunteers. Skill, time, and care are all necessary for facilitators, mediators, and all volunteers or staff to ensure proper participation and preparation is provided to the victims involved in the mediation and to help victims and offenders navigate their challenges and conflicts (Choi, Bazemore, & Gilbert, 2011, pp. 39-40).

Though it is not a failing of restorative justice models themselves, Rudin (2002) worryingly notes that when youth are diverted to an alternative justice

approach, net-widening can occur, which is the phenomenon where the Crown or Judge may impose a stiffer penalty than what would have otherwise been sentenced should a youth placed in a diversion program fail to complete their program, ostensibly to “teach them a lesson” (p. 1413).

Similarly, on a deeper structural level, such interventions are still being dispensed under the authority of the state’s justice system and in contexts where the deep-seeded impacts of colonialism are pervasive; Often youth are being ‘restored’ to a community that is without the structure, practices, teachings and preventative processes necessary to help prevent injustice in the first place (Gray & Lauderdale 2007, p. 217). When the family group conferencing model was developed in New Zealand some said that it proved the ability of Indigenous justice to successfully transform Western justice systems (Tauri 1998, p. 178). However, some Maori believe this to be a continuation of historical contradiction where it is not enough for this model of restorative justice to carry the essence of Indigenous justice, but rather the level of Indigenous influence over the development of this program has been grossly exaggerated (Tauri 2016, p. 46). More active take-up of circle methods may confront the same challenges.

Lastly, all such community-based justice interventions face challenges with the access to funding. Consequently, no matter the selection of methods, an on-going exploration of funding strategies will need to take place.

Wise Practices

The literature points to a number of best or wise practices that have contributed to the success of community-based and/or restorative justice models for Indigenous youth, namely:

1. Building collaboration between community members and between organizations will help address gaps between unmet needs and in the sharing of human and financial resources, which in turn will help to extend the reach to youth in the community (Currie, 2018, p. 2). This will also help to reduce any needless duplication of services.

2. Developing community relationships, trust and partnership and having community members be active participants in the development of a community-based justice model contributes to the maintenance of integrity, accessibility and shared responsibility for the program (p. 3).
3. Building wholistic service integration (i.e. ensuring shared knowledge of, referrals and coordination between the wide range of potentially useful services) can ensure that youth may be connected with services and programs in their community that will address underlying issues that may have led to the youth's interaction with the justice system. Developing protocols between agencies and a referral process that has many entry points makes navigating these systems more accessible.
4. Proper screening, training and education around anti-racism, cultural competency and restorative justice theory and principles is essential to any volunteers and staff facilitating a community justice model. This ensures clear expectations are met and that proper care and accountability is taken in meeting the goals of restorative justice (Choi, Bazemore, & Gilbert, 2011, pp. 39,40)
5. The most successful models emphasize: voluntary participation; that victims have opportunities to participate throughout the process; that victims' needs are met and central to the process; and that a youth's support network and community be included.
6. Preparation for restorative justice processes takes time. Such preparation is essential to avoiding revictimization and fulfilling other success criteria.
7. Consider pre-charge diversion along with the post-charge processes. Pre-charge diversions can often lead to the young person never having to interact with the justice system and can act as an early intervention into a youth's life where preventative supports can be established to address issues the youth may be experiencing.
8. Everyone involved in the process should have an equal, uninterrupted opportunity to tell their narrative and speak their truth. Often in Indigenous circles a talking piece or feather is used to determine who's turn it is to speak.

9. The development of a healing and wellness action plan or accountability agreement should be agreed upon by all parties participating. The plan or agreement should be reasonably flexible, written with clear language, and containing explicit expectations to ensure youth have the best opportunity to fulfill the agreement (Law Commission of Canada 2003, pp. 34-5)
10. Include measures to ensure confidentiality unless otherwise agreed to by the victim and offender (Law Commission of Canada, 2003, pp. 34-5).
11. Provide aftercare and follow up with at least both primary parties, to maintain the young person's positive trajectory. In some cases having another conference or circle may be necessary.

This research and the experiences of other communities also highlights key opportunities where a local community-based justice model could build new contributions to the realm of restorative justice. Chief among these is through a commitment to honouring the values, processes, culture and traditions of Indigenous peoples and the inherent rights to self-determination (Tait, 2007, p. 2).

Gray and Lauderdale (2007) refer to the "Great Circle of Justice" and how restorative justice is only one part of the circle. Without the preventative structures and practices found in traditional teachings, the "circle of justice" is unbalanced or broken and can leave communities without the cultural foundation to create healing; a reality colonization has created for many communities (p. 218). They warn that restorative justice programs can sometimes be reactionary and primarily focus on the healing from harm done, when early interventions in a youth's life could prevent harm from being done in the first place (p. 216).

Young people play a central role in Indigenous communities and historical and contemporary efforts of colonial destruction have left many with an absence of identity or self-worth (Cesaroni, Grol, & Fredricks, 2019, p. 121). This loss of identity or purpose can often lead to at-risk behaviours and consequences. Connecting

youth with culture is thus key to establishing a young Indigenous person's identity and in building resilience. The institutional failure to provide cultural supports to overrepresented Indigenous offenders can very well reflect the continuation of colonialism (Department of Justice Canada, 2019, p. 10). The historical loss of Indigenous culture, traditions and teachings means that young people may not be as culturally directed and that learning about their history, teachings, ceremonies, connection to land, etc. will play a central role to balanced well-being (Cesaroni, Grol, & Fredricks, 2019, p. 118). The role that community serves in reconnecting youth to their roots and by providing them with the necessary means of support builds the sense of belonging and self-worth that the mainstream justice system fails to acknowledge and further impedes (p. 123).

4.0 Primary Research Findings

Participants were categorized into 4 different segments: Youth aged 12-17; Youth aged 18-29; Service provider staff and legal professionals; and Elders and Knowledge Keepers. These segments were defined in order to ensure the perspectives of youth with recent engagements were heard in addition to but unique from the perspectives of youth whose interaction with the system occurred earlier in their lives. Similarly, the perspectives of social service and legal professionals was useful for the patterns they witness over time in addition to the unique expertise they hold. Similarly, the cultural and contextual expertise of Elders and Knowledge Keepers was crucial to understanding local traditional approaches and perspectives on justice, as well as any insights into historical changes and impacts on the community. In total there were 22 participants across all 4 groups that were interviewed. The following themes were identified.

4.1 Youth Aged 12-17

In total there were 3 participating youth, aged 16 and 17, who have had lived experience with the criminal justice system. Identified themes that emerged

from the interviews include: Holistic support, mentorship, accessibility and awareness, and family involvement. Interview questions can be found in Appendix 3.

4.1.1 Holistic Support

Many of the youth involved with the criminal justice system are dealing with a multitude of overt and covert concurrent issues, barriers and coping mechanisms. These include, homelessness or precarious housing, addiction and substance use, mental health issues, trauma, grief, anger, violence, abuse, lack of education, broken family relations, etc. It was noted that these issues and subsequent negative coping mechanisms lie as the root causes for why many youth may become involved with the criminal justice system. These barriers often hinder a young person's well-being. Many participating youth indicated that they need a network of support in place to address these issues and many don't know how to ask for support or where to go. Participating youth noted that they would greatly benefit from having sustained guidance from their supports.

"To have the support team that's not going to cradle you but give you that guidance until you and that support team are satisfied."

Participating youth that have been incarcerated noted that while access to supports from inside the correctional facility were available, upon release those supports were no longer there. Participants also noted that they desire to have some autonomy in deciding what supports would work best for them and that they would benefit from having proper introductions to different services and programs available to them in the community. One participant expressed, "They were always forcing counselling and treatment on me but that's not what I wanted, what I wanted was to be with my family."

Participant responses have demonstrated the importance of having positive, safe, and well-rounded supports in place to guide youth through the multitude of barriers and challenges they face in order to keep out of the criminal justice

system. The greater the supports youth are connected to long-term, the greater the opportunity they have to heal from their immediate needs and to find their identity and sense of self-worth.

4.1.1.1 Identity and Self Worth

Many of the participating youth expressed that not having a sense of identity, self-worth or purpose also contributed to their involvement with the criminal justice system and the development of subsequent coping mechanisms. Common factors listed for committing a crime included: boredom, anger, bad influences, peer pressure, and having nothing else to do. A lack of healthy relationships also contributed to their reportedly limited sense of identity and self-worth.

