

ELSIPOGTOG JUSTICE: FUTURE DIRECTIONS

PREPARED FOR THE ELSIPOGTOG JUSTICE ADVISORY COMMITTEE

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Overview

“We can keep toying with the system but the solution is staring right at us: restorative justice” (Front-line staff focus group)

“The way things are now, we are always the ‘visiting team’ in the mainstream system. We never have home ice, the restorative justice program being the exception. We need to do things our own way and on our turf. We are ready as a community to take on more turf” (Program managers' focus group)

INTRODUCTION

In 1996 the Elsipogtog Justice Advisory Committee (EJAC) was established and authorized by the Elsipogtog band council to develop and coordinate initiatives in the justice area in the community, the largest First Nation (FN) in New Brunswick with more than 2000 residents. There has been considerable such development since that time. In 1997 Elsipogtog obtained a full-time FN probation officer (a staff position with New Brunswick Probation) and in 1998 another community member became a full-time duty counsel (a staff position with New Brunswick Legal Aid). Both these officials served other FN communities in the regional area. In 2000 Elsipogtog became the only community in New Brunswick, whether FN or mainstream, to secure provincial authorization to launch a restorative justice program; this federally-funded initiative enabled the community to process cases beyond the alternative measures program in their complexity. In 2002, the community began a victim services program whereby a person focused on such services half-time and spent the other half in administrative support of the full-time restorative justice coordinator. During this same period the EJAC also facilitated the school-based initiative, the Nogemag project, which explored the issues of Fetal Alcohol Spectrum Disorder and developed programs to assist parents and youth affected by FASD. In 2003, in collaboration with several other Mi'kmaq communities, a special Mi'kmaq-centered alternative dispute resolution training program was introduced. In 2004 a Youth Strategic Plan was being developed and in that same year the EJAC decided to implement the research program which is

the focus of this report. All the initiatives noted remain in effect or have been elaborated, the sole exception being the duty counsel role where the position is currently vacant. The substantial research activity and the far-reaching strategic action plan for justice activity in Elsipogtog, discussed here, have build upon a decade of community engagement in this field. In this Overview of the 2004-2005 research and strategic action plan, there will be, first, a reference to the “take-off point”, namely an assessment of the restorative justice initiative, and, secondly, in Section A, a reference to the challenge of the 2004-2005 initiative, the research strategies utilized and the main findings associated with each of the major methodologies.

THE TAKE-OFF POINT: THE ERJI

The Elsipogtog Restorative Justice Initiative (ERJI) project has successfully integrated two powerful social movements, aboriginal justice and restorative justice, in implementing a program that is unique in New Brunswick. It has put into place a well-managed, highly credible healing circle system which handles minor offences, avoids the court process and has more of a healing dimension than the alternative measures programming available elsewhere in the province. By so doing, it has saved resources for the CJS (both court processing savings and reduced workload for Corrections (probation) Services) and has provided a more meaningful experience for Elsipogtog offenders and victims as well as the other healing circle participants. The ERJI has been implemented as a community-based organization, drawing on and providing training to an impressive group of volunteers. All phases of case processing from pre-session case development to healing circle to post-session supervision of agreements have been done well. It has also effectively communicated by its various symbols and practices that it is a Mi'kmaq program. In both these latter respects, then, it could well be said to have contributed to community empowerment. Evidence presented in 2003-2004 evaluation (Clairmont, Restorative Justice in Elsipogtog, 2004) established that the ERJI was well-regarded by both CJS and community leaders and stakeholders. Interviews and questionnaire data established also that participants in the healing circles, whatever their roles, found the ERJ process to be fair and effective and would recommend it readily to others where similar types of offences and offenders were involved.

In the early months of its existence, the basic strategy of the ERJI leadership was established, namely "be selective, conservative, take it slow and be open to options". That has clearly been the hallmark of the ERJI since its launching in 2000. It has remained focused on its principal mandate, has dealt well with the modest number of minor offences referred by police to it, and has built up competence, community resources, and credibility within both the CJS and the community. As a result of the strategy being effectively put into operation, Elsipogtog put in place a solid foundation on which to elaborate upon this program, and through it, enhance its "ownership" of criminal justice matters for its residents, should that be a desired objective,

The assessment of the ERJI indicated that such a development or elaboration should indeed be considered. Analyses of crime statistics and other data on community social problems have shown that the "anti-social behaviours" that the advocates of ERJI set out to heal were not being fully or even mostly addressed by the ERJI in its present guise. It is clear, too, that the ERJI objective of utilizing the full range of restorative justice practices has not been realized, though ERJI staff personnel have indicated, for example, through the objectives of their business plan, that they would welcome circle sentencing. CJS officials, while appreciative of and supportive of ERJI, have tended to see it as rather marginal to the major criminal justice system (CJS) issues for Elsipogtog. Community stakeholders most active in the ERJI celebrate its contribution but typically all believe that it has to evolve and deal with more serious and complex matters if it is to realize larger objectives for crime prevention, community healing and First Nation ownership. Trends in the CJS, particularly with respect to young offenders, have resulted in significant decline in police referrals to restorative justice or alternative measures and have increased the extent to which agencies providing such services have been called upon to hold "conferences" at post-charge and post-conviction stages of the court process. While these trends do not appear to have impacted on ERJI as yet, for many such programs they have meant "grow or fade".

Change is perhaps never without risks, and while the changes many are calling for here are congruent with ERJI stated objectives, there are risks. Getting involved in more serious offending probably requires more emphasis on training and on feedback and discussion among Justice Panel members regarding their experiences so that a strong learning thrust is associated with formal training and actual healing circle experience. ERJ at the higher levels of Justice, as

in circle sentencing and conferencing, typically takes considerable time and effort to carry off effectively. ERJI has limited resources so clearly a larger mandate would be taxing. Another risk is that there is much scepticism that the healing circle approach can be effective in its present guise for dealing with more serious offences and offenders. Most healing circle participants when interviewed had strong reservations about using the ERJ approach in such situations as did CJS and stakeholder respondents. And, as noted frequently in the text cited above, there does not appear to be much enthused leadership for elaborating the ERJI among CJS officials or local politicians. In other words, there would have to be considerable mobilization of advocacy on the part of ERJ advocates if the program were to be significantly elaborated.

Clearly, there would have to be some careful planning, much good conceptualization and lots of community conversations if ERJI were to become involved in serious assaults, sexual assaults, family violence and so on. The ERJI might have to feature more pre-session case preparation, perhaps multiple sessions/circles for some cases, and there would be real challenges in securing victim support. The strategy of careful consideration of response, so characteristic of the ERJI to date, could hold it in good stead as it moves to "muscle up" its operation in the CJS field. The use of community surveys and focus groups could help sort out key opportunities, key obstacles and how to respond to them. As ERJI has been conceptualized and implemented, it is a community-based endeavour so elaborating upon it would be largely a matter of capacity building at the community level. Certainly it would be useful to have a planning subgroup struck to look into the issues and the sources of funding and advocacy to assist in this process. As one community stakeholder respondent commented, a much more elaborate Elsipogtog ownership of justice can be built on the solid foundation of the ERJI but it will have to be "well thought out and vigorously advocated".

These assessment themes with respect to the ERJI led the EJAC to launch a major research undertaking to determine where the community, at all levels, wanted to go in the justice field. What were the central justice issues, the chief priorities for change, and the community capacity across the whole range of justice activities from restorative justice to courts to offender reintegration? To effect justice initiatives that target serious, pervasive community social problems and achieve more meaningful FN ownership and partnership with the mainstream

Justice, it was considered that solid analyses, significant consensus, and a strategic action plan would be the crucial requisites.

SECTION A

REALIZING THE PROMISE: COMMUNITY MOBILIZATION AND FUNDAMENTAL CHANGE IN ABORIGINAL JUSTICE AND CRIME PREVENTION AT ELSIPOGTOG

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INTRODUCTION

The Royal Commission on Aboriginal Peoples, and federal initiatives in areas such as justice, policing and health, have emphasized over the past decade that First Nations in Canada should pursue not merely "fairness and integration" objectives but also "autonomy and difference" ones. It has become widely appreciated, for example, that effectiveness and efficiency in crime prevention in these communities requires more than some native justice personnel and more than sincere cultural sensitivity among criminal justice officials. The continuing high crime rates in many First Nations, the high risks to which the vulnerable there are exposed, the persistent and seemingly intractable high levels of incarceration, and the inadequate engagement of positive community forces have led to the focus on encouraging new and more indigenous justice alternatives among First Nations. That encouragement has certainly been concomitant with the profound and increasing acknowledgement of aboriginal constitutional rights to develop and to administer justice and crime prevention programs that are especially salient to their traditions and circumstances. Central issues have now become questions of community capacity to identify and mobilize around such promising, consensus-based, different initiatives, the First Nation capacity to mount and administer such new justice programming, and, not least, the forging of new partnerships, whether inter-agency at the local level to achieve 'holistic' approaches to problems, or, among regional First Nations, to realize efficiency, effectiveness and equity in new programming, given the small, scattered native populations in most regions of Canada.

The Elsipogtog First Nation certainly has all the justice and crime problems noted above and these have been detailed in previous reports and submissions to governmental bodies. The community has also made some headway in launching the kinds of new initiatives noted above and indeed can claim some leadership in those regards among First Nations in New Brunswick. It is seeking to move into what might be called "the take-off stage", the stage when a community goes beyond surveys and problem-identification to establishing strategic plans, formulating achievable priorities and developing the networks and partnerships for fundamental change. Over the past year, much has been accomplished in the way of information-getting (several significant

surveys were undertaken) and extensive interviewing of the disparate stakeholder groupings but the task now, is to build on that knowledge and sentiment to achieve change. Too often, this phase is neglected and the valuable knowledge remains on the shelf until it is rendered obsolete by the next such project and so on, ad infinitum.

We want to move forward, not in circles. Our plan is to disseminate the first phase information widely, hold focus group discussions among the different community constituencies, vet strategic plans with CJS and regional First Nations officials, adjust plans and preferences as necessary, and achieve an integrated justice and crime prevention schema with detailed sequenced prioritized initiatives and appropriate new organizational structures. We envisage, then focus groups, symposia with justice personnel and with regional native communities and a formalized game plan for change. Process is crucial not only to learn from one another but to effect ownership and partnership whether in the community, among First Nations or with the CJS officials. Outcomes are of course crucial too, whether they be a better reorganization of existing services or incorporate new facets of justice and crime prevention such as wellness courts (analogous to drug treatment and mental health court in large metropolitan centres) or launch cultural and community-based strategies for resolving disputes before they issue in violence. We will highlight in particular, in all this activity, the centrality of responding to crime, to violence (directed at self or others), to the vulnerable, and to youth (though perhaps a broader categorization of youth than is conventional in mainstream society).

THE CHALLENGE

Elsipogtog is the largest Mi'kmaq First Nation in New Brunswick and second only to Eskasoni in the whole of Atlantic Canada. It has a population of roughly 2500 and is a growing community with almost double the proportion of people under eighteen years of age as its neighbouring communities. It has a high rate of crime and social problems. RCMP officials indicate that the detachment here has the highest rate of reported offences per officer of all detachments in Canada. Recent research / evaluation by the Atlantic Institute of criminology, (AIC) Dalhousie University, Halifax has confirmed these reports and indicates that these patterns are steady (i.e., unlike most other jurisdictions, rates of crime and social disorder have not

declined in recent years). At the same time, as the AIC studies also note, Elsipogtog is a dynamic community with significant socio-economic development (despite a very high unemployment rate) and with increasingly well-educated band members. There is both a competence and a willingness to tackle the crime and social problems and to mobilize the community for new justice initiatives. Some key initiatives have been developed in recent years under the umbrella of the Justice Advisory Committee, such as a restorative justice program with a victim services component, a project focused on the fetal-alcohol problem, and a program for alternative dispute resolution. The community is poised for take-off in terms of crime prevention and native justice more generally, but as yet that has not happened and even these latter projects / programs are of modest scope and rather fragmented. The result is that there is both the reality and widespread perception that the serious community problems have not been effectively tackled. Elsipogtog leaders have steadily advanced their claims for greater self-government and administrative control in all aspects of life, including the Justice area. At the same time, there is clear indication in government policy regarding First Nations, and in the attitudes and responses of the area's criminal justice officials, that new initiatives must come from the Elsipogtog community but that, if they do, there will be accommodating responses. In other words, the need, the opportunity and the challenge are there for Elsipogtog to mobilize to make a difference. The aim of this project is to facilitate the community's meeting that challenge and realizing these opportunities.

THE TARGET

The central goal of this initiative is to facilitate community collaboration in order to create a safe environment for Elsipogtog people and assist the community in realizing the promise of greater self-government, especially in the Justice area. The community collaboration will yield the commitment and strategic planning for institution building in order to address justice problems in a culturally appropriate way. As noted, because of initiatives over the past decade, there is a solid base to work from (e.g., the justice advisory committee, restorative justice, RCMP policing, probation services, victim services, court services). Still, there is clearly a need to move on to a stage of development featuring more complex and well-coordinated responses both to deal with the persistent social problems and to take advantage of opportunities for self-direction. There are many risks such as the seriousness of the social problems that must

be confronted, the legacy of dependency, the diversity of views within the community and so forth. However, there is also much in the way of human capital resources, a strong sense of communitarianism in Elsipogtog, resilient social networks which can facilitate healing, recent political and economic developments (e.g., the almost 60 new boat acquisitions following the Supreme Court's Marshall ruling), that are changing the macro factors producing crime and social problems and, not least, evidence of responsive Justice system.

THE CENTRAL UNDERLYING ASPECTS OF A STRATEGIC PLAN

There are at least five major features of the strategic action plan that needs to be developed, namely

VISION – WHAT ARE THE OVERALL OBJECTIVES? More administrative control over aspects of Justice that are important to community life? Effecting a different approach or philosophy (e.g., healing) of responding to crime and social problems? Involving community members in all aspects of Justice processes and outcomes? Better coordination of existing programs?

ACCOUNTABILITY – HOW WE WILL KNOW WE ARE PROGRESSING? Typically, it is necessary to develop “logic models”, that is goals and measures to assess implementation, and to utilize criteria for determining efficiency (i.e., costs and benefits), efficacy (i.e., how well do the changes work?) and equity (i.e., whether all peoples' needs are attended to and people are treated on an equal basis).

NEEDS AND PRIORITIES – WHAT ARE THE CHIEF NEEDS AND PROBLEMS AND PRIORITIZED WAYS TO ADDRESS THEM? Here the focus would not only be on identifying the pressing Justice issues but also determining the level of consensus / divergence of views about them.

WHERE ARE WE NOW – HOW DO WE ASSESS WHAT IS ALREADY IN PLACE? What are the strengths and shortcomings of current programs? How do they stack up against the vision, accountability and needs/priorities noted above? What have we learned from them to guide us in future initiatives (e.g., restorative justice and healing circles, inter-agency

collaboration in problem solving and service delivery, the role of oversight or management committees)?

WHAT IS FEASIBLE DEVELOPMENT IN THE JUSTICE FIELD – WHAT CAN BE REALISTICALLY ACCOMPLISHED? Here the focus is on not only the community (its consensus, commitment and capacity) but also the Justice system's malleability with respect to Elsipogtog initiatives, the possibilities of collaboration with other nearby First Nation communities, and the financial and other resources that can be accessed via federal and provincial governmental sources.

MAJOR DIMENSIONS TO CONSIDER

- 1. TIME FRAME:** short-run and long-run; short-run developments would focus on improving and expanding current programs while long-term concerns might focus on identifying new thrusts, building capacity, and establishing Justice networks / partnerships with the Justice system and with other First Nations in the New Brunswick region.
- 2. SCOPE:** community and extra-community initiatives and coordination; here it would be useful to determine the requirements in terms of infrastructure and personnel at the community level for each possible initiative and to identify those that might well have to transcend Elsipogtog in order to be efficient, effective and equitable in practice.
- 3. AREAS OF FOCUS:** what are the central problems and needs and how should they be prioritised?
- 4. IMPLEMENTATION:** here arise issues of consensus, capacity and commitment, first and foremost at the community level.

SPECIFIC WORK PLAN IN SEQUENCE

- 1. INITIAL STRATEGIC PLANNING:** Justice Advisory and subcommittee discussions, environmental scanning, accessing salient community and Justice

- reports, preparation of research instruments and game plan.
2. **One-on-one interviews** with key role players in the community (Justice, health, related agencies and personnel), in the mainstream Justice system and in government.
 3. **Community Survey:** carry out a large representative sample of roughly 200 adults (at least 25% of all households) in Elsipogtog, exploring the Justice needs, concerns and suggestions for change.
 4. **Community-based focus groups:** identify community groupings for focus group discussions of the community survey's findings and then select participants. Initially in phase one have a variety of groupings (e.g., youth, elders, neighbourhood residents) and provide them with an "infopak" outlining the project's objectives and the survey results.
 5. **Focus groups, phase two:** identify key groupings of service providers and decision-makers and select participants for specific focus groups (e.g., internal Justice providers, external Justice providers, other service providers, elected leaders). Provide them with an updated "infopak" that would include phase one 's infopak plus the assessments emerging from those earlier focus group sessions.
 6. **Preliminary report to the Justice Advisory Committee:** developing and presenting to JAC a preliminary strategic plan for further action by JAC in consultation with chief and council.
 7. **Possible symposium:** there may be value and indeed strategic necessity in having a symposium drawing together Justice –oriented persons from regional New Brunswick First Nations, Justice officials and community stakeholders and service providers to consider future directions.
 8. **Articulating and disseminating a strategic plan for Elsipogtog Justice.**

RESULTS TO DATE

The sections added to this Overview indicate the progress to date. **Section B** provides the central themes that emerged from the one-on-one discussions with eighteen key community leaders and service providers interviewed at length at the onset of the project. In a nutshell, these

respondents considered that existing Justice programming in Elsipogtog had set the stage for further major developments which could accomplish several goals, especially getting at the community's serious crime and social order issues and advancing the self-government agenda. They assessed positively the work plan detailed above and identified both opportunities and obstacles. In their view the key to achieving new needed Justice initiatives was the mobilization of a community consensus.

Section C provides a basic description of the findings of the large community survey, a representative and essentially random sample of 209 adults drawn from over 25% of all Elsipogtog households. Prior to being utilized the survey was vetted by a handful of Elsipogtog service providers and pre-tested. The survey's questions and answers for the entire sample and in complete detail are provided in **Section F**. The section C findings are presented in terms of six thematic areas. For each theme the frequencies of key responses are blended with salient open-ended spontaneous comments often given by the respondents in response to probing by the interviewers. Two mature, college educated Elsipogtog band members, fluent in the Mi'kmaq language, carried out the interviewing.

Theme #1 dealt with the survey responses to questions about the level of crime and social problems in Elsipogtog and the factors that may account for the level and trends. Respondents reported a very high level of crime and a rate that is increasing. The proximate cause of much of this wrongdoing and malaise was usually seen as drug abuse and the ramifications of illicit drug dealing. "Drugs" has certainly replaced "alcohol" as the catch-all explanation for wrongdoing in Elsipogtog. Many respondents did however go beyond the proximate cause and highlight factors such as poor parenting, economic deprivation and other factors, usually associating them with the destructive colonialist legacy. **Theme #2** dealt with that part of the survey focusing on whether respondents saw Elsipogtog as a safe community and if not, how not. The respondents in large majority indicated that they did not perceive it to be a safe community. Indeed, the level of worry and fear about being assaulted – never mind property crime – was surprising. Roughly 40% of the sample reported being a victim of some wrongdoing within the past two years in Elsipogtog. Numerous issues ranging from wife battering and child abuse to vandalism were seen by a majority of the sample to be "a big problem". Respondents suggested a number of possible remedies for this situation, especially focusing on improved

policing and more community engagement.

Theme #3 dealt with whether wrongdoing is usually reported to the police and other Justice authorities and, if not, whether it is satisfactorily handled by local people. Respondents were also asked about the factors causing under-reporting. The adults in the sample were of the view that there is much under-reporting of wrongdoing. Surprisingly, serious offences against persons, such as wife battering and child abuse were, deemed to be less reported than vandalism. The respondents held that unreported wrongdoing typically is not dealt with informally by local influentials or service providers and that it is even more uncommon for such “informal solutions” to be satisfactory. Two major reasons were most frequently advanced to account for the under-reporting, namely the inadequate response of the police and Justice system, and “people are too scared to report it”.

