

**DEVELOPING AN EFFECTIVE VICTIMS' ASSISTANCE PROGRAM IN AN
ABORIGINAL MILIEU FEATURING HIGH LEVELS OF PERSON-VIOLENCE:**

EVALUATION OF THE ELSIPOGTOG VICTIMS ASSISTANCE PROGRAM

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SUMMER 2011

LIST OF ABBREVIATIONS

ACWP	Aboriginal Court Worker Program (formerly NCWP)
APD	Aboriginal Policing Directorate
APEC	Atlantic Provinces Economic Council
CCRA	Corrections and Conditional Release Act 1992 (amended)
CCRSO	Corrections and Conditional Release Statistical Overview
CJS	Criminal Justice System
CRCVC	Canadian Resource Centre for Victims of Crime (also NRCVC)
CRC	Conflict Resolution Circle
CTA	Community Tripartite Agreement (Policing)
CWB	Community Well-Being (INAC)
CSC	Correctional Services of Canada
EJAC	Elsipogtog Justice Advisory Committee
EJS	Extra-Judicial Sanctions
FASD	Fetal Alcohol Spectrum Disorder
FN	First Nation
GSS	General Social Survey (conducted by Statistics Canada every 5 years)
H-C	Healing to Wellness (Court)
INAC	Indian and Northern Affairs Canada
MLSN	Mi'kmaq Legal Support Network (Nova Scotia)
NBVS	New Brunswick Victim Services
NSVS	Nova Scotia Victim Services
NOV	National Office for Victims, Public Safety Canada
NPB	National Parole Board (Canada)
OCI	Office of the Correctional Investigator
OFOVC	Office of the Federal Ombudsman for Victims of Crime
PCVI	Policy Centre for Victim Issues, Department of Justice Canada
PMR	Performance Monitoring Report (NPB)
PSE	Post-Secondary Education
PSR	Pre-sentence Report
RCAP	Royal Commission on Aboriginal Peoples

RJ Restorative Justice
SAP Strategic Action Plan
SC Sentencing Circle
SrecC Sentencing recommendation Circle
SCC Supreme Court of Canada
VAP Victims Assistance Program
VIS Victim Impact Statement
VS Victim Services

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EXECUTIVE SUMMARY

In the project proposal, nine broad objectives were set forth for the Victim Assistance Program (VAP) and a process logic model was advanced. In addition, the project proposal, recognizing the importance of the immediate community contexts and wider partnerships essential for an effective VAP, given the high level of serious victimization in Elsipogtog, called for specific supplemental activities to be undertaken by other role players in the Elsipogtog Justice unit. These focused upon three main themes, namely (a) enhancing community support for victims of crimes and breaking down cultural and structural features that contributed to the isolation of the victim; (b) linking Elsipogtog victim services and victims with other programs and services throughout and beyond the province, such as the transition houses in New Brunswick; (c) ensuring a significant attention to victim viewpoints, interest and issues in the development of the new Healing to Wellness Court in Elsipogtog. Describing and assessing the VAP process model as well as the supplemental objectives have been the central tasks of this evaluation.

This evaluation also examined the larger social contexts in which the Elsipogtog VAP functions, such as Aboriginal offending and victimization patterns in the larger society as well as in Elsipogtog, important trends and developments for victim services nationally and in the community, and current major policy issues impacting on Aboriginal victimization, while also describing how the VAP program through its activities has been accomplishing its objectives as stated above. The evaluation will especially address three questions; (a) process issues, such as whether the implementation was appropriate and followed the project plan, and whether the targeted groups (here victims and collaborating partners) were reached; (b) results issues, such as whether the objectives were realized and what the results were; (c) future directions for a community-based model for responding to the needs of Aboriginal victims. The several research strategies drew on primary data sources (interviews and VAP monthly reports and victim intake data) and secondary data (literature and document review, data from the RCMP INAC, Statistics Canada and previous research).

In establishing the broad context for responses to victimization in Elsipogtog, the research traced the evolution of governmental response, especially at the federal level, to the concerns of victims, noting the significant developments that spiked in the last decade. For many federal and provincial officials in the field of victim services, these developments have put in place a comprehensive and appropriate governmental response that needs only to be tweaked, not radically altered. Advocacy has centered around enacting stalled legislative proposals to enhance the rights and services for victims generally, forging new linkages between levels of government (privacy laws, funding vs administrative responsibilities), and for programs and services that respond to the special circumstances of Aboriginal victims.

Review of the academic and policy literature indicated that the arena of controversy for victim issues is basically at the post-sentencing phase of case processing where there is significant polarity between those advocating a greater involvement of

victims in post-sentence case processing and those contending that current policy on the victims' role in CSC programming and NPB deliberations has already gone as far as it should. The polar positions differ profoundly in their views of the legal and heuristic appropriateness of a greater role for victim, of what victims want, and so on. There were, however, areas of accommodation, especially when the focus turns to public legitimation of the CJS and a more nuanced conceptualization of victim needs. Here, for example, there might well be substantial agreement that there has to be some more prominent place for victims within the CJS and that at least victim needs that are of the service (e.g., restitution and financial compensation) and expressive (e.g., an opportunity to express their views) type, rather than the decision-making type impacting on CJS decisions on inmates, should be responded to. As well, proponents of either polar viewpoint frequently suggest restorative justice strategies be more available for victims. In the case of Aboriginal victims of serious interpersonal crime, there is clearly more reference to healing on the part of both offenders and victims and more reference to restorative processes. Many commentators have suggested that in the case of Aboriginals the community has to be engaged in the healing and restorative processes and practices since a prerequisite for individual change there is a revitalized culture which can provide appropriate social constructions of why things have come to pass in Aboriginal communities and how, building on earlier "tradition", positive change can ensue. The revitalized community culture in this thinking is the crucial mechanism for both offender re-integration and victims' closure.

The perspectives of federal and provincial / municipal mainstream victim service providers were examined. Overall, the interviews with national level officials indicated that there was much consensus that there has been significant progress in the federal government's response to victims of serious crimes as reflected both in the political agenda of successive governments and the various initiatives of CSC and the NPB. There was also among all interviewees the view that previously proposed legislation, aborted by political circumstance but likely to be reintroduced, would carry that progress to a more significant positive level. Also, there was significant consensus that an Aboriginal strategy for victim involvement was required in light of the high levels of serious victimization in Aboriginal communities and the low levels of Aboriginal victim engagement in registering for available information from CSC and attending parole hearings. There was a sharp difference between the respondents representing victim advocacy and support, arms-length from the government, and those involved in the main federal departments dealing with victims of crime, namely Justice and Public Safety, on issues such as automatic registration, direct federal funding of counseling for victims, and either changes in the privacy legislation or whether subcontracts with the provinces were required to deal with the gaps or "disconnects" that may disadvantage victims.

Provincial (and municipal) VS officials were somewhat ambivalent about whether low levels of victim involvement in CSC and NPB represented a major problem. Their view tended to be that victims have not registered and that decision has to be respected. They acknowledged that some victims do want to be involved and could benefit from knowing what the offender-inmate is doing for rehabilitation in prison, attending the parole hearings and so on. They consider that such victims often would need support and their own organizations would collaborate were federal resources made available for counseling and the like. In their view, the post-sentence attention to victims whose

convicted offenders are under federal supervision is indeed a federal responsibility. On the whole, the provincial VS officials emphasized counseling and other victim services that would focus on the victims' own well-being, counseling and pursuit of closure. In these areas there was the view that provincial services could better provide those services than CSC and the NPB could since they have the appropriate infrastructure and full mandated commitment to victims. There was consensus among the respondents that privacy legislation at both the federal and provincial levels was a major blockage to dealing well with victims and that overcoming the blockage required considerable collaboration between the two levels of government. The provincial respondents all considered that Aboriginal victims for various reasons merit special attention as reflected in special programs introduced for Aboriginals in some provinces. The Aboriginal strategy suggested would be the encouragement of local, community level collaboration and considering the appropriateness of restorative approaches.

The following section on Aboriginal Victimization focused on issues such as the considerable and continuing over-representation of Aboriginals as offenders and victims in the CJS, the features of the victimization (female victims, repeat victimization, low victim engagement with the CJS), and the great cost of victimization for the victims, a cost disproportionately experienced by Aboriginal victims. Suggestions for change were briefly discussed, especially the wariness expressed by some researchers about an uncritical acceptance of restorative justice strategies or, to express it more positively, the emphasis that community justice should be victim-focused and not assume that victims have community support and are free to speak in justice programs. Exploring the views of Aboriginal victim services workers in Nova Scotia and New Brunswick indicated that they essentially follow the protocols and patterns of their provincial counterparts, that in their view the Aboriginal victims find the front-end of the court case processing to be quite alienating and that they rarely contacted or reacted positively to provincial victim services' offer of assistance in the past, that there is much pressure experienced by victims not to pursue their victimization in the court and even in restorative justice, and that both they and the victims know little about post-sentencing involvement (e.g., registration with CSC and NPB) and rarely become involved at that level. The Aboriginal victim services' workers considered that an approach different from the conventional court process, such as restorative justice, could be better for the victim but that there are challenges there too.

The next section dealt with the community context for victim services in Elsipogtog. Here there was examination of the developments in Justice in Elsipogtog, the socio-demographics (including educational attainment) of the community, the patterns and trends in crime and other social order issues, and the correlates of extensive drug and alcohol abuse in the community. The developments in the Justice area over the past decade were traced and the considerable accomplishments of the community in constructing the most elaborate, largest and successful restorative justice program in New Brunswick, and now being on the cusp of having the first Healing to Wellness Court in Canada were discussed. The implications of these developments were examined, perhaps the most salient for this assessment being the implications for the workload of the VAP worker who serves victims in both the conventional court and restorative justice streams.

The socio-demographic analyses dealt with trends in the community population over the past decade and highlighted the gender implication where the disproportionately greater number of young adult males compared to young adult females was considered a risk factor for victimization. So too was the gender disparity in post-secondary educational achievement. The decade-long patterns of crime were described and highlighted were the very high rate of violent crime compared to surrounding non-Aboriginal communities, and the continuity of that crime rate. Substance abuse was discussed and data produced indicating an almost epidemic level of substance abuse among young adult community members, obviously a major risk factor for victimization. The impressive collective efficacy found in Elsipogtog was also examined, identifying what might be called, at the community level, the protective factors and highlighting a few initiatives (e.g., the Parent Child Assistance Project) that complement the VAP worker's role.

The next section, "Achieving the Project's Objectives" was the centerpiece of the assessment. The first part dealt with the nine VAP objectives laid out in the project's process model and also included an examination of repeat victimization. The second part dealt with the enhancement of the victim services through special supplemental activities carried out by others in the Elsipogtog Justice unit.

Elsipogtog's VAP has been operational since 2002 and the single VAP worker full-time since 2006. The program reflects a tripartite collaboration with the federal government providing the funding for the position, the province providing training and supervision and the FN providing the direction and management. VAP has been a busy community service handling referrals and engaged in services well in excess of the project's initial expectations. Using de-identified VAP intake data it was possible to present a detailed description and analysis of VAP referrals and services, though the VAP data system provides limited time-budget information especially on the services (e.g., frequency and length of contacts, follow-up on service referrals and so forth). The evidence over the nine year history of VAP in Elsipogtog was that referrals of victims to VAP have steadily increased in number, calculated on three-year cycles. Variation in referral numbers among the years can be accounted for by three factors – the transition to full-time VAP worker, RCMP policy changes, and in 2011 the temporary health problem of the VAP employee. The crown prosecutors have been the major source of referrals to VAP but court referrals, essentially VIS requests, have usually been numerous. Perhaps somewhat unusual among victim services in other jurisdictions, Elsipogtog's VAP has occasionally received many referrals from the local police service and regularly been active in partnership with the community's restorative justice program, the largest and unique extra-judicial sanctions program in New Brunswick.