4.1.2 Mentorship

Participating youth indicated that they would greatly benefit from the positive mentorship or role modeling of an Elder or peer(s) who have had similar shared lived experiences as them. Many indicated that they got involved with the “wrong crowds” because “at the time, that’s the only people I had.” Others indicated that they “wished there was other things to do, like to be with an Elder to go fishing.” Unanimously, youth demonstrated the desire for personal connection with someone who understands who they are and where they are at, that can provide that positive guidance, support and relationship. Participants also unanimously welcomed the opportunity to be a part of a restorative justice or community-based justice circle as it provided an opportunity for their voice to be heard, to connect with the victim(s) and take accountability for their actions, and to be seen as not just “a file or document,” but as a person.

4.1.3 Accessibility and Awareness

A substantial identified need from speaking with youth centred on issues of accessibility and awareness: Accessibility to sustainable supports, programs and services; Awareness of and autonomy over available supports, resources and services; And most notably access and awareness of cultural supports and resources.

Participants noted that they “find it difficult to ask for help,” either because they “don’t know where to go or who to ask” or that they feel they are “undeserving of help.” Participants noted that while incarcerated they would have access to many supports and services but upon release were “given nothing,” told to “go check in with so and so and don’t come back.” Participating youth expressed the need for “proper support systems” to be in place that were accessible and available. Again, youth also expressed the desire to be properly introduced to the supports available to them where they would be able to be a part of the decision-making process based on their immediate needs at the time, noting, “you can’t force change but would appreciate being given options to do so.”

Youth also expressed the need to have access and awareness of cultural supports and the opportunity to acquire traditional teachings and to learn from Elders.

4.1.3.1 Access to Culture

While most participating youth expressed that there was “little to no culture in my home,” and that they “knew it was important and that it was getting more lost from generation to generation,” youth also expressed that it was “important for them to know about it” and that access to their culture is important to their well-being. For instance, being able to smudge while incarcerated allowed for one individual to “be able to calm down.”

Some youth indicated that while there was little to no culture at the home or culture was withheld, that some cultural learning was accessible to them at school where one participant noted that they “should have relied more on my

teachers to access culture.” While most participants did not have access to their culture, all indicated that they would like to learn more about it.

“I love going to pow wows and drumming,” one participant expressed, “I’m hoping now with a healthy mindset and support system that I can find access to my culture.”

4.1.3.2 Education

Access to education was also a common theme. While most participants had dropped out of school, all agreed that education was important for their well-being and success and to “continue on the good path.” Youth expressed how they haven’t been to school since grade 9 or 10, citing substance use as a major contributing factor to their absence. Another student made note of taking Anishinaabemowin class in grade 7 where they later “started to try and learn the language at 13.”

Participating youth expressed the desire for alternative forms of education and learning including land-based learning and life skill development.

4.1.4 Family Involvement

The breakdown of family relationships along with the strong desire to be with family in a healthy way was also a common theme amongst participating youth. Youth expressed how the issues that their family members had would sometimes get them in trouble with the law and breakdown relations within the family. One participant stated that “I tried to find a way for my parent to act like a parent.” Another youth spoke about how a lack of parenting and being on their own led them to “rebellious to get attention, a cry for help.” Further elaborating that “the system just lets you out and does not properly give me any help,” expressing the fact that the system does not meet the needs of youth in the community that a healthy family can. One youth noted that “I grew up in foster homes and I was running away all the time. I wanted to go home. I hated

growing up in the system.” Providing resources and support to families is an identified need for keeping youth out of the system.

4.2 Youth Aged 18-29

Similarly, 3 youth ranging from ages 18, 19, and 25, who have had lived experience with the criminal justice system, participated in the interviews. Themes that emerged included: Holistic Support, Mentorship, Accessibility, Education, and Decolonization and Self-Determination. Interview questions can be found in Appendix 3

4.2.1 Holistic Support

Challenges faced by participants that have led to their involvement in the criminal justice system included a range from addictions and mental health issues, to abuse and family issues, grief, and trauma. Participants noted that being able to heal from trauma or having the opportunity and support to start their healing journey is essential to dealing with some of the root causes of why they are involved with the justice system. Many of the youth expressed the importance of “having their needs met where they are at” and having “appropriate resources” made available to them so that they could “start life again.” Some youth expressed how they felt services in the community “weren’t for them” and that oftentimes they “felt set up to fail” or that they had to “conform to unrealistic expectations.” Many participating youth expressed the need to be “properly introduced” to community resources and have some autonomy in which services and resources they connect to rather than being told what it is they should be doing. Youth who had been incarcerated in one form or another felt that there was a gap regarding “reintegration planning” and that once they were in the system that the system “stays with them like a shadow you can’t get away from.” Participating youth said that they would welcome the opportunity to be a part of a circle or restorative justice program as “being able to talk about my experience would be way more helpful” or

“getting to know what the victim is thinking about and being able to show them how addiction can take over your life.”

Meeting a youth where they are at and working with them to develop an individualized plan that connects them to the appropriate services and resources in the community that will meet their most immediate needs is essential to their healing journey. Developing realistic and tangible expectations and providing youth with the opportunity to express themselves and have some autonomy in the decision-making processes is also key to holistically addressing their short and long-term needs.

4.2.2 Mentorship

Mentorship was also a major theme among youth aged 18-29, particularly tied to feeling a sense of belonging and community. Participants stated that they find it difficult to connect with people and build positive relationships and that they would greatly benefit from having someone in their life who has “shared your state of mind and experiences” to “guide them in the right direction.” Youth discussed how a peer mentor can help them by showing them “what they did to get through what you are going through.” Participants also expressed interest in building positive relationships with people that have similar interests and by connecting with an Elder. Connecting with an Elder was a major theme in that gave them a sense that “someone is always going to support you” and to “share something that is bigger than us” and to “gain perspectives from multiple generations and share different experiences.” One youth also noted that there are “many Elders that have gone through the same struggles of going to jail or dealing with addiction and you can just talk about it over a fire” and how that process is very healing by nature. Youth noted that to be on the right path of healing it’s important for them to be “talking and sharing instead of being punished.” Building positive connections with those that have shared similar experiences and can provide some guidance in the right direction also gave the youth a sense of belonging and accountability as one youth stated that they “want to learn and want help and want to share my

experiences with my brother and my cousins.” Positive mentorship and guidance, they felt, is key to the healing process, for young people to find purpose and self-worth and to build a sense of community and accountability. Most participants were very much open to a circle process to be able to hear everyone’s experiences and share their own. One youth spoke to the importance of forgiveness and being able to be a part of a process where they could potentially be forgiven and have that closure.

4.2.3 Access to Supports & Culture

Access and awareness of community supports and services were again a prominent theme amongst youth aged 18-29, where youth felt that there was a great need for more “engagement” with community services and a proper introduction to what is available in terms of support. Again, participants predominantly noted that having access to culture was an essential component to their sense of identity, community and way of life. Participants aged 18-29 indicated that not having access to ceremony, or not knowing about ceremony and related ancestral traditions, actually made things more difficult for them, with some noting that if they had access earlier in their lives, they may have “made better choices.” One participant noted that ceremony “builds a connection to community and spirituality” and that ceremony is a “mindful place” that really helped them with their stress and anxiety. However, some also mentioned that a barrier to attending ceremony is that “it can seem scary,” as not all youth know how or who to go to for access to ceremony or what may be expected of them.

Participating youth aged 18-29 did express high importance for Indigenous youth to have access to “continuous Indigenous content of Indigenous ways of knowing and knowledge” and that it is important to “have that connection” to the culture as it provides the opportunity to “reclaim what I know is mine...my identity, my connection to the land and knowing that way of life.” Some youth noted that the culture, medicines, and Elders create a sense of pride and a sense that “someone will always be there for you.”