Theme #4 dealt with respondents’ perceptions of the Justice system (especially the court process) focusing on what they identified as the major problems with it and what support there was for a variety of suggested initiatives in the Justice system. Based on actual experience, the adults generally reported that they were treated well in the court process and 50% thought that they were also well informed. Spontaneous comments pointed to problems such as prejudice and discrimination, transportation problems getting to court, dissatisfaction with sentencing (often complaining it was too light) and neglect of victims’ needs, but the number one problem cited concerned cultural and language shortcomings of the court. These spontaneous comments were reflected in the large frequency with which the respondents identified a host of different features of the court process as being major problems for Elsipogtog residents. In discussing changes and new initiatives, the respondents emphasized improving the existing system through court workers, translators, and generally most respondents accorded high priority to more legal advice and services for native people and more training for court officials and lawyers in native rights and traditions. Still, a majority of respondents looked beyond the existing Justice framework, calling for more community input and control and some progress towards a more self-managed Justice program.

Theme #5 dealt with respondents’ assessments of current justice programming in Elsipogtog. Most adults indicated that they were not well informed about the community’s programs but where there had been contact, the respondents involved reported that it had largely

been positive. Fully 85% of the respondents considered that the programs were “very important for this community” for a variety of reasons such as the service providers “were native so they understand” the clients better, and the programs further “community control over justice matters”. There were a number of suggestions (see the appendage) advanced to improve the programming but no dominant suggestion emerged.

Theme #6 dealt with the issues around expanding upon existing programs and launching new ones in the Justice field. The adults identified a number of areas for new justice initiatives especially in the civil field of law and dispute resolution. There was much diversity in their views on a more community-based criminal justice system. A large number of respondents expressed concern that dense family ties and community factionalism could be major obstacles to such a development; certainly it was widely held that significant community development would have to occur before there was any large scale transfer of responsibility to the community. Overall the primary requisites for greater community engagement in criminal justice were seen to be the more community resources (capacity) and the more community support and commitment.

Section E provides analyses of the community survey data, going beyond the straightforward descriptive account given in section D. Here five variables were examined more closely for their impact on community perceptions and attitudes. These are gender, age, education attainment, employment status and orientation to cultural traditions. It was anticipated that variations in perceptions, needs and assessments could be related to these variables and also that appreciating the sources of such variation among community residents could facilitate the development of a sound strategic plan. Each variable was recoded into a simple dichotomy to facilitate cross tabulations; thus age was recoded into older and younger adults, education into those having post-secondary education and those without it, employment status based on whether or not one worked for pay outside the home in the past year, and cultural orientation based on whether or not a respondent reported “very much” interest in Mi’kmaq traditions.

Gender proved to be a major determinant of the Elsipogtog adults’ views on most justice issues. Females differed considerably from males in their perceptions of high and increasing crime in the community, fear and worry for themselves and their loved one and the perception of

many “big problems” in Elsipogtog (especially those not concerned with property offences). They also reported much more personal victimization than males. Age was much less significant in accounting for variation in the above matters though older respondents were more likely than the younger adults to see crime increasing and social order decreasing in Elsipogtog. Gender and age interacted in interesting ways to account for variation. Among the females, there was much commonality of assessments by age but also a few differences; for example, the older females were more likely to see crime and social disorder as increasing while the younger females were far more likely to report being recent victims. Among the young adults, the gender differences noted above were even more dramatically different as females were more likely than their male counterparts to report worry, fear and “big problems”. Educational attainment and employment status did not account for significant variation in these perceptions but there was a hint of an emerging social class differentiation as the better educated and the employed respondents expressed more worry and fear concerning property crime while the less educated and those not working for pay expressed more concern about violent crime against the person. Cultural orientation did not account for significant differences in perceptions of crime and “big problems”.

Gender was not a significant variable with regards to reports of whether or not different types of wrongdoing are reported to the police or other Justice authorities. Age was however as younger adults were more likely than older adults to claim under-reporting of all the wrongdoings discussed. There were gender and age differences concerning why under-reporting happens so often. Older adults cited fear (“the people are too scared”) while younger adults pointed to the ineffectiveness of the justice system. Females cited all suggested reasons for unreporting as “very important” more often than males did. It was very uncommon in any gender or age grouping for Elsipogtog adults to hold that unreported wrongs were ever satisfactorily dealt with otherwise by informal means or leaders. Age and gender interaction effects were again interesting; for example among females, younger adults were more likely to claim under-reporting than older adults. Cultural orientation and employment status accounted for little variation but educational differences were important. The better educated, more than the less educated, claimed that there was much under-reporting of wrongs and also that unreported wrongs rarely were satisfactorily dealt with informally.

There was much consensus in the sample of adults with respect to the major problems of the current justice system and the possible changes that should be accorded high priority. Accordingly, there was little variation to be explained by variables such as gender and age. The gender and age interaction did reveal differences though. Among the young adults, females were more likely to report major problems in the justice system and also to accord high priority to most of the suggested changes. Among the older adults, the gender effect was almost reversed, as it was the males, not the females, who cited major problems and accorded high priority to possible changes. Education level and employment status generally were insignificant (i.e., did not produce significant variation) but cultural orientation was important. Those respondents claiming strong interest in traditions were more likely than others to cite major problems and to more often accord high priority to suggested changes.

Only a minority of respondents claimed to well informed about justice programs and services in Elsipogtog itself so none of the explanatory variables nor did their interaction produce many significant differences. The exception was cultural orientation where the more traditionally oriented claimed to be more aware of the community justice programming. Perhaps the main point on this theme is that a very high percentage of respondents in all groupings held that the programming “is very important for this community”.

While a majority in all gender and age categories believed that new community justice initiatives were needed, females were more likely than males to believe so. Female respondents were also more likely than males to emphasize the obstacles of community support and community resources whereas the males were more likely than females to emphasize the obstacles of a reluctance justice system and outside officials. The differences between female and male views were especially pronounced among the younger adults. Among the females themselves, consensus trumped age differences. Educational level and employment status were chiefly significant in that the better educated and the employed respondents were more optimistic that obstacles to change could be overcome, that is they were less likely to cite various suggested obstacles as “very important” compared to the less educated and those not working for pay. Cultural orientation proved to be significant as the more traditionally interested respondents were more likely to accord high priority to community justice alternatives but also more likely to identify potential obstacles as “very important”.

Section G provides a largely descriptive write-up of the phase one focus group sessions, which were completed over the past several months. The six focus groups involved traditional elders, seniors, youth at risk (i.e., youth no longer in school), youth in senior high school, and two groups of adults at large representing neighbourhood. With one exception all focus groups had at least five participants (several almost double that) and there was both a facilitator and a scribe. In section D there is a brief write-up of themes by focus group and a special write-up of the spontaneous views on the policing service. The latter was deemed valuable since the community survey did not ask any questions about policing. Obviously the comments regarding policing are not claimed to be representative of the community but then neither are the other views of the focus group participants. Many interesting insights emerged from the focus groups especially with respect to the drug problem and routine social disorder. Certainly the groups indicated very clearly that the patterns found in the community survey were in their view, accurate in calling attention to the crime and social problems. In focusing on “next steps”, focus group participants, whether youths or elders, frequently referred to the need for “a safe place”, having court in the community and generally the need for the community to mobilize and become engaged in dealing with its problems.

Following the research strategy, a second set of focus groups began in the fall of 2005. Here the participants were persons, internal and external to the community, who were actively engaged in delivering justice service to Elsipogtog people or who were managers and front-line staff in related community services, or who were government or band council officials. A group meeting with band council members will be held shortly. Here the assessments of the participants of these focus groups will be outlined in broad strokes only.

The first second stage focus group was made up of seven front-line service providers, all but one in non-justice areas. Generally these participants held that Elsipogtog residents were more articulate nowadays about problems in their community and more demanding of the necessity for change. These higher standards and expectations, it was argued, were behind the very pervasive concerns expressed by adults over crime and social disorder and the worry and

fear these generated among them. They clearly saw the drug issues as the tip of the iceberg, a problem but not necessarily the problem. More significant in their view was the need for more community ownership on justice matters; as one participant noted, “we’ve been disempowered by well intentioned outsiders”. RCMP police, partly because they represent the mainstream society and partly because they are seen as handcuffed by procedures that severely limit their effectiveness in dealing with the community’s crime, were the target of much criticism. There was a strong sense that the community has to be mobilized and that it can be, given the new standards and expectations that now exist. There was much praise about a recent spontaneous protest by residents in a neighbourhood where several drug dealers operated their illegitimate business. There was a fair consensus, too, that greater community mobilization must be driven by a vision; as one participant commented: “When we talk about justice, we need to step back and ask ourselves, what values do we promote? What are the beliefs that influence our vision of justice”? In general terms the direction they advanced was to promote the values and practices of restorative justice. There were a number of specific suggestions for new justice initiative but the one receiving the most positive support was that criminal court should be held on the reserve and should somehow manifest the cultural uniqueness of Elsipogtog; as one participant commented: “having a community court would help instill a sense of pride and people might respect the court more because it belongs to the community”.

The second focus group consisted of six ‘external’ persons, including two RCMP and four provincial officials in the justice area; of course, as usual, three members of the research team were present. Even more perhaps than in the case of the first focus group, these participants held that the pervasive crime and the well-known drug issues reflected more complex underlying social problems in Elsipogtog that had to be addressed. Here there was much discussion of the positive and negative features of the strong family ties that characterize Elsipogtog. A major challenge was seen as being how to build on the positive (e.g., the caring, the communitarianism) and to counter the negative (e.g., by developing an ADR capacity with appropriately trained facilitators). This group tended to focus on specific initiatives that could respond to Elsipogtog needs and rights. It was generally considered that there should be more restorative justice programming including sentencing circles, building upon the modest programming not available.

Similarly, the participation in justice decision-making and sense of ownership, it was held, would be enhanced with the criminal court sitting at least occasionally in Elsipogtog, especially as residents of the latter account for such a high proportion of the court cases. The main challenge was deemed to be two-fold, namely to impact on the provincial government in order to secure more justice initiatives and to build up the community capacity to confidently take responsibility for the new initiatives. It was also held that some justice programming, for efficiency purposes, might require collaboration with other First Nations in New Brunswick.

The third, second stage focus group included five persons employed in Elsipogtog in delivering justice services. There was agreement that the high level of crime, social disorder, fear and worry depicted in the survey results accurately reflected the realities in Elsipogtog. There was much discussion concerning why the high levels of crime and social problems were not being significantly reduced by the justice services. The police participant noted that there is insufficient interagency collaboration in reporting crime and identifying the offenders, commenting that “if services are willing to hear and accept the problem, they should be willing to report it to the RCMP”. There was acknowledgement too that the referrals to restorative justice were of insufficient number and quality (i.e., too few and too minor). Several ‘internal’ justice officials were disappointed that only a minority of survey respondents indicated that they knew much about the community programming; one summed up the common view as follows: “we need to keep promoting our services. It shocks me that people are still so unaware of our programs with all the promotion we do”. In general terms the need for more collaboration with school officials and counseling services was stressed. The challenge of responding to problem children under twelve years of age was seen as illustrating the need for interagency collaboration. Most participants were eager to hear of any models or approaches developed elsewhere that could possibly be implemented in Elsipogtog. Among specific suggestions, the most enthusiasm was expressed for a wellness court which might function along the lines of the drug treatment courts so popular nowadays in the United States. There was also a call for a court worker and a duty counsel program.

The fourth focus group involved nine band members, all of but one of whom held senior management positions in their agencies and/or were political leaders. Among this group there

was also acknowledgement of the accuracy of the survey results and a strong consensus that crime and drug issues constitute merely the “tip of the iceberg”. Much criticism was directed at the policing system currently in place and the laws and rules the police followed which many participants held were inappropriate to the culture and the needs of Elsipogtog. There was especially the common view that “the community has no power over the RCMP”. The group was strongly united in emphasizing that the community had to implement a justice programming that featured a restorative justice approach; as one said, “we need our own system to get rid of the abuse (abuse of abuse, substance abuse etc)”. They definitely were of the view that the community’s restorative justice programming had to become more “robust”, taking on the community’s serious problems. At the same time, these participants also emphasized the need, for the nonce at least, to supplement political action (such as collaborating among First Nations and having meaningful tripartite negotiations with mainstream governments) with educating current criminal justice officials about Mi’kmaq ways and preferences. Specific justice initiatives emphasized were the need to get a court worker program and to establish a wellness court serving the community. Building up community capacity was seen as pivotal to moving towards a more Elsipogtog-controlled justice system serving community residents; in that regard, a common position was expressed by one participant as follows: “in order to get some level of consensus, we need public forums. However consensus will be hard to achieve because the stakes are not high enough yet. What kind of strategies might raise the stakes to a point where people would be willing to change?”

SECTION B

CENTRAL THEMES IN KEY INFORMANT INTERVIEWS

CENTRAL THEMES EMERGING FROM PHASE ONE INTERVIEWS: KEY INFORMANTS

1. The key informants were quite positive concerning the existing justice initiatives, from the restorative justice circles to the recent developments with respect to training persons for alternative dispute resolution (ADR). The programs and services were considered to be well-organized, well managed and a credit to the community, placing it in the vanguard among First Nations in New Brunswick.
2. There was **almost complete unanimity** that the programs, especially restorative justice, should be expanded, deepened and widened with respect to scope of offenses and offenders dealt with. One area frequently mentioned for new justice programming was “minor” domestic violence and sexual assault. Respondents recognized that more training and resources might well be required but they considered this an area for well-thought-out new initiatives. Getting referrals from the post-charge levels of the criminal justice system (e.g., the crown prosecutor, the judge) was also considered important and here people referred especially, and not surprisingly given their symbolic importance, to sentencing circles. Other areas where change was deemed important included shifting Justice philosophy and practice more to treatment and rehabilitation (e.g., wellness courts).
3. A number of justice issues were identified as needing attention, especially dealing with youth under twelve and presumably beyond the jurisdiction of the police, the “stovepiping” character of much of the community social services’ response (i.e., each agency doing their own thing and limited inter-agency collaboration) which presumably limits effective response to problems, and dealing with everyday civil disputes and protests/non-compliance regarding band policies.
4. There was a common perception that there is much under-reporting of wrongdoing, much denial, due to familism, among other things, and that significant community education and discussion would be required to overcome it.
5. While virtually everyone perceived Elsipogtog as being the leader in Justice programming among First nations in New Brunswick, there was an equally wide consensus that **only “baby steps” had been taken from the perspective of the Royal Commission on Aboriginal Peoples’ “autonomy and difference” agenda for native justice.**

6. There was a widespread view that Elsipogtog has increasing capacity to effect new initiatives given its economic and demographic “clout” in the area, the fact that its members account for so much of the criminal justice system’s business, and that the First Nations’ mandate for community ownership which has been acknowledged by courts and the federal government.
7. The major obstacles to further Justice initiatives and expanding existing ones were deemed to be that **they would seemingly require much in the way of community support and problem-solving capacity**. Outsiders indicated that, despite recent developments, there was limited community capacity to successfully mount significant new Justice initiatives. Many community key informants shared that view, worrying that a limited volunteer pool might get over-taxed and that the valuable existing Justice programs might get overwhelmed.
8. Most key informants advanced the need to develop a game plan with short-run strategies while keeping “an eye on the prize” with respect to the long-term objective of a much more independent and community/culturally – based justice system.
9. **Collaboration with other regional First Nations was seen by most informants as necessary if significant justice initiatives were to be launched** since otherwise access to federal and provincial funding resources would be limited. It was observed that some current justice programs (i.e., duty counsel and probation) already serve other First Nations while based in Elsipogtog. Other informants considered such collaboration to be difficult to achieve given the considerable decentralization of existing social services among the New Brunswick bands.
10. Virtually all key informants considered that the sequence of activities and phases laid out in the EJAC project’s prospectus was very appropriate since **the key to advancing beyond the present level in community-based Justice programming was deemed to be the mobilization of a community consensus**.

SECTION C

BASIC THEMES FROM THE COMMUNITY SURVEY

BASIC THEMES FROM COMMUNITY SURVEY

1. **CRIME** IN ELSIPOGTOG - HOW SIGNIFICANT IS IT AND IS IT INCREASING OR DECLINING? WHY?
2. HOW SAFE DO ELSIPOGTOG ADULTS FEEL? WHAT **WORRIES AND PROBLEMS** DO THEY IDENTIFY?
3. IS WRONGDOING USUALLY **REPORTED TO JUSTICE OFFICIALS**? IF NOT, IS IT DEALT WITH SATISFACTORILY THROUGH INFORMAL CONTACTS AND ELSIPOGTOG AGENCY PERSONNEL?
4. WHAT HAS BEEN **THE EXPERIENCE** OF ELSIPOGTOG ADULTS WITH RESPECT TO THE JUSTICE SYSTEM (COURTS)? WHAT CHANGES SHOULD BE MADE IN THIS SYSTEM TO IMPROVE ITS RESPONSE TO ELSIPOGTOG PERSONS?
5. WHAT DO ELSIPOGTOG ADULTS THINK ABOUT THE JUSTICE **PROGRAMS THAT HAVE BEEN AVAILABLE** IN THE COMMUNITY?
6. WHAT ARE THE **ADDITIONAL JUSTICE SERVICES OR PROGRAMS THAT ELSIPOGTOG ADULTS MIGHT WANT TO CONSIDER**? WHAT ARE THE OBSTACLES THAT HAVE TO BE OVERCOME IF WE TRY TO ACHIEVE THESE? HOW CAN THESE **OBSTACLES** BE OVERCOME?

THEME # 1

CRIME IN ELSIPOGTOG: HOW SIGNIFICANT IS IT AND IS IT INCREASING OR DECREASING? WHY?

ONE PERSON CONTENDED THAT CRIME HAS DECLINED IN RECENT YEARS AND IS NOW LOW BASICALLY BECAUSE “I USED TO COMMIT A LOT OF CRIME WHEN I WAS YOUNGER BUT I’VE STOPPED NOW”. OVERALL, THOUGH, AS INDICATED IN THE TABLE, ABOUT “**67% OF THE COMMUNITY ADULTS HELD THAT CRIME WAS AT A HIGH LEVEL WHILE ONLY 3% CONSIDERED IT LOW**”. SIMILARLY, SOME **64% BELIEVED THAT CRIME AND RELATED WRONGDOING HAD INCREASED OVER THE PAST FEW YEARS** WHILE ONLY 3% CONSIDERED THAT THERE HAD BEEN A DECREASE.

BY FAR, THE MOST COMMON SPONTANEOUS REASON (25%) FOR THE PERCEIVED HIGH CRIME LEVEL WAS **THE LINKAGE MADE TO SUBSTANCE ABUSE** (DRUGS AND ALCOHOL). THIS CONNECTION WAS SEEN TO TAKE TWO FORMS

(A) RESPONDENTS LINKED DRUG AND ALCOHOL ABUSE INSTRUMENTALLY TO CRIME SUCH AS PETTY THEFT AND BREAK AND ENTER (BY SUCH MEANS ONE GETS THE WHEREWITHAL TO SECURE DRUGS) AND MUCH LESS FREQUENTLY TO VIOLENT CRIME (‘TURF’ FIGHTS, DEBT COLLECTION). For example, one respondent noted that a high crime rate “exists because of the hand-in-hand relationship between alcohol and drug problems and crime”; another noted that a high crime rate exists “because my TV was stolen from my apartment and a lot of theft is for drugs”

(B) MANY RESPONDENTS SAW HIGH CRIME AS A CONSEQUENCE OF A PERSON BEING DRUGGED UP OR INTOXICATED (HERE

REFERENCE FREQUENTLY ALSO WAS MADE TO INADEQUATE TREATMENT FOR SUBSTANCE ABUSERS). The following two quotes illustrate this view: “people are taking more drugs/pills and they don’t know what they are doing – they don’t know they are doing wrongs”; “I think people often do these crimes under the influence of alcohol and drugs”.

THE SECOND MOST COMMON TYPE OF SPONTANEOUS COMMENT CITED PERSONAL EXPERIENCE AND/OR SEEING OR HEARING ABOUT CRIME. CONCERNING THE FORMER, **A SURPRISINGLY LARGE NUMBER OF PERSONS RECALLED CRIMES AGAINST THEMSELVES** - “my house has been vandalized several times in recent months”; “you can’t leave your house open as homes are being broken into, toys taken from my yard etc”; “twice I have been vandalized in the last five months. My trailer and storage barn have been set on fire and burnt, and there has been break and enter into our house”; “they broke windows in my home and broke one computer, stole my laptop, cell phone, pocket watch and vandalized our car”; “I can’t even pick up my mail –you see some girls getting picked up and raped and no-one is doing anything about it”. AS MIGHT BE EXPECTED IN A SMALL COMMUNITY, RESPONDENTS FREQUENTLY REPORTED HAVING SEEN OR HEARD ABOUT MUCH CRIME. IN THIS REGARD THERE WERE REFERENCES TO “STATS (RCMP STATS OR COURT APPEARANCES), SCANNERS, AND TO THEIR OWN YOUTHS AS INFORMING THEM ABOUT CRIMES. – “On court days all you see are native people there”; “I’ve a scanner in the house and I hear about it”; “there’s always trouble from the scanner”; “because every day I hear that someone did this or did that”; “I hear and see it on a daily basis – broken windows in school, in the arena, gas bar and other service areas”.