Referrals to VAP usually involved cases of personal violence, the toughest cases for a victim service to deal with for many reasons. A range of services was provided to victims, ranging from basic information about the court and restorative justice trajectories to preparation and support for victims proceeding along either of these paths to assisting the victim in securing compensation where appropriate, and in their accessing local services, such as mental health counseling, grief and anger management, and alcohol and drug counseling. While meeting initial numerical expectations for such service provision, more depth in data concerning the quality of the intervention would be beneficial. This need is evident especially in the case of repeat victims of personal violence who –

consistent with the literature on repeat serious victimization - essentially are young (i.e., teens and adults) females as described in the special more detailed analyses of VAP's referrals conducted by the evaluator. Focusing on the victim intake reports understated the victim activity of the VAP worker, not reflecting the engagement in providing a victim dimension to all RJ interventions or the quality of the intervention (e.g., home visits where they make a difference in reaching out to the referred victims). In referrals and services VAP met and usually exceeded by a significant margin the numbers set out in the project proposal as detailed in the appendix A. In addition, the VAP worker, like the Elsipogtog Justice coordinator and the Crime Reduction worker have engaged in other activities aimed at prevention of violent victimization and establishing partnerships with local and external services, programs and governments both to facilitate prevention and to provide integrative and other responses for the victimization that does occur.

Concerning the enhancement of victim services through the project's other thrusts, it was found that the extra-accomplishments of the three Elsipogtog Justice role players have been impressive and indeed vital for victim services and reduction of victimization in Elsipogtog. A specification of these activities for each month of the five month project was undertaken. In this evaluator's view, the chief contributions have been (a) the strengthening of linkages with regional services for victims such as the Gignoo Transition House; (b) the formalization of procedures such as the Sexual Abuse and Incest Disclosures Protocols Manual; (c) the inclusion of a major role for VAP in the new H-W Court. As stated in the accepted H-W documentation, the VAP worker or Victim Services coordinator will be a "primary player" and "As part of the Healing to Wellness Court process, victims have the right to provide input into the development of a treatment plan {for the offender} and to be informed of the outcomes of all court appearances. As part of the process, the victim will also have his or her healing plan. The Victim Services Coordinator's serves as the advocate for the victim in the pre-court meeting, ensuring that the victim has a "voice" in the discussions regarding the participant's progress. The Victim Services Coordinator attends both the Healing Team Meetings and the Pre-Court Meeting" (Minutes of the Court Implementation Team, 2011). Also, "the victim may attend any session of the Healing to Wellness Court and may provide input into the participant's treatment plan. If the victim does not choose to attend court, the Victim Services Coordinator will provide the victim with information as to what occurred in court. If the victim or Victim Services Coordinator does not attend court, the Court Coordinator will provide an update to the Victim Services Coordinator, who in turn will notify the victim". Clearly the victim and the VAP worker will be significantly engaged in the H-W Court.

The perspectives on and experiences with victimization in Elsipogtog were ascertained for three broad categorizations, namely community assessments, stakeholders' (CJS and local service providers) assessments, and the views of the VAP workers (the two who serially have held the position) and the victims. Community assessments were examined from the signal community assessment yielded by a major study in Elsipogtog in 2005 to the most recent survey conducted in 2009 and accessible in 2011. Overall, the analyses indicated that there has been some progress on the community concerns about victimization expressed in the 2005 inquiry. The progress has been represented most by the establishment of a full-time VS staff person, but also is

evident in the other continuing initiatives including the Anti-Violence Committee and the Crime Reduction program launched by the EJAC. The 2009 community survey confirms a more positive assessment of the “high personal risk” services such as VAP, and the authors present data showing that there has been significant growth in services, client numbers, funding, accountability, and infrastructure adequacy across virtually all program areas including Justice services. The emphasis on victims and victims’ perspectives and treatment in the 2011 protocol of the Healing to Wellness Court would appear to underline that progress.

The views of stakeholders were more nuanced but still generally positive. The local RCMP office has been a major supporter of community justice initiatives such as VAP and RJ and its referrals to both have been shown to be very significant; also the support has extended well beyond the referrals to a more active involvement in all Justice activities. The crown prosecutors have increased their referrals to VAP and conveyed increasing requests for VISs; the assessment has been that while sometimes the VAP response has been tardy, the received work has been adequate; moreover, there is much appreciation of the challenge of working with the more estranged Aboriginal victims (compared to mainstream victims). That assessment was quite congruent with that of the NBVS officials. The VAP workload was shown to have been impacted considerably, in all three functions or roles that the VAP worker takes on in relation to the RJ system, by the huge increase in police and crown referrals to the Elsipogtog RJ system over the past several years. The contacts with local service providers appear to have been quite modest and the key service to which VAP has referred clients has been Mental Health and Addictions.

Overall, then, while the VAP program has been evolving well in context of the criminal justice system, the linkages with local services and agencies has been quite modest. The priorities have been meeting the increasing demands of both the CJS and RJ systems and providing services that flow from that workload (e.g. advising victims on compensation claims and referring them to appropriate and timely counseling). It would appear that for VAP to be more active in pursuing with local service providers collaborative strategies to benefit victims would require broadening the VAP mandate and enhancing VAP capacity to analyse data and strategize, and that in turn would require resources. These types of issues have also arisen in regards to VAP becoming more involved in working with clients subsequent to their offenders being sentenced to federal custody since at present there is minimal activity in this area and minimal engagement on the part of Aboriginal victims. In the latter respect, several interviewees suggested that structural and cultural factors would need to be targeted if Aboriginal victims’ estrangement was to be overcome.

Interviews with the VAP workers (past and present) found both job satisfaction and some frustration with clients often difficult to reach and persuade to accept VAP assistance. The claim was advanced – with some justification – that VAP has been able to engage more victims than other VS workers because there is familiarity and occasionally going to the victims’ home. In general, the VAP workers considered that with better information and especially with more outreach (targeting the repeat victims?) and community support, there could be greater engagement by victims in both the CJS and RJ systems. It was claimed too that, if resources were available to contact victims of

offenders in federal custody, subsequent to a cooling-off period after the sentencing, then, “despite that fact that CSC and NPB are offender-focused, more victims might decide to register” and thus participate in federal programs for victims. A VAP worker also thought exit circles, just prior to or upon release of offenders from custody, which brought together offender and victim and others (supporters), would be worth exploring in order to lessen the likelihood of further violence and victimization upon the offender’s return to the community.

Looking ahead, the VAP workers believed that the new H-W Court might be quite different than the conventional court system if the attention paid to victims and VAP in the protocol documents carries through to implementation. The VAP role appears to be much more highlighted and demanding, victim input to be more extensive and monitored, and treatment plans developed for the victim as well as the offender. There was, not surprisingly, some uncertainty as to how significant the changes will also be for RJ referrals, and, for the frequency of sentencing circles in the case of offenders not going through the H-W Court. Associated with the uncertainty was some anxiety concerning possibly significant changes in the VAP workload and role changes / expectations but also a sense that the whole package of change while challenging will be positive for victims. Clearly, the changed workload could aggravate the current shortfall in the VAP office, namely the limited data analysis capacity, the need for enhanced tracking of referrals and outcomes, and the limited secretarial support for assistance in correspondence and reporting. .

Victim voices have been considered very important in Aboriginal Justice theory and policy. The argument often advanced is that, while victim voices are rarely heard in the conventional criminal justice system, they receive much greater acknowledgement in Aboriginal justice systems, an acknowledgement that contributes to a more balanced approach there. Additionally, the experiences of officials and observers have been that victim presence and engagement in the CJS and participation in the RJ system do make the processes more meaningful and possibly produce better outcomes in the sense of furthering the reintegration of both offenders and victims. It is important then to hear from the victims themselves and explore what their views are about participating in the CJS and RJ systems, what benefits and satisfactions they obtain, and what dislikes and challenges they identify. It is important to inquire as to why victims accept or dismiss the offer of knowledge, assistance and support from the VAP worker and what have been the implications for them of selecting either option. At this point in the assessment the efforts to solicit victims for interviews have not been successful despite newspaper ads and including some modest incentives. That pursuit will continue. Here then the reference to victims’ views and experiences was made to material the evaluator has recently gathered from other Aboriginal victims in the area. That work confirmed the estrangement of Aboriginal victims vis-à-vis the CJS.

Overall, then, the evaluator has found that the VAP project has successfully carried out its objectives and strategies for the enhancement of victim services in Elsipogtog as specified in the project proposal and the accompanying process logic model. The VAP worker was found to have a very heavy workload and one that appears to be likely to face significant increase with the implementation of the Healing to Wellness court there. The evaluation has found that victim services is integral to the

efficiency, effectiveness and equity model of the community-based, Aboriginal justice approach desired by community leaders and residents and encouraged by both federal and provincial authorities. There are areas for improvement such as (a) better grasp of the need for and possibilities of gathering and processing data in order to identify special issues such as repeat victims, clients' follow-up when referred to local or external services and agencies, and to assist in managing the time-budget realities of and possibilities for a demanding workload; (b) greater and more formal collaboration with specific local partners to get at, in an holistic, "wrap-around" fashion, the challenging problems of victim support and repeat victimizations; (c) review of the VAP worker's mandate to ensure that responsibilities extra to the central VAP role are not interfering with the priority tasks. Given the unfortunate need for annual proposal writing and the limited funding available, issues of more secretarial assistance, strategies for additional data collection, and data analyses clearly have to be accessed by VAP as a activity area within the Elsipogtog justice unit, so unit-wide capacity is crucial. However, it does appear, based on workload, current and anticipated, that an additional half-time position may be required in the VAP role. Another area for VAP's growth would appear to be with respect to services and support for victims of federally incarcerated offenders. In sum, the VAP initiative is vital to Elsipogtog's justice, and the challenges remain significant, are on-going, and will likely increase in the near future given recent trends and new developments noted in the court system and restorative justice. The expression "the eagle needs two wings to fly" may be an apt metaphor here; Elsipogtog has achieved great accomplishments in justice for a small community but needs to strengthen the victim "wing" or else the success could be compromised in the future.

THE TASKS OF THE ASSESSMENT: THE PROBLEMATIC

The objectives of the Elsipogtog Victims Assistance Program (VAP) project, as set forth in the project proposal (see appendix A), were nine-fold, namely

1. Community Awareness of victim issues via regular informational articles, brochures and presentations.
2. Informing and assisting victims regarding RJ and /or court processing of the case, including assistance with VIS or Healing Circle victim statements
3. Refer victims to appropriate service providers and agencies
4. Facilitate safety and support services for victims at risk
5. Link immediate family members of victims with support services
6. To enable victims of crime to express themselves in their language of choice
7. Develop and maintain linkages with pertinent local and external services
8. Document program statistics and maintain a data base
9. Provide efficient financial and activity reporting on the program (project administration).