4.2.4 Education

Education and skill development was another recurring theme with youth aged 18-29. Participants identified that many youth don't "realize the value of finishing high school" and have trouble finishing as a result of the challenges and barriers many youth are facing. Participants noted that getting their diploma, or degree "opens doors" for them and provides them with the opportunity to "focus on themselves." Youth also noted that "programming, and counselling with Elders" and by "equipping youth with coping skills and self-soothing skills" is also important to their education and becoming more "self-reliant." While finishing high school was seen as an important step in their life it was also indicated that having a more "comprehensive education" such as "addiction prevention" education as one example was also really key to a young person's success.

4.2.5 Decolonization & Self-Determination

Another major theme amongst youth aged 18-29 was that of decolonization and self-determination. Youth expressed how the justice system is a "colonial practice" centred on inequality; a system that "takes Indigenous kids and spits them back out." One participant noted that "you need to totally decolonize the justice system and how it deals with Indigenous people but also Indigenous people need to work on decolonizing their own mind." Participants expressed that Indigenous ways of knowing and knowledge needs to be not only incorporated into the justice system but "everywhere." Circles were cited as an example, invoking a "way of life" and how they provide an opportunity to "gain perspectives from multiple generations and experiences." Reclaiming an Indigenous way of life was a major theme. Being able to reclaim "what I know is mine and my meaning, my identity and connection to the land" is seen as fundamental to being a young Indigenous person. The Indigenous way of life "is always going to be there and never turn it's back on you," explained one participant, adding that it "saves lives everyday" and is integral to creating more foundational sense of community.

4.3. Service Providers & Legal Professionals

Eleven participating service providers and legal professionals (police, lawyers, etc.) were interviewed, representing both Indigenous and non-Indigenous perspectives in the youth criminal justice system. Major themes that emerged included: Holistic support, mentorship, family involvement, access and awareness, decolonization, self-determination and advocacy, education, and building capacity and relationships. Interview questions can be found in Appendix 3.

4.3.1 Holistic Support

Participating service providers and legal professionals who work with Indigenous youth who may be involved with the justice system expressed the need for wrap-around, sustainable support networks that cater to the individual needs of youth in the community, in order to provide them with the best opportunities for healing.

Participants noted that many youth who become involved with the justice system are struggling with issues of addiction, mental health, unsafe and inadequate housing, inadequate counselling, abuse, unhealthy relationships, lack of education, poverty, and other factors. Participants also identified the effects of colonialism, the Indian Act, the sixties scoop, residential schools and the loss of language and culture as root cause contributors to the challenges and barriers youth are facing in the community. A major challenge that service providers and legal professionals found in working with youth is being able to “build a foundation around them.” Whether through “community, Elders, ceremony, etc.” where youth are feeling a “disconnect” with supports in their life.

Participants noted that youth need to be met where they are at and that their most immediate needs need to be addressed and built around that. It was expressed that many youth are vulnerable “not only because they are a youth but because they are Indigenous and their unique systemic background issues” and that service providers and legal professionals really need to “humanize” their processes when working with Indigenous youth and “take time to really understand” the youth before them; to “holistically” look at all the challenges they are facing.

Adequate addiction treatment and housing were identified as the greatest concerns for youth in the community. Some participants noted that “it’s difficult to find treatment options as often their history with the justice system labels them as ‘high risk’” or if they don’t have somewhere to live with a fixed mailing address, it becomes increasingly difficult for youth to access the supports they need. As one participant noted, “everything stops if you don’t have an address and you don’t have housing.”

Some noted that service providers are not meeting youth “half way” when they try to seek support, and that community agencies were “not involved” in case management as much as is needed. One participant argued that agencies are not “taking steps in prevention or why they became involved with the youth criminal justice system in the first place.”

Community service providers and legal professionals also emphasized the importance of consistent points of contact, which can be difficult with agencies that have high turnover or frequent internal movements. This was especially significant for those youth struggling with “abandonment or attachment disorders,” for whom the loss of a worker they’ve had a good rapport or relationship with could spark grief, withdrawal or distrust.

4.3.2 Mentorship

Mentorship, guidance and positive role modeling was also a central theme among service providers and legal professionals. Participants expressed that many youth don't understand what a healthy relationship is due to insufficient role models, noting that when the adults in their lives have histories with the justice system, many youth think "you know what, this is just the life I'm going to live as well." Participants also noted that when this is combined with "a lack of things to do in this community" or a lack of a "positive social outlet," the result can lead to criminal or anti-social behaviours.

Participants expressed the need for youth to connect with others that might have had a similar experience with the justice system or in life, or with others that may have similar interests or goals as they do. Participants stated how they try to "empower" the youth they work with by trying to "connect them with social skills programming" or to connect them with their community to begin to try and build healthy relationships.

It was noted that youth really respond to "listening to Elders or youth their own age who have lived it, been through it, and changed." One participant stated that they try to connect youth to their culture and with an Elder to talk to, to "go out in the bush with" or to "make a fire and sit and talk." One participant expressed how "youth benefit greatly from hearing what they've done to people. I think youth benefit from having to admit what they've done is wrong, from having to connect with those people that they've wronged."

4.3.3 Family Involvement

Many participating service providers and legal professionals spoke about the importance of family in the lives of youth, reiterating the importance of positive role models and caring relationships. Participants expressed that many youth involved with the justice system don't have the support they need and often this is because their parents or guardians are struggling with their own issues and traumas. One participant noted about youth in these situations that "there are fairly direct correlations between their personal lives, their family lives and how

they've ended up in the criminal justice system." Further stating that "a lot of what we see is conflict within group/foster homes as these youth continuously act out and police are continuously called, adding on further additional charges."

Another participant expressed the need for "more case conferencing...bringing everyone involved with the family together to give some steps needed to help them." Further on stating how important it is to connect youth to their culture and to traditional "family values, roles and responsibilities." Getting youth involved with "their roles and responsibilities as youth, their roles and responsibilities as men and women."

4.3.4 Accessibility and Awareness

The theme of access to and awareness of community supports and resources was also a common theme from the responses of service providers and legal professionals.

Participants identified wanting to be able to connect Indigenous clients with Indigenous workers and programs but flagged that there is "no streamlined process" to do so and that by having a youth diversion program, "we would be able to streamline the community resources that we have." When discussing youth who are incarcerated, many youth who find themselves in a corrections facility "arrive with very little to no support" and while youth may find some semblance of structure while incarcerated, despite best efforts, they are not always being connected to the supports or resources they need upon release. One participant noted that "once we ship them into the real world we hope they can swim." More frequently, youth from other, more rural, communities are being detained in Baawaating where supports in their own community are not known by staff or too far away to access. Other major issues around access and awareness of community support arise around seeking help for addiction treatment and housing. There is a lack of adequate addiction treatment options for youth locally and a lack of adequate housing leaving many youth locally

without having their basic needs met. Some participants did mention that there are resources available for youth diversion but they are not being explored thoroughly and that “once youth do know we’re there to help them, you see a huge improvement.” It was also noted that many youth would benefit from “gaining some awareness – victim awareness programming – to hear how the victim felt and work through what they need to do to get some closure.”

Some participants expressed a greater need for coordination and awareness between service providers themselves. One participant expressed that service providers need to work more on “reaching out to community partners and get a better understanding of what’s going on.” Another participant stated that “it’s been a struggle for us because people don’t really know that we’re involved...they don’t know about what we can do...I think people kind of count us out a lot of the time.” Others stated that they felt they were not accessing all the community supports that they potentially could and that they “definitely need to get ourselves out there.”

Other issues identified were the lack of restorative justice practices in the community, with the notable exception of the John Howard Society. Were there sufficient restorative justice options, however, there remain limitations on the ability of service providers and legal professionals to identify prospective Indigenous clients, as one participant noted that they have “no way of knowing if a youth is Indigenous or not, there’s nothing in their file. So, I end up making inferences...I make assumptions is what I’m doing.”

Service provider participants also noted that youth benefit greatly by being able to access cultural resources. One participant spoke to the different traditional ceremonies they connect their clients to, whether that be a naming ceremony, colours ceremony, sweat lodge, or others, noting that they see “youth grow and be proud of who they are.” Other participants spoke to the need to avoid “recreating the wheel” when it comes to youth accessing cultural programs and traditional practices, but rather increasing access to existing supports. The Sault Ste. Marie Indigenous Friendship Centre for one example, has available

“land-based sessions, counselling, and traditional Indigenous practices available for youth,” highlighting the need to promote and support existing programs, rather than duplicating effort and resources.