THE THIRD MOST FREQUENT TYPE OF SPONTANEOUS COMMENT LINKED **MINORS AND CRIME**, USUALLY ACCOMPANIED BY REFERENCE TO EITHER POOR PARENTING OR POOR POLICING – “there are a lot of minors getting away with property, damage, break and enter etc and the police say they are unable to do anything about it, always saying “we have to catch them in the act”; “crime is high because of youth crimes which are not reported because the police are not doing anything”; “there’s not enough discipline and kids are

early to commit crime because the parents don't have control"; "when kids do crimes their parents are in denial". A HANDFUL OF ADULTS SIMPLY CITED UNDERLYING CAUSAL FACTORS IN EXPLAINING WHY THEY CONSIDERED CRIME TO BE HIGH IN ELSIPOGTOG – poor parenting, policing ineffectiveness, boredom for teenagers, social and economic conditions such as unemployment, and "the times we live in".

SOME RESPONDENTS, IN THEIR ANSWERS, DREW ON COMPARISONS WITH OTHER COMMUNITIES AND ESPECIALLY BIG CITIES. THESE RESPONDENTS TENDED TO DESCRIBE CRIME AS MODERATE OR LOW, ESSENTIALLY ARGUING THAT WHILE CRIME IS SIGNIFICANT IT IS NO WORSE THAN OR MAY EVEN BE BETTER THAN SOME OTHER PLACES; "our community is bad (in terms of crime) but there are worse places"; "it's like that (high crime levels) everywhere". FINALLY, A NUMBER OF RESPONDENTS WHO SAID "DON'T KNOW "IN PARTICULAR REPLIED THAT "I mind my own business".

BY FAR, THE MAIN REASON GIVEN FOR THE BELIEF THAT CRIME AND WRONGDOING HAVE INCREASED WAS **THAT HEAVY OR HARD DRUG USE (COCAINE, OXYCONTON) HAD INCREASED AMONG YOUNG PERSONS. WHILE THEY ALSO POINTED TO UNDERLYING FACTORS THAT HAVE FACILITATED DRUG ABUSE, SUCH AS POOR PARENTING, LIFE CONDITIONS AT ELSIPOGTOG, THE DRUG ABUSE WAS CENTRAL AS ILLUSTRATED IN THE FOLLOWING QUOTES:** "because of the drug use and related break-ins and because of the number of youth involved in these crimes, it is no longer a safe community where you can leave your door unlocked like in the past"; "money is needed to numb the mind and the body. The cycle continues. Most people are on welfare. The cycle continues to grow even larger. The root of the drug problem is abuse which is oftentimes not addressed but merely covered".

THEME #2

IS ELSIPOGTOG A SAFE COMMUNITY? HOW SAFE DO ELSIPOGTOG ADULTS FEEL?
WHAT WORRIES AND PROBLEMS DO THEY IDENTIFY?

THE TABLES INDICATE THAT A LARGE PERCENTAGE OF ELSIPOGTOG ADULTS (ABOUT 25% OF WHOM WERE MALES) WORRIED ABOUT WRONGDOING HAPPENING TO THEIR LOVED ONES OR THEMSELVES. **FULLY 70% WORRIED VERY MUCH** THAT THEIR HOUSE OR PROPERTY WOULD BE BROKEN INTO AND ANOTHER 9% WORRIED MUCH ABOUT IT. THE PERCENTAGES WERE SIMILAR FOR BEING VANDALIZED. PERHAPS MOST SURPRISINGLY, **66% OF THE ADULTS WORRIED AT LEAST ‘MUCH’ IF NOT ‘VERY MUCH’ ABOUT THEMSELVES OR THEIR LOVED ONES BEING ATTACKED OR MOLESTED IN ELSIPOGTOG.** A SIGNIFICANT MAJORITY OF THE ADULTS WORRIED ‘VERY MUCH’ ABOUT PEACE AND ORDER ISSUES SUCH AS FIGHTING, LOOSE DOGS AND SO ON.

THE REPRESENTATIVE SAMPLE OF ELSIPOGTOG ADULTS SPONTANEOUSLY IDENTIFIED A VARIETY OF ISSUES AS **‘BIG PROBLEMS’** IN THE COMMUNITY RANGING FROM LOOSE DOGS TO “POLITICS” AND POOR POLICING. IN PARTICULAR, **SMALL** PERCENTAGES POINTED TO GRUDGE HOLDING AND REVENGE WHICH WEAKEN THE COMMUNITY (as one person noted, “everybody holds a grudge on each other so there is no forgiveness but, instead, revenge”) OR TO INADEQUATE PRIDE IN THE COMMUNITY’S APPEARANCE (another adult noted, “there would be more respect if the reserve had a positive appearance and the people would have a better outlook”). A MORE EXTREME VIEWPOINT WAS OFFERED BY ONE PERSON WHO COMMENTED, “the reserve is falling apart. There is no more suicide but the only thing holding it back is the pills”. MANY MORE RESPONDENTS MADE POSITIVE STATEMENTS ABOUT THE COMMUNITY BUT, **AS THE TABLE SHOWS, THE MAJORITY OF THE ELSIPOGTOG ADULTS DID REPORT MANY ISSUES AS BIG PROBLEMS** SUCH AS BREAK-INS, CHILD ABUSE /NEGLECT, VANDALISM, POORLY MAINTAINED PROPERTY, FEUDING AMONG FAMILY GROUPS, DRUG AND ALCOHOL ABUSE

AND SEXUAL HARASSMENT. SPOUSAL ABUSE WAS ALSO SEEN AS A BIG PROBLEM THOUGH HERE A HIGH PROPORTION OF THE RESPONDENTS REPLIED, “DON’T KNOW”.

NOT SURPRISINGLY, A LARGE PERCENTAGE OF THE ADULTS INDICATED THAT THEY THEMSELVES HAD BEEN A VICTIM OF A CRIME OR WRONGDOING OVER THE PAST TWO YEARS. ABOUT **40% REPORTED SUCH VICTIMIZATION**. INTERESTINGLY, MOST OF THOSE RESPONDENT VICTIMS – ROUGHLY 66% - ALSO INDICATED THAT THEY HAD REPORTED THE MATTER TO THE POLICE. THOSE NOT REPORTING THEIR VICTIMIZATION TO THE POLICE INDICATED THAT THEY DID NOT BECAUSE “the police couldn’t / wouldn’t do anything about it” or “because I did not want to be a rat” or “it involved family members”.

RESPONDENTS IN THE COMMUNITY SURVEY WERE ALSO ASKED ABOUT ANY SUGGESTIONS THEY MIGHT HAVE TO MAKE ELSIPOGTOG A SAFER COMMUNITY. MOST ADULTS DID MAKE SUGGESTIONS AND THESE COULD BE GROUPED INTO FIVE EQUALLY FREQUENT CATEGORIES. **SOME FOCUSED ON POLICING**, URGING MORE POLICE BE EMPLOYED, MORE POLICE PATROL (ESPECIALLY FOOT PATROL) IN UNLIT AREAS OR “THE TRACK” WHERE YOUTHS REPORTEDLY ENGAGED IN ILLEGAL ACTIVITIES, OR BRINGING BACK THE BAND CONSTABLE SYSTEM. SOME RESPONDENTS CALLED FOR MORE **COMMUNITY ENGAGEMENT** WHETHER IN VOLUNTARY ORGANIZED WAYS THROUGH BLOCK PARENTS AND NEIGHBOURHOOD WATCH, OR IN TERMS OF COMMUNITY SPIRIT (one person said, “act like a community, support each other with community work for a community that does not work together is not a working community” while another offered, “we have to stop back stabbing each other and everybody needs to do something every day. We need to have respect with each other and work together”). OTHER RESPONDENTS CALLED FOR COMMUNITY LEADERS TO PUSH THE **BAND BYLAWS** THAT ALREADY EXIST AND RE-CONSIDER CURFEWS AND OTHER POLICIES. IN PARTICULAR RESPONDENTS HERE CITED THE LOOSE DOG PROBLEM. A RELATED FOCUS WAS THE CALL FOR

THE COMMUNITY **TO GET RID OF THE BOOTLEGGERS AND DRUG DEALERS.**
FINALLY A NUMBER OF ADULTS CALLED FOR GREATER CONSEQUENCES FOR
WRONGDOERS, THAT IS **MORE STRICT SENTENCING.**

THEME # 3

REPORTING WRONGDOING: IS WRONGDOING USUALLY REPORTED TO JUSTICE AUTHORITIES? IF NOT, IS IT DEALT WITH SATISFACTORILY THROUGH INFORMAL COMMUNITY CONTACTS AND/OR ELSIPOGTOG AGENCY PERSONNEL?

ELSIPOGTOG ADULTS WERE ASKED WHAT KINDS OF WRONGDOING OR CRIME IN THE COMMUNITY USUALLY DOES NOT GET REPORTED TO JUSTICE AUTHORITIES. MANY PERSONS CITED SEVERAL KINDS THAT GO UNREPORTED BUT HERE WE HAVE SELECTED ONLY THE MOST SERIOUS OF THE ONES THEY REFERRED TO. SURPRISINGLY, **SERIOUS PERSON VIOLENCE WAS THE MOST COMMONLY CITED**. ROUGHLY 50% OF THE ADULTS INDICATED THAT, IN THEIR VIEW, SEXUAL ABUSE, AND/OR CHILD ABUSE AND/OR SPOUSAL ABUSE USUALLY GO UNREPORTED. RESPONDENTS ABOUT EQUALLY CITED THESE THREE SUB-CATEGORIES OF SERIOUS PERSON VIOLENCE. IN REFERRING TO CHILD ABUSE, RESPONDENTS WERE MORE LIKELY TO CITE CHILD NEGLECT RATHER THAN DIRECT ABUSE BUT THERE WERE A FEW REFERENCES TO THE LATTER. ABOUT 15% OF THE ADULT SAMPLE SPONTANEOUSLY REFERRED TO **WRONGDOING RELATED TO DRUG AND ALCOHOL ABUSE** AS THE MOST SERIOUS UNREPORTING; HERE THEY NOTED BOOTLEGGING, SELLING DRUGS, ESPECIALLY TO MINORS AND SO ON. ROUGHLY 10% OF THE SAMPLE CITED **FIGHTING AND SOCIAL DISORDER MATTERS** AS USUALLY UNREPORTED WHILE A HANDFUL (5% IN EACH CASE) CITED PROPERTY CRIMES, VANDALISM AND DRIVING-RELATED OFFENSES.

WHEN ASKED TO CHECK OFF FROM A LIST WHICH ISSUES USUALLY GO UNREPORTED IN ELSIPOGTOG, THE RESULTS WERE AS SHOWN IN THE APPENDED TABLES. IT IS CLEAR THAT **THE ADULTS HELD MUCH WRONGDOING IS NOT USUALLY REPORTED**, PREDICTABLY, TYPES SUCH AS UNDERAGE DRINKING, BOOTLEGGING AND SUBSTANCE ABUSE WERE SEEN AS MOST LIKELY TO GO

UNREPORTED (i.e., 81%, 68% and 69% respectively) BUT FEW ADULTS CONSIDERED THAT WIFE BATTERING AND CHILD ABUSE ARE USUALLY REPORTED EITHER (i.e., just 9% and 17% respectively).

THE ADULT RESPONDENTS WERE ASKED WHETHER UNREPORTED WRONGDOING WAS AT LEAST **DEALT WITH INFORMALLY** BY ORGANIZATIONS SUCH AS FAMILY SERVICES, ALCOHOL AND DRUG COUNSELLORS OR BAND COUNCIL OR WITHIN FAMILY GROUPINGS. AS CAN BE SEEN FROM THE TABLE, FEW RESPONDENTS BELIEVED THAT SUCH WAS THE CASE, ONLY 7% INDICATING “OFTEN” AND 17% INDICATING “SOMETIMES”. FEW RESPONDENTS CONSIDERED THAT SUCH WAYS OF DEALING WITH THE ISSUES WERE EFFECTIVE IN ANY CASE. **FULLY 55% OF THE SAMPLE GAVE A CLEAR “NO” WHEN ASKED IF SUCH ISSUES WOULD BE SATISFACTORILY DEALT WITH BY AVOIDING JUSTICE AUTHORITIES** WHILE THE NEXT LARGEST RESPONSE CATEGORY WAS “DON’T KNOW”. ONE RESPONDENT COMMENTED: “Not at all. People need to come out of their ego shells and report wrongdoing such as sexual and substance abuse”. OTHER COMMENTS INCLUDED, “No, what can they do”; “no, it may avoid court but the problem is not fixed”; “no, there is too much denial. People working in the agencies feel pressure from family and community not to do anything but if it is not their family, they will”.

GIVEN THE UNREPORTING OF SERIOUS WRONGDOING AND THE ALLEGED INEFFECTIVENESS OF INFORMAL, NON-JUSTICE –BASED, RESOLUTIONS, WHY DOES UNREPORTING CONTINUE? ELSIPOGTOG ADULTS, AS SHOWN IN THE APPENDED TABLES, INDICATED PEOPLE IN THE COMMUNITY DO NOT REPORT FOR A VARIETY OF REASONS, 77% OF THE ADULTS THOUGHT A VERY IMPORTANT REASON WAS THAT **THE JUSTICE SYSTEM’S RESPONSE IS USUALLY NOT HELPFUL** AND THE PROBLEMS CONTINUE ON. EQUALLY FREQUENT WERE THE VIEWS THAT “**PEOPLE ARE SCARED TO REPORT IT**” AND THAT “THERE IS TOO MUCH DENIAL”. FAMILY INFLUENCES WERE CLEARLY COMPLEX. WHILE A MAJORITY NOTED AS VERY IMPORTANT, FAMILY

PRESSURES NOT TO REPORT THINGS TO OFFICIALS, A MAJORITY ALSO SUGGESTED THAT THE WRONGDOING DOES GET DEALT WITH BY FAMILY MEMBERS – THOUGH IN LIGHT OF THEIR COMMENTS ABOVE, MOST ELSIPOGTOG ADULTS WOULD APPARENTLY NOT SEE SUCH INFORMAL RESOLUTIONS TO BE SATISFACTORY.

THEME # 4

EXPERIENCE WITH THE JUSTICE SYSTEM (COURT PROCESS AND CORRECTIONS): WHAT HAS BEEN THE EXPERIENCE OF ELSIPOGTOG ADULTS AND WHAT CHANGES, IF ANY, SHOULD BE MADE TO IMPROVE ITS RESPONSE TO ELSIPOGTOG PERSONS, WHETHER AS OFFENDERS OR VICTIMS?

ALMOST 40% OF THE ELSIPOGTOG ADULTS REPORTED THAT THEY OR A HOUSEHOLD MEMBER HAD APPEARED IN COURT AS A VICTIM OR OFFENDER AT LEAST ONCE OVER THE PAST THREE YEARS. ASKED ABOUT THE ADEQUACY OF THE INFORMATION THEY OBTAINED CONCERNING THE PROCEEDINGS, **THE SAMPLE SPLIT ROUGHLY 50-50 BETWEEN THOSE REPORTING INADEQUATE INFORMATION AND THOSE INDICATING THEY WERE AT LEAST REASONABLY WELL INFORMED.** THE SOURCES FOR INFORMATION WERE THE JUSTICE ROLE PLAYERS (SOME OF WHO OF COURSE WERE BASED IN ELSIPOGTOG IN DUTY COUNSEL, PROBATION AND VICTIM SERVICES) BUT ALSO FRIENDS AND FAMILY MEMBERS. AMONG THOSE REPORTING LITTLE IF ANY INFORMATION RECEIVED, THERE WAS DISSATISFACTION AS WELL AS CONCERN AND ANXIETY (as one person commented, "I did not know what to do or to wear"). SOMEWHAT SURPRISINGLY, **THE LARGE MAJORITY OF THOSE WHO WENT TO COURT REPORTED THAT THEY WERE TREATED WELL AND FOR MANY, VERY WELL.** THOSE REPORTING SUCH TREATMENT OUTNUMBERED THOSE WHO REPORTED POOR TREATMENT BY A 4 TO 1 RATIO. INTERESTINGLY, AMONG THE FORMER, THERE WAS EVIDENCE OF AN APPRECIATION OF THE PROFESSIONALISM AND BUREAUCRATIC NATURE OF THE COURT PROCESS (one respondent commented: "I was treated with professionalism. A certain coldness but it's the legal system. It has to be that way. But, yes, my treatment was adequate. Communication is the main problem. Oftentimes both parties don't have a clear idea of the other person's actions or wishes"). A COMMON RESPONSE OF THOSE DISSATISFIED WITH THEIR TREATMENT WAS "I felt I was on my own". ONE RESPONDENT, CITING POOR TREATMENT, NOTED, "Police badgered me. Treatment depends on what side you're

on. If you are a witness for the Crown you're treated better. But if you're on trial, you're not treated with respect".

THE ELSIPOGTOG ADULTS WERE ASKED TO GIVE THEIR VIEWS ON THE MAIN PROBLEMS COMMUNITY MEMBERS ENCOUNTERED WHEN THEY CAME INTO CONTACT WITH THE JUSTICE SYSTEM BEYOND THE POLICE LEVEL. IN THEIR SPONTANEOUS RESPONSES THEY MENTIONED A **WIDE VARIETY OF MAIN PROBLEMS**, RANGING FROM THE BASIC ISSUE OF FINDING A RIDE TO THE RICHIBUCTOU COURT HOUSE TO CULTURAL AND LANGUAGE ISSUES TO **PREJUDICE AND DISCRIMINATION**. A SIGNIFICANT NUMBER OF RESPONDENTS HIGHLIGHTED THE **TRANSPORTATION PROBLEM** (ONE SAID, "Most often the people have to hitch-hike") AND AN EQUALLY SIGNIFICANT NUMBER SPECIFICALLY **IDENTIFIED RACISM AS A FACTOR**. CONCERNING THE LATTER, SOME RESPONDENTS HELD THAT TREATMENT AND SENTENCING DEPENDS TOO MUCH ON WHETHER NATIVES AND NON-NATIVES ARE INVOLVED AS INDICATED IN THE FOLLOWING QUOTES: "If a non-native is involved (as a victim) it's different and stricter (sentencing) for the native"; "there are two law here – one for natives and one for non-natives. Natives are sentenced severely when they do wrong to non-natives but when natives do wrong to natives, hardly anything is done". BUT **THE DOMINANT PROBLEM WAS CLEARLY DEEMED TO CULTURAL AND LANGUAGE ISSUES**. THE FOLLOWING QUOTES ILLUSTRATE THIS PROBLEM; "Court officials don't understand natives. Some threats are just expressions but the court system takes them seriously "; "they don't understand native culture and vice versa"; "an interpreter is needed; a court worker who can speak the Mi'kmaq language is needed". THIS PROBLEM WAS ASSOCIATED BY MANY RESPONDENTS WITH AN INADEQUATE NATIVE REPRESENTATION WITHIN THE COURT SYSTEM.

THE RESPONDENTS WERE ALSO ASKED TO INDICATE WHAT ISSUES, ON A LIST PROVIDED TO THEM, WERE MAJOR, MINOR OR NO PROBLEM WHEN ELSIPOGTOG RESIDENTS GET INVOLVED WITH THE COURT PROCESS. THE APPENDED TABLE SHOWS THAT, AS SUGGESTED ABOVE, **THE NUMBER ONE**

MAJOR PROBLEM WAS THE LANGUAGE AND CULTURAL DIFFERENCES ISSUE. 70% OF THE RESPONDENTS GAVE THIS RESPONSE AND ANOTHER 15% IDENTIFIED THE ISSUE AS A MINOR PROBLEM. LACK OF UNDERSTANDING MORE THAN PREJUDICE WAS CONSIDERED TO BE THE MAJOR FAILING OF COURT OFFICIALS THOUGH NEARLY 50% OF THE RESPONDENTS CONSIDERED PREJUDICE ALSO TO BE A MAJOR PROBLEM. TWO OTHER ISSUES WERE HIGHLIGHTED BY RESPONDENTS AS MAJOR PROBLEMS, NAMELY **THE NEGLECT OF VICTIMS' NEEDS** (65%) AND **INAPPROPRIATE SENTENCING**, SENTENCES BEING EITHER TOO LIGHT OR TOO SEVERE (68%).