Each objective was linked in the project's process model to several activity areas for which specific expectations were advanced. Increased community and victim awareness, for example, were to be achieved through the usual ways (articles in the community paper, brochure distribution on special occasions and at standard sites, brochures sent to all victims upon VAP receiving a referral). With one exception, the other standard VAP objectives were of roughly the same order of expectation, as reflected in the project's process model, with respect to consuming the VAP worker's time and effort. The objective of making referrals for victims to other services and agencies focused on local referrals and data were to be gathered on the service type, the number and the appropriateness of the referrals. Several objectives such as facilitating safety measures for victims-at-risk, support services for victims' immediate family members, and providing opportunity for victims to use the language of their choice, were to be monitored in monthly VAP reports. Other objectives such as maintaining partnership linkages with local and external agencies were to be documented for regular and ad hoc meetings and for the VAP resources required and consumed. Objectives

related to data management (e.g., maintaining files) and reporting (financial and activity reports) were also monitored responsibilities of the VAP worker.

The central objective from the perspective of service delivery and the partnership with New Brunswick Victim Services - the core VAP activity area in the process model – was assisting and preparing victims at the pre-trial, trial and post-trial stages of the CJS and also throughout the stages of the alternative, restorative justice (RJ) program, whether in healing circles or sentencing circles. The court trajectory has involved providing information to victims (well above forty cases a year expected) and preparing victims for court (minimally a dozen cases a year expected), court accompaniments (usually four or five cases a year), and assisting the victims in preparing a VIS for the court. The restorative justice victim cases were considered also very demanding of the VAP worker since a similar responsibility is assumed in RJ, namely contacting the victim, explaining the process, assisting the victim with preparation of a statement and accompanying the victim to the circle. In referring to the VAP objectives, the evaluation examined the specified expectations of VAP concerning the number of referrals received by the different referral sources, the anticipated and actual demand for victim impact statements in both the restorative justice (healing circles and sentencing circles) and court streams, and how VAP resources were allocated among the diverse objectives. Assessment of the project's success in meeting these objectives, as detailed in the project proposal, are specifically discussed in the section, "Accomplishing the Project's Objectives".

In addition to the nine VAP objectives, the project proposal, recognizing the importance of the immediate community contexts and wider partnerships essential for an effective VAP given the high level of serious victimization in Elsipogtog, called for specific supplemental activities to be undertaken by the justice coordinator and the crime reduction worker. These supplemental activities were directed at enhancing the capacity for responding to victims of crimes and reducing victimization levels in personal / family violence, within and beyond the community, over the duration of the project (i.e., the five months from November 2010 to April 2011). These objectives reinforced those of the standard VAP goals and focused upon three main themes, namely (a) enhancing community support for victims of crimes and breaking down cultural and structural

features that contributed to the isolation of the victim; (b) linking Elsipogtog victim services and victims with other programs and services throughout and beyond the province, such as the transition houses in New Brunswick; (c) ensuring a significant attention to victim viewpoints, interest and issues in the development of the new Healing to Wellness Court in Elsipogtog, the first Aboriginal (and first such “problem-solving court based in a small community) in Canada.

Describing and assessing the VAP process model as well as the supplemental objectives have been the central tasks of this evaluation. But the problematic must extend beyond to the examination of Aboriginal victimization in general to the appreciation of the social contexts which sustains such high levels of personal and familial violence and have been so challenging for community efficacy. This evaluation emphasizes then the larger social contexts in which Elsipogtog VAP functions, such as Aboriginal offending and victimization patterns in the larger society as well as in Elsipogtog, important trends and developments for victim services nationally and in the community, and current major policy issues impacting on Aboriginal victimization, while also describing how the VAP program through its activities has been accomplishing its objectives as stated above. The assessment identifies the successes and challenges and discusses future directions and options for VAP.

In sum, the project being evaluated, featured a number of objectives, a wide range of activities, and had an initial short-term focus (i.e., less than one year). The central focus of the project was on meeting the needs and wishes of Aboriginal victims in the context of a community-based model of victim services. There were a number of risks (e.g., little victim collaboration with the criminal justice system at all levels from charges laid to parole of offender, anxiety and fear about retaliation, lack of information about services available to victims beyond the community) and protective factors (e.g., existing victim services program, collaborative community relations, excellent relations with provincial victim services) that are pertinent to VAP. The central themes guiding the evaluation called for the following

1. a formative evaluation, with the evaluator working closely with program staff to yield maximum feedback and assist in adaptations required such as with

new indicators to examine unanticipated outcomes, better measurement and data management, and strategies for effective partnerships.

2. the evaluation will be quantitative (number and types of activities, time spent in various activities and interventions, at the outset of the project and at its final stages)
3. the evaluation will be qualitative too – individual interviews with all the role players, including project staff, partners, victims and justice officials
4. substantively, the evaluation will especially address three questions; (a) process issues, such as whether the implementation was appropriate and followed the project plan, and whether the targeted groups (here victims and collaborating partners) were reached; (b) results issues, such as whether the objectives were realized and what the results were; (c) future directions for a community-based model for responding to the needs of Aboriginal victims.

RESEARCH STRATEGIES

A wide range of research strategies were employed for this assessment; however, the assessment operated within certain constraints. One was the limited time frame of the funding for the project (i.e., five months) and another was the significant challenge of securing victims willing to be interviewed, always a major problem for these types of evaluations. Also, there were no baseline measures available to assess changes related to the project (e.g., improvements in community knowledge about victimization and support for the VAP goals) nor were the project's "stats" available in machine-readable formats that could be readily transformed into conventional data analyses formats. The chief sources of primary data were interviews plus the VAP monthly activity reports and the victim intake data for referred clients.

The following research strategies were carried out:

1. Literature review – here there was an updating of the victimization literature reviewed for earlier studies (Clairmont, 2010), including sources such as the Statistics Canada report on Aboriginal victimization issued in 2011.
2. Document review – here there were reviews and analyses of documents such as the monthly and annually VAP reports, brochures, and other

documents bearing on VAP currently or in the future (e.g., minutes of the Healing to Wellness Court Implementation Team).

3. Secondary data in the form of statistical data from sources such as INAC (population patterns, wellbeing scores, and post-secondary education statistics), RCMP police statistics, New Brunswick Health statistics (i.e., methadone use data) were gathered and analysed.
4. Analyses of the community assessment survey carried out by Process Management Inc for all programs and services based in the Elsipogtog Health and Wellness Centre.
5. One-on-one interviews with the VAP workers (past and present), Justice coordinator and other local service providers.
6. One-on-one interviews with all key partners, internal and external to Elsipogtog
7. One-on-one interviews are on-going with victims of crime in Elsipogtog though the results to date (i.e., the number of victims willing to be interviewed about their victimization, experiences in court or RJ, and use or not of VAP) have been disappointing.
8. One-on-one interviews with the directors and/or staff members of other community organizations including the anticipated key service collaborators, namely, Mental Health and Addictions, Elsipogtog School and the local RCMP detachment and Child and Family Services.

EVOLUTION OF GOVERNMENTAL RESPONSES TO VICTIM ISSUES

Analyses of 2300 custody cases on file in 2009 with the NPB Atlantic indicated that victim registration in Aboriginal custody cases was roughly half that in all custody cases (Clairmont 2010). It was also found that while victim presentations at parole hearings were few in number (e.g., 30 for the period 2007-2009), they have been virtually non-existent for Aboriginal victims (e.g., none in the past three years). While there have been several interesting and valuable initiatives by CSC and the NPB over the past eight years to address Aboriginal issues for offenders (e.g., the Pathways programs, Aboriginal programming, enhanced role for elders within the custodial institutions) and some efforts to engage Aboriginal victims (e.g., covering costs for attending parole hearings, establishing a special CSC victim unit), the essential problematic of the CJS's federal engagement with Aboriginal victims remains, as it does to a lesser but significant extent at the provincial levels. Here, drawn on work completed by the evaluator in 2010, there will be a brief overview of the larger context for Aboriginal victimization in Canada.

In the decade and a half before the early 1970s some positive momentum had developed with respect to professional beliefs and penal policies about reforming inmates in prison and effecting significant offender re-integration (Hawkins, 2009; Frum, 2010). That momentum came to a dramatic stop in the early 1970s with increasing levels of crime and a changed political climate and especially some evaluation research – both specific studies and meta-analyses of many studies - which suggested that “Nothing Works” as regards prison rehabilitation programming (Lipton, Martinson and Wilks, 1974; Cullen, Fisher and Applegate, 1998; Cullen and Gendreau, 2001). For the next decade and more, penal policy was underwhelming and there was limited programming for inmates to accept or decline on a semi-contract basis. Since the mid-1990s Over, it appears that penal policy has resumed its emphasis – and recharged its confidence - on rehabilitation programming. There appears now to be much more effort directed to working with inmates in federal custody, especially Aboriginal inmates (i.e., the designation of an “internal parole officer” for each inmate, the programs mentioned above such as Pathways for Aboriginal inmates), and a strong push to get them released safely prior to statutory release where evidence indicates there would be less revocation and recidivism (Performance Monitoring Report, 2007-2008, 2008-2009; Cullen and

Gendreau, 2001). This has seemingly generated a lot of empathy by CSC / NPB officials with the offender and his or her situation and a sense of mutual effort (e.g., the comment of one such prison official to this writer in his 2007 research, to wit – “we have failed if we are not able to get the inmate on an early release trajectory”). So, in light of this evolution, can we expect much also concerning governmental policy changes regarding the engagement with victims, for example, in the post-sentencing phase where, additionally, as will be noted below, there are strong legal and therapeutic reasons to look askance at significant victim involvement in post-sentence case processing (Bottoms and Roberts, 2010)?

Of course one thing about the Canadian custody and general penal policy may well be that the priorities, at least for political leaders and public opinion (media), have changed over time. Many writers have contended that nowadays the main priority has become public protection and, accordingly, there is much emphasis on risk aversion. Another important change in recent years that could have policy implications for victim engagement in the CJS and involvement in post-sentence case processing for federal prisoners has been the rise of legally recognized human rights ideals. As Hawkins (*ibid*) observes there is a widespread perception that offenders’ rights have been enlarged to the detriment of public protection and victims’ rights. For example, a major issue is that any substantial increase in victim involvement in CSC and NPB information-sharing and decision-making runs smack into human rights and privacy laws –both offenders’ and victims’ privacy rights – and this raises the question of how else to respond to the needs and wishes of victims.

Governmental Responses to Victim Issues

The Victims’ Movement in Canada and other Western societies took root in the mid-1960s. In 1967 Saskatchewan became the first province to legislate compensation schemes for victims of crime. By 1972, most provinces, where the primary constitutional responsibility for victim services rested, had established programs for victim compensation (CRCVC website, January 2006). While the federal government began making financial contribution to such victim compensation programs in 1973, the seeds for a greater federal sensitivity and response to issues for victims of crime were sown in

the 1980s with federal- provincial task forces and national conferences (e.g., the 1983 report of Federal-Provincial Task Force on Justice for Victims of Crime called for a number of changes in the role of victims in the criminal justice process), changes in guidelines for police and prosecutors in dealing with victims, the establishment of a federal Victim Assistance Fund and the federal-provincial agreement / adoption of the Principles of Justice for Victims of Crime.