When it comes down to youth who are incarcerated, access to culture is much more of a challenge. One participant noted that youth would request “ceremony” or access to “smudging” but staff noted that they were “constantly fighting” to have access to ceremonies or medicines from upper management. Staff would reportedly find themselves “bogged down with things that took greater precedence” or were told “no” or “not right now” to the point that youth would eventually stop asking for such requests from staff. The participant stated that “we would do more smudging and ceremonies if we were able to eliminate some of those operational barriers” continuing by saying that “we need to have the conversation about what is needed, this is what would be helpful, this is what the youth are looking for.”

4.3.4.1 Organizational Mandates

A sub-theme that emerged amongst service providers in the community, that also connects to accessibility and awareness, were the restrictions or suitability of organizational mandates, policies and service delivery.

Age restriction mandates were a major barrier to accessing resources identified by participants. Many noted that while there are “many resources available to young persons [but] once they hit the age of 18 they don’t have access to those resources anymore.” For youth who are aging out of services, one participant highlighted the barrier that “the onus is on them to find placement or to find their own housing, for example, they now have to work with us on a voluntary basis.” Conversely, on the subject of addictions treatment, one participant noted that “there aren’t drug rehabs for youth. They tell us they have to wait until they’re 18. Well, these 16- and 17-year-olds aren’t going to make it to 18.” Several participants expressed that many youth don’t reach maturity by 18 and there is a need to be able to provide them with the necessary supports

and resources well past the age of 18. “We shouldn’t have an age limit,” said one participant “if someone wants our help, I don’t care if you’re 32 or 35.” “We shouldn’t have age groups to be honest” another participant reported, “I don’t understand why we have groups; we should be able to help people until they don’t need our help.”

Many participants identified conflicts with senior management and funding bodies related to issues of youth justice. “I feel like youth justice has the mindset of dinosaurs” expressed one participant, “where it’s not moving as quickly as the rest of society – having a hard time making changes.” Others expressed the need for more long-term, sustainable funding for restorative justice programming and that, while they may still be able to be engaged in restorative justice issues and practices without dedicated funding, barring sustainable resources that support is more “limited.”

Another identified challenge is that many services youth are connected to are court ordered or linked to probation orders. This means that many services available to youth become “time limited,” for example 6 or 7 months, but after that time, when they are no longer on probation, youth are no longer required to attend programming or services, even if it may be beneficial to them to remain with the program.

Some participants did express that organizationally they have made changes to service delivery and taken into account learnings about how to deal with youth who are interacting with the law. One participant suggested that “incarceration or criminal records are not the way to go for young people, it doesn’t make sense.” Yet the same participant highlighted inadequate resourcing for alternatives, noting that the human resources and capacity was simply “not enough” to “adequately provide for youth to the best of our abilities.”

4.3.5 Decolonization, Self Determination & Advocacy

Service providers and legal professionals also raised the issue of the decolonization of the courtroom and mainstream justice practices. This was tied intimately with the need for greater Indigenous self-determination and the advocacy needed within the justice system to support Indigenous clients in shaping their own destiny.

Many participants stated that the current state of mainstream courtrooms and processes are not working for Indigenous youth, with one participant stating that “we don’t have a significant youth criminal justice system in Sault Ste. Marie.” They continued further, noting that there is a great need for a “Gladue youth speciality within our jurisdiction, and we don’t have that.” The example of a Gladue court or Indigenous court that can be found in other larger areas was emphasized by multiple participants as something that is greatly effective and would be beneficial to this area due to the number of First Nation communities and Indigenous people in this area. “Sault Ste. Marie doesn’t have anything like that [...] and we could really benefit from something like that. We can try and re-create sentencing circles but I think we would benefit from having an actual facility like that.” Another participant spoke about the need for restorative justice programs within First Nations communities stating that “instead of going into these court systems, instead of them taking our money or remanding for 6 months or 2 years. Just get it over with. It could be done a lot better.” Another participant commented on decolonization processes, noting that they would like to see courtrooms take more of the shape and process of traditional circles. “I see it how Eddie Benton Banai took my class and sat us down and rearranged the classroom every time we went in to learn our history. With the 7 grandfather teachings. We never sat in a traditional setting. We were circular. We took the time out of every single meeting to introduce ourselves.” Others spoke about having a youth diversion program, where every time an Indigenous youth would come before the criminal court that it “becomes a practice to take the eagle feather out and to use it. It’s not a one off. We’re using it, we’re bringing it there every time so they can see that reinforcement of us understanding and respecting the culture.”

Another participant emphasized the need for more Indigenous representation within the justice system to counteract what they termed the “white-washed lens” that prevails in many settings. “You can only teach so much,” they explained, “and that’s why it’s so important for us to have representation, Indigenous people in all different roles in the criminal justice system.”

4.3.5.1 Advocacy and Gladue

A major sub-theme related to the application and use of Gladue principles and practices. *R v Gladue* and *R v Ipeelee* are two Supreme Court of Canada decisions that established and affirmed principles for considering the personal circumstances that have impacted the lives of Indigenous peoples, and where alternatives to incarceration must be considered (Chartrand & Horn, 2016). However, it was noted that in Baawaating, (Sault Ste. Marie) “you are seeing less and less Gladue reports being written” and others stating that “Gladue isn’t being considered in bail, it’s always waived.” Another participant expressed how they have to “go and advocate for them [clients] constantly in court. Even for a misdemeanor charge. What duty councils do is they go and tell the kid ‘hey, we’ll just remand it, you can come back in 3 months’ and the kids just want to get out of court right away. I see these kids coming back every 3 months for a misdemeanor charge, it’s a joke!”

“Gladue has to be considered,” expressed one participant, “you have to consider restorative justice options but when there’s nothing available what is the judge supposed to give you as a sentence or a sanction? It’s either probation or incarceration.” It should also be noted that in order for a Gladue report to be written or considered, the young person in question has to admit responsibility for their charges. One participant described the limited support and capacity for Gladue writing locally, noting that “Aboriginal legal services out of Toronto has the sole contract with legal aid Ontario. So all the writers are out of Toronto. Our Gladue reports quote Wikipedia.” Participants expressed the great importance and need for quality Gladue reports locally as one participant

stated that “if I can get a better sense of their background maybe we can come to a consensus on what is appropriate for this specific person.”

Other participants stated that they would welcome the idea of having a position created locally where someone would go to the courthouse and be available for youth. “It’s basically just working with them through the criminal justice process, making sure they understand their charges, how to go to your first court appearance and what you should expect.” “Really any assistance that themselves, a family member, or anybody would need throughout the process.”

Overall, participants emphasized the need to focus on how to get Indigenous youth out of the mainstream court system.

4.3.6 Education

Participants in this segment emphasized the importance of not only formal education for youth, but alternative, life-based education and skill development; adequate and sustainable anti-racism, cultural sensitivity, and restorative justice training for social service and justice related staff; and more support for youth within the schools themselves.

Many service provider participants discussed how the introduction and accessibility of learning new skill sets, such as, “life-skills like financial literacy, resume building and employment skills, to carpentry, knitting, crochet and kitchen skills,” as one participant put it, has shown to be beneficial to the youth that they work with. Such programming also provides staff the opportunity to connect with their clients, build rapport, trust and familiarity.

Some participants expressed that many service providers and legal professionals in the community also require more training and introduction to resources specific to Indigenous peoples and youth. They expressed that some don't know what cultural resources to connect youth to or don't understand “the different

factors and considerations that need to be made for Indigenous offenders” because of a lack of education, training and learning. One participant stated that “...some of the service agencies that we work with, they don’t even know what’s right under their nose...it’s just ignorance and not in a bad way, they just don’t get it.” Some participants expressed the need for more sufficient training around anti-racism to ensure that people are aware of the racism that Indigenous people experience in the community, as one interviewee noted “because I don’t think people in the Sault recognize when they’re being racist.” Speaking about restorative justice training in particular, one participant spoke to some of the limitations of the “train-the-trainer” model that is frequently preferred, stating “when individuals who were trained end up training others and then those people end up training others and so on...now we’re three, four, five years removed from the initial training and often times the process will look different, it becomes watered down.” These observations highlight how training opportunities may be more effective locally if there was an on-going supervision and coordination of such efforts.