WHEN THEY WERE ASKED HOW THE COURT AND CORRECTIONAL SYSTEMS SHOULD BE CHANGED, RESPONDENTS SPONTANEOUSLY EMPHASIZED THE NEED FOR GREATER NATIVE PRESENCE AND REPRESENTATION. HAVING A **NATIVE COURT-WORKER** WAS THE MOST COMMON RESPONSE, CONSISTENT WITH THE CULTURAL GAP SHORTFALLS THEY IDENTIFIED ABOVE. **TRANSLATION AND INTERPRETER SERVICE** – USUALLY BUT NOT ALWAYS CONSIDERED PART AND PARCEL OF THE COURT WORKER ROLE – WAS ALSO STRONGLY URGED. SOME RESPONDENTS HIGHLIGHTED THE NEED FOR CONSISTENT AND **MORE SEVERE SENTENCES** BEING RENDERED (for example, one person commented: major offenders that deserve time and punishment should get it and not be let off because they're native") WHILE OTHERS POINTED TO THE NEED FOR MORE EMPHASIS ON TREATMENT RATHER THAN INCARCERATION AND **MORE AFTER-CARE**. A FEW RESPONDENTS ARGUED THAT NO CHANGES WERE REQUIRED AT ALL WHILE AN EQUALLY SMALL NUMBER STRESSED THE NEED FOR A SEPARATE NATIVE COURT SYSTEM.

RESPONDENTS WERE ALSO ASKED TO RATE A LARGE NUMBER OF POSSIBLE JUSTICE SYSTEM CHANGES IN TERMS OF THE PRIORITY THEY WOULD GIVE THEM AND THEN CHOOSE THEIR TOP TWO PRIORITIES. THESE RESULTS ARE SHOWN IN APPENDED TABLES. THE TOP PRIORITIES IDENTIFIED WERE (1) **BETTER**

LEGAL ADVICE AND SERVICES SUCH AS COURT WORKERS; (2) TRAINING LAWYERS AND JUDGES IN NATIVE RIGHTS AND TRADITIONS; (3) MORE SERVICES FOR VICTIMS OF CRIME AND ABUSE INCLUDING SUCH THINGS AS A SAFE HOUSE. OVER 80% OF ALL ELSIPOGTOG ADULTS HIGHLIGHTED THOSE PRIORITIES AND CONSIDERED THEM AMONG THEIR TOP TWO PRIORITIES. THIS RATING ATTESTS PERHAPS TO THE PRAGMATIC PERSPECTIVE OF THE RESPONDENTS. AT THE SAME TIME IT IS CLEAR THAT THE RESPONDENTS HAD **ASPIRATIONS FOR MORE PROFOUND CHANGE.** SOME 68% ACCORDED HIGH PRIORITY TO MOVING TOWARDS A MORE AUTONOMOUS MI'KMAQ JUSTICE SYSTEM PERHAPS IN COLLABORATION WITH OTHER NEW BRUNSWICK RESERVES. OTHER HIGH PRIORITIES INCLUDED HAVING **SOME COURT SESSIONS ON RESERVE** AND A COMMUNITY JUSTICE SYSTEM FOR ALMOST ALL MINOR CRIMES.

THEME #5

CURRENT ELSIPOGTOG JUSTICE PROGRAMMING: EXPERIENCE, ASSESSMENT AND SUGGESTIONS OF ELSIPOGTOG ADULTS?

ELSIPOGTOG ADULTS WERE ASKED ABOUT THEIR FAMILIARITY WITH COMMUNITY JUSTICE PROGRAMS SUCH AS RESTORATIVE JUSTICE, VICTIM SERVICES, PROBATION, THE DUTY COUNSEL (RECENTLY ABORTED), TREATMENT AND COUNSELLING PROGRAMS AND THE JUSTICE ADVISORY COMMITTEE. AS THE APPENDED TABLE SHOWS, WITH THE EXCEPTION OF TREATMENT AND COUNSELLING ONLY A **MINORITY OF THE RESPONDENTS REPORTED THEMSELVES WELL INFORMED ABOUT THESE INITIATIVES**. PERSONAL CONTACT, APART FROM THOSE RESPONDENTS WHO WERE INVOLVED IN THE SERVICE DELIVERY OR HAD A HOUSEHOLD MEMBER WHO WAS, WAS EVEN MORE LIMITED. WHILE MODEST IN NUMBER THE CONTACTS WERE TYPICALLY CONSIDERED IN POSITIVE TERMS. TREATMENT AND COUNSELLING SERVICES WERE PRAISED BY THE USERS (“it helped me a lot”; “I’ve been sober for four years”) THOUGH A FEW RESPONDENTS RAISED CONCERNS ABOUT CONFIDENTIALITY IN THE SMALL COMMUNITY. SIMILARLY, THE FEW WHO COMMENTED ON ACCESSING RESTORATIVE JUSTICE WERE POSITIVE ABOUT THE PROGRAM (“My son and I went to restorative justice circles and it was satisfactory, no, it was very good”).

AS INDICATED IN THE APPENDED TABLES, THE ELSIPOGTOG ADULTS CONSIDERED THESE PROGRAMS AND INITIATIVES AS VERY IMPORTANT FOR THE COMMUNITY. **84% RATED THEM AS ‘VERY MUCH’ IMPORTANT** AND ANOTHER 8% CONSIDERED THEM SOMEWHAT IMPORTANT. IN ELABORATING ON THESE VIEWS, THE RESPONDENTS EMPHASIZED USUALLY THAT (A) THE COMMUNITY HAS MANY PROBLEMS AND ISSUES SO THESE PROGRAMS AND INITIATIVES ARE NEEDED; (B) THE FACT THAT THEY ARE NATIVE AND ON RESERVE IS CRUCIAL SINCE THE SERVICE PROVIDERS KNOW THE PEOPLE, CAN MORE CONVENIENTLY

AND EFFECTIVELY PROVIDE INFORMATION AND CAN DO IT WITH GREATER FAIRNESS – AS ONE RESPONDENT SAID, “this is because we [natives] have a better understanding of ourselves; ANOTHER NOTED, “because Indian people are involved who talk our own language and know the people”. A FEW RESPONDENTS CONSIDERED THAT SUCH INITIATIVES FURTHERED THE PROCESS OF SELF-DETERMINATION (“The more ownership of justice issues the better. It looks like self-government”). THERE WERE SOME CONCERNS RAISED BY A FEW RESPONDENTS. ONE PERSON CONTENDED THAT “the programs sometimes make it too easy” while another suggested, “treatment would be better elsewhere where service is delivered with more sophistication”.

RESPONDENTS MADE A NUMBER OF SUGGESTIONS CONCERNING THE IMPROVEMENT OF THESE ELSIPOGTOG-BASED SERVICES. THE RESPONSES WERE QUITE VARIED AND **NO DOMINANT SUGGESTION** EMERGED FROM THE RESPONSES. A NUMBER OF PERSONS CONSIDERED THAT THE PROGRAMS WERE “GOOD AS THEY ARE” AND ONLY MODEST IMPROVEMENTS WERE REQUIRED SUCH AS HAVING MORE NATIVE PERSONS IN THE VARIOUS JOBS AND MORE INFORMATION BEING COMMUNICATED ABOUT THE PROGRAMS ON A REGULAR BASIS THROUGHOUT THE COMMUNITY. ONE RESPONDENT TALKED OF THE NEED FOR “a great dose of community awareness and more people involvement” WHILE ANOTHER CALLED FOR “more public meetings, have the chief and council there and upgrade what is going on”. OTHERS SAW THESE PROGRAMS AND INITIATIVES AS STEPS FACILITATING GREATER COMMUNITY CONTROL OVER JUSTICE MATTERS AND THE DEVELOPMENT OF “OUR OWN JUSTICE SYSTEM”.

THEME #6

NEW JUSTICE PROGRAMMING: WHAT ARE THE ADDITIONAL JUSTICE SERVICES, PROGRAMS OR ARRANGEMENTS THAT ELSIPOGTOG ADULTS WANT? WHAT ARE THE OBSTACLES THEY IDENTIFY? HOW MIGHT THE OBSTACLES BE OVERCOME?

THE ELSIPOGTOG ADULTS WERE ASKED IN THE CONCLUDING SECTION OF THE COMMUNITY SURVEY ABOUT THE BROAD ‘MACRO’ FUTURE FOR JUSTICE PROGRAMMING IN THE COMMUNITY. ONE ISSUE FOCUSED ON WHETHER THERE WAS A NEED TO DEVELOP PROGRAMMING IN ALTERNATIVE DISPUTE RESOLUTION AND SIMILAR MECHANISMS TO DEAL **WITH CIVIL RATHER THAN CRIMINAL MATTERS**. THESE MATTERS WOULD INCLUDE COMMUNITY FEUDS, DISPUTES OVER PROPERTY AND INHERITANCES, VICTIM-OFFENDER MEDIATION, NON-COMPLIANCE WITH BAND REGULATIONS, AND INTER-BAND DISPUTES OVER RESOURCES. APART FROM THE LATTER, THERE WAS MUCH ENTHUSIASM FOR SUCH INITIATIVES. **BETWEEN 70% AND 80% OF THE ADULTS IDENTIFIED A NEED FOR SUCH JUSTICE PROGRAMMING IN EACH OF THE COMMUNITY-SPECIFIC AREAS** MENTIONED, IN PARTICULAR SOME 76% SAW A NEED FOR INITIATIVES RESPONDING TO PROPERTY DISPUTES, INHERITANCE AND OTHER CIVIL MATTERS. OVER 80% OF THE RESPONDENTS INDICATED THAT THERE WAS A NEED TO CARRY OUT RESEARCH ON THESE AND OTHER JUSTICE ISSUES AND POSSIBILITIES.

ELSIPOGTOG ADULTS WERE ALSO ASKED THEIR VIEWS ABOUT WORKING TOWARDS A MORE COMMUNITY-BASED JUSTICE SYSTEM FOR DEALING WITH SERIOUS OFFENDING AND PROVIDING A MORE “HEALING APPROACH”. **THE RESPONDENTS WERE QUITE DIVIDED ON HOW FAR AND HOW FAST ELSIPOGTOG SHOULD GO IN CREATING SUCH A SYSTEM**. ABOUT HALF THE SAMPLE EXPRESSED APPREHENSIVENESS AND CONCERN, CONTENDING THAT

THE CLOSE-KNIT CHARACTER OF THE COMMUNITY, THE IMPORTANCE OF FAMILY TIES AND THE CURRENT LEVEL OF FACTIONALISM WOULD PROHIBIT A COMMUNITY-BASED SYSTEM FOR DEALING WITH SERIOUS OFFENDING. THE FOLLOWING QUOTES ILLUSTRATE THIS VIEWPOINT; “we can’t handle major offences because we are such a close-knit community”; “we could not handle major crimes because this is a family community”; “to deal with major offences would worsen the well-being of the community”; “if we were to handle major offenses people would start killing each other”. THERE WAS ALSO SOME FEAR THAT HALFWAY HOUSES AND COMMUNITY FACILITIES FOR SERIOUS OFFENDERS COULD THREATEN THE SAFETY OF ELSIPOGTOG. A FEW OTHER RESPONDENTS SIMPLY ARGUED THAT A MORE COMMUNITY-BASED JUSTICE SYSTEM WOULD NOT WORK (AS ONE PERSON SAID, “it would be just an easy way out”). CERTAINLY, MOST OF THIS HALF OF THE SAMPLE EMPHASIZED THAT **SIGNIFICANT COMMUNITY DEVELOPMENT AND CHANGE WOULD HAVE TO OCCUR** BEFORE ELSIPOGTOG WOULD BE READY TO TAKE SUCH OWNERSHIP OF THE JUSTICE SYSTEM. ONE ADULT STATED THIS VIEW IN SOMEWHAT MORE EXTREM TERMS AS FOLLOWS: “there are too many people who are unhealthy in their thinking. Our community is a fine example of division and lack of respect for others. I find it very difficult to place my trust in someone’s hands who is likely holding some kind of grudge. Our people need to know respect. We need to respect each other. We don’t have that now”.

THE OTHER HALF OF THE SAMPLE WAS MORE EAGER TO SEE SUCH COMMUNITY OWNERSHIP OF JUSTICE MATTERS. SOME OF THESE RESPONDENTS SIMPLY ARGUED “**WHY NOT?**”, POINTING TO THE CRIME AND PROBLEMS IN THE COMMUNITY AND SUGGESTING A NATIVE-MANAGED SYSTEM WOULD BE AN IMPROVEMENT. ONE ADULT COMMENTED, “All crimes should be dealt with here. Our people know our people. We could handle the situation better”; ANOTHER RESPONDENT STATED, “These new initiatives are good and we should move forward”, WHILE A THIRD RESPONDENT CONTENDED, “I feel that it is time for us to be more pro-active than re-active. These new programs and opportunities are there. We should take advantage of them”. A

NUMBER OF THESE RESPONDENTS INDICATED THAT THEIR SUPPORT WOULD BE CONDITIONAL ON THE COMMUNITY SUPPORTING THE INITIATIVES AND ON THEIR STRICT AND FAIR IMPLEMENTATION.

IT WOULD SEEM THEN THAT ELSIPOGTOG ADULTS ' SUPPORT FOR NEW MORE EXPANSIVE COMMUNITY JUSTICE PROGRAMMING WOULD HINGE ON **EFFECTIVE COMMUNITY MOBILIZATION AND SUPPORT AND PERHAPS A STRATEGY FOR STAGED CHANGE BASED ON PRIORITIES.** IN RESPONDING TO ANOTHER QUESTION THE ELSIPOGTOG ADULTS GENERALLY INDICATED THAT AT PRESENT AND IN THE NEAR FUTURE PERHAPS ALL MINOR CRIME, AND ONLY SUCH CRIME, COULD BE HANDLED IN ELSIPOGTOG. ONE ADULT NOTED, "Only minor crime because we're in the early stages of self-government". MOST ADULTS HELD **THAT SERIOUS WRONGDOING SUCH AS MURDER, SEXUAL ASSAULT, CHILD ABUSE, AND SERIOUS REPEAT OFFENDING SHOULD CONTINUE TO BE ADMINISTERED IN THE MAINSTREAM JUSTICE SYSTEM.** STILL A SIGNIFICANT MINORITY OF THE ADULTS BELIEVED THAT ALL CRIME SHOULD BE DEALT WITH WITHIN THE COMMUNITY; ONE ADULT EXPRESSED THIS VIEW AS FOLLOWS: "All offences should be handled here. It will be harder for offenders here. Therefore it would be more helpful for them".

ASKED WHAT WOULD BE THE CHIEF OBSTACLES TO BE OVERSOME IF ELSIPOGTOG WAS TO ENGAGE IN MORE COMMUNITY OWNERSHIP OF JUSTICE PROGRAMMING, THE ADULTS IDENTIFIED **A VARIETY OF OBSTACLES** SUCH AS FUNDING, GOVERNMENTAL RESISTANCE AND OTHER MAINSTREAM SOCIETY RELUCTANCE. CONCERNING THE LATTER, ONE RESPONDENT NOTED, "most white people would lose their jobs and this would make them resistant"; ANOTHER ADULT SAID, "The existing justice system might see a problem in shifting the level of power to the community". FOR THE MAJORITY OF THE RESPONDENTS HOWEVER **THE CENTRAL OBSTACLE TO OVERCOME WOULD BE INTERNAL** TO ELSIPOGTOG, NAMELY DEALING WITH THE FACTIONS, DIVISIONS, POLITICS AND LETHARGY OF THE

COMMUNITY. STILL A NUMBER OF PEOPLE EXPRESSED OPTIMISM; AS ONE ADULT SAID, “if we work together. If we can do it, everything will work out if everybody does his or her part. We need enthusiasm”.

AS INDICATED IN THE APPENDED TABLES, THE RESPONDENTS THERE ALSO CLEARLY IDENTIFIED A NUMBER OF **MAJOR OBSTACLES** THAT WOULD HAVE TO BE OVERCOME WERE MAJOR STEPS TO BE TAKEN IN GENERATING NEW JUSTICE INITIATIVES. THE TWO BIGGEST OBSTACLES WERE BELIEVED BY ROUGHLY TWO THIRDS OF THE SAMPLE TO BE (A) **LACK OF COMMUNITY RESOURCES** FOR TRAINING AND DELIVERY OF MORE ELABORATE JUSTICE SERVICES AND, IN THE SHORT RUN AT LEAST, (B) **LIMITED COMMUNITY SUPPORT**. A SLIGHT MAJORITY OF ADULTS ALSO BELIEVED THAT THERE WOULD BE RESISTANCE FROM THE EXISTING JUSTICE SYSTEM AND ALSO FROM THE PROVINCIAL GOVERNMENT. SUCH OBSERVATIONS CLEARLY POINT UP THE NECESSITY OF **DEVELOPING AN ACTION PLAN** THAT ADDRESSES ISSUES OF PRIORITIES, FEASIBILITY AND MOBILIZATION OF SUPPORT MOST IMPORTANTLY AT THE COMMUNITY LEVEL BUT ALSO WITHIN THE JUSTICE SYSTEM.

SECTION D

ELSIPOGTOG COMMUNITY JUSTICE SURVEY

**COMMUNITY SURVEY: THE FUTURE OF JUSTICE PROGRAMMING
IN ELSIPOGTOG**

**FREQUENCIES
(N-209)**

2. Do you think this community is an area with a high amount of crime and related wrongdoing, an average amount or a low amount?

Amount of Crime	Statistics
High	67%
Average	26%
Low	3%
Don't Know	2%

4. In the last few years do you think crime and related wrongdoing has increased, decreased, or remained the same in this community?

Change	Statistics
Increased	64 %
Same	25 %
Decreased	3 %
Don't Know	6 %

6. Do you worry very much, much, some or not at all about any of the following things happening to you or your loved ones in the community?

	Very Much	Much	Some	Not at All
Being attacked or molested	54%	12%	14%	18%
Having your house or property broken into	70%	9%	9%	12%
Having your car or other property vandalized	65%	10%	9%	16%
Being bullied or harassed	40%	10%	19%	30%

7. Do you worry much about problems of peace and social order, such as fighting, loose dogs, etc.? Would you say you worry:

Response	Statistics
Not at all	8%
Some	21%
Much	10%
Very Much	59%
Don't Know	1%

8. I am going to read a short list of things that are sometimes problems in communities. Please tell me if you think they are a big problem, somewhat of a problem, or not a problem at all here in Elsipogtog:

	Big Problem	Somewhat Problem	No Problem	Don't Know
Homes or other places being broken into	74%	17%	2%	3%
Wife battering	38%	30%	7%	25%
Child abuse	57%	27%	3%	11%
Vandalism or property destruction	79%	15%	2%	3%
Poor maintenance of property, broken windows, etc.	76%	15%	4%	5%
Feuding among different families or groups	54%	30%	6%	10%
Noisy parties, quarrels, loud music	45%	25%	23%	8%
Drug/alcohol abuse	90%	8%	2%	1%
Sexual or other harassment	51%	22%	8%	19%

9 (a). Were you yourself the victim of a crime or wrongdoing in this community during the past two years?

Response	Statistics
Yes	41%
No	57%

9 (b). Did you report it to the police?

Response	Statistics
Yes	31%
No	13%
N/A or No Response	53%

Question 10: Are any of the following wrongs often not reported to the police?

Wrongs	Usually Not Reported	Usually is Reported	Don't Know
Wife battering	56%	9%	33%
Child abuse	57%	17%	24%
Petty theft	53%	27%	18%
Vandalism	34%	53%	11%
Bootlegging	68%	18%	12%
Substance abuse	69%	17%	11%
Underage drinking	81%	11%	7%

11. (a) When wrongs are not reported to police, are they dealt with informally in the community by organizations such as the band council, family services, or alcohol/drug counselors?

Response	Statistics
Often	7%
Sometimes	17%
Rarely	46%
Don't Know	25%

12. People may not report crimes or legal wrongs for many reasons. How important do you think the following reasons are in this community for not reporting such matters?