Over the past two decades there has been a significant evolution in the federal government's policies and programs with respect to victims of serious crimes. Perhaps, the keystone change was that to the Corrections and Conditional Release Act (CCRA) in 1992 where, for the first time, victims were recognized in federal legislation governing the CCR program (OFOVC, 2010). Under CCRA legislation the rights of victims include receiving information about their offender's incarceration, leaves and release, having input through a victim impact statement, receiving a copy of the NPB decisions, the right not to be contacted by inmates and so forth. Subsequently, there was an especial spike in federal governmental response to victims of crime in the period 2000– 2007 (Let's Talk, 2009; Policy Centre for Victim Services, 2008) subsequent to the 1998 tabling of the Standing Committee on Justice and Human Rights Report, Victims' Rights – A Voice Not A Veto. These changes have been manifested in new policies, new governmental programs and increased funding for victims services' activities (e.g., in 2007 CSC got an extra \$3.4 m. to hire approximately 30 persons across Canada for a special Victim Service unit, and the position, Federal Ombudsman for Victims of Crime was established).

The Policy Centre for Victim Issues (PCVI) was established within the Department of Justice in 1999-2000 to coordinate all federal policy and legislation relating to victims of crime and to ensure that the victim's perspective is considered in the development of policy - and subsequently to administer funds to assist victims in attending parole hearings, a responsibility which allows “NPB to remain apart as a quasi-judicial body (sic) and avoid any appearance of a conflict of interest” (PCVI, 2008.). The National Office for Victims (NOV) was established, within what is now Public Safety Canada, in 2005 to provide accessible information on particular cases, information on how the justice system works, and assistance and “navigational counseling” referring

people largely to the other federal bureaucracies such as CSC, NPB and OFOVC etc. NOV also has a limited policy formation and outreach function (especially significant here is its mandate to develop a strategy for responding to Aboriginal victims). Prior to the creation of the OFOVC, NOV handled victims' complaints as well. In 2006, there was the significant expansion of federal Victim Fund assistance to support registered victims' attending parole hearings. In 2007 the Office of the Federal Ombudsman for Victims of Crime (OFOVC) was inaugurated as a government body, arms-length from the Departments of Justice and Public Safety.

Similar changes, giving victims a significant role in court sentencing, Correctional policies and parole hearings and decisions have occurred during the same time periods – typically within but a few years of such legislative change in other countries such as the United States (NJI, 1997, 2004; Morgan, 2005, CRCVC, 2006) and Australia (Black, 2003; Queensland Parliament, 2006) and Britain; indeed the processes of change and the legislative changes occurred within but a few years of other nations within the common-law rooted Western set of societies (Bottoms and Roberts, 2010). For example, in the United States there was the report of Presidential Task Force on Victims of Crime which lead to “the restoration of balance between the rights of offenders and victims”, the 1984 Victims of Crime Act authorizing the channeling of monies from levies on federal offenders to the states for victim programs, and the 2004 Crime Victim Rights Act which expanded victims' rights in federal courts to include the right to be present and heard at all public court proceedings, whether at sentencing or parole, and which placed a duty on federal courts to ensure that these victim rights were actually afforded (Davis and Carrie, 2008).

The changes thus far in the 21st century have had an impact. As noted in Towards Respect for Victims in the CCRA (OFOVC, 2010) there has been, for example, a significant increase in victims' oral presentations at parole hearings (see also Juristat, 2002-2003); since the launch of the National Victim Services program in 2007, CSC had registered close to 1,900 new victims by early 2010 and the total number of registered victims at CSC was approximately 6000 (personal communication, 2010). It appears, too, that legislation proposed in 2006 and then again in 2009 would have carried this progress further and, among other things, facilitated victims' accessing information on

what the offender was doing in prison and whether he was making a serious effort at rehabilitation. Such a change, desired by some victims in large part to better assess their own future safety, and strongly supported by federal victim-oriented governmental and non-governmental organizations, was not effected because the proposed bills were not acted upon due to an election call and a proroguing of Parliament respectively. Should they be legislated in the near future, they presumably will be an effective response to a major concern of those victims who seek a greater involvement in the post-sentencing processing of their offenders. Indeed, the 13 recommendations advanced in the Federal Ombudsman 2010 report (ibid) – emphasizing a stronger victims’ presence in the CSC and NPB systems - would largely be achieved were these earlier proposed bills re-introduced and legislated. However, such legislation would not deal with other crucial issues such the registration issue (see below), the complex issues of the appropriate victims’ role and impact in post-sentencing case processing of offenders by CSC and especially by NPB, and the mechanisms through which an enhancement of federal-provincial collaboration in meeting victims’ needs might be achieved. Additionally, there would remain the possibility of governmentally-supported alternative venues for assisting victims through counseling and other programs analogous to programs developed for offenders’ rehabilitation and healing (OFOVC, 2010).

The diversity of victims’ needs, and especially the over-representation of Aboriginal victims of serious crimes, coupled with their estrangement from the CJS and stark lack of involvement in the post-sentencing case processing of their offenders has been a theme throughout the evolutionary process described. It can be recalled that NOV has had a mandate to develop a strategy for a fuller federal response to Aboriginal victims. Also, the Federal Ombudsman for Victims of Crime in a 2008 submission to the CSC Review Panel emphasized greater attention to Aboriginal victims as one of its four key recommendations. In the submission, research literature is cited (unfortunately limited to the Territories) indicating that considerable pressure is exerted on victims of serious crime to bow to “community wishes” and drop charges, remaining silent and making it possible for the offender to remain in the community. The submission cites too the position of the Aboriginal Women’s Association that current sentencing practices betray the interests of Aboriginal women – “the racist, ‘culturally sensitive’ sentencing of

Aboriginal offenders puts [Aboriginal women] at risk”. This theme will be discussed more fully at several points in this assessment of VAP.

DIVERSE PERSPECTIVES ON VICTIM POLICY

In Canada the role of victims’ VIS at sentencing seems to have become uncontroversial as the format for the VIS is standard and vetted by court officials; “inadequate VISs” (i.e., ones that stray from the acceptable courtroom norms are returned for amendment). The main issues at this CJS phase for victim engagement focus on the frequency with which VIS are prepared and submitted and variation in those regards by factors such as socio-economic status and race/ethnicity. As will be documented below, Aboriginal victims in Atlantic Canada apparently have been much less likely to complete eligible VISs. The ‘theoretical’ controversy about the victim role in the CJS per se has been at the level of post-sentencing engagement but the issues raised there and the modest convergences in thinking have implications for general policy regarding victimization. There are strongly-held and well-argued, almost polar views, on what should be done to better respond to victim concerns and needs. These perspectives are surprisingly not well-grounded in detailed empirical research on what victims want or on how various victim inputs could impact on the CJS post-sentencing activities or on the viewpoints and case experiences of the pertinent CJS officials (CSC programmers, NPB board members).

The widely-shared view that argues for a quite limited post-sentencing involvement of victims in CSC programming information or activity as well as in NPB deliberations has been repeatedly articulated by Roberts (2001, 2007, 2009, 2010). Essentially the Roberts’ view, articulated by many others (Roach, 2000; see Palowek, 2005) has emphasized the harm that may ensue if victims are accorded more power over the fate of the convicted offender in CSC custody or at parole hearings. Roberts contends that a victim’s statement at parole does not have the justification of the VIS at sentencing since “victims do not know the information relevant to the parole decision” and “victim’s input at corrections is inconsistent with sound correctional policies or principles of fundamental justice” (Roberts, 2009). Some writers of similar bent (Roach, 2000) have suggested that, in large measure, a punitive model of victims’ rights has been advanced to

“legitimate a crime control perspective” and that victims would be better served by emphasizing crime prevention and restorative justice programs.

At the other pole, where the argument is that victims should have enhanced role in post-sentencing case processing of serious offenders, the emphasis is given to the benefits rather than the risks of such an enhanced role. It is typically contended that enhanced victims input could have a positive impact on offender re-integration since often they know the offender quite well and can bring important information “to the table” bearing on the offender’s accountability and re-integration (Herman and Wasserman, 2001; Black, 2003, Palowek, 2005) and, thus, that “victims’ voices and victims’ participation should be welcomed and not feared or discouraged” (ibid). Indeed, these proponents argue that victims have the right to participate, can become involved in programs to rehabilitate the offenders before and after their release and their involvement can improve the effectiveness of community supervision. Typically, these writers claim that victims are not focused on more punishment of the offender but rather seek proportionality in sentencing and truly effective rehabilitation. Frequently, they too suggest that restorative justice approaches can be a valuable mechanism for effective victim participation in parole-related activities. In these ways, presumably, the victims can also be reintegrated into healthy, safe and productive lives. Other writers with a similar perspective have contended that at the parole phase victims have little impact (Black, 2003, Palowek, 2005) largely for two reasons, namely (a) the “mistaken” opinion that most victims are basically retributive which leads judges, parole officials and others to consider meaningful victim input not warranted since, if it is appropriate at all, it presumably has been taken into account in the earlier sentencing process; and (b) for technical / practical reasons such as the offenders’ rights, the selective involvement of victims raises many “fairness” issues and so forth. The result of these factors, it is argued, has been that victims’ engagement has not been encouraged beyond registration, and, if registered, being informed of an inmate’s moves while in prison and allowed to make a statement at parole hearings.

A major theme throughout the writings has been focused on what the victims want in cases of serious crime (usually severe interpersonal violence). The Roberts’ perspective has emphasized that victims want the state to punish the offender more (e.g.,

are intent on revenge and opposed to early release) while, at the other polar perspective, victims are often seen as retributive largely because that is the only role they can currently play in CSC and NPB processing of cases; thus, it is argued that research showing that in actuality victims focus on keeping the offender in prison and so forth, should be discounted in lieu of other victim options (i.e., the revenge or punishment motif may be rational under the circumstances). Other, more “neutral” researchers (Wemmers, 2000), report that their research indicates that victims want to be informed and consulted but do not seek decision-making power, and especially that they want to be able to avoid contact with the offender upon his or her release (Black, 2003). Another theme that is especially prominent among, though not limited to, those writers advocating much more victim involvement in the post-sentence case processing, is that victims require more engagement in order to achieve closure and themselves regain their lives. Overall, though, in-depth descriptions and analyses of what victims want or might prefer are scarce.

The more empirically-oriented studies of victim engagement in post-sentence case processing have established that registration of the victims has been greatest in cases of serious interpersonal violence and, where there has been such registration with Correctional / Parole officialdom, there may be significant use of victim impact statements at parole hearings (Black, 2003). Research also has established that there is considerable regional variation within countries such as the USA (Morgan and Smith, 2005; Davis and Carrie, 2008; Caplan, 2010) and Australia (Black, 2003) with respect to both the encouragement / heeding of victim input and its impact on correctional and parole decision-making. As well, a few studies have found significant variation in response to victims’ participation on the part of parole board decision-makers; Palowek 2005, for example, reported, in her British Columbia study of parole board members, that women were more likely than men to report that they welcomed victims’ participation and that the victims’ statements were factors in their own parole decision-making.

While the polarization of viewpoints concerning the victim role in post-sentence offender case processing is quite evident, there are points of accommodation especially when the focus turns to public legitimation of the CJS and a more nuanced conceptualization of victim needs. Here for example there might well be substantial

agreement that there has to be some more prominent place for victims within the CJS and that at least victim needs that are of the service (e.g., restitution and financial compensation) and expressive (e.g., an opportunity to express their views) types, rather than the decision-making type impacting on CJS decisions on inmates, should be responded to (Bottoms and Roberts, 2010). Also, there is some appreciation among all writers to victims' concerns about avoiding contact with inmates whether in prison or upon release but still a sharp difference over any accommodations that "violates the privacy interests of the prisoners or does not promote the objectives of the prison or parole systems" (Bottoms and Roberts, 2010). As well, proponents of either perspective or pole of thought frequently suggest restorative justice strategies need to be more available for victims. Since restorative justice conferences between offender and victim have been found to be of limited use in prisons and Correctional professionals have found it virtually impossible to recruit victims in research exploring different restorative justice approaches (personal communication, 2010), it would appear that a distinction drawn by RJ practitioners between RJ processes and practices (Van Ness, 2010), where sometimes direct or even indirect contacts between victim and offender are avoided, might be of value here.