4.3.7 Building Capacity & Relationships

Staff retention, adequate funding, and limited resources are common shared challenges faced amongst service providers and legal professionals. Therefore, strengthening the capacity to build relationships (with community partners and with youth), collaboration amongst agencies, streamlined, coordinated networks and resource sharing, and effective communication and connection between Indigenous and non-Indigenous agencies, stood out as common themes throughout the interview process.

Retaining quality staff members, securing sustainable funding for programming with limited resources and capacity make it challenging to adequately meet the needs of Indigenous youth seeking services and support. Participants noted that many youth have trust issues and that taking the time to establish a relationship, trust and rapport can be difficult when positions are constantly being turned over, programs are being cut and staff are being spread so thin

that they can't possibly dedicate the time needed to adequately serve each client. One participant noted that "I wish there were three more of me...the most I spend with these kids is an hour at a time." Another participant stated that "staff retention is something that you need to address. Because you need the right person, and you need to pay that person the right amount of money to retain them. It needs to be meaningful. It can't be a quick fix. That's where I get frustrated, I don't want any more quick fixes." Further expressing that the cycling of staff and programming "affects the long-term goals of the initiative." It was noted that youth are particularly vulnerable when they are new to the justice system and that adequate time is needed by staff to get to know these youth and their individual needs.

Participants also noted that strengthening relationships and collaboration amongst service providers was something that needed to be done locally. One participant stated that they had a client they were working with but also knew that this client was working separately with other agencies in the community. "We're all working separately, we're all doing the same kind of support but we're not connecting and we're not working together." Another participant expressed that "the community doesn't really look at us as a community partner – changing their perspectives on that is challenging." Many participants made mention of the good work being done at "committee levels" in the community, "there's lots of members at tables, there's lots of discussion." However, "when it comes down to actually doing the work, we're starting to see that go back to silos."

Some participants made note that as service providers and legal professionals in Baawaating, that they haven't been able to "break that cycle" of Indigenous youth coming up through the system. One participant stated that "without long term support to address the really deep traumas of which we have a very long wait list in Sault Ste. Maire for those kinds of services, we cycle right? We cycle our services and we cycle with our problems." Other participants expressed frustration with some services who take an "out of sight, out of mind" attitude towards incarcerated youth.

Participants largely wished to see more case management and support coordination, with all the given agencies that are working with a young person in the community to be able to come together with their client and their family or other supports to develop strategies in response to the client's needs. When the greater community was involved with their shared client, one participant described the major benefits they witnessed, reporting that “it shows the young person that there's a lot of people that care about them and are willing to help them.”

There also seems to be a clear disconnect or lack of communication or awareness between community partners and the courts, and between Indigenous and non-Indigenous partners. One participant stated that when they do refer a young person for diversion or extrajudicial sanctions that they “never really get to know what that young person did or [are] given an update. What do these programs entail, what are they doing?” Another community partner conveyed that sometimes it takes “three years in the court system just to get three months probation. If we would have dealt with this in the first six months, they would have been done probation already. I just don't get why we can't all get together and ask questions and be open.” Another community partner from an Indigenous led organization noted that “most of the referrals I do get are from other Indigenous workers, who know about what we are doing, but otherwise people don't refer to us.” Such observations underscore the need for more networking to be done between agencies and the courthouse itself.

4.4 Elders and Knowledge Keepers

In total, 5 Elders and Knowledge Keepers from Baawaating and the surrounding area participated in the interviews. Major themes that emerged included: Holistic support, family & community involvement; accessibility & awareness; advocacy; fair & equitable treatment; collaboration & allyship; decolonization & self-determination; and education & learning. Interview questions can be found in Appendix 3.

4.4.1 Holistic Support

Community Elders and Knowledge Keepers identified the many barriers and challenges youth are facing and the coping mechanisms that they have in place to deal with these many challenges. Knowledge Keepers also expressed how many young people lack a sense of personal identity or self-worth. They emphasized that when trying to help a young person get on the right path again, it's important to acknowledge that uniqueness as well as how they are dealing with the impacts of their environments that result in what one Elder termed "multi-generational dysfunctionism."

Elders and Knowledge Keeper participants noted that young people have difficulty "fitting in" and especially so when they are engaging with alcohol and drugs. Some noted that many youth are struggling with addiction, mental health, housing, food security, finances, abuse, anger issues, etc. and that many don't know how to reach out to find the help that they need. So, many youth struggle to find their way, to fit in and to find a sense of purpose, leading many youth to fall into the wrong social circles and succumb to peer pressure, committing small crimes and using substances. One Elder noted that it's "a slippery slope" in regards to the reasons why a young person may find themselves involved with the justice system. Another Elder expressed that a lot of the challenges youth face are due to the poor coping mechanisms that they rely on. These coping mechanisms are a direct result of "all the kinds of institutions that have impacted their lives," further explaining that "residential schools, education institutions, medical systems, justice systems, police systems" are all institutions that a young person has "brushed up" against and shape the stresses and trauma they experience throughout their lives.

Some Elders noted that many youth lack a sense of purpose or belonging and that it's important to target the root causes of their behaviour. Emphasis was also placed on taking a restorative approach and "look[ing] at a different way for a youth to make amends." "Land based activities, being with Elders, those

different alternatives to probation and being locked up,” one participant proposed. Elders expressed the need for young people to be held accountable for their actions but to do so in a culturally informed way. Land was highlighted as a critical component in this approach: “being out there and trying to find that connection out there,” one participant expressed. Others emphasized the need to be “open” and “pliable” to the uniqueness of the individual person.

4.4.2 Family & Community Involvement

Participants highlighted the important role played by family and community in restorative and healing processes, as well as how such support networks have been undermined through numerous impacts of colonialism.

Participating Elders commented on the legacy of the residential school system and how “being taken at a young age and not being able to return until they were sixteen, eighteen years old or older...coming back to a community where they knew nobody...there was no sense of belonging.” One participant spoke of their time in a residential school for four years and how “that took away four years of our life with our parents and our community.” These traumatic impacts have left many parents struggling with addictions and mental health issues, where one Elder acknowledged of her own mother that “she couldn’t do the things I needed to do because her mother couldn’t do it...and learning about that generational trauma and just wanting that love.” Many youth “want that sense of family and for their family to be there for them” and therefore it’s important to address the family as a whole. One Elder noted that many young people are “being adopted out to different communities” and how that lost sense of belonging, family and community continues for young people today. They drew a connection to how the “introduction of pills and illicit drugs to numb out, not feel and understand” continues to be an ongoing challenge for youth and their families.

One Elder stated that sometimes “it’s very difficult for young people from the very start” because they never got to learn the “rites of passage” and “stages of

understanding” as a young person and the roles and responsibilities of the family. The participant continued, emphasizing the important roles that uncles and aunties play in disciplining sons and daughters, “putting the young ones out to fast, all alone and face their fears, to face the night and learn about the night world and learn about themselves.” How the grandparents “teach them the history, tell them the stories of our communities, and with this, this sense of belonging, their clan, their spirit name, their true identity” and through this sense of belonging, there is less likelihood of youth having to “go looking for themselves...or meeting people who are unhealthy.”

4.4.3 Accessibility and Awareness

Access to social and cultural supports was seen as integral to youth wellbeing and healing. Participating Elders and Knowledge Keepers expressed that many young people are lacking a sense of belonging and pride. Where there is a “lack of programming, there’s nothing” positive for youth to do “to keep them from getting into trouble with the law.” One Elder spoke about always having to “justify” different programs and services for Indigenous youth, to have to “justify” program participation or that they aren’t “duplicating services” in order to secure funding. Of which was noted that “the funding gets cut, funding that we should receive without question. It’s part of our treaties, part of our understanding of the deal we made with the government to share our resources.”

Other Elders emphasized that young people often find the support they need through accessing culture. “Culture is the biggest thing. Finding out their identity, their spirituality, where they come from, getting their name, sitting with Elders and helping them.” However, Elders did acknowledge that sometimes it is difficult for a young person to know how to access their culture or how to approach an Elder and that sometimes youth are intimidated by the process.