	Very Important	Somewhat Important	Not Important	Don't Know
(a) There is a lot of family or community pressure not to report things to officials	61%	14%	10%	13%
(b) The response by police and other officials is slow anyways	72%	14%	5%	9%
(c) The response usually is not helpful and the problems and the offenders carry on	77%	13%	3%	6%
(d) These matters get dealt with by family members	53%	20%	13%	11%
(e) People are scared to report it	74%	16%	3%	6%
(f) There just is too much 'denial'	75%	17%	3%	4%

13. Within the past the past three years have you or any other member of your household appeared in court either as an accused or a victim?

Response	Statistics
Yes	37%
No	62%

(14) Are any of the following issues major problems, minor problems or no problem at all?

	Major Problem	Minor Problem	No Problem	D/K
Prejudiced court officials	47%	20%	13%	17%
Language and cultural differences between natives and non-natives	70%	15%	8%	6%
The court system does not understand Elsipogtog people	65%	15%	9%	9%
Lawyers who are difficult to talk with	51%	21%	10%	15%
Knowing what to do and how to act in court	57%	21%	12%	9%
The sentences given are either too light or too severe	68%	15%	4%	10%
The needs of victims are neglected	65%	15%	7%	11%

(15) Do you think the following possible changes should have high, medium or low priority?

	High	Medium	Low	Don't Know
More legal advice and services for natives (such as courtworkers for example)	83%	9%	2%	5%
More Community % Involvement in how sentences are decided	60%	12%	13%	13%
More Community Programs and services for convicted persons (e.g., open custody places, half way houses)	63%	15%	13%	8%
Regular court sessions held in Elsipogtog as well as Richibucto	64%	16%	9%	10%
Community JPs to hear minor cases and bail hearings	61%	15%	11%	12%
More services for victims of crime/abuse (such as a safe house)	79%	7%	7%	6%
Training lawyers and judges in native rights and traditions	86%	6%	2%	4%

A community justice system for almost all minor crimes	71%	11%	7%	10%
Moving towards an independent Mi'kmaw justice system for Elsipogtog perhaps in collaboration with other N.B reserves	68%	14%	7%	9%
Establishment of community justice committees to discuss new and different justice programs	70%	17%	4%	7%

16. How well informed are you about the following programs or organizations:

	Very Much	Somewhat	Not at All	D/K
The Elsipogtog Justice Advisory Committee	18%	29%	51%	1%
The Elsipogtog Restorative Justice Program	26%	37%	34%	1%
The Elsipogtog Victim Services Program	17%	21%	60%	1%
The Native Probation Officer Service	29%	27%	38%	1%
The Aboriginal Duty Counsel Service In Provincial Courts	19%	21%	57%	2%
Treatment and Counseling Programs	46%	29%	23%	1%

18. Do you think these organizations/programs are important for this community? VERY MUCH, SOMEWHAT, NOT AT ALL, UNSURE

Response	Statistics
Very Much	84%
Somewhat	8%
Not at All	1%
Unsure	5%

20. Do you think there is a need for a Mi'kmaq justice program or organization to deal with any of the following matters?

	Yes	No	Unsure
Disputes between bands	49%	14%	35%
Non-compliance with band bylaws and band regulations	71%	5%	23%
Community disputes or feuds	74%	8%	17%
Victim-offender mediation and reconciliation	72%	7%	18%
Dealing with civil matters such as property disputes, inheritances and family property issues	76%	5%	18%
Doing community research on native justice issues and possibilities	81%	4%	12%

22. Would any of the following be important obstacles?

	Major Problem	Minor Problem	No Problem	D/K
Lack of community resources for training and service delivery	72%	15%	9%	2%
There would be, at least in the short-run, little community support	65%	22%	6%	3%
The existing Justice system would be resistant	51%	19%	19%	7%
The provincial government would be resistant	63%	15%	13%	4%
Many residents would not respect the community-based alternatives	58%	21%	14%	3%
They are not needed	50%	19%	17%	5%

25. Would you have the available time and like to be involved as a volunteer in discussing and implementing new or extended justice programs in this community?

Yes	42%
No	36%
Don't Know.	22%

27. Are you single, widowed, married, separated or divorced?

Single	39%
Married/Common Law	37%
Widowed	7%
Separated/Divorced	14%

28. Which of the following best describes your main activity during the past year?

Working at a job or business?	45%
Looking for work	23%
A student	5%
Retired	1%
Homemaker or housewife	16%
Other	8%

30. Education Completed

Response	
High School or Less	64%
Post Secondary	31%
No Answer	5%

31. If you are not the chief income earner in this household what is the current job of that person?

32. How would the following definition fit with your approach or life style?:

I am much interested in Mi'kmaq traditions

Response	%
Yes Much	60%
Yes Some	28%
Very Little	9%

Gender

Response	%
Male	25%
Female	73%

SECTION E

ANALYSES OF SURVEY RESULTS

ANALYSES OF THE SURVEY RESULTS

INTRODUCTION

In the following analyses the major variables considered are gender, age, level of education, employment status and orientation to cultural tradition. This sample of adult, Elsipogtog residents, by **gender** was heavily weighted to female status, at a three to one ratio (74% to 25%). **Age** variation for analysis purposes was recoded into two categories, forty year of age and older as 1 (53% of the sample), and under forty years old as 2 (47%). **Level of education** was recoded into high school graduates or less as 1 (67%), and those with some kind of formal post-secondary education as 2 (33% of the sample). **Cultural orientation** was measured by recoding responses to the question asking about the respondent's interest in Mi'kmaq traditions; here responses citing "very much interest" were coded as 1 (62% of the sample) and all other responses (i.e., 'some', 'little') recoded as 2 (38%). **Employment status** was measured by grouping all cases where the respondent was working for pay as 1 (45% of the sample) and all other options as 2 (55%). Blanks, don't know and otherwise missing data were regarded as "system missing", so cases with such responses were dropped from specific analyses featuring those specific variables. Few cases had to be dropped.

The five above variables were modestly correlated with one another. There was no relationship between gender and age or level of education but males were more likely to be employed outside the home (59% to 43%) and to express 'very much' interest in Mi'kmaq traditions (68% to 60%). Age was related to interest in traditions, older informants being more likely to say that they were "very much" interested in Mi'kmaq traditions (70% to 52%). Education was correlated with employment status and cultural interest; the better educated informants were more likely to be working for pay (56% to 42%) but less likely to report much interest in Mi'kmaq traditions.

In much of the following analyses, only the highest or “very much” answer category is used. The complete array of responses to the survey questions are detailed in the Community Survey Results appended to this report. Frequently, the concept “significance” or “significant” will be attached to a finding being discussed. . Such concepts refer to either a 10% absolute difference in the percentages associated with a variable (i.e., a 10% difference between male and female assessments) or a consistent difference between the variable groupings (e.g., male / female, older adults / younger adults) over a range of responses measuring the same theme (e.g., all questions dealing with fear and worry). All tables referred to follow the text.

1. CRIME, WORRIES, COMMUNITY PROBLEMS AND VICTIMIZATION

GENDER AND AGE

As regards perceptions of crime and worry matters, **female adults were more concerned on every aspect and virtually all the differences met the threshold standard for significance.** Women were more likely to see Elsipogtog as having a high level of crime (70% to 59%) and that crime as increasing (70% to 51%). Regarding personal safety worries (whether for themselves or their loved ones in the community), the biggest differences were with reference to being attacked, molested or bullied, where females were nearly twice as “very much” worried as males (61% to 33% and 46% to 24% for attacked or bullied respectively). Males tended to frequently respond “don’t know / unsure” for the attacked / molested questions (35% vs. 13% for females) and both sexes frequently gave that “unsure” response for the bullying question (47% males and 26% females). See Table A.

As for the “big problems” concerning social order in the community, **females were more likely to identify each of the nine designated issues as a big problem rather than a somewhat or little problem.** The differences were especially significant for child abuse (62% to 45%), wife battering (40% to 29% and about 25% of each gender responded “unsure”) and sexual assault or harassment (58% to 30%) but here too a large minority, 24% males and 17% females, said “don’t know or unsure”. Females were also significantly more likely to identify feuding among families as a big problem (59% to 45%). See Table B.

Gender is also a major factor in victimization as almost half the female adults claimed to be been the victim of a crime or wrongdoing in this community within the past two years

(46%) compared to the still high one quarter (26%) of the males. Both genders tended to report their victimization to the police, the females more so (78% to 70%). See Table C.

Age also usually impacts on perceptions of crime, worries, and community problems as well as reported victimization. **Age differences, while consistent, were much less significant than gender differences;** indeed the only two significant direct age effects were that older respondents were more likely (72% to 55%) to contend that crime has been increasing in recent years in Elsipogtog, and that they worry very much about peace and social order in the community (67% to 51%). There were no significant differences by age grouping in the assessments of various issues as “a big problem, nor in the level of personal victimization (about 40% of each age grouping). See Table D.

How do age and gender together affect the patterns? Looking first at the female category where the sample size is reasonably large at 152 (80 persons over forty and 72 forty years of age or younger) we can see the impact of age more specifically. Older adult females were consistently more likely to perceive crime as “high” and “increasing” and more likely to express serious worry about their safety. **The differences among women were largely modest and not significant (using the criterion of a 10% absolute difference as cut-off).** The older females, however, were significantly more likely to perceive Elsipogtog crime as having increased in recent years (76% to 61%) and to “worry very much” more than their younger counterparts ((76% to 57%) about social disorder (e.g., fighting, loose dogs etc) in the community. Both age categories of women gave quite similar responses concerning possible “big problems” in the community, highlighting drug and alcohol abuse, break and enter, vandalism and poor property maintenance. A majority (roughly 57%) in each grouping also identified child abuse and sexual and other harassment as “big problems”. **The young female adults were more likely to report having been victimized** at least once within the past two years in Elsipogtog (51% to 40%).

The sample of young male adults is quite small (23 persons) but a comparison with young female adults (72 persons) can be suggestive at least. **Among the younger adults, the male and female perceptions of crime, worries and community problems were quite different.** The females were much more likely to see crime as having increased in recent years (61% to 39%), to worry about being attacked (56% to 30%), having their property stolen (74% to 52%) and being bullied or harassed (45% to 17%). The females also emphasized more the social disorder issues in Elsipogtog (57% to 39% worried very much on that score). Young female adults were much more likely than their male counterparts to consider as major community problems, wife battering (40% to 26%), child abuse (57% to 39%), feuding among family groups (60% to 35%), drug and alcohol abuse (90% to 65%) and sexual or other harassment (58% to 30%). They were also more than twice as likely (51% to 22%) to report having been victimized in Elsipogtog in the last two years.

Among the older respondents the gender differences followed the pattern found among the younger adults. Women were more likely to report crime as “high” (73% to 61%) and increasing (76% to 61%). They were also more likely to report themselves very much worried for themselves and their loved ones about being attacked or molested (65% to 36%) or bullied/harassed (46% to 28%) in the community. Older women, even more than the younger females, differed from their male counterparts in their distress at the social disorder in Elsipogtog (76% to 39%). The older women were more likely than older males to emphasize as “big problems”, burglary (80% to 57%), child abuse (66% to 50%), and sexual or other harassment (56% to 29%). Interestingly, the older adults did not differ in their assessments of wife battering and family feuds. For actual victimization, older males reported slightly more than the male sample as a whole did, while, for females, it was the reverse – older females reported less victimization than the younger females (40% to 51%).

OTHER VARIABLES

The variable, **cultural interest, did not impact on perceptions of crime, worries and social problems.** There was only one significant difference and that suggests a chance effect since the non-significant differences did not form a consistent pattern. **Educational differences**

also did not consistently differentiate responses though the less educated were more likely to express “very much” worry about being attacked or harassed (60% to 43% and 45% to 34%) while the better educated were more likely to report being a victim (usually victim of a property offence) within the past two years ((48% to 38%). Whether the respondent was **employed** or not employed produced a few interesting patterns while, overall, not having much impact. The employed people, perhaps because they had more wealth, expressed significantly more worry about their car or property being vandalized (70% to 59%) and also were more likely to cite, as major community problems, vandalism (86% to 73%). and poor property maintenance (81% to 71%). Those Elsipogtog adults not working for pay, on the other hand, were more likely to cite as big community problems both feuding among families (59% to 46%) and sexual or other harassment (56% to 44%). The educational and employment differences suggest an emerging social class differentiation in Elsipogtog, as conventionally, in mainstream society, the better off worry more about property crime and the less well off worry more about personal victimization. See Table E.

2. PERCEPTIONS OF HOW THE COMMUNITY IS DEALING WITH WRONGDOING

GENDER AND AGE

Regarding the under-reporting of wrongdoing, **there was virtually no difference by gender in the proportion saying a specific wrongdoing usually went unreported.** There were many “don’t know” among both males and females for wife battering and child abuse while females were more likely to respond “don’t know” for petty theft (21% to 11%) and vandalism (14% to 2%). Only a small minority of respondents of either gender believed that unreported wrongs get otherwise dealt with, whether often or occasionally, by local leaders or counselors (14% of males and 28% of females). Asked whether informal ways of dealing with wrongs have been satisfactory, most respondents said “no” and the second largest response was “don’t know”. **Why then is there so much under-reporting?** The most common reason given, and one with little gender variation, was that the formal Justice response is ineffective anyways (about 78%). A strong majority of both genders also considered that people were too scared to report the wrongdoing and/or were too much into denial but females were more likely to give this response (77% to 67% and 78% to 69% respectively). Females were also more likely than males to cite strong family pressure not to report (66% to 55%) or other family circumstances (57% to 43%) as factors in under-reporting. See Tables F, G and H.

There was **a consistent difference between the two age categories** of adult respondents in terms of their assessments of under-reporting crime and other wrongdoing in Elsipogtog. More younger adults thought that there was much under-reporting, especially with respect to child abuse (62% to 51%), vandalism (46% to 24%) and underage drinking (88% to 76%). **Few adults, whether young or older, believed that unreported wrongdoing was dealt with informally in the community by local leaders and/or service providers and even fewer believed that such informal ways were satisfactory.** There was little difference between young and older adults regarding their estimation of the important reasons for under-reporting. There

was a general consensus that a host of reasons explained the phenomenon, including little confidence that the response of Justice officials would be adequate, Elsipogtog people being too scared to report wrongdoing, and “too much denial”. Interestingly, older adults were most likely to cite “fear” (82%) while the top factor cited by the young adults was the alleged poor response of Justice officials (74%). See Table F.

Looking at the age and gender interaction effect, it can be noted that, **among the female respondents**, in larger percentages **the younger female adults consistently identified the designated wrongdoings as “usually unreported” in Elsipogtog**. The difference was especially evident with respect to “wife battering” (61% to 50%), petty theft (60% to 45%), vandalism (42% to 24%) and underage drinking (89% to 74%). The two categories of female respondents did not differ significantly in their views on whether these unreported wrongs were dealt with satisfactorily in the community through informal and other ways. Few considered that they were and the plurality viewpoint was that such effective responses would be rare indeed (46 to 40 %). The two groupings of **women were also substantially similar in their views on why there was not more reporting of wrongdoing**. Here they pointed in equal percentage to the ineffective response of the Justice system, the fear of retaliation and related implications, and that “there is just too much denial” in the community.

Comparing young female adults with their male counterparts, there were some surprising results. Where differences were significant, **the males were the respondents who more frequently said the wrongdoing went unreported**. This pattern was found for vandalism (57% to 42%), bootlegging (83% to 69%) and substance abuse (83% to 71%). The males were also more likely (48% to 40%) to consider that such unreported wrongdoings are rarely ever satisfactorily dealt with by informal and other means in Elsipogtog. **The females however were more likely to highlight the different factors that contributed to the high level of unreporting of wrongdoing**. They were more likely than the males to cite as “very important” reasons, family and community pressures (64% to 48%), the ineffective Justice response that one could expect (79% to 65%), the high level of fear that residents have of retaliation in one form or another (74% to 39%) and the resort to “solutions” by family members (57% to 39%).

Respondents in both groupings shared the view that informal “solutions” were neither frequent nor satisfactory.

OTHER VARIABLES

The three variables of education, employment and cultural interest did not yield much impact on these issues. There was a tendency for **those respondents expressing little interest in Mi’kmaq traditions** to be more likely to say that wrongdoing is under-reported but the differences between these categories of respondents, while consistent, were quite modest. With the exception of vandalism, a majority in both categories identified each of the wrongdoing to be “usually not reported”. There was not much difference either among the two categories in their assessments of why under-reporting (or unreporting) is so common. For both groupings the two major reasons were that “the Justice system’s response is not helpful anyways”, and “people are scared to report it”. Those expressing much interest in Mi’kmaq traditions were more likely to cite community-based reasons for this “unreporting” phenomenon (e.g., family members deal with it) but again the differences were quite modest. **Employment status** had a modest impact as those who were working were consistently more likely to claim under-reporting of the designated wrongdoings, especially of drug abuse (80% to 62%). Those without paid employment were more likely to cite community-reasons for such under-reporting; 60% held that “these matters get dealt with by family members” while only 40% of the ‘working’ group believed so. **Educational attainment** impacted on perceptions of under-reporting in that the better educated saw more under-reporting with respect to wife battering (68% to 51%), petty theft (60% to 51%) and vandalism (43% to 31%) as well as holding that informal means of dealing with wrongdoing are rarely utilized (49% to 39%). There were no differences between the categories in terms of why there is much under-reporting except that the less educated respondents more often held that “these matters get dealt with by family members” (60% to 35%).

3. VIEWS OF THE CRIMINAL JUSTICE SYSTEM

GENDER AND AGE

The clear pattern was for both males and females to share similar views or critiques concerning the current criminal justice system. Roughly two-thirds in each grouping held that the court system “does not understand Elsipogtog people”, that the sentences rendered there “are either too light or too severe”, and that the needs of victims are neglected. Females were significantly more likely to cite language and cultural differences as a major problem (75% to 59%). **The priorities, for change in the criminal justice system, also were commonly shared by both men and women.** The most commonly cited priority in both groups was “training of lawyers and judges in native rights and traditions” (84% to 87%). **At least two-thirds of the males and females** suggested as high priority changes, more legal advice and services, more services for victims of crime such as a safe house, a community justice program for almost all minor crimes, moving towards an independent justice system perhaps in collaboration with other New Brunswick reserves, and the establishment of community justice committees to discuss alternative justice programs. Females were more likely than males to accord high priority to services for victims (81% to 71%), a justice of the peace to hear minor cases and bail hearings (65% to 51%) and more legal services (87% to 73%) **The top two priorities selected by respondents, whether male or female, were more legal advice and services and more services for victims of crimes.**

Age differences did not impact the community consensus about the Justice system. Older and younger adults generally shared the same viewpoints concerning the flaws of the Justice system and agreed upon the priorities for change. Older respondents consistently were more likely to cite major problems but the age differences were significant for only one aspect, namely that older adults were more likely to cite “prejudiced court officials” as a major problem (53% to 41%). Exactly the same pattern held for expressed priorities – the older respondents consistently accorded high priority for the suggested designated changes but in only one instance

was the difference significant by the 10% rule noted above; in that case, older adults called more for community involvement in how sentences were decided (65% to 54%).

The gender/age interaction effect for females was negligible in terms of what aspects of the current Justice system constituted major problems. There were no significant differences between the older and younger adult females and neither were there consistent differences across the seven aspects asked about. Both groupings most frequently identified “language and cultural differences between natives and non-natives” as a major problem (71% and 78%). The two groupings of females also indicated very similar priorities for changing the Justice system. There were no significant differences and for each category of respondent the changes most frequently designated as high priority were (1) more legal advice and services (e.g., court workers), and (2) training lawyers and judges in native rights and traditions.

Young adult females differed substantially from their male counterparts in terms of their critique of the current Justice system. They consistently identified more aspects as major problems, especially prejudiced court officials (46% to 26%), language and cultural differences (78% to 48%), the court’s failure to understand Elsipogtog people (64% to 52%), the inadequate preparation for how to behave in court (60% to 39%), the inappropriate sentencing practices (74% to 52%), and the neglect of victim’s needs (69% to 48%). **The females also differed significantly from their young male counterparts in reporting their priorities for change in the Justice system.** They were more likely to accord high priority to almost all the possibilities, especially more legal advice and services (83% to 65%), having regular court sessions held in Elsipogtog (65% to 52%), a community justice of the peace to hold bail hearings and hear minor charges (65% to 39%), and more services for victims of crime abuse such as “a safe house” (79% to 65%). While the male and female top priority for change in the Justice system was the same – more legal advice and services – the female second choice was services for victims whereas the male second choice was more community programming for convicted persons including “a half-way house”. See table K.