The theoretical diversity issues discussed above also are reflected in writings on Aboriginal victims of serious interpersonal crime but with the Aboriginals there is clearly more reference to healing on the part of both offenders and victims and more reference to restorative processes. In carving out a position of uniqueness in the CJS response for Aboriginals in at least two decades of decisions and policy imperatives, the SCC and other courts have emphasized two themes, namely the overrepresentation of Aboriginal offenders and victims and the cultural heritage and restorative perspective of Aboriginal traditions (Mann, 2009). Commissions and Inquiries such as the Marshall Inquiry (1989) have been making similar arguments for at least as long. CJS professionals such as Ross (1996, 2006, 2008, and 2009) have often emphasized the need for "emotional connections", spirituality, and the approach of traditional elders among Aboriginals to achieve healing among offenders and victims in light of the traumas, extensive emotional suppression and interpersonal disconnections wrought directly or indirectly by colonization. The Aboriginal Women Association of Canada (NWAC, 2008) has also

promoted more restorative justice processes and practices, though also suggesting that thus far the RJ benefits have been greater for males and offenders. Scholars such as Dickson-Gilmore and La Prairie (2005) have emphasized that a greater commitment to social justice and equity is a prerequisite for effective RJ in First Nations.

Of course not all Aboriginal communities can be lumped together with respect to culture and preferences, and securing Aboriginal victim involvement in Aboriginal justice circles has been quite challenging when serious offenses have occurred (Clairmont and McMillan, 2006) so identifying an effective RJ-type approach for Aboriginal victims is problematic. Many commentators have suggested that in the case of Aboriginals the community has to be engaged in the healing and restorative processes and practices since a prerequisite for individual change there is a revitalized culture which can provide appropriate social constructions of why things have come to pass in Aboriginal communities and how, building on earlier “tradition”, positive change can ensue. The revitalized community culture in this line of thinking is the crucial mechanism for both offender re-integration and victims’ closure. The community empowerment is congruent with the growing academic and activist consensus on the position that Aboriginal uniqueness and rights for greater self-government in justice and other matters do not depend on Aboriginal socio-economic disadvantage and deep cultural differences but rather on their being the original sovereigns in their traditional territories (Murphy, 2001).

VIEWS OF THE FEDERAL AND PROVINCIAL PROVIDERS OF VICTIM SERVICES

FEDERAL / NATIONAL CONTEXT

In order to obtain a broad picture of current victim services programs and issues, interviews were conducted in 2010 with the key federal officials in the Department of Justice’s Policy Centre for Victim Issues (PCVI), the Department of Public Safety’s National Office for Victims (NOV), the Office of the Federal Ombudsman for Victims of Crime (OFOVC), and the non-profit, Canadian Resource Centre for Victims of Crime (CRCVC). The interviews with the Ombudsman’s office were done in person in Ottawa whereas there was a telephone (taped) interview in the other three instances. The results

of this study are available elsewhere (Clairmont, 2010) and are available on the evaluator's website at Dalhousie University so here a short overview will suffice.

Overall, the interviews with national level officials indicated that there was much consensus that there has been significant progress in the federal government's response to victims of serious crimes as reflected both in the political agenda of successive governments and the various recent initiatives of CSC and the NPB. There was also, among all interviewees, the view that previously proposed legislation, aborted by political circumstance but likely to be reintroduced by the federal government, would carry that progress to a more significant level. Also, there was significant consensus that an Aboriginal strategy for victim involvement was required in light of the high levels of serious victimization in Aboriginal communities and low levels of Aboriginal victim engagement in registering for available information from CSC and attending parole hearings. There was a sharp difference between the respondents representing victim advocacy and support, arms-length from the government, and those involved in the main federal departments dealing with victims of crime, namely Justice and Public Safety. The former identified major problems in the registration of victims and considered that significant dramatic changes such as automatic registration, direct federal funding of counseling for victims, and either changes in the privacy legislation or mechanisms such as subcontracts with the provinces or other bodies (possibly Aboriginal organizations in the case of First Nations) were required to deal with the gaps or "disconnects" that disadvantage victims. The latter, the federal government officials, questioned more how significant a problem the low registration of victims really was, whether CSC and NPB should be much more engaged in providing victim services, and emphasized respecting victims' decisions not to be more involved in the post-sentence case processing of their offenders.

PROVINCIAL CONTEXT

In 2010 the evaluator interviewed Victim Services four officials in Nova Scotia and New Brunswick, and the interviews were supplemented with email exchanges. The results will be discussed more fully than was the case with the federal providers since the

linkages and partnerships between provincial authorities and Aboriginal VS workers has been and remains (especially in New Brunswick) quite significant on a day-to-day basis.

The provincial VS official in Nova Scotia reported that the Nova Scotian experience has been that in cases involving federal custody, VS get as much as 90% referrals from the police or prosecution service. However, more than 50% of all victims contacted (no separate statistics are kept on federal custody cases), once police or crown referrals are obtained (the HRPS provides most of these as the RCMP apparently hold that releasing the victim's "contact coordinates" and the circumstances of the victimization would violate federal privacy laws), indicate that they do not want to be further engaged and that ends the VS pursuit of the matter. Some victims request quite limited services from NSVS. Overall, reportedly, "the victims usually just want to get on with their lives" and perhaps, too, "there is mistrust of the system and fear of getting further involved". Where the victims express interest in a victim impact statement and / or following-up on the post-sentence case processing of the offender, VS will provide assistance in court and send the CSC registration form to them, but only to victims they are working with. The respondent had no data on how many victims subsequently did send in the form and become registered and did not consider it appropriate to further inquire about it with the victims.

The NSVS official commented that privacy legislation had complicated obtaining information for victims, throwing many back on their own personal network for knowing what the offender-inmate is doing while in custody. It was considered too that CSC and NPB have more of an offender orientation and that further underlines the marginality of the victim. The respondent noted that a major initiative was underway in Nova Scotia to amend legislation concerning what information can be provided to the victim. The initiative was occasioned by the inconsistency between criminal and family court requirements as information on, for example, whether the offender-inmate followed rehabilitative programs in prison may be crucial in family court where decisions are made regarding custody, visiting rights and so on. The NSVS respondent allowed that the VS could improve its assistance to victims in the post-sentence phase, suggesting possible orientation or training sessions on post-sentence issues, and accompanying victims to parole hearings "if not taxing on the resources of the VS program". He expressed an

openness to further collaboration with federal officials – “We’ll go beyond distributing the registration form if they wish”.

The NSVS official also held that there were significant differences between Aboriginal and non-Aboriginal victimization – here the emphasis was on factors such as a legacy of mistrust of the CJS, the dynamics of small communities inhibiting individual victim response and so forth - that required a different strategy for delivery of victim services. The NSVS experience had been that there was “little uptake on the Aboriginal referrals we received”; accordingly, NSVS obtained special federal funding to employ Aboriginal victim service workers in Cape Breton and on the Mainland; these positions and the funding have now been ceded to the Mi’kmaq MLSN organization. As yet, there has been no formal assessment of the impact of this change. The interviewee commented that exit circle for inmates and victims and in general restorative processes and practices might be helpful for victims in the Aboriginal communities.

An official with the HRPS Victim Services program – the largest municipal VS program in Atlantic Canada - emphasized that her work with victims essentially ends at sentencing and, even more, is concentrated at the very front-end (policing issues) of the case processing. Little contact was reported with either CSC or the NPB, and the respondent acknowledged having very modest and not terribly reliable knowledge about their policies or programs for victims. Apparently only a very few victims contact the VS office inquiring about temporary release, parole or other movement of the offender or what rehabilitative programs the inmate is engaged in; when they do, they are referred to the provincial Victim Services or directly to CSC / NPB. The respondent considered that both CSC and NPB were more oriented to the offender and that could clash with any victim advocacy. Given the focus of the municipal program on intimate partner victimization, the respondent stated that she could well understand victims wanting information on what the offender was doing in prison in terms of programs and his behaviour in custody since such information could be crucial for the victim and her family when the offender is release. At the same time, based on experience with victims, she could appreciate that involvement, post-sentencing, whether registering or attending parole hearings could be quite intimidating for many victims. In any event, the fact is that she could not recall having heard from any victim-client about their post-sentence

experiences with CSC or the NPB. Upon reflection, the respondent did favour a more proactive approach by federal agencies and more victim involvement post-sentencing, emphasizing greater public education so victims of serious crimes could assess the benefits to themselves of such engagement. In her view, given the trauma of such victimization, a lot of contact may be required. Certainly, in her view, the idea of providing for some support person to accompany the victim to parole hearings would be very beneficial since, generally, “the seriously abused person often has difficulty coping with life and often feels overwhelmed”. The respondent also saw the Aboriginal victim as a special case given different cultural traditions, the dense kinship systems in the small First Nations, and the fears and opportunities occasioned by the offenders’ release to the community.

The NBVS has the distinction of being the oldest VS in Canada and has a staff of 23, including 19 full-time field staff. The NBVS officials here noted that the interview was the fourth such interview they have had within the past year on this same theme, the role of CSC and NPB with respect to victims, so clearly there is much soul-searching going on. Like their Nova Scotian counterparts, they were very proud of their VS program and considered it to be among the very best in Canada. The officials, one slightly more so than the other, reported that there were not convinced that victim involvement in the post-sentence case processing of their offender-inmate was a major problem, contending that if victims do not wish to pursue registration and involvement at parole hearings then that is their right and it should be respected. In their view the emphasis should be on helping the victims with their own needs for closure, restitution and so on.

They did not know how many of their victim clients sent in the registration card and were on the CSC / NPB list of victims who wish to be kept informed –“we have no idea and our requests in the past went unheeded”. NBVS staff members do not, they stated, complete the form or send it off, as that is up to the victim (“it’s a matter of victim empowerment”). That same pattern applies to victims where the offender receives provincial custody. The respondents observed that NBVS also does not keep statistics on how many victims were given the registration forms whether for federal or provincial cases but noted that a form is usually provided victims in cases involving murder,

impaired driving causing death, sexual assault and intimate partner violence. Concerning these cases of serious personal violence, they agreed that some victims are “turned off, but not at us”, by the end of the court case. In the respondents’ perspective, victims are likely to be re-traumatized even to hear of parole hearings taking place and need help. It was also noted that NBVS has been contacted by CSC in the past, on the grounds that such counseling was not part of the CSC’s mandate, and asked to provide such help on a voluntary basis, but NBVS refused. NBVS does provide counseling for victims at the court phase, funding up to ten sessions of outside psychological counseling for some victims, but, in the post-sentencing phase, where federal supervision is entailed, the respondents held that there is federal responsibility.

Interestingly, the respondents reported that there have been discussions with CSC and NPB about subcontracting certain victim services such as counseling in relation to parole hearings (e.g., a special day-long meeting between federal and New Brunswick officials took place on this and related topics in May 2006) but “nothing came of it”. In elaboration, it was noted that privacy laws at both the federal and provincial levels prevent, on the one hand, victims knowing what the offender-inmate is doing in custody, and, on the other hand, NBVS sharing its contact coordinates on victims with CSC / NPB so that they can directly contact the victim. Apparently, federal officials have raised the possibility of an M.O.U. with the province to circumvent the provincial privacy legislation but NBVS refused to consider this strategy.