Elders spoke about the process of approaching an Elder and seeking their support: “Whenever you approach an Elder you offer that tobacco but if youth

don't know they don't know how. So, teaching them about that tobacco and offering it, being very specific in what it is they are looking for." Another Elder stated the importance of understanding what they are asking of an Elder and the respect that is needed: "...just in the four medicines that were given to us by Creator, the respect that they need for that, the respect that they need for themselves, the understanding of the question they are asking." Another Elder spoke about the need for youth to understand how "not all Elders are cultural" and that some are "really strict and angry" and to be aware of that, that "they thought they were protecting us by not teaching us these things, and so we have to teach our youth that."

When discussing youth who may be involved with the justice system that want to access culture, and the anxiety that some feel about accessing cultural spaces, Elders or traditional people, one participant noted that the "environment is so important" and that "it has to be Indigenous." There was emphasis on the need to have "credible sources" or a "list of resource people" in the communities that can be depended on and available to youth seeking support. One Elder stated that "there should be some kind of listing of people that could be available in the communities. Contact the health centres, we have traditional people, we have cultural people that meet a [standard] in the communities."

4.4.4 Advocacy

Elders and Knowledge Keepers spoke of the need to advocate on behalf of youth in the mainstream criminal justice system and within the courtrooms. Considering the trauma that many youth and their families have suffered, Elders emphasized the need to "explain all that to the court system, police, judges, attorneys – the history of our people, the history that resides in our people."

Elders also discussed the need for "properly trained Gladue writers" to ensure that "our people get a fair shake within the foreign justice system." It was noted that currently the quality and calibre of Gladue reports being produced is "inconsistent" and that Gladue reports hold a lot of value and that "we look to

those reports to evolve even farther to being able to identify the short-comings so that we can fully embrace and fully assert our reserve jurisdictions around our own justice system.”

4.4.5 Fair & Equitable Treatment

Participating community Elders and Knowledge Keepers also discussed the inequalities, unfair treatment and discrimination Indigenous peoples face not only within the justice system but within “our own communities, this city and the working world.”

One Elder stated that “when I go to the courthouse it’s full of Native people. We’re not worse than anyone else but somehow the limelight is on us.” They continued, noting how “there’s a lot of preconceived notions about us and it’s just fallacies. It’s disheartening.” When discussing the courts and police it was expressed that there’s little understanding of the history of Indigenous people and why some people are where they are with the justice system. “It’s a hard thing to try to explain the trauma and abuse they’ve gone through and the everyday triggers in life, when they don’t understand or have witnessed or felt it themselves.” Some participants noted unfair treatment Indigenous people that they have witnessed, where “discretion” was used to the disadvantage of Indigenous people, “forcing the law to the extent of the law.” One Elder noted that sometimes “one person will receive a harsh [punishment] but sometimes another person, for the same misdemeanor will get off scot free. Where’s the justice in that?”

Elders also spoke of inequity and disparity when it comes to human capital, treatment of workers, and wages between Indigenous peoples and non-Indigenous peoples. “We have less people,” one participant noted, “we’re doing all kinds of jobs to just keep the ship afloat and trying to keep things moving and trying to meet the needs of the people. But they have people doing all kinds of jobs over there in similar types of agencies. There’s inequity there.” “The wages paid in First Nations are a lot less,” noted another, “not only

in policing – there's a double standard with policing – our officers are not treated the same as mainstream, our human service employees are not treated the same way.”

4.4.6 Collaboration & Allyship

Elders spoke about how when non-Indigenous groups or agencies work with Indigenous youth, that it's important for non-Indigenous people to understand Indigenous history and backgrounds and the importance of having the space to be able to “have our voice and say what our truth is;” that to foster inclusion, it is important for non-Indigenous people to “get that understanding.” However, while it was noted that agencies are collaboratively coming together, there remain struggles, as there “are always people who are still on their healing journey” and there continue to be challenges with “unhealthy emotions.” Where one Elder commented that “it's difficult to help one another if we are not healthy ourselves” and that it's important to understand that and to “understand the history of our abusers, our families, and where that stems from and to utilize our medicines to understand that.”

One Elder spoke of how important it is to “offer culture to inmates in the jail, or being able to go into a hospital and share medicine and smudge.” How important it is to share knowledge and to help others find “their own spiritual understanding.”

Elders also expressed the need for allies, but that the role of allies should be determined by Indigenous people. One Elder stated that “we can't have someone know what's best for us anymore, we have to be the ones designing things. If it's about us it's by us, and then we can look for complementing relationships.” One participant expressed that it is good to build partnerships with non-Indigenous people, “as long as it's for a common cause and that they understand our ways.”

4.4.7 Decolonization and Self-Determination

A couple of Elders spoke about how a lot of youth don't have a sense of identity and that they are "trying to fit into a world that doesn't fit to them." They expressed that western medicine will diagnose Indigenous people with an issue of mental health when the underlying issue is with their "spiritual connection," the "not knowing who you are, the history of our people, not knowing about your culture and truly understanding your journey in life." One Elder spoke about receiving teachings as a child and when raised in the culture "there is no room for unhealthy behaviours, thoughts and mindset."

When discussing the possibility of alternative justice practices locally, some Elders stated that "if it's about us we should be doing it, it should look Indigenous." They added that "conceptually it has to be all about Indigenous worldviews, ways and methodologies."

Another commented that the word restorative is about "reclaiming our jurisdiction as a people, restoring justice from an Indigenous worldview, not as an agency of the Crown." Elders stated that any alternative justice processes, any "primary court processes" should be designed and driven by Indigenous peoples "as those are our reserved rights as a people and as a nation." Elders made note that as First Nations people "we have the right to be able to operate our own justice system...there's a reluctance on the part of the justice system to recognize and enforce Indigenous expectations in law but our laws are the primary laws on these lands." Further adding that "we have our inherent rights, our language, our culture, our ceremonies and our relationship with all of Creation. Who we are and our foundations has nothing to do with Canada or Ontario."

4.4.8 Education & Learning

Elders spoke about the effects of systemic racism that exists within mainstream educational institutions and the "lack of cultural esteem, self-confidence and

self-pride” that this creates amongst Indigenous students. This was seen as a contributing factor to the overrepresentation of Indigenous people in conflict with the justice system. Many reflected on the lack of Indigenous representation and worldviews in the curriculum that they had experienced. One Elder noted that looking back at the history books in school “I can remember reading 3 sentences on First Nations people.” Another Elder commented that “it’s concerning that the perception that’s created in the curriculum is that we don’t have anything until we get it from Canada – we don’t have rights until Canada gives us our rights.” Further adding that “when schools talk about worldview, it should be our worldview and not our worldview accompanied by Canada or Ontario. We are a distinct people, a nation...everything that makes a nation is what we are and it’s not determined by our relationship with Canada.”

Participants also emphasized the need for more “experiential learning” in the classroom, drawing on “appreciation for the natural environment” and that the curriculum should be done by “collective design” and based on Indigenous worldviews. One Elder commented that sometimes “our kids can’t exist in the regular school system,” that learning experiences are lacking and there needs to be “land-based learning.” “Students would learn a lot more than if they were sitting and reading from a book. It means doing the actual things,” they concluded.

5.0 Recommendations

Based on the findings from both the literature, and community engagement and research, there is a clear desire for establishing a community-based restorative justice alternative to divert Indigenous youth from the conventional justice system.

Based on a review of literature, restorative justice models and the visions expressed by research participants, a community justice circle model best meets local immediate needs, aligns with local Indigenous worldviews, and has

an extensive record of successful application in other communities throughout the region.

Purpose:

The purpose of the model will be to (a) develop a shared understanding of the offence and precipitating circumstances; (b) identify mutually agreed plans to address harm committed; (c) foreground the impact on harmed parties; and (d) divert Indigenous youth from incarceration, remand, and other conventional legal processes.

Composition:

At a minimum, a circle should include (a) young offender and at least one support, but as many members of their family/support network as are deemed relevant by the offender and program staff; (b) the victim(s) who are willing to participate, and at least one support, but as many members of their support network as are deemed relevant by the offender and program staff; (c) an Elders or Knowledge Keeper; and (d) a circle facilitator. At the discretion of the core participants, legal professionals involved with the incident and other community members may also be invited to participate.