Older (40 years old plus) male and female respondents were also compared with respect to their assessment of the Justice system and their priorities for change in it. Males were more critical than females in three areas, namely viewing court officials as prejudiced (64% to 49%), considering the sentences given as often inappropriate (79% to 65%) and perceiving victims' needs as neglected (75% to 65%). In the other areas asked about, the male response was also more critical but not significantly different than that of the females. **It can be seen that the gender effect among older respondents is almost the reverse of the gender effect among the younger adults.**

Older males and older females generally shared similar views on what possible changes in the Justice system should be given the highest priority. Respondents in both grouping (**about 87%**) **accorded high priority to training lawyers and judges in native rights and traditions,** and (about 80%) to providing more services to victims. The older males however were more likely (89% to 68%) to emphasize a community justice system for almost all minor crimes, more community involvement in how sentences are decided (75% to 60%), and more community programs and services for convicted persons (71% to 61%). The older females, on the other hand, were significantly more likely (90% to 72%) to accord high priority to more legal advice and services. When asked to provide their top two priorities, both males and females in the 40 plus age category most frequently selected, first, "more legal advice and services such as court workers", and, secondly, "training lawyers and judges in native rights and traditions". **While the gender effect for priorities among older adults again differed much from that of the younger adults, for all subgroups the number one priority was that more legal advice and services should be available to Elsipogtog persons who become involved in one role or another in the court process.**

OTHER VARIABLES

Cultural interest turned out to be a major determinant of how Elsipogtog adults viewed the criminal justice system. Those respondents expressing such an interest were consistently more likely to identify the designated possibilities as indeed being major problems.

In particular they were more likely than other respondents to cite prejudiced court officials (52% to 40%) and to claim that the court system does not understand Elsipogtog people (68% to 58%). And there were much more likely to accord high priority to virtually all the designated possible changes, especially community justices of the peace to handle bail hearings and minor crimes (69% to 49%), more community programs and services for convicted persons, including half-way houses (69% to 57%), more community involvement in how sentences are decided (68% to 53%), and more legal advice and services (90% to 73%). While respondents much interested in traditional culture most frequently selected the same number one priority for change (more legal advice and services) as those persons who reported themselves less interested in such traditions, they did so with less frequency (i.e., 26% to 34%).

Educational attainment had no clear impact on the variation in either criticism of the prevailing justice system or suggested priorities for changing it. The better educated were more critical of the sentencing practices as either too heavy or too light (75% to 64%) while the less educated were more prone to believe that court officials are prejudiced (51% to 40%). The two grouping did not differ much in their priorities for changing the Justice system but the better educated were more likely to call for more services for victims (86% to 76%) and more deliberation about alternatives programming (80% to 64%). Among both categories of respondents the number one priority was “more legal advice and services for native people”.

Employment status had no clear impact on considerations of shortcomings in the Justice system. However, those who were working for pay were more likely to accord high priority to the alternatives suggested, including more community programming for convicted persons (68% to 58%), a community justice system for almost all minor crime (82% to 63%), and moving towards an independent Mi’kmaq Justice system perhaps in collaboration with other New Brunswick reserves (75% to 63%).

4. THE CURRENT ELSIPOGTOG JUSTICE ACTIVITY

GENDER AND AGE

Gender did not differentiate responses concerning how well informed respondents believed that they were about current Elsipogtog justice activity. Most respondents, regardless of gender, did not think that they were well informed. Females were modestly more likely to report being well informed about the probation and duty counsel programs. The activities most associated with a “not at all informed” response were the Justice Advisory Committee (50%), the Victim Services Program (62%), and the Duty Counsel Service (55%). Respondents felt themselves most informed about treatment and counseling programs and, secondly, the Restorative Justice Program.

The gender/age interaction effect with respect to awareness of Elsipogtog Justice program activity was negligible. In the two groupings of women, and apart from treatment and counseling services where about half the females considered themselves “well informed”, the large majority of women did not consider themselves well informed about existing Elsipogtog initiatives. **Notwithstanding the shortfall in perceived awareness, the large majority of women in both groupings (86%) considered the programs and services to be “very important for this community”.**

Turning to the young adults, **male and female young adults did not differ** significantly in their responses for any of the questions dealing with awareness of specific Elsipogtog justice services. A plurality in each category indicated they were very well informed about treatment and counseling programs (44% among females and 35% among males) and about the probation program (26% and 35% for females and males respectively). **The females were however much more likely (86% to 61%) to consider the Elsipogtog services “very important for this community”.**

Among the older adult respondents, males more often reported that they were well informed about Elsipogtog justice initiatives but the differences were not significant except in two instances, namely knowledge of probation services (43% of the males claimed to very well informed compared to 26% of the females) and the aboriginal duty counsel service (36% to 18%). **The older males and females were equally likely (88%) to consider the Elsipogtog Justice programs and services “very important” for the community.**

OTHER VARIABLES

Cultural interest affected the variation in respondents’ awareness of Elsipogtog justice services. Those expressing such interest were more likely to claim to be well informed about the different programs, especially treatment and counseling programs (54% to 36%) and the probation program (36% to 20%). It can be noted, though, that the large majority of all respondents denied being well informed about most of these programs. There was virtually no impact on response variation in familiarity with Elsipogtog Justice programs that could be attributed to **employment status**. **Educational attainment** produced modest but consistent variation in awareness of Elsipogtog justice services – the less educated slightly more often claimed to well informed, especially with respect to treatment and counseling (50% to 37%). In all categories over 80% of the respondents considered the programs to be “important for this community”.

5. PRIORITIES AND OBSTACLES

GENDER AND AGE

All respondents were asked whether there was a need for a Mi’kmaq program or organization to deal with a number of justice-related matters. **There was a significant gender effect here as females were significantly more likely to identify such needs.** In particular they

were more likely than males (77% to 65%) to call attention to the need to respond to community disputes or feuds, to have victim-offender mediation (78% to 59%), and to deal with civil matters such as property disputes, inheritances and the like (81% to 63%). There was among both sexes a sense that compliance with band bylaws and regulations should be dealt with better and that community research should be carried out on justice alternatives.

Gender was also a factor in how respondents perceived obstacles to implementing new justice initiatives in Elsipogtog. Women were more likely to consider the suggested obstacles as being “a major problem” to have to contend with. They were significantly different from males in so highlighting the issue of community resources for training and service delivery (76% to 61%), community support at least in the short-run (69% to 57%) and a sense in the community that new initiatives were not necessary (52% to 41%). Males were more likely to highlight the obstacle of resistance within the existing justice system (63% to 49%).

Age was less a factor than gender in accounting for variation in how needed justice initiatives and obstacles to change were perceived. Both categories of adults emphasized community research (about 80%) and initiatives in the civil justice area as crucial (about 75%) while older respondents highlighted the need to do something about non-compliance with band bylaws and regulations (78% to 64%). **There was little significant difference in the response concerning potential obstacles to change.** Both age groups, in equal numbers (about 70%), identified first the lack of community resources to provide for the training and service that would be required, and both equally identified a resistant provincial government as an obstacle (63%). The older respondents were however to hold that community support at least in the short run would be a major problem (69% to 59% and 56% to 43%).

The gender/age interaction effect was negligible. For female respondents, consensus trumped age difference. The only significant difference was that older females were more likely (78% to 68%) to emphasize the need for community justice initiatives that would respond to non-compliance with band bylaws and regulations. The broad consensus about needed initiatives was also reflected in female views about potential obstacles to change. Both young

and older female adults identified the “lack of community resources for training and service delivery” (75%) and the problem of “getting community support in the short-run” (68%) as the main obstacles.

Among the young adults the differences by gender continued to be significant.

Compared to the males, the young female adults emphasized more the need for Mi’kmaq initiatives to get at non-compliance with band regulations (68% to 57%), community disputes or feuds (79% to 65%), victim-offender mediation (78% to 52%), civil matters such as property and family inheritance disputes (85% to 52%), and community research on justice issues and possibilities (81% to 61%). **Clearly, while both genders saw the need for change, the females were especially convinced of it, especially for civil matters.** Could obstacles to change be overcome? The young females were more skeptical on that score. They were more likely to identify as major problems the following possible obstacles, lack of community resources (75% to 57%), lack of community support, at least in the short-run (68% to 39%), resistance from the provincial government (68% to 57%) and possible lack of respect by residents for the community-based initiatives (59% to 44%). In sum, **the young female adults were both more likely than their male counterparts to identify the need for new initiatives and more likely to see major problems in effecting them.**

OTHER VARIABLES

The education variable, as operationalized, did not yield significant response differences between those with and those without post-secondary education, as regards whether new community justice initiatives were needed; about three-quarters of the persons in each category called for new initiatives. There was a modest tendency for the **better educated to be more optimistic about overcoming obstacles** to achieving these needed programs and services. For example, fewer of the better-educated respondents considered that the Justice system would be resistant to change (46% to 54%) or that the provincial government would be (57% to 67%) or that community attitudes might be (37% to 58%). Essentially the same pattern was found between those reporting paid employment and those without such work. The two groupings on

employment status equally supported (and highly so) the suggestions for new community Justice initiatives but **the working group was somewhat – but not significantly – more optimistic** (i.e., fewer identified the potential obstacles as “very important”).

Finally, **the cultural interest variable proved salient**. Those respondents who reported a strong interest in Mi’kmaq traditions consistently were more likely than other respondents to identify the suggested possible community justice initiatives as needed. The differences in frequencies of those calling for such initiatives were **modest but consistent across all possibilities**. The “traditional culture” oriented persons were also more likely to consider the suggested possible obstacles as major problems, especially lack of community resources, lack of community support, and lack of residents’ respect for any community-based alternatives to the present Justice programming available to Elsipogtog people. In sum, **perceptions of needed community justice initiatives did not differ much across the different groupings of respondents but the less educated, those without paid employment, and those expressing a stronger interest in Mi’kmaq traditions were more likely to consider, as a major problem, the potential obstacles to change.**

SECTION F

COMMUNITY SURVEY RESULTS: ANALYSES TABLES

Community Survey Results: The Future of Justice Programming in Elsipogtog

TABLE A

PERCEPTION OF COMMUNITY PROBLEMS BY GENDER

	Male		Female	
	Number	% of Total Male Responses	Number	% of Total Female Responses
Elsipogtog is a High Crime Area	30	59%	105	70%
Crime is Increasing Here	26	51%	105	70%
Worry Very Much About Being Attacked or Molested*	17	33%	92	61%
Worry Very Much About Having Home/Property Broken Into*	29	57%	113	74%
Worry Very Much About Having Car/Other Property Vandalized*	29	57%	103	68%
Worry Very Much about Being Bullied*	12	24%	69	46%
Worry Very Much About Social Issues , Fighting, Loose Dogs, Etc.*	20	39%	102	68%

* “Worry” refers to the respondent worrying about the said event happening to himself or herself personally or to his or her loved ones in the community.

TABLE B
BIG PROBLEMS IN ELSIPOGTOG BY GENDER

	Male		Female	
	Number	% of Total Male Responses	Number	% of Total Female Responses
Home or Other Places Being Broken Into	32	63%	119	78%
Wife Battering	15	29%	61	40%
Child Abuse	23	45%	94	62%
Vandalism or Property Destruction	40	78%	120	79%
Poor Maintenance of Property, Broken Windows, Etc.	38	75%	118	78%
Feuding Among Different Families or Groups	23	45%	89	59%
Noisy Parties, Quarrels, Loud Music	22	43%	68	45%
Drug/Alcohol Abuse	39	77%	142	94%
Sexual Harassment	15	30%	87	58%

TABLE C

VICTIMIZATION IN ELSIPOGTOG BY GENDER AND AGE

Gender

	Male		Female	
	Number	% of Total Male Responses	Number	% of Total Female Responses
Was a Victim of a Crime/Wrong-Doing Within the Past Two Years	13	26%	69	46%
Reported it to the Police	9/13	70%	54/69	78%

Age

	Older Adults		Younger Adults	
	Number	% of Total Responses	Number	% of Total Responses
Was a Victim of a Crime/Wrong-Doing Within the Past Two Years	43	39%	43	44%
Reported it to the Police	31/43	72%	33/43	77%

TABLE D**PERCEPTION OF COMMUNITY PROBLEMS BY AGE**

	Older Adults (40+)		Younger Adults	
	Number	% of Total Responses	Number	% of Total Responses
Elsipogtog is a High Crime Area	77	70%	62	63%
Crime is Increasing Here	80	72%	54	55%
Worry Very Much About Being Attacked or Molested*	64	58%	49	50%
Worry Very Much About Having Home/Property Broken Into*	80	72%	67	68%
Worry Very Much About Having Car/Other Property Vandalized*	72	65%	63	64%
Worry Very Much about Being Bullied*	47	42%	37	38%
Worry Very Much About Social Issues , Fighting, Loose Dogs, Etc.*	74	67%	50	51%

* “Worry” refers to the respondent worrying about the said event happening to himself or herself personally or to his or her loved ones in the community.

TABLE E**YOUNG ADULTS: PERCEPTION OF COMMUNITY PROBLEMS**By Gender

	Male (N= 23)		Female (N=72)	
	Number	% of Total Male Responses	Number	% of Total Female Responses
Elsipogtog is a High Crime Area	13	56%	47	65%
Crime is Increasing Here	9	39%	44	61%
Worry Very Much About Being Attacked or Molested*	7	30%	40	56%
Worry Very Much About Having Home/Property Broken Into*	12	52%	53	74%
Worry Very Much About Having Car/Other Property Vandalized*	14	61%	48	67%
Worry Very Much about Being Bullied*	4	17%	32	45%
Worry Very Much About Social Issues , Fighting, Loose Dogs, Etc.*	9	39%	41	57%

* “Worry” refers to the respondent worrying about the said event happening to himself or herself personally or to his or her loved ones in the community.

TABLE F**BIG PROBLEMS IN ELSIPOGTOG BY EMPLOYMENT STATUS**

	Working for Pay		Not Working for Pay	
	Number	%	Number	%
Home or Other Places Being Broken Into	67	71%	84	76%
Wife Battering	32	34%	45	41%
Child Abuse	53	56%	64	58%
Vandalism or Property Destruction	81	86%	80	73%
Poor Maintenance of Property, Broken Windows, Etc.	76	81%	78	71%
Feuding Among Different Families or Groups	44	46%	65	59%
Noisy Parties. Quarrels, Loud Music	39	42%	51	46%
Drug/Alcohol Abuse	85	90%	97	88%
Sexual Harassment	41	44%	61	56%

TABLE G**WRONGS USUALLY UNREPORTED BY GENDER AND AGE**By Gender

Wrongdoing	Male		Female	
	Number	% of Total Male Responses	Number	% of Total Female Responses
Wife Battering	29	57%	84	57%
Child Abuse	28	55%	87	58%
Petty Theft	29	57%	79	52%
Vandalism	21	41%	49	32%
Bootlegging	38	75%	101	66%
Substance Abuse	35	69%	107	71%
Underage Drinking	43	84%	123	81%

By Age

Wrongdoing	Older Adults		Younger Adults	
	Number	% Total Responses	Number	% Total responses
Wife Battering	57	51%	59	60%
Child Abuse	57	51%	61	62%
Petty Theft	56	50%	55	56%
Vandalism	27	24%	45	46%
Bootlegging	72	65%	71	72%
Substance Abuse	73	66%	72	74%
Underage Drinking	84	76%	86	88%

TABLE H**UNREPORTED WRONGS DEALT WITH? BY GENDER, AGE & CULTURAL IDENTIFICATION**By Gender

	Male		Female	
	Number	% of Total Male Responses	Number	% of Total Female Responses
Often	3	6%	11	7%
Sometimes	4	8%	32	21%
Rarely	28	55%	66	43%
Don't Know	12	24%	39	26%

By Age

	Older Adults		Younger Adults	
	Number	% of Total Responses	Number	% of Total Responses
Often	10	10%	5	5%
Sometimes	15	15%	21	21%
Rarely	55	52%	41	43%
Don't Know	25	23%	27	29%

By Cultural Identification

	Strong Traditional Interest		Some Traditional Interest	
	Number	% of Total Responses	Number	% of Total Responses
Often	11	9%	4	5%
Sometimes	21	18%	14	18%
Rarely	66	54%	27	36%
Don't Know	21	18%	29	39%

TABLE I

WRONGS USUALLY UNREPORTED: FEMALE ADULTS: YOUNG ADULTS, OLDER ADULTS

	Older Adults		Young Adults	
	#	%	#	%
Wife battering	40	50%	44	61%
Child abuse	43	54%	44	61%
Petty theft	36	45%	43	60%
Vandalism	19	24%	30	42%
Bootlegging	51	64%	50	69%
Substance abuse	56	70%	51	70%
Underage drinking	59	74%	64	89%

TABLE J**WHY PEOPLE DO NOT REPORT WRONGS: BY GENDER, AGE & CULTURAL IDENTITY**By Gender

	Male		Female	
	#	%	#	%
(a) There is a lot of family or community pressure not to report things to officials	28	55%	100	66%
(b) The response by police and other officials is slow anyways	34	67%	112	74%
(c) The response usually is not helpful and the problems and the offenders carry on	38	75%	120	79%
(d) These matters get dealt with by family members	22	43%	87	57%
(e) People are scared to report it	34	67%	116	77%
(f) There just is too much 'denial'	35	69%	118	78%

By Age

	Older Adults		Young Adults	
	#	%	#	%
(a) There is a lot of family or community pressure not to report things to officials	72	65%	57	58%
(b) The response by police and other officials is slow anyways	80	72%	70	71%
(c) The response usually is not helpful and the problems and the offenders carry on	88	79%	73	74%
(d) These matters get dealt	60	54%	50	51%

with by family members				
(e) People are scared to report it	91	82%	63	64%
(f) There just is too much 'denial'	87	78%	69	70%

By Cultural Identity

	Strong Traditional Interest		Some Traditional Interest	
	#	%	#	%
(a) There is a lot of family or community pressure not to report things to officials	79	63%	47	61%
(b) The response by police and other officials is slow anyways	91	73%	56	73%
(c) The response usually is not helpful and the problems and the offenders carry on	101	81%	57	74%
(d) These matters get dealt with by family members	70	56%	37	48%
(e) People are scared to report it	95	76%	56	73%
(f) There just is too much 'denial'	94	75%	59	77%

TABLE K

WHY PEOPLE DO NOT REPORT WRONGS: YOUNGER ADULTS BY GENDER

	Male		Female	
	#	%	#	%
(a) There is a lot of family or community pressure not to report things to officials	11	48%	46	64%
(b) The response by police and other officials is slow anyways	16	70%	53	74%
(c) The response usually is not helpful and the problems and the offenders carry on	15	65%	57	79%
(d) These matters get dealt with by family members	9	39%	41	57%
(e) People are scared to report it	9	39%	53	74%
(f) There just is too much 'denial'	15	65%	53	74%

TABLE L

PERCEIVED MAJOR PROBLEMS IN JUSTICE SYSTEM: BY GENDER, AGE & CULTURAL IDENTIFICATION

By Gender

	Male		Female	
	Number	% of Total Responses	Number	% of Total Responses
Prejudiced court officials	24	47%	72	47%
Language and cultural issues	30	59%	113	75%
Court does not understand us	33	65%	100	66%
Lawyers too difficult to talk with	26	51%	81	54%
Knowing what to do and how to act	27	53%	89	59%
Sentences too light or too hard	34	67%	105	69%
Victims' needs neglected,	32	63%	102	68%

TABLE L

PERCEIVED MAJOR PROBLEMS IN JUSTICE SYSTEM: BY GENDER, AGE & CULTURAL IDENTIFICATION

By Age

	Older Adults		Young Adults	
	Number	% of Total Responses	Number	% of Total Responses
Prejudiced court officials	59	53%	40	41%
Language and cultural issues	79	71%	67	68%
Court does not understand us	76	69%	59	60%
Lawyers too difficult to talk with	57	51%	50	51%
Knowing what to do and how to act	66	60%	52	53%
Sentences too light or too hard	77	69%	66	67%
Victims' needs neglected,	74	67%	62	63%

TABLE L

PERCEIVED MAJOR PROBLEMS IN JUSTICE SYSTEM: BY GENDER, AGE & CULTURAL IDENTIFICATION

By Cultural Identification

	Strong Traditional Interest		Some Traditional Interest	
	Number	% of Total Responses	Number	% of Total Responses
Prejudiced court officials	65	52%	31	40%
Language and cultural issues	91	73%	50	65%
Court does not understand us	85	68%	45	58%
Lawyers too difficult to talk with	67	54%	37	48%
Knowing what to do and how to act	73	58%	42	55%
Sentences too light or too hard	85	68%	55	71%
Victims' needs neglected,	85	68%	47	61%