In general, NBVS respondents, while acknowledging good objectives and progressive initiatives on the part of both CSC and NPB (e.g., CSC’s VS unit, funding for victims to attend parole hearings), held that the federal government officials will have to rethink their approach to victims and collaborate much more with the provincial services (e.g., “road shows [by CSC and / or NPB] to local communities carried out without communication and collaboration with the Provincial Victim Services will not do”). The NBVS respondents suggested that the flaw of CSC’s recent initiative in setting up its special unit for victims is that it remains marginal in an organization oriented to offenders / inmates and does not really get involved with victims (e.g., “the staff just use the telephone”). They suggested in its stead a one-stop model, as reportedly preferred by victims in a recent survey of clients (Refresh Consulting, 2008), where the federal

departments would fund counseling in the post-sentencing phase for victims of offenders - inmates under federal supervision and would subcontract with the provinces for a range of services, including contacting victims to provide them more information about registration, at more appropriate times; as one respondent stated, “It would make sense too since the administration of justice is a provincial jurisdiction”.

The NBVS respondents were inclined to emphasize common patterns and causes when comparing Aboriginal and non-Aboriginal victims of serious crimes and were unsure about major cultural differences; however, they did comment that Aboriginal victims appeared most alienated from the CJS, were more reluctant to testify, less likely to go to court, and more embedded in dense kinship networks. As for a different strategy for meeting Aboriginal victims’ needs, the respondents were uncertain, noting that restorative approaches have not been embraced by most victims but might be effective among Aboriginals.

Overall, then, the provincial (and municipal) VS officials were somewhat ambivalent about whether low levels of victim involvement in CSC and NPB represented a major problem. Their view tended to be that victims have not registered and that decision has to be respected. They acknowledged that some victims do want to be involved and could benefit from knowing what the offender-inmate is doing for rehabilitation in prison, attending the parole hearings and so on. They consider that such victims often would need support and their own organizations would collaborate were federal resources made available for counseling and the like. In their view the post-sentence attention to victims whose convicted offenders are under federal supervision is indeed a federal responsibility. After distributing the appropriate registration forms to victims of such serious crime, no further action is taken; indeed no statistical data are maintained by the provincial VS on whether victims send in these forms.

On the whole, the provincial VS officials emphasized counseling and other victim services that would focus on the victims’ own well-being, counseling and pursuit of closure. In these areas there was the view that provincial services could better provide those services than CSC and the NPB could since they have the appropriate infrastructure and full commitment to victims. There was consensus among the respondents that privacy legislation at both the federal and provincial levels was a major blockage to

dealing well with victims and required considerable collaboration between the two levels of government, a collaboration essentially rooted in mechanisms such as subcontracting by the “feds” to the provincial VS bodies to carry out specific objectives such as better communication about registration, supervising counseling and support at parole hearings. The respondents all considered that Aboriginal victims for various reasons merit special attention as reflected in special programs for Aboriginals in both provinces. The Aboriginal strategy suggested would be the encouragement of local, community level collaboration and considering the appropriateness of restorative approaches.

ABORIGINAL VICTIMIZATION

Overrepresentation of Aboriginals in the CJS whether as offenders or victims has been commonplace for decades. Despite the many CSC / NPB programs, formal sentencing policies (e.g., 1996 criminal code policy calling for alternatives to incarceration especially for Aboriginals), and SCC decisions and recommendations (e.g., Gladue decision in 1999), the high levels of Aboriginal offenders in federal and provincial custody have continued virtually unabated. Between 1996 and 2006 the number of Aboriginals increased by almost 26% and in 2009 Aboriginals accounted for a whopping 19.7% of the federally concentrated population (compared to 2%-3% of the Canadian population). While the federally incarcerated account for more than double that percentage in Western provinces, in Atlantic Canada, the corresponding figure currently hovers around 8%, still more than three times the proportion of Aboriginals in the total area population. In virtually all custody milieus, the Aboriginals incarcerated are more likely than non-Aboriginal offenders to be incarcerated on “schedule 1” offences (i.e., sexual and other violent offences), to have been classified as having higher need (e.g., employment and education), and to have had more extensive involvement with the CJS as youths (PMR, 2008-2009, Clairmont, 2010). The CSC data also show that Aboriginals continue to have a lower rate of successful completions of full parole (though some gains have occurred) and the revocations suggest a major problem of re-integration when the Aboriginal offender is released to half-way houses or returns to the FN communities. The high level of offending, especially person violence, in Elsipogtog is described and analyzed below.

Here the attention is on Aboriginal victimization. Statistics Canada's Juristat reports have highlighted the over-representation of Aboriginals as victims over the past decade. In volume 24 # 11 (2002-2003), it was noted that Aboriginals were three times as likely in 2001 to have been subjected to violent crime than non-Aboriginals (i.e., 307 vs 110 incidents per 1,000 people). In volume 26 #3 (2006), it was reported that the 2004 General Social Survey (GSS) found a similar differential rate based on self-reported incidents. The same Juristat issue, in describing the GSS findings, reported that the violent victimization among Aboriginals was more likely to have been perpetrated by someone known to them than was the case among non-Aboriginals (56% to 41%) and that physical or sexual violence by spouses was 3.5 times as great as among non-Aboriginals (21% to 6%). The Juristat issue also reported violent crime rates on reserve were a whopping 8 times as great as the violent crime rate for Canada as a whole. Similar findings were also reported by Department of Justice's Policy Centre for Victim Issues (Chartrand and McKay, 2006).

The most recent GSS results, 2009 data released in 2011 (Perreault, 2011), underline the continuity of these patterns. Perreault reports a level of violent victimization much higher than among non-Aboriginals, especially in relation to non-spousal violent victimization. As for spousal violent victimization, Aboriginal victims were twice as likely to report being victims of spousal violence within the previous five years. The rate of victimization was also disproportionately high among single parent households. The study found that 82% of the non-spousal Aboriginal violent victimization is caused by young males (average age was 24 years) and in 67% of the cases of non-spousal Aboriginal violent victimization, the victim said that the incident was related to the perpetrator's use of drugs or alcohol (compared to 52% in the case of non-Aboriginal victimization). This pattern of violent acts committed by young adult males venting their pent-up frustration and anger against vulnerable young women in a drink or drug-fuelled context fits well the common features of the problem found in Elsipogtog.

The high level of victimization, especially serious violence directed at women, has been consistent for decades as was evidenced in presentations across Canada in the mid-1990s to the Royal Commission on Aboriginal Peoples (RCAP, 1996). Academic

researchers have frequently called attention to these high levels of interpersonal violence, seemingly reproduced from generation to generation (e.g., Comasky and McGillvray, Black Eyes All of the Time, 1999 and Dickson-Gilmore and La Prairie, Will the Circle Be Unbroken?, 2005) and have tried to assess possible strategies of change. Given the popularity of emphasizing community control and restorative justice alternatives, not surprisingly several researchers have highlighted the challenge of a restorative justice approach. Haskell and Randall (2011), working with Aboriginal communities in Ontario where family violence widespread, suggest that it is crucial, if restorative justice strategies are pursued that there be at the beginning an agreement / understanding about what happened, and how such violence changes people. Avoiding blaming the victim for their victimization is important as is the need for a support group. That position was advanced also by Dickson-Gilmore and La Prairie (2005) who argued that “community justice processes should look to victim focused reintegration. Assuming victims have community support and are free to speak in justice programs is an error that must be corrected if community based justice processes are to be safe, fair, meaningful, and not cases of re-victimization”.

As noted above (OFOVC, 2008), studies have shown that there is considerable social pressure on Aboriginal women and other victims of crime in Aboriginal communities to avoid reporting their victimization to authorities, typically considered “outside” authorities. In addition, Aboriginal victims, again primarily women, have been characterized by bodies such as The Aboriginal Women’s Association (NWAC, 2008) as the unintended major cost-bearers of judicial and associated government policies to rectify the over-representation of Aboriginal offenders in federal custody by facilitating their bail, and emphasizing non-incarceration sanctions and parole (e.g. court policy following the sentencing guidelines of 1996 and the Supreme Court of Canada’s Gladue decision in 1999). Presumably such policies have placed Aboriginal women and children at greater risk without corresponding appreciation, in policies and programs, of their own needs and issues, themselves a consequence of traumatic legacy effects similar to Aboriginal offenders, as well as their criminal victimization suffered at the hands of primarily Aboriginal offenders; thus, what some Aboriginal victim advocates could see as

a positive, culturally sensitive development for dealing with Aboriginal offenders runs the danger of being a zero-sum type policy aggravating the Aboriginal victim's plight. Similar patterns and criticisms of CJS policies have been found among the larger First Nations in Nova Scotia (Clairmont and McMillan, 2001 and 2006), in Labrador (Clairmont, 2004) and, as reported below, in Elsipogtog.

Zhang (2011) has estimated, based on data accessed through the Department of Justice Ottawa that in 2008 the costs of crime to victims (i.e., what they suffered in losses, injury and trauma) accounted for \$82 billion of the total 2008 estimated crime bill of \$99.6 billion. There is no doubt given Aboriginal over-representation both in offenders and victims that Aboriginals accounted for a disproportionately high share of the \$82 billion for victims and the \$17.6 billion for the CJS system costs. Sullivan (2010), the former federal ombudsman for victim issues, in noting that 2% of Canadians experience 60% of the violent acts reported nation-wide, has argued for increased funding for victims' programs and more focus on repeat victimization. These patterns of, and suggested policies for, victimization apply strongly to Aboriginal victimization and, as we shall see, also to victimization in Elsipogtog.

Aboriginal Victim Providers in Nova Scotia and New Brunswick

Aboriginal victim service providers in New Brunswick and Nova Scotia are in the vanguard organizationally for Aboriginal victim services in Atlantic Canada. In Nova Scotia, MLSN has two full-time victim coordinators, one for Cape Breton and one for the Mainland while Elsipogtog has the only full-time victim services worker among the First Nations in New Brunswick (she follows provincial guidelines and is supervised by the province). Both the Elsipogtog and MLSN Mainland service providers, interviewed on several occasions, reported quite minimal contact with CSC or NPB, either on their own part or by the victims they serve. They reported that there was scant information available or community awareness on the advantages of being registered and acknowledged that that situation applied to themselves as well; one had distributed registration forms to clients subsequent to court sentencing of the offender but did not track whether the form was completed and sent to CSC / NPB or other developments if any, while the other, to date, would refer victims' questions about the post-sentencing phases (CSC and NPB) to

the provincial VS agency, again without routine follow-up. Between them, they knew of only one Aboriginal victim in the last two years (the length of their employment as VS providers) who had registered with CSC / NPB. Both respondents reported that they do not provide counseling but get information, advocate some and navigate services for the victims, and, of course, attend court sessions in support. They are focused on the front-end of the case processing up to sentencing and in these regards they follow the general pattern of provincial VS workers.