The program must also be supported by staff who can coordinate the process, provide referrals to cultural and support services, and follow up with the participants to ensure follow-through with the resulting plan and any subsequent referrals to support services.

Framework & Process:

The process of the community justice circle should be guided by the Seven Grandfather Teachings of respect, wisdom, humility, bravery, honesty, truth, and love. This reflects the wishes of several research participants and represents teachings specific to the Anishinaabe territories in which the program will sit. These teachings are the cultural foundation that must guide the development of the program.

Though specific procedures shall be defined by staff and partners in subsequent phases of the development, the community-based justice model should incorporate some of the basic best practices and priorities identified in the research. These are outlined below in relation to the Grandfather teachings.

Dbaadendiziwin (Humility)

- Participants recognize the circle may not be the ultimate resolution of a conflict: There may be actions that are necessary to be fulfilled and deeper causes to be addressed. The circle should culminate in the development of a healing plan for resolution that outlines any actions that should be taken to provide restitution, apology, or address underlying issues that informed the committing of the harm.
- The program itself is not an immediate answer to harm done. Program staff should connect both victim(s) and offender(s) to resources and services where necessary and requested, particularly to cultural supports and mentors.
- The program should be limited to situations involving Indigenous youth and young offenders in Baawaating where they do not qualify for existing or future restorative justice programs provided by rights-bearing Indigenous communities of the area, including Batchewana First Nation, Garden River First Nation, and the Métis Nation of Ontario.

Zoongide'ewin (Bravery)

- The offender(s) should be involved in the decision making process on how to repair harms done.
- Offender(s) should be the authors of their healing plan for resolution, informed by other participants and focused on restitution and addressing root causes of the conflict.

Gwayakwaadiziwin (Honesty)

- The healing plan for resolution must also balance realistic expectations of the offender(s), considering their challenges and constraints.

Nibwaakaawin (Wisdom)

- Both the victim(s) and the offender(s) should have the opportunity to share their experiences and the impacts of the acts on their lives, as well as have the opportunity to ask questions.
- The knowledge of the Elder(s) is integral to the process. Though the plan for resolution is based on mutual agreement and shared conditions of the offender(s) and victim(s), the facilitator should encourage reflection on the Elder's contributions.

Debwewin (Truth)

- Participants should listen to one another, especially the party with which they are in conflict.
- Participants in the circle should share only their own experiences (they should not speak on others behalf or presume to know what others think or do).

Minaadendamowin (Respect)

- Each participant should speak one at a time, without interruption. Participants determine when their turn is complete.
- No plan for resolution can entail the intentional causing of harm to any party or anyone else.

Zaagidiwin (Love)

- The primary value of the restorative justice circle is to restore peace. Any decisions that need to be taken should be made with this goal in mind.

Additionally, participation in the circle should first require the development of an agreement between all parties, outlining how the circle will function and their commitment to respect the process.

5.1 Next Steps

Realizing the proposed framework and building the process and program that it entails will require ongoing support, planning and commitment from community partners.

The next steps in realizing this vision include:

1. Revisit and revise BJC Terms of Reference to extend the timeframe of the committee and outline stakeholder commitments, objectives and responsibilities for the next phase of the initiative.
2. Develop an MOU between the Baawaating Justice Committee and Shingwauk Kinoomaage Gamig, maintaining the Committee's oversight role and outlining SKG's commitment to seek opportunities for funding and hosting the program.
3. Hold a gathering of the Baawaating Justice Committee with SKG to conclude this initial phase of the project to take collective decisions on the community-based justice model as outlined in section 5.1, answering key program policy questions to inform the project's development and future requests for funding. The decisions to be taken include:
 - I. Determine which clients will be eligible for the program.
 - A. **Recommendation:** In the initial years of the initiative, focus on Indigenous youth up to the age of 29 only. Expansion to other Indigenous adults may be considered after the program has run successfully for a period to be determined by the Baawaating Justice Committee.
 - II. Determine what types of offences will be considered for diversion.
 - A. **Recommendation:** In the initial years of the initiative, begin with only non-violent offences. Expansion to more serious violent offences may be considered after the program has run successfully for a period to be determined by the Baawaating Justice Committee.
 - III. Determine possible diversion outcomes of the program (i.e. anger management, mentorship, community service, apology letters, supporting Elders, etc.)
 - A. **Recommendation:** Require at least a plan to address harm caused. Specifics of the plan may vary depending on the situation, but it

should be actionable and specific (i.e. where certain services are recommended, specify which service provider will be accessed).

- IV. Determine the entry points for the program.
 - A. **Recommendation:** Provide for multiple entry-points prior to sentencing.
- V. Determine the staffing resources necessary for the program's early development.
 - A. **Recommendation:** At its outset, the program is likely to require at least one full time program coordinator, one full time justice worker/facilitator, one full time cultural support worker who may be an Elder or Knowledge Keeper. The Baawaating Justice Committee may also wish to consider an aftercare worker and/or embedding Gladue writer support into the program, and/or community justice workers who can act as advocates for any Indigenous youth in conflict with the justice system

The next steps beyond refining the proposed restorative justice model lie with securing staff and sustainable funding for the program. This staff, with the guidance of the BJC, can then also address other needs identified by some research participants, including:

- To liaise and consult with Indigenous-specific restorative justice programs in other Northern communities to identify helpful policies, protocols, and procedures;
- developing a common referral form for participating agencies;
- developing a cultural support resource list and policy for how it is to be collected and maintained;
- conducting any further legal or policy gap analysis.

5.2 Further Advocacy Considerations for the Baawaating Justice Committee

Research participants also highlighted a number of factors that shape Indigenous youth's experiences with the justice system and their overrepresentation therein. Though some of these aspects are outside the scope of this initial project, they bear consideration for future areas of advocacy or future collaborations. They include:

1. Expressed desire for a youth mentorship program to connect youth with Elders and peers who have had shared life experiences and success stories. Create opportunities for multi-generational sharing.
2. Opportunities for creating a positive social outlet for youth to connect with cultural resources and skill development.
3. Opportunities for networking, engagement and strategizing amongst service providers in the community in order to strengthen access, awareness, communication and relationship building.
4. Advocacy for more training of additional local Gladue report writers.
5. Advocacy for an Indigenous courtroom like those facilitated by the OFIFC in other communities.
6. Opportunities to promote more culturally relevant curriculum, land-based and experiential learning for Indigenous youth in collaboration with local school boards.
7. Opportunities to collaborate with the Gabegendaadowin program at Algoma University to develop training opportunities to build bridges between Indigenous and non-Indigenous service providers and legal professionals locally.

6.0 References

- Berlin, M. (2016). Restorative justice practices for aboriginal offenders: developing an expectation-led definition for reform. *Appeal*, 3-20.
- Buchanan, A. G. (2020). Seventeen years of restorative justice circles: the yellow medicine county experience. *Contemporary Justice Review*, 23(4), 319-336.
- Cesaroni, C., Grol, C., & Fredricks, K. (2019). Overrepresentation of indigenous youth in Canada's criminal justice system: perspectives of indigenous young people. *Australian & New Zealand Journal of Criminology*, 52(1), 111-128.
- Chartrand, L., & Horn, K. (2016). *A report on the relationship between restorative justice and indigenous legal traditions in Canada*. Ottawa: Department of Justice Canada.
- Choi, J. J., Bazemore, G., & Gilbert, M. J. (2011). Review of research on victims' experiences in restorative justice: implications for youth justice. *Children and Youth Services Review*, 34, 35-42.
- Clark, S. (2019). *Overrepresentation of indigenous people in the Canadian criminal justice system: causes and responses*. Ottawa: Research and Statistics Division, Department of Justice Canada.
- Cormier, R. B. (2002). *Restorative justice: Directions and principles - directions in Canada*. Public Works and Government Services Canada.
- Couture, J., & Couture, R. (2003). *Biidaaban: The Mnjikaning community healing model*. Aboriginal Peoples Collection.
- Currie, A. (2018). *Ten ideas for community-based justice*. Toronto: Canadian forum on civil justice.
- Date, B., & Monkman, L. (2019). Justice with healing: an adapted indigenous model of justice and healing of relationships. *The Canadian Journal of Peace and Conflict Studies*, 65-104.
- Department of Justice Canada. (2019). *Indigenous youth roundtables: overrepresentation of indigenous youth in Canada's criminal justice system*. Ottawa: Department of Justice Canada.
- Goulding, D., & Steels, B. (2013). Ten years on, the 'three circle' model of restorative & transformative justice: a tool to combat victimization and recidivism. *Asian Criminology*, 321-333.