TABLE M

MAJOR JUSTICE PROBLEMS: OLDER ADULTS and FEMALES

Older Adults

	Male		Female	
	Number	% of Total Responses	Number	% of Total Responses
Prejudiced court officials	18	64%	39	49%
Language and cultural issues	19	68%	57	71%
Court does not understand us	21	75%	54	68%
Lawyers too difficult to talk with	15	54%	42	52%
Knowing what to do and how to act	18	64%	46	58%
Sentences too light or too hard	22	79%	52	65%
Victims' needs neglected,	21	75%	52	65%

TABLE M**MAJOR JUSTICE PROBLEMS: OLDER ADULTS and FEMALES**Females

	Older Female Adults		Young Female Adults	
	Number	% of Total Responses	Number	% of Total Responses
Prejudiced court officials	39	49%	33	46%
Language and cultural issues	57	71%	56	78%
Court does not understand us	54	68%	46	64%
Lawyers too difficult to talk with	42	53%	39	54%
Knowing what to do and how to act	46	58%	43	60%
Sentences too light or too hard	52	65%	53	74%
Victims' needs neglected,	52	65%	50	69%

TABLE N
PRIORITIES FOR JUSTICE: GENDER

By Gender

	Male		Female	
	#	%	#	%
More legal advice and services for natives (such as court workers for example)	37	73%	132	87%
More Community Involvement in how sentences are decided	31	61%	90	59%
More Community Programs and services for convicted persons (e.g., open custody places, half way houses)	36	71%	93	61%
Regular court sessions held in Elsipogtog as well as Richibucto	32	63%	98	65%
Community JPs to hear minor cases and bail hearings	26	51%	99	65%
More services for victims of crime/abuse (such as a safe house)	36	71%	123	81%
Training lawyers and judges in native	43	84%	132	87%

rights and traditions				
A community justice system for almost all minor crimes	39	77%	107	70%
Moving towards an independent Mi'kmaw justice system for Elsipogtog perhaps in collaboration with other N.B reserves	33	65%	106	70%
Establishment of community justice committees to discuss new and different justice programs	36	71%	108	71%

Females: Older/Younger

	Older Female Adults		Young Female Adults	
	#	%	#	%
More legal advice and services for natives (such as courtworkers for example)	72	90%	60	83%
More Community Involvement in how sentences are decided	48	60%	42	58%
More Community Programs and services for convicted persons (e.g., open custody places, half way houses)	49	61%	44	61%
Regular court sessions held in Elsipogtog as well as Richibucto	51	64%	47	65%
Community JPs to hear minor cases and bail hearings	52	65%	47	65%
More services for victims of crime/abuse (such as a safe house)	66	83%	57	79%
Training lawyers and judges in native rights and traditions	69	86%	62	88%

A community justice system for almost all minor crimes	54	68%	53	74%
Moving towards an independent Mi'kmaw justice system for Elsipogtog perhaps in collaboration with other N.B reserves	56	70%	50	69%
Establishment of community justice committees to discuss new and different justice programs	58	72%	50	69%

TABLE O
MAJOR JUSTICE PROBLEMS: YOUNG ADULTS

Younger Adults

	Male		Female	
	Number	% of Total Responses	Number	% of Total Responses
Prejudiced court officials	6	26%	33	46%
Language and cultural issues	11	48%	56	78%
Court does not understand us	12	52%	46	64%
Lawyers too difficult to talk with	11	48%	39	54%
Knowing what to do and how to act	9	39%	43	60%
Sentences too light or too hard	12	52%	53	74%
Victims' needs neglected,	11	48%	50	69%

TABLE P**PRIORITIES FOR JUSTICE: BY CULTURAL IDENTITY**By Cultural Identity

	Strong Traditional Interest		Some Traditional Interest	
	#	%	#	%
More legal advice and services for natives (such as court workers for example)	112	90%	56	73%
More Community Involvement in how sentences are decided	82	66%	39	51%
More Community Programs and services for convicted persons (e.g., open custody places, half way houses)	85	68%	41	53%
Regular court sessions held in Elsipogtog as well as Richibucto	86	69%	44	57%
Community JPs to hear minor cases and bail hearings	86	69%	38	49%
More services for victims of crime/abuse (such as a safe house)	98	78%	60	78%
Training lawyers and judges in native	110	88%	63	82%

rights and traditions				
A community justice system for almost all minor crimes	90	72%	53	69%
Moving towards an independent Mi'kmaw justice system for Elsipogtog perhaps in collaboration with other N.B reserves	92	74%	46	60%
Establishment of community justice committees to discuss new and different justice programs	92	74%	50	65%

TABLE Q**OTHER COMMUNITY JUSTICE PRIORITIES BY GENDER AND CULTURAL IDENTITY**By Gender

	Male		Female	
	#	%	#	%
For Disputes Between Bands	26	51%	75	49%
For Non-Compliance with Band Bylaws and Regulations	35	69%	111	74%
For Community Disputes and Feuds	33	65%	117	77%
For Victim-Offender Mediation and Reconciliation	30	59%	118	78%
For Dealing with Civil Matters such as Property Disputes, Inheritances etc	32	63%	123	81%
For Doing Community Research on Justice Issues and Possibilities	38	74%	127	84%

TABLE Q

OTHER COMMUNITY JUSTICE PRIORITIES BY GENDER AND CULTURAL IDENTITY

By Cultural Identity

	Strong Traditional Interest		Some Traditional Interest	
	#	%	#	%
For Disputes between Bands	65	52%	37	48%
For Non-Compliance with band Bylaws and Regulations	94	75%	51	66%
For Community Disputes or Feuds	96	77%	55	71%
For Victim-Offender Mediation or Reconciliation	94	75%	52	68%
For Dealing with Civil Matters such as Property Disputes, Inheritances etc	99	79%	55	71%
For Doing Community Research on Justice Issues and Possibilities	105	84%	60	78%

TABLE R
OBSTACLES TO COMMUNITY INITIATIVES BY GENDER AND CULTURAL IDENTIFICATION

By Gender

	Male		Female	
	#	%	#	%
Lack of community resources for training and service delivery	31	61%	115	76%
There would be, at least in the short-run, little community support	29	57%	104	69%
The existing Justice system would be resistant	32	63%	72%	47%
The provincial government would be resistant	33	65%	96	63%
Many residents would not respect the community-based alternatives	27	53%	89	59%
The View That They are not needed	21	41%	79	52%

TABLE R

OBSTACLES TO COMMUNITY INITIATIVES BY GENDER AND CULTURAL IDENTIFICATION

By Cultural Identity

	Strong Traditional Interest		Some Traditional Interest	
	#	%	#	%
Lack of community resources for training and service delivery	95	76%	51	66%
There would be, at least in the short-run, little community support	84	67%	48	62%
The existing Justice system would be resistant	67	54%	37	48%
The provincial government would be resistant	79	63%	50	65%
Many residents would not respect the community-based alternatives	75	60%	42	54%
The View That They are not needed	66	53%	35	45%

SECTION G

THE FOCUS GROUPS - GENERAL AND POLICING: ISSUES

THE FOCUS GROUPS, SUMMER AND FALL 2005

Analyses by Theme

1. Crime Level in Elsipogtog

In-School Youth – In their view, the crime level is high and the **survey stats are accurate**. Roots of the problem lie in the fighting between people and families; also, it was held that everybody sees the crime but no one reports it – “no one wants to be rat”.

Out of School Youth – According to them, **the survey results are accurate**. Crime has gone up, particularly drug use (“it’s everywhere; kids are taking drugs earlier because they are trying to be cool and it looks like fun”).

Traditional Elders – Most agreed about the **accuracy of survey** results re high levels of crime (“It’s probably true ... it’s here so what are we going to do about it ... each and every one of us has to say something about this”). This group discussed the causes of crime and social problems quite extensively. One person cited **“social poverty”, adding that “we need to remember crime was there before the drugs”**. Relatedly, another elder added, “kids under 16 are not stealing for drugs (to buy drugs); they are stealing because they want what everyone else has”. In this same vein, an elder commented, “some crimes are deep rooted. People do not feel good about themselves. They have been traumatized or something ... we need lots of healing and curfews”. Some group participants emphasized the underlying problem as parental inadequacy – “kids need lots of

love from their parents and crime is up because there isn't enough love"; "parents party and neglect their kids". On the other hand, **other elders thought the drug problem has resulted in a different, more serious situation**. One said. "I've heard of kids robbing kids and kids robbing grandparents and abusing them to get their drugs. Things seem more violent over the last few years. People are going to extremes". Another participant said "older people (40 to 60) will drink and smoke a joint. I used to do that, but I never stole for drugs ... that's serious". Not surprisingly, elders emphasizing the immediate cause (drugs) of high crime also stressed the need for long-term programs; one said, "Drugs today are strong. It's hard if not impossible to quit cold turkey ... we need a place for them to go".

Non-traditional Elders – The consensus was that the **survey stats under-represent** the level and scope of crime in Elsipogtog. They called attention to **much wrongdoing by children** who are not effectively responded to by agencies and authorities.

Neighbourhood Group One – **In their view**, the state of **crime is worse** than depicted in the survey results and is very much related to drugs. "It's an epidemic". **They expressed frustration that people selling drugs are still at it and wonder why the issue is not addressed**. "We've got to find a way to step ahead of the drug dealers". Similarly, they think that youth crime just gets a slap on the wrist. Suggestions included more involvement by chief and council, less preferential treatment, publishing the names of those caught with drugs, "get the drug dealers to see the impact of their actions", more transparency and community involvement etc. The view was also expressed that "the courts in town don't get to the heart of the problem ... people don't get the kind of help they need".

Second Neighbourhood Group – Their position was that the **survey results are accurate** and the community has to become more engaged.

2. Community Safety

In-school Youth – Again these youth said that **the situation is worse** than depicted in the survey as regards wrongdoing of all sorts. They continued to contend that fear of retaliation and the cultural imperative of not being “a rat” sustained much of it. Safety is an important issue at night and “it is really not safe to wonder around at night especially on ration day – you see more people walking around high and the rapists come out but even if you don’t feel safe you will still go out with your friends”.

Out of School Youth – These participants **agreed with the survey results** and, while there was variation, the majority did not think that the community was a safe place. “Drugs are everywhere ... there is too much violence”. The only safety measure identified was that you knew most people in the community!

Traditional Elders – In their opinion, **the level of social disorder and victimization is even higher** than the survey suggests. Several said versions of “I don’t feel safe walking at night compared to twenty years ago” or “I stay at home at night to protect ...” and “as soon as I walk out this door I’ve got a 50-50 chance I’ll make home okay”. Of course they expressed great concern for their offsprings, especially their girls. There appears also to be significant fear of burglary and violence and of groups of young people milling around.

Non-traditional Elders – They emphasized that **the community is less safe than it used to be**. Drugs again are the chief culprits and behind that, poor parenting.

Neighbourhood Group One – this group echoed the general view that “I don’t feel safe walking at night”.

Second Neighbourhood Group – Several participants said that “I feel safe during the day but not at night” and a few others said “even when you’re in your house they can break in”. Typically, **they blamed parents for the problem and added that police were largely ineffective.** Several persons identified the dangerous situation as a consequence of poverty and an unresponsive local leadership – “certain families get educated and get the jobs, others don’t; the rich in this community get richer and the poorer get poorer”.

3. Dealing with Crime and Wrongdoing in Elsipogtog

In- School Youth – In their view, people want the problems to stop but feel that sending people to jail is not the solution and that’s why they aren’t reporting. At the same time they say there is a **sense of hopelessness** because there does not appear to be any alternatives. There was too another contributing factor to the hopelessness, namely the perception that police treated native people more severely.

Out of School Youth – Their general view was that “crime is not dealt with at all” and they considered the RCMP “too slow in responding”. They claimed there was **a lot of child abuse going on** – “some of this stuff happened to people we know, some of this stuff happened to us”. Under-reporting was considered a function of fear and of “some people just don’t care”. There is lot of grudge fighting going on. A few said that “a lot of drug dealers are “perverts “(sexual perverts); they give you drugs for favours”.

Traditional Elders – They held that reserve justice doesn’t work and that the police do not have good relations with the community. Wrongdoing is just swept under the rug, Elders are at risk and there’s a need for an elder center and a women’s center.

Non-Traditional Elders – Their consensus was: When crime is reported nothing is done and police are too slow and need too much proof to do anything. Another comment was “We can’t get rid of bootleggers because too many people in the community support them”.

Neighbourhood Group One – They **agreed with the survey findings**. **The Second Neighbourhood Group** discussed this theme more. They too agreed with the survey results namely that crime is not being dealt with, that “there is too much denial about abuse” and that the service providers are frequently outsiders who are here for the money but “their hearts are not here”. Several persons argued that “People act like they were in a big community (a large urban area). They mind their own business and they’re happy it didn’t happen to them. We don’t care for each other like we used to”.

4. The Justice System

In-School Youth – There was little discussion on this theme but several did suggest that having native CJS role players would help because they could understand better what is going on.

Out of School Youth – They strongly argued that the CJS was biased and racist so “we need our own court” and “we need to get an Indian judge”. A few said that the court experience is “a scary experience” while another few said “when you’re young, they (court system) can’t really do anything to you”.

Traditional Elders – Several participants complained about court officials speaking to one another in French so “we don’t always understand what they’re saying”. **The court system was seen as intimidating**. There were some positive views expressed re restorative justice but at the same time there was both a

recognition that only certain kind of crimes can be dealt with in that way and also an uncertainty as to whether RJ should address more serious crimes.

Non-Traditional Elders –The group believed the **survey gave an accurate depiction of community views**. The number one priority for change was that the non-native officials receive cultural sensitivity training.

Neighbourhood Group One – These few participants complained about use of the French language in the court. **The Second Neighbourhood Group** did not really address the issues but instead stressed the need for action and especially the need for a court worker and a court interpreter.

5. Community Justice Services

In-School Youth – Yes, they noted, a community court would be helpful but who would pay for it? About half the group’s participants reported some familiarity with current community justice services. They emphasized making more people aware of the laws and the consequences for breaking them.

Out of School Youth – These participants stressed that “We need jobs and our own services”. Several persons agreed that “we need **a safe place** where we can talk about our problems (one added there used to be a Youth Initiative somewhat along these lines) ... people have problems because they can’t talk about what’s going on ... that’s why there are so many problems in the community”.

Traditional Elders – The emphasis here was on **bringing judges and the court system into the community**, which presumably would yield more effective sentencing and reduce cultural and language barriers. Also it was on having more native role players in the CJS since “non-native lawyers don’t provide good service to native people; they don’t take them seriously but brush them off”.

There was a deep concern that reintegration and healing be emphasized as reflected in articulated views such as “we need to find balance between men and women; the spouse loves the abuser; they just want the abuse stopped”. “Can’t RJ do more preventive work” one elder wondered? The suggestion was that maybe there could be better mentoring such as having ex-offenders work with youth to steer them away from crime. It was also noted that perhaps one reason for little community involvement is that “people don’t want the responsibility if the intervention does not work and the person hurts or kills again”.

Non-Traditional Elders – The focus they said has to be on prevention rather than reaction but when reaction occurs it needs to be more effective (one participant emphasized that in his victimization, “healing did not help ... it didn’t fix the problem and the person still wants to beat me up”).

Neighbourhood Group One – One person emphasized the need for more native lawyers. **The Second Neighbourhood Group** discussed more the existing services, noting the need for interpreters in court and also criticizing mildly existing community programming as follows: “community service providers need more training and not everybody is traditional or knowledgeable about it (nor wants to be)”; “I don’t like the way the sentencing circles are run – I would be judged badly even though it was my son who committed the crime”. “We need more community involvement” was a common viewpoint.

6. Next Steps

In-School Youth – A well-received opinion was that there is a need to enhance police visibility and one participant asked aloud, “so what about a **neighbourhood watch**? Another youth commented, “There’s nothing to do and no way out of this community” so people turn to substance abuse; they do so also because they are trying to get away from “life, parents doing drugs, all the

problems of the community”. Asked what they would do if there was a financial windfall, they said “a new youth center to play sports in and we would **improve the appearance of the community** “via sidewalks, better housing etc.

Out of School Youth – The consensus was expressed by one youth as “**We need to stop talking and do something** ... we’ve been talking about this for years.”

The group was positive about having court in the community though several participants cautioned that “people need first to respect what’s in Big Cove”. Several persons, like the youths in the other focus group, stressed the connection between physical appearance and community pride, “we need to clean up the place’; it’s so dirty”. In closing a number of references were made to poor parenting and “too many family feuds”.

Traditional Elders – They called for a **court in the community** and with a strong native representation. Several agreed with one person who contended, “The court system forces you to lie and lawyers tell you what to say”.

Non-Traditional Elders – Participants reported that there are too many family feuds and “we need police presence on the road all the time”. Some suggested tough policies may be required to ultimately achieve the goal (“it’s like cleaning a house; sometime you need to make a mess first”).

Neighbourhood Group One – The participants were in consensus that a **court system in the community (preferably with some native role players)** would be valuable. Other specific programs (a biking program) were called for as well as for “connecting our resources” (Integrated, interagency?). The **Second**

Neighbourhood Group – While divided on whether the community should assume more responsibility in dealing with serious offences, there was a call for **more native CJS role players and a court in Big Cove**. Several conveyed the consensus that “we need some focus (and some leadership) if we are going to

move ahead”. One person summed up the consensus well, “I agree with the direction this process is going ... the community needs to do something ... we need to unite our resources in this area ... we need to get beyond politics”.

VIEWS ON POLICING EXPRESSED IN JUSTICE FOCUS GROUPS, SUMMER AND FALL 2005

Views on Policing: The views expressed below on policing were spontaneous and emerged in focus groups discussing justice issues. The meetings took place over the past five months. There were six focus groups, namely elders, traditional elders, two neighbourhood groupings and two youth groups. These views are largely critical of the police. The groups were discussing crime and social problem / justice issues so perhaps it is not surprising there was a fair amount of complaining. The focus groups' themes for discussion did not expressly deal with policing so these views were spontaneous. Moreover, the focus groups were small and did not make up a representative sample of the community. Nevertheless, it should be borne in mind that the adult attendees were community-minded activists.

Traditional Elders: In discussing the high crime level several elders said that “youths are in gangs shouting outside ... sometimes the RCMP go in to see but they don't do nothing”; “Kids who do drugs do it in the night time and they go where there is little or no light. **The RCMP needs to do foot patrols**”. Another traditional elder while expressing the view that “they (kids and others) have to make their own mistakes” expressed frustration about bootleggers and drug dealers, adding “what am I going to do if the RCMP won't do anything. Even if you give them names they don't do anything. Will my kids have to be in a casket before they do something”? These elders also criticized the police for the high risks for community safety. Some said that because of widespread use of scanners, “people know who reports on who” so retaliation fear is there. Another person said there is not much cooperation with police in reporting crime especially if one's family is not directly involved. Several said police need to be more visible and do more enforcement re 4-wheelers and contrasted the RCMP approach with “our local police (the former band constable system) who patrolled more”. **These elders**

were of the view that police are not around much – “they don’t have good relations with the people and need to work on their public relations; they seem like they don’t want to be here”.

Non-traditional Elders: Several seniors held that response time by police varies according to “your status in the community and whether you are on the community policing committee”. They contended that the police arrive too late and have limited power anyway. One said, “**It doesn’t matter if the RCMP is white or native, they should spend more time on the streets** instead of staying in the office”. Asked about the future several agreed with the participant who said, “**We need police presence on the road all the time**”. Some suggested tough policies may be required to ultimately achieve the goal of a safe well-ordered community (“it’s like cleaning a house; sometime you need to make a mess first”). For this group the major concern was presence or visibility of the police service in a community with a very high rate of crime and substance abuse.

Neighbourhood Group One: Their complaint was again police presence. One commented “what are the police there for, a retirement home? It seems like it takes them (RCMP) three channels before we get a police response. We need a direct line”. Other related comments that received nodding affirmation from the other attendees were “For some crimes (public disturbance) the RCMP officers say there is nothing that can be done” and “I see the police rushing from Richibuctou when they’re supposed to be here”.

The Second Neighbourhood Group: They, too, were largely critical of the police service and expressed similar views re community safety problems; one participant commented, “People don’t trust the RCMP because they don’t live here and so they don’t have a vested interest in what happens”. Another participant said that “a lot of people just don’t trust the RCMP because of rumors of police brutality”. Another person said that if he had a grievance he takes it to the policing committee not to the police. Clearly, the members of this focus group indicated that police-community relations did need a lot of work as **relationships of trust and confidence** have not been established.