Both respondents considered that Aboriginal victims typically found the front-end phases of court case processing to be quite alienating (e.g., delays, the way victims are treated) and in the past rarely contacted or reacted positively to provincial VS offer of help, presumably why in both provinces there was a willingness to fund these Aboriginal VS providers. As one put it, “they [the victims] are generally pissed off with court processing and not inclined to get further involved after sentencing” and no one communicates the benefits of such involvement to them. As illustration of the “dragged out, not-victim friendly” process, she commented that her files are so many because she cannot close them since the cases have yet to be resolved. The two respondents also noted that the victims in the small, kinship-dense Aboriginal communities face difficulties following through on incidents of serious assault, sexual or otherwise, either because of threats and ill-will from the accused’s family or from the pressures of community solidarity. One respondent observed that there are common stories of the offenders’ family members following the victim into the court and several examples of a victim deciding that for safety reasons it would be wise to leave the community. She added that, - as the RCMP in her area confirm - more people are nowadays reporting sexual assault and intimate partner violence that occurred more than a decade earlier, something that also seems to generate community conflict. In all, then, the lack of knowledge, the non-supportive community atmosphere, and the bureaucratic format of the CSC and NPB and the sentencing practices of the courts for Aboriginals were deemed to be such that “victims cannot help but be intimidated”.

The Aboriginal victim services providers did not have much experience to draw upon in offering suggestions for a more appropriate response from CSC or the NPB to victims’ concerns and needs in the post-sentencing phase. They shared the view that

victims find the court process intimidating and frustrating so handing out registration forms around the time of court sentencing would not be successful whereas a few months later, and with some discussions with the VS worker, the victims might well be in a better position to carefully consider potential involvement. They both were enthused about the possibility of more restorative processes and practices involving the victim, including the possibility of well-conceived pre-release, exit circles. Not surprisingly, they held that Aboriginal victims want Aboriginal VS contact persons such as themselves, and they both indicated that, if were resources available, they would be quite willing to become more engaged with victims, post-sentencing, including accompanying them to parole hearings.

One of the Aboriginal VS workers wisely observed that in the absence of a meaningful role in post-sentence case processing and the virtual non-existence of restorative processes and practices, the victims' alienation and lack of closure means "they always go for the jugular"(i.e., emphasize punishment and keeping the inmates incarcerated). This view was underlined by an Aboriginal prison elder at a Moncton conference in 2010 when he observed that increasingly he finds band councils insisting "we don't want them back", in part because limited information on the offenders' prison experiences is available and there are no avenues for healing available, involving the offender and the victim/community. The two VS respondents considered that both the offenders (e.g., re-integration) and the victims (e.g., closure) might benefit from a different, supplemental approach to the current post-sentencing system that is congruent with revitalized Aboriginal cultural traditions. At the same time, neither respondent was naïve about the challenge of a different approach, noting that CSC and NPB are offender-focused and that restorative circles may not be victim-friendly; indeed, one respondent noted that at the one community parole hearing she attended there were a number of the inmates' supporters and service providers from the Health Centre but no specific victim presence.

Personal interviews with a handful of other local service providers in the Mi'kmaq community, and reviews of available documents conveying Mi'kmaq views on the issue at meetings / conferences, indicated much congruence with the views of the victims and VS workers noted above. Several persons cited rather vague cultural reasons

(e.g., the community as priority and where the solution is) for the low level of involvement of Mi'kmaq victims in registration and attending parole hearing. They usually elaborated only with respect to positing a need for more outreach by CSC and NPB to the local communities and wondering whether a more restorative approach might better fit the evolving Mi'kmaq culture. It was common for respondents to share the views expressed at a NPB Consultative Meeting in Nova Scotia in 2009, namely that more information about what the offender is doing in prison (e.g., taking programs to change his behaviour, showing remorse, becoming more engaged in traditional activities) would be helpful for the victims and community as a whole so, perhaps, with the offender-inmate's permission there could be regular updates conveyed by officials. Enhancing the role of the community in the process was highlighted by some interviewees and in some documents as the key to both support for victims and re-integration of offenders; however, other respondents were skeptical, pointing to significant community factionalism and suggesting the priority need, for victims at least, should be a stronger, more effective VS program. Several RCMP officers in First Nations mentioned that severe victimization usually has deep roots and there is still reluctance on the part of victims to communicate with authorities subsequent to a 911 call to bring a temporary end to abuse. In addition, they too spoke of the victims being frightened by fear of more violence from the offenders' family and supporters should they cooperate with authorities and seek court resolution. Under the circumstances, it was suggested that the VS person with outreach strategies and well-linked to CSC and NPB would be the key to more victim involvement with Corrections and Parole.

It is important to add that Aboriginal communities are often themselves, as well as their residents, quite dynamic and there are indications of significant change in the reactions to sexual and intimate partner violence; for example, in one of largest Mi'kmaq communities in Atlantic Canada, the level of sexual assault charges has been rising noticeably in recent years while informed Aboriginal sources there contend that there may be less actual sexual assault nowadays, thereby suggesting that there is less tolerance for such violence and reporting it more acceptable regardless of the kinship ties. Overall, though, while quite similar in their views to non-Aboriginal victims, the dense kinship ties, the common Aboriginal legacy, the Gladue sentencing policy for Aboriginal

offenders, the type and level of victimization experienced, the common resort by Aboriginal female victims to informal support systems - all combine to require a unique Aboriginal approach to the issues of victim involvement in general and in the post-sentencing phase of case processing, one that includes an active outreach program by CSC and NPB, working closer with Aboriginal local victim services, and, carefully, a greater utilization of restorative processes and practices.

COMMUNITY CONTEXT FOR ELSIPOGTOG'S VAP: CHALLENGES AND COLLECTIVE EFFICACY

INTRODUCTION: THE JUSTICE NEXUS

INAC has published Wellbeing scores for all communities in Canada with a population greater than 65. It is based on an index of four factors, namely level of post-secondary education, labour force participation and employment, housing quantity and quality, and income per capita. Elsipogtog's Wellbeing score, using data from 2006, was 66, higher than the other three largest FNs in Atlantic Canada (i.e., Tobique (63), Burnt Church (57) and Eskasoni (62)) but lower than most Canadian communities of its size (White and Maxim, INAC, 2007) and lower than some Atlantic area FNs (e.g., Membertou (74) and Millbrook (73)). In recent years there has been an economic spike as a result of the Supreme Court's ruling in the Marshall Eel fishing case and evident signs of more entrepreneurship in the community (e.g., gas bar, small motel, sports bar). Still, the community remains economically depressed and a large proportion of the population is dependent on social assistance. In 2009 it was reported that the seasonally adjusted unemployment rate was 65%. The promise of the spurt in fishing industry has only been modestly realized. The broader New Brunswick economy is itself languishing and the provincial population is serious decline. Recent APEC reports (summer 2011) indicate that New Brunswick along with Nova Scotia and Prince Edward Island "are on a pace to come in dead last (among Canadian provinces) this year and in 2012 on virtually every economic measure ... and the three provinces are starting from an already weak base" (Globe and Mail, July 4, 2011). The lack of opportunity has fuelled fears of increasing out-migration in a province that has been witnessing the same for years. The economic and concomitant socio-economic issues, such as income and quality of life standards and variations, are not elaborated upon here where the focus is on the pertinent proximate social context for the VAP, as it struggles to achieve a level of excellence in its services and programs in the context of both serious challenges and significant collective efficacy in Elsipogtog.

The challenges are discussed below in relation to socio-demographics and post-secondary education, crime, social order and police statistics, and patterns of alcohol and

drug abuse. The implications for VAP services are highlighted. Then there is a brief reference to specific programs and services that denote community capacity. The directly salient service and program capacity in Elsipogtog that the VAP must collaborate with to achieve its objectives, on first glance at least, appears quite substantial, and indeed does represent something that most communities of its size would envy. However, there are some qualifications to note at the outset, one related to the adequacy of funding and the other to the sophistication of personnel. According to a community report in 2009 (Evaluation of Services, Structures and Functions), 90% of community programs are either at risk or are linked with short-term funding, and, according to some knowledgeable community service providers, a fair number of the services have some staff with minimal training and credentials. Apart from the Justice sector, the jewels of Elsipogtog community service capacity arguably would be the elementary school with its special programs for special-need students which has achieved considerable progress over the past decade vis-à-vis the mainstream standards, the multiple social services such as Mental Health and Addictions (the reputation of its 10 person staff is reflected also in other FN's referrals to its service), the Eastern Door (provincially and nationally recognized for its community model of prevention, diagnosis, and treatment / intervention for birth disabilities such as FASD), and the Health Centre more generally which is regarded as, by far, the best in size and quality among all FN's in New Brunswick and probably better than most mainstream health / medical services complexes in communities of similar population size.

The holistic approach to problems and opportunities adopted in Elsipogtog is clearly evident in that all Justice programming is embedded in the Health Centre and managed by its directors. Victim Services has always been closely linked to the restorative justice program and indeed both programs function under the direction of the Elsipogtog Justice coordinator. Currently, it would be fair to say that Elsipogtog has the most elaborate restorative justice service among all New Brunswick FN's; indeed the province as a whole basically still employs the alternative measures / adult diversion system which deals with more minor crime and has more limited eligibility. RCMP records (Elsipogtog, 2011) show that for fiscal 2010-2011 in New Brunswick Elsipogtog had far more forums or RJ sessions (i.e., 69) than any other district. The median for the

other districts was but 3, and for the other fourteen FNs only 1; moreover, Elsipogtog's RJ sessions, which regularly deal with either youth or adult cases would be more complex.

In its early years RJ referrals in Elsipogtog were usually pre-charge from the local police, and for more minor offences. But, as in Nova Scotia among both mainstream and Aboriginal restorative justice systems, increasingly the referrals have been post-charge from the crown prosecutors and featured more personal violence offences. In Elsipogtog in fiscal 2010-2011, for example, there were there more than ten times as many crown referrals as police referrals (Clairmont, 2011). The RJ program has seen its referrals increase from about a dozen in 2006 to almost seventy in 2010-2011. The RJ system can take repeat offenders but over the past several years there have been surprisingly few repeat RJ users. An interesting statistic, one that underlines the fact that RJ in Elsipogtog is taken seriously by the Justice officials and service providers there, is that among closed cases from April 2010 to June 2011, 61% were reported as successfully concluded but fully 39% were returned to the referral source for court-processing. The RJ program then is a demanding alternative to court processing and unique in New Brunswick. Since the VAP program has been intimately linked to the RJ (e.g., preparing victims for circles, helping with impact statements, accompanying or representing victims) clearly its workload has increased considerably while its court-based workload, as will be noted below, has scarcely been diminished.

The Justice program in Elsipogtog has continued to evolve, dealing with more serious offending in RJ, becoming since 2009-2010 involved in the more elaborate sentencing circles and now on the cusp of launching, in collaboration and with significant financial support from the government of New Brunswick, the first Healing to Wellness Court in a FN in Canada. These developments, along with obtaining a full-time VAP worker, represent the accomplishment of the major planks in Elsipogtog's 2005-2006 Strategic Action Plan for Justice. The plan, which set out a ten year agenda for moving towards a more effective and Elsipogtog-managed justice system, resulted from a multi-year, multi-dimensional, intensive inquiry into justice issues in the community. The plan subsequently was vetted through numerous public meetings and carried the imprimatur of a band council resolution (Clairmont, 2006).