- Gray, B., & Lauderdale, P. (2007). The great circle of justice: north american indigenous justice and contemporary restoration programs. *Contemporary Justice Review*, 215-225.
- Hann & Associates. (2003). *A national survey of youth justice committees in Canada*. Ottawa: Research and Statistics Division, Department of Justice Canada.
- Hansen, T., & Umbreit, M. (2018, March 5). State of knowledge: four decades of victim-offender mediation research and practice: the evidence. *Conflict Resolution Quarterly*, pp. 99-113.
- Law Commission of Canada. (2003). *Transforming relationships through participatory justice*. Ottawa: Law Commission of Canada.
- Little, S., Stewart, A., & Ryan, N. (2018). Restorative justice conferencing: Not a panacea for the overrepresentation of Australia's indigenous youth in the criminal justice system. *International Journal of Offender Therapy and Comparative Criminology*, 62(13), 4067-4090.
- Malakieh, J. (2020). *Adult and youth correctional statistics in Canada, 2018/2019*. Ottawa: Statistics Canada.
- Metze, R. N., Abma, T. A., & Kwekkeboom, R. H. (2015). Family group conferencing: A theoretical underpinning. *Health Care Analysis*, 23(2), 165-180.
- Rudin, J. (2002). Aboriginal alternative dispute resolution in Canada - a case study. *International Journal of Public Administration*, 25(11), 1403-1426.
- Shah, S., Stauffer, C., & King, S. (2017). *Restorative justice listening project final report*. Harrisonburg: Zehr Institute for Restorative Justice.
- Statistics Canada. (2018). "Indigenous Overrepresentation in Provincial/Territorial Corrections." Available at <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2018/docs/nov01.pdf>
- Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Adult Correctional Services Survey, Integrated Correctional Services Survey and Canadian Correctional Services Survey. Available at <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3306>
- Tait, P. L. (2007). *Systems of conflict resolution within first nations communities: Honouring the elders, honouring the knowledge*. National Centre for First Nations Governance.
- Tauri, J. (1998). Family group conferencing: a case-study of the indigenisation of New Zealand's justice system. *Family Group Conferencing*, 168-182.

- Tauri, J. M. (2016). Indigenous peoples and the globalization of restorative justice. *Social Justice*, 46-134.
- Tompsonowski, B., Buck, M., Barga, C., & Binder, V. (2011). Reflections on the past, present, and future of restorative justice in Canada. *Alberta Law Review*, 815-829.
- Truth and Reconciliation Commission of Canada. (2015). *Truth and reconciliation commission of Canada: Calls to action*. Winnipeg: Truth and Reconciliation Commission of Canada.
- United Nations. (2021, February 25). *United Nations Declaration on the Rights of Indigenous Peoples*. Retrieved from United Nations: <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.htm>

Appendices

Appendix 1: Past and present members of the Baawaating Justice Committee

Name	Organization	Title
Ashely Vincent	SSM IFC	Native Family Court Worker
Brittany MacDonald	Métis Nation of Ontario	Youth Justice and Mental Health Coordinator
Dorothy Elie	Nogdawindamin	Elder - Cultural Services
Eva Dabutch	Nogdawindamin	Clinical Case Management Supervisor
Jennifer Syrette	Nimkii-Naabkawagan Family Crisis Shelter	Executive Director
Jessica Belisle	Belisle Law	Criminal Defense Lawyer
Joel Syrette	Algoma District School Board	Indigenous Education Lead
Lauren Doxtater	Shingwauk Kinoomaage Gamig	Director of Academics
Marc Lesage	Anishnawbek Police Services	Sargent
Mark McCoy	Algoma Treatment and Remand Centre	Native Inmate Liaison Officer
Megan Riberdy	Métis Nation of Ontario	Indigenous Justice Liaison Coordinator
Melanie Roach	Batchewana First Nation Police Services	Officer
Patricia Lesage	Batchewana First Nation Health Centre	Community Wellness Manager
Pauline Lecuyer	Algoma Family Services & Garden River Health Centre	Child & Youth Intensive Treatment Counsellor
Rodney Elie	Nogdawindamin	Elder - Cultural Services
Samantha Kyle	Waabinong Head Start	Social Worker
Sean Meades	NORDIK Institute	Director of Research
Sophie Priddle	SSM IFC	Criminal Court Worker
Vivian Jimenez-Estrada	Algoma University, Department of Sociology	Associate Professor
Wayne Wesley	Batchewana First Nation Health Centre	Addictions and Mental Well-being Coordinator

Appendix 2: Community Justice Models and Programs in Ontario

[Snapshot of Community-Based Justice Models in Ontario \(Click for link\)](#)

Contains overview of communities served, nature of the model, components, staff positions, and levels of support.

[Snapshot of Community-Based Justice Models and Programs \(Click for link\)](#)

Contains additional details on objectives, strengths and challenges.

Appendix 3: Interview questions

Example interview questions for youth age 12-29 and adults 29 and over:

- Tell me a bit about yourself
- Can you share with me what your typical daily life looks like?
- What does wellness or doing well mean to you?
- What does culture mean to you? Do you find it meaningful in your life? Do you know how/who to connect with? (Provide a list of folks that can connect youth to culture)
- Do you identify as being a residential school survivor/thriver? Do you have family members that have?
- What are some things that you are proud of?
- What does “Justice” mean to you?
- Can you share with me about a time you were involved with the criminal justice system?
- How has your experience with the justice system affected your life?
- What has your experience been with the police? How do you feel about the relationship young people have with police?
- Do you feel that your past run-ins with the justice system interfere with you accessing justice today?
- What could have/can made/make your experience with the justice system better for your well-being?
- What are some of the barriers youth face that may lead to their involvement with the justice system?
- What do you feel are the greatest needs for youth that could have prevented them from being involved with the justice system?
- What community services/programs have you accessed and what was your experience like? Were these services culturally appropriate?
- What would you tell other youth who may have a similar experience to your own?

Example questions for social service providers/legal professionals:

- What do you feel are the greatest needs for Indigenous youth who may find themselves involved with the legal system?
- What are the systemic barriers youth are facing?
- What do you feel are the contributing factors that would lead a young person to being involved with the justice system?
- What are your greatest needs when interacting with youth who may be struggling with the justice system? What are the challenges you face?
- How well do community agencies and legal professionals partner and collaborate together?
- What other programs and services have you partnered with? Who would you like to partner with?
- What is your understanding of restorative justice?
- What isn't working in the current system? What kind of system would work?
- What can you (as a service provider/professional) bring to the table?
- What would you like to see in a community-based justice model?
- Is there any training (anti-racism, cultural sensitivity, restorative justice, trauma informed practice, etc.) you feel is needed in your organization

Post-Interview Questions:

- Here are some resources for you in case you need to talk to someone about our discussion today.
- Would you like to participate in an arts-based workshop?
- Would you be willing to be a part of a focus group/sharing circle with other youth to share your experience and be a part of the process?
- Do you have any other ideas on how youth can be better supported in the community?
- Is there anything else I should know?

Appendix 4: Summer Moon Display - What does "Justice" mean to you? Community art project



Appendix 5: Additional Resources and Toolkits

- 1 [Crown Prosecution Manual - List of divertable offences](#)
- 2 [Youth Criminal Justice Act](#)
- 3 [Nokiiwin Tribal Council Restorative Justice Toolkit](#)
- 4 [Little Manual of Restorative Justice](#)
- 5 [Nishnawbe-Aski Legal Services Corporation - Gladue Database](#)
- 6 [NAN Legal Services - Pre-charge referral form](#)
- 7 [NAN Legal Services - Post-charge referral form](#)
- 8 [Example protocol between Aboriginal Legal Services and Provincial Crown](#)
- 9 [UCCMM Gladue Report Request Form](#)
- 10 [Community Youth Intervention Program Community Referral](#)
- 11 [Video: Hollow Water](#) (trigger warning - contains discussions about sexual violence)