In- School Youth – a few of these more successful Elsipogtog youth (still in school in senior high school) said that police treated natives more severely than non-natives; otherwise there was little reference to the police either good or bad. **Out of School Youth** – these youth, defined by focus group organizers as youth at risk, said that the RCMP response was too slow – “by the time they get there, it’s too late”. Another suggested that some RCMP officers are scared of doing their job”. Generally, the consensus was that “cops don’t do anything” and a few blamed the police for the unfair sentencing that they perceived was directed against Elsipogtog people. The group was fairly critical of the RCMP. **Youth, overall, then were more likely to discuss “fairness” in Justice and critically view the police in that regard.**

CENTRAL THEMES FOR FOCUS GROUP DISCUSSION

1. **CRIME** IN ELSIPOGTOG - HOW SIGNIFICANT IS IT AND IS IT INCREASING OR DECLINING? WHY?
2. HOW SAFE DO ELSIPOGTOG ADULTS FEEL? WHAT **WORRIES AND PROBLEMS** DO THEY IDENTIFY?
3. IS WRONGDOING USUALLY **REPORTED TO JUSTICE OFFICIALS**? IF NOT, IS IT DEALT WITH SATISFACTORILY THROUGH INFORMAL CONTACTS AND ELSIPOGTOG AGENCY PERSONNEL?
4. WHAT HAS BEEN **THE EXPERIENCE** OF ELSIPOGTOG ADULTS WITH RESPECT TO THE JUSTICE SYSTEM (COURTS)? WHAT CHANGES SHOULD BE MADE IN THIS SYSTEM TO IMPROVE ITS RESPONSE TO ELSIPOGTOG PERSONS?
5. WHAT DO ELSIPOGTOG ADULTS THINK ABOUT THE JUSTICE **PROGRAMS THAT HAVE BEEN AVAILABLE** IN THE COMMUNITY?
6. WHAT ARE THE **ADDITIONAL JUSTICE SERVICES OR PROGRAMS THAT ELSIPOGTOG ADULTS MIGHT WANT TO CONSIDER**? WHAT ARE THE OBSTACLES THAT HAVE TO BE OVERCOME IF WE TRY TO ACHIEVE THESE? HOW CAN THESE **OBSTACLES** BE OVERCOME?

THE FOCUS GROUPS: DRAFT PLAN, JULY 2005

OBJECTIVES OF FOCUS GROUPS STRATEGY

A. DISCUSS THE PROJECT OBJECTIVES AND APPROACHES IN MORE DEPTH AND IN A GROUP CONTEXT – COMMUNITY AWARENESS

B. COMMUNITY MOBILIZATION BEGINS

- 1. FEEDBACK COMMUNITY SURVEY RESULTS AND CENTRAL THEMES FROM KEY INFORMANT INTERVIEWS – VIA AN INFO-PAK**
- 2. DISCUSS THE RESULTS AND RELATED ISSUES WITH SPECIFIC STAKEHOLDER GROUPS**
- 3. RECORD IDEAS AND SUGGESTIONS FOR FURTHER ACTION**
- 4. CONSIDER FUTURE DIRECTIONS DRAWING ON FOCUS GROUP EXPERIENCE**
- 5. PREPARE A DRAFT STRATEGIC PLAN FOR JAC DRAWING ON FOCUS GROUPS PLUS EARLIER WORK (THE SURVEY, ELITE INTERVIEWS ETC)**

TIMING AND PREPARATION:

- 1. IN EARLY JULY (1ST WEEK) THE PROJECT TEAM MEETS WITH MEMBERS OF JAC, VAC AND PERHAPS APIGSIGTOAGEN PROJECT TO DISCUSS PLANS AND SOLICIT SUGGESTIONS FOR FOCUS GROUPS AND APPROACHES**
- 2. IN EARLY JULY THE PROJECT TEAM MEETS FOR OPRIENTATION AND PREPARATION RE THE FOCUS GROUPS**
- 3. ORGANIZE FOR THE FOCUS GROUPS – WHO, WHERE, HOW, ROLES TO BE FILLED**
- 4. CONTACT POTENTIAL FIRST STAGE FOCUS GROUP PARTICIPANTS**
- 5. JM AS CO-ORDINATOR/FACILITATOR AND DL AS SCRIBE**

FOCUS GROUP MEETINGS:

- 1. PHASES (P1 PRIOR TO AUGUST AND P2 IN EARLY FALL (MID-SEPTEMBER))**
- 2. PHASE 1 FOCUS GROUPS – THE NEIGHBOURHOODS, TRADITIONAL AND OTHER ELDERS, YOUNG PERSONS 16-25 BY GENDER AND WHETHER IN SCHOOL**
- 3. CONTACT, BUT NO FOCUS GROUP SESSION YET WITH, SERVICE AGENCIES AND BAND COUNCIL**
- 4. PHASE 2 FOCUS GROUPS – SERVICES AGENCIES (MANAGEMENT, STAFF), CRIMINAL JUSTICE OFFICIALS (LOCAL, OTHERS), BAND COUNCIL?**
- 5. INFO-PAKS FOR THE LATTER WOULD INCLUDE P1 INFO-PAKS PLUS KEY PPOINTS FROM P1 FOCUS GROUPS**

FOCUS GROUP FORMAT

- 1. KEY ORGANIZING ROLES = FACILITATOR, CO-FACILITATOR, SCRIBE, ORGANIZER, PARTICIPANT**
- 2. SIZE = 10 MAXIMUM?**
- 3. LOCATION = HEALING LODGE OR REGULAR MEETING ROOM?**
- 4. DURATION = TWO HOURS MAXIMUM?**
- 5. THEMES TO DISCUSS – OBJECTIVES, THE INFO PACK, THE ROUNDS, OTHER TOPICS RAISED**
- 6. CIRCLES AND ROUNDS FORMAT?**
- 7. ROUNDS – JUSTICE RELATED PROBLEMS AND ISSUES THAT CONCERN THE PARTICIPANTS; THE CONVENTIONAL CRIMINAL JUSTICE SYSTEM AND CURRENT COMMUNITY INITIATIVES / RESPONSES; IDEAS AND SUGGESTIONS FOR CHANGE / FUTURE DIRECTIONS**
- 8. STRATEGY = FOLLOW THE SECTIONS AS PER COMMUNITY SURVEY, GIVING RESULTS AS IN INFO-PAKS THEN DISCUSSION AND THEN MOVING ON TO THE NEXT THEME IN THE SURVEY (SEE SPECIAL THOUGHTS)**

THOUGHTS ON THE FOCUS GROUPS:

- 1) REMEMBER THE OBJECTIVES: AWARENESS AND MOBILIZATION THROUGH FEEDBACK, MORE IN-DEPTH AND GROUP DISCUSSION, PARTICIPATION AND UNDERSTANDING**
- 2) DISCUSS FLEXIBLY THE THEMES, PLUS THOUGHTS RE FUTURE DIRECTIONS AND PROCESSES IN ALL FOCUS GROUPS. (WHERE DO WE GO AND HOW DO WE GO?). FLEXIBILITY MEANS THAT TALKING POINTS RAISED BY FOCUS GROUP MEMBERS CAN BE PURSUED BUT THE THEMES WILL ALSO ALWAYS BE DISCUSSED.**
- 3) PERHAPS THE BEST STRATEGY IS TO PRESENT FINDINGS THEN HAVE DISCUSSION ON EACH THEME AREA COVERED IN THE COMMUNITY SURVEY (THE “ ROUNDS” OR WHATEVER WE WANT TO CALL IT)**
- 4) REMEMBER THAT WE WANT TO HEAR FROM THE GROUP PARTICIPANTS GENERALLY AND NOT DOMINATE THE TALKING NOR LET ONE OR TWO PARTICIPANTS DO SO**
- 5) MAKE IT CLEAR AT THE OUTSET THAT WHATEVER IS SAID WILL BE TREATED AS CONFIDENTIAL AND ANONYMOUS. THERE IS NO TAPING AND NO RECORDING OF NAMES**
- 6) BE SURE TO CONTACT POTENTIAL PARTICIPANTS SEVERAL TIMES AND FOR SURE THE DAY/EVENING PRIOR TO THEIR FOCUS GROUP (CONSIDER OFFERING A DRIVE , BABYSITTING ETC)**
- 7) THE CO-ORDINATOR / FACILITATOR IS JM AND SHE HEADS OUR TEAM AT THESE FOCUS GROUPS. JM DECIDES ON THE ARRANGEMENTS OF THE FOCUS GROUP SESSIONS, USE OF SYMBOLS ETC. IN SHORT, SHE IS THE LEADER THERE**
- 8) DL IS THE SCRIBE, CHARGED WITH THE TASK OF RECORDING THE VIEWS AND SENTIMENTS OF THE FOCUS GROUP PARTICIPANTS, CAPTURING THE SPECIFICS AND THE GENERAL DYNAMICS OF THE FOCUS GROUP**
- 9) THE CO-FACILITATOR, IF PRESENT, CAN ASSIST JM IN ENSURING ALL THE THEMES ARE CONSIDERED, ENCOURAGING PARTICIPATION OF THE MEMBERS AND PERHAPS SENSITIZING THE GROUP TO CERTAIN POINTS**

- 10) **SUPPORT TEAM MEMBERS, CA AND EA, MAY BE CO-FACILITATORS AND ALSO MAY BE ASSIGNED BY JM SPECIFIC TASKS RE CONTACTING FOCUS GROUP PARTICIPANTS AND IF NECESSARY RESPONDING TO SPECIAL CIRCUMSTANCES (e.g., need for a drive).**
- 11) **DC, IF PRESENT, WOULD RESPOND TO GENERAL QUESTIONS ABOUT THE PROJECT IF REQUESTED TO DO SO BY JM**

Focus Group Probes

The following are some suggestions to facilitate discussion in the focus groups. They follow along the themes suggested

1) Patterns of Crime and Social Disorder

The high level of crime and personal worry/fear – surprised?

Most people referred to “drugs” as the central problem – does this emphasis on drugs help or hurt our understanding of the issues?

The gender differences were very pronounced – what does this suggest for a strategic plan?

There was a widespread view that if wrongs are not reported to the police and Justice authorities, they are **not** otherwise dealt with through informal ways – comments?

A number of people cited fear as a major reason for under-reporting of wrongdoings – how do we deal with that problem?

2) Assessment of Current Response by the Justice System

Are there any serious misrepresentations or misperceptions in how the survey respondents and focus group members interpret the Justice system’s response?

Are there other major problems overlooked?

Are the priorities emphasized feasible targets for new initiatives? Would their attainment have much impact on the high level of crime and social disorder identified?

Most respondents held that the community programming was very important even though most also reported that they were not well informed about them – what does that tell us?

3) Suggested Priorities and Perceived Obstacles

The idea of “a safe haven” came up several times among adults and youths –what does that entail?

There was surprisingly a lot of attention paid to dealing with civil matters (property disputes) before they become criminal matters – what is feasible here?

Strong family ties appear to be seen as both the positive and negative sides of dealing with crime and serious social problems – how can the positive be nourished and the negative aspects diminished in mobilizing community support for new justice initiatives?

Internal community obstacles were seen as the major problems in any mobilization of community consensus and support for new initiatives, especially by women, those more traditionally oriented etc – how do we deal with such problems?

4) Problem-solving and Priorities

Although there are variations, there is also a strong consensus concerning problems and priorities – how deep is the consensus?

Are there justice alternatives that you think should be high priority? Have they been attempted in the past? With what results?

Most respondents whether in the survey or the focus groups appeared to emphasize changes within the current justice system – why is that so?

In exploring new initiatives in justice, how important is it to separate long term from short term? To have major objectives and goals?

5) Next Steps

As we move towards a feasible strategic action plan, what additional information is needed?

What networks need to be established?

Do some desired justice initiatives require alliances with other First Nations?

How much attention has to be directed at consensus building in Elsipogtog?

THE FOCUS GROUPS: THE SECOND STAGE

OBJECTIVES OF THESE FOCUS GROUPS

- A. DISCUSS THE PROJECT'S OBJECTIVES AND APPROACHES IN MORE DEPTH WITH KEY PROBLEM SOLVERS AND SERVICE PROVIDERS IN JUSTICE AND RELATED AREAS**
- B. ADVANCE THE GOALS OF COMMUNITY MOBILIZATION AND OF STRATEGIC PLANNING WITH RESPECT TO JUSTICE INITIATIVES**
- C. FEEDBACK CENTRAL THEMES FROM KEY INFORMANT INTERVIEWS, COMMUNITY SURVEY RESULTS AND PHASE ONE FOCUS GROUP DISCUSSIONS – VIA AN INFO-PAK**
- D. FACILITATE DISCUSSION OF THE CENTRAL THEMES AND RELATED ISSUES WITH SPECIFIC STAKEHOLDER GROUPS**
- E. ENGAGE PARTICIPANTS IN A PROBLEM-SOLVING AND PRIORITY SETTING DISCUSSION**
- F. RECORD IDEAS AND SUGGESTIONS FOR FURTHER ACTION**
- G. PREPARE A DRAFT STRATEGIC PLAN FOR JAC DRAWING ON FOCUS GROUPS PLUS EARLIER WORK (THE SURVEY, ELITE INTERVIEWS ETC)**

SECOND PHASE FOCUS GROUP FORMAT

- 1. OVERVIEW PRESENTATION OF PROCESS AND RESULTS TO DATE (7 MINUTES)**
- 2. PATTERNS OF CRIME AND SOCIAL ORDER ISSUES (3 MINUTES THEN DISCUSSION)**
- 3. ASSESSMENTS OF THE CURRENT RESPONSE BY JUSTICE SERVICES AND PRACTICES (3 MINUTES THEN DISCUSSION)**
- 4. SUGGESTIONS, PRIORITIES AND PERCEIVED OBSTACLES (3 MINUTES THEN DISCUSSION)**
- 5. PROBLEM-SOLVING AND PRIORITY SETTING (DISCUSSION OF ALTERNATIVES, FEASIBILITIES AND PRIORITIES RE JUSTICE INITIATIVES)**
- 6. SUGGESTED NEXT STEPS (INFORMATION GATHERING? BUILDING CONSENSUS? IDENTIFYING KEY CONTACTS? ISSUES FOR OTHER FOCUS GROUPS?)**

FOCUS GROUP STRUCTURE

- 9. KEY ORGANIZING ROLES = FACILITATOR, CO-FACILITATOR, SCRIBE, ORGANIZER, PARTICIPANT**
- 10. SIZE = 10 MAXIMUM**
- 11. LOCATION = HEALING LODGE OR REGULAR MEETING ROOM**
- 12. DURATION = TWO HOURS MAXIMUM**
- 13. AREAS FOR DISCUSSION – OBJECTIVES, THE INFO PACK FINDINGS, PROBLEM SOLVING, ALTERNATIVES AND PRIORITIES,**
- 14. ROUNDS – SEE FORMAT BUT ESSENTIALLY JUSTICE RELATED PROBLEMS AND ISSUES THAT CONCERN THE PARTICIPANTS; THE CONVENTIONAL CRIMINAL JUSTICE SYSTEM AND CURRENT COMMUNITY INITIATIVES / RESPONSES; IDEAS AND SUGGESTIONS FOR CHANGE / FUTURE DIRECTIONS**
- 15. STRATEGY = FOLLOW THE THEMES. ENCOURAGE THESE PROVIDERS AND LOCAL EXPERTS TO RESPOND TO THE JUSTICE CONCERNS RAISED IN THE COMMUNITY SURVEY AND PHASE ONE FOCUS GROUPS. KEEP A STRONG THRUST ON WHAT CAN AND SHOULD BE DONE, WHAT SHOULD BE THE PRIORITIES AND WHAT IS FEASIBLE. ALSO SIGNIFICANT WOULD BE THEIR CONSIDERED OPINIONS ON HOW TO ADVANCE SUCH AGENDAS. THESE PARTICIPANTS' EXPERIENCES AND INSIGHTS ARE CRUCIAL TO THE DEVELOPMENT OF A GOOD STRATEGIC PLAN FOR JUSTICE INITIATIVES IN ELSIPOGTOG.**

THOUGHTS ON THE FOCUS GROUPS:

- 12) REMEMBER THE OBJECTIVES: MOBILIZATION AND STRATEGIC PLANNING THROUGH FEEDBACK, GROUP DISCUSSION AND PROBLEM SOLVING**
- 13) CONVEY SUCCINCTLY THE PROCESS AND RESULTS OF THE PROJECT TO DATE THEN BRIEFLY INTRODUCE EACH THEMATIC AREA TO PROVIDE A FRAMEWORK FOR THE FOCUS GROUP DISCUSSIONS. BE FLEXIBLE. FLEXIBILITY MEANS THAT TALKING POINTS RAISED BY FOCUS GROUP MEMBERS CAN BE PURSUED BUT THE THEMES WILL ALSO ALWAYS BE DISCUSSED.**
- 14) THE STRATEGY SUGGESTED IS TO PRESENT KEY FINDINGS THEN HAVE DISCUSSION ON EACH THEME AREA. FOCUS GROUP MEMBERS WOULD BE ASKED TO ADDRESS EACH THEME (AND THE FINDINGS HIGHLIGHTED). THEY MAY OF COURSE CHALLENGE THE FINDINGS GENERATED IN THE PREVIOUS STEPS (THE COMMUNITY SURVEY, PHASE ONE FOCUS GROUPS) AND CALL ATTENTION TO DIFFERENT PATTERNS OR REALITIES.**
- 15) REMEMBER THAT THESE FOCUS GROUP PARTICIPANTS ARE THE PEOPLE WHO MAKE DECISIONS AND HAVE CONSIDERABLE KNOWLEDGE AND EXPERIENCE IN THE MATTERS UNDER DISCUSSION. THEIR ASSESSMENT OF THE JUSTICE SITUATION AND HOW PEOPLE INTERPRET IT IS AS CRUCIAL TO APPRECIATE AS THE SUGGESTIONS THEY ADVANCE RE FEASIBLE ALTERNATIVES AND PRIORITIES.**
- 16) MAKE IT CLEAR AT THE OUTSET THAT WHATEVER IS SAID WILL BE TREATED AS CONFIDENTIAL AND ANONYMOUS. THERE IS NO TAPING AND NO ALIGNING OF NAMES WITH CRITICISMS OR SUGGESTIONS IN ANY DOCUMENTATION WITHOUT THE EXPRESSED CONSENT OF THE PARTICIPANT.**
- 17) IT WOULD APPEAR APPROPRIATE TO OCCASIONALLY DIRECT QUESTIONS TO SPECIFIC PARTICIPANTS AND TO REPHRASE COMMENTS MADE BY PARTICIPANTS, IN A FRIENDLY, NON-PROVOCATIVE MANNER IN ORDER TO GENERATE USEFUL DISCUSSION. WE SHOULD AVOID AS MUCH AS POSSIBLE MAKING AN ARGUMENT OR ADVANCING POSITIONS. THE FOCUS GROUP IS FOR THE PARTICIPANTS.**

- 18) **THE CO-ORDINATOR / FACILITATOR IS JM AND SHE HEADS OUR TEAM AT THESE FOCUS GROUPS. JM DECIDES ON THE ARRANGEMENTS OF THE FOCUS GROUP SESSIONS, WHATEVER USE OF SYMBOLS THERE MAY BE ETC. IN SHORT, SHE IS THE LEADER THERE AND OF COURSE THAT MEANS SHE EXERCISES THE DISCRETION IN FORWARDING THE SESSION AND ALLOTING TIME.**
- 19) **DL IS THE SCRIBE, CHARGED WITH THE TASK OF RECORDING THE VIEWS AND SENTIMENTS OF THE FOCUS GROUP PARTICIPANTS, CAPTURING THE SPECIFICS AND THE GENERAL DYNAMICS OF THE FOCUS GROUP**
- 20) **THE CO-FACILITATOR, IF PRESENT, CAN ASSIST JM IN ENSURING ALL THE THEMES ARE CONSIDERED, ENCOURAGING PARTICIPATION OF THE MEMBERS AND PERHAPS SENSITIZING THE GROUP TO CERTAIN POINTS**
- 21) **DC COULD PROVIDE THE INITIAL OVERVIEW AND RESPOND TO GENERAL QUESTIONS ABOUT THE PROJECT IF REQUESTED TO DO SO BY JM. EITHER DC OR DL COULD BRIEFLY PRESENT THE SALIENT FINDINGS TO INTRODUCE EACH SPECIFIC THEME.**