The sentencing circles – seven since 2009-2010 – have been full-blown sentencing circles where the full complement of court role players are in attendance along with the parties involved in the offence, support people and local service providers; they are chaired by the Elsipogtog Justice Coordinator. They are elaborate, lasting most of the day (compared to roughly an hour for the typical healing circle), held in Elsipogtog, and engage the VAP worker in preparing the victims / witnesses and participating in the circle presentations. No other FN in Atlantic Canada – and of course no mainstream community - is currently engaged in these types of sentencing circles. Thus far, the circle's recommendations have been adopted by the judge in his court sentencing. The Healing to Wellness Court (H-W) is a much more elaborate program still. Akin in perspective, organizational structure and processes to the Drug Treatment and Mental Health Courts (i.e., the “problem-solving court” as they are labeled in mainstream society), the H-W Court allows for a significant alternative Aboriginal characterization of most Justice activity concerning Elsipogtog band members. As will be discussed below (see the section Accomplishing the Project's Objectives) the planning for the implementation of the H-W Court has taken more than a year and entailed a variety of working committees dealing with the different dimensions of the proposed court (e.g., court process, start-up, healing process) and with issues of eligibility, primary care coordination and so on. The H-W Court has been a major and pressing commitment for government officials and especially for Elsipogtog, a small community with its limited organizational resources. Considerable discussion has taken place concerning the eligibility for alternative processing of offences such as domestic and sexual violence since such offences have fragmented FN communities and without a significant consensus could generate a considerable backlash. The Elsipogtog Justice negotiators backed by chief and council reached a Hollow Water- type consensus, namely that family-centered violence is at the core of community victimization (see police statistics discussed below) and needs to be addressed through the H-W Court since clearly the conventional court has not been able to effectively deal with it. Government officials in the working groups have generally supported that position though the matter of eligibility remains to be detailed. The role of the VAP worker is central to the functioning of the H-W Court as will be highlighted in the section, Accomplishing the Project's Objectives. In sum, then, in the Justice area,

Elsipogtog is unique among FNs in Canada and even in Canada more generally (e.g., there is no other community even many times larger that has the range and depth of the justice programming) and pivotal in all of this development is the VAP.

POPULATION AND EDUCATION

As indicated in tables A and B below, the total registered population of Elsipogtog has grown steadily. The average annual rate of growth was over 2% per year between 1995 and 2006 and just slightly under 2% since then. As of April 2010, the registered population was 3006. The growing population – a sharp contrast to the surrounding communities in the region – has a high proportion of youth, estimated to be about 40% aged 17 or under, twice the provincial percentage, so Elsipogtog will likely continue to lead its region in population growth for the next fifteen years as well. Since 2000 the proportion of the Elsipogtog registered population living off reserve has hovered at 23%-24%, evidence perhaps of the continuing high demand for housing on reserve.

The total numbers of males and females in the total registered population (on and off reserve) were quite similar, namely 1406 males and 1420 females in 2006 and 1495 males and 1511 females in 2010. Interestingly, males typically have outnumbered females in the age categories 25 and under, but females have outnumbered males in all age categories from 26 years of age on; for example, in 2007 where in the age categories 0-5, 6-17 and 18-25, the gender difference favoured males by 10, 27 and 46 respectively while in the older categories 26-45, 46-65 and 66 -100, the gender gap favoured females by 14, 33 and 35 respectively; in 2008, males outnumbered females in the age categories 0-5, 6-17 and 18-25 by 2, 31 and 51 respectively while in the older categories the females outnumbered the males by 10, 38 and 38 respectively. The social and policy implications of these population dynamics are unclear. The roughly 20% more females in the age grouping 45 plus does not appear unusual but to have such larger disproportions of males in the 6-17 and 18-25 age categories – a differential of 73 in 2007, 84 in 2008 and 80 in 2009 and fully 30% more males than females in the age category 18-25, appears puzzling and begs for some in-depth analysis with respect to the social implications. It does

appear that females may emigrate more; for example, in 1995, off-reserve, there were 222 females and only 166 males, and in 2000 it was 252 to 184 respectively. Reportedly, the pattern of gender difference in migration has continued, presumably fuelled by pursuit of higher education and marriage. Leaving Elsipogtog then for marriage or education would presumably aggravate the gender imbalance.

The population of Elsipogtog of course includes both registered and non-registered persons. Table C describes the evolution of this total population through the first decade of the twenty-first century. The annual rate of increase has paralleled that of the registered population (i.e., a little over 2%). Proportionately the resident registered population has declined from 83% of the Elsipogtog total in 2001 to 77% in 2006 and 75% in 2010. It is not clear what implications this trend would have for victimization or justice issues more generally though it may well impact on the extent to which INAC funding based on registered population lags the requirements of community services and programs which serve the total population. Two trends in the table C overall Elsipogtog population growth are quite salient for justice and victimization issues, namely the ageing of the population and the stark gender difference in key age categories. It can be seen that the % total population over 50 years of age has increased consistently from 12% in 2001 to 18.3% in 2010 while the age categories 6-15, 16-30 and 31-40 have each progressively had a smaller proportion of the total Elsipogtog population since 2001. The % of the total population represented by those persons aged 0-5 years has hovered around 10% throughout the decade. Overall, the ageing of the population suggests the likelihood of reduced crime rate – especially violent crime – in the immediate future. The other trend, namely the pattern for males to significantly outnumber females in the 15-24 age category (300 to 244 in 2010), reinforces the trend in the registered population and could result in a higher rate of violent crime.

Turning to post-secondary education, data were accessed from INAC on the number of Elsipogtog residents funded in post-secondary academic institutions (there could be an occasional trade program participant funded under the band's discretion) for the fiscal years 2006-2007 to 2009-2010 (see Table D). According to INAC sources, there have been no new programs or significant policy changes in the funding for post-

secondary education since 2006 but there has been a modest 1.5% budget increase for a band's PSE eligibility - "Agreements have formula adjustments (DFNFA defined) in the neighbourhood of 1 to 2 percent. That's all, no program change, no big budget change." (INAC, 2010). The figures for the two First Nations in PEI are provided for comparison purposes. The number of post-secondary enrollments has stayed relatively constant in Elsipogtog over the four fiscal years (63, 58, 60 and 62) while both Lennox Island and Abegweit have experienced declines. Were one to compare the FNs using, at the low end, registered on-reserve populations and then, at the high end, all registered members living on or off reserve plus others' band members living on site, the comparisons might be more meaningful. The bracketed numbers in Table D represent the low and high ends as described. Clearly, whatever population base is used to calculate a rate of enrollments, Lennox Island has done better than Abegweit in securing INAC's PSE funding. It has also done better than Elsipogtog but only if the comparison is based solely on the number of band members living on reserve.

Table D also provides a breakdown of the post-secondary enrollment data by gender. It can be seen that there is a very significant disparity between males and females in terms of obtaining the designated funding support. In the case of Elsipogtog, for fiscal years 2006-07 and 2007-08 there were 94 females vs 27 males; for fiscal years 2008-09 and 2009-10, the figures were 90 vs 32 so overall females were about three times as likely to receive such funding and attend higher education. Whether post-secondary education was obtained outside the INAC funding could not be determined but reliable sources suggest that it would be uncommon and would not affect the differential described here. The pattern holds also for the two PEI First Nations, Lennox Island and Abegweit where, overall, in the last two years there were 39 females vs 15 males receiving the funding, roughly the same three to one differential as in Elsipogtog. The accessible INAC data could also be broken down by whether the student was pursuing a graduate degree, regular university degree, a non-university program or was not seeking a qualification. In the case of Elsipogtog, since 2006 there has been an annual average of four graduate-level and forty-eight undergraduate-level enrollments, seven non-university program enrollments and two instances where the individual was not seeking a qualification; information was lacking on the gender breakdown for these programs.

The demographic and educational data suggest possibly significant problems for interpersonal relationships, individuals and families in Elsipogtog. In many Aboriginal and mainstream communities in Canada, especially the Aboriginal communities, the pattern of young male adults often having low self and community esteem ('zero status' is the concept researchers have used) as a result of poor school performance, limited skills and limited job opportunities, has been associated with high levels of violence where young women have been the usual victims, and unstable relationships where the male role as partner and father is marginalized. In interviews some Elsipogtog CFS professionals have commented on these issues, noting that "it's the same thing here" [and] "when CFS deals with foster home guardians, it is almost always with the mom / woman, and virtually always assumed that the male is likely to drift on so is a less important resource. Male roles have for many evolved into a self-defeating system". Other interviewees engaged in the school system have made similar comments and have pointed out that, even in elementary school, the children with serious behavioural problems are overwhelming male. It can also be noted that in the Eastern Door, focused on FASD and other non-genetic birth disabilities, boys have been more likely to be diagnosed and to be clients of the Family Support program by a margin of two to one, according to the administrative records since 2007, and that ratio was also found in the earlier Nogemag program which spawned the Eastern Door. A number of interviewees also commented on the implications of male status issues for weak family formation; one nurse observed, "Most of the young mothers are not married though there are many "common-laws" of various duration. There is not a high rate of formal marriage or of formal separation and divorce". The implications of these same patterns for violence and abuse can be seen in police statistics to which we now turn.

TABLE A

ELSIPOGTOG REGISTERED POPULATION, 1995 TO 2006

1995	2000	2006
1700 On-reserve (Own Band)	1924 On-reserve (Own Band)	2131 On-reserve (Own Band)
51 On-reserve (Other Bands)	59 On-reserve (Other Bands)	38 On-reserve (Other Bands)
1751 Total On-reserve	1974 Total On-reserve	2169 Total On-reserve
388 (18%) Off-reserve	436 (18%) Off-reserve	657 (24%) Off-reserve
2139 Total	2410 Total	2826 Total

*INAC's Indian registration system, July 2007

TABLE B

ELSIPOGTOG REGISTERED POPULATION, 2007 TO 2010

2007	2009	2010 April
2177 On-reserve (Own Band)	2247 On-reserve (Own Band)	2270 On-reserve (Own Band)
35 On-reserve (Other Bands)	41 On-reserve (Other Bands)	40 On-reserve (Other Bands)
2212 Total On-reserve	2288 Total On-reserve	2310 Total On-reserve
669 (23%) Off-reserve	692 (23%) Off-reserve	696 (23%) Off-reserve
2881 Total	2980 Total	3006 Total

*INAC's Indian registration system, June 2010

TABLE C

ELSIPOGTOG OVERALL POPULATION TRENDS, 2001 TO 2010

Age Category	2001	2006	2010
81+	16 (.7%)	18 (.6%)	see next category
71 – 80	35 (1.5%)	59 (2.1%)	122 (3.9%) 71+
61-70	95 (3.9%)	129 (4.6%)	145 (4.7%)
51-60	144 (5.9%)	222 (8%)	301 (9.7%)
41-50	300 (12.5%)	395 (14.22%)	431 (13.9%)
31-40	408 (16.9%)	432 (15.5%)	438 (14.2%)
16-30	642 (26.7%)	718 (25.8%)	770 (24.9%)
6-15	521 (21.6%)	558 (20.1%)	531 (17.2%)
0-5	247 (10.3%)	250 (9.0%)	349 (11.3%)
Total =	2408	2781	3091

Source: Elsipogtog Health Centre, 2011. The population for 2010 came in different age categories and in adapting to the 2001 and 2006 categories it was assumed that there was an even distribution across the ages within each five year interval.

TABLE D

Post-Secondary Enrollments: Student Counts by Gender and Year, Lennox Island, Abegweit and Elsipogtog

First Nation	2006~ 2007	2007-2008	2008- 2009	2009~ 2010
	M F T	M F T	M F T	M F T
Lennox Island (362 to 805)*	9 16 25	8 12 20	6 17 23	7 13 20
Abegweit (176 to 312)*	2 8 10	1 8 9	2 5 7	0 4 4
Elsipogtog (2131 to 2826)*	13 50 63	14 44 58	15 45 60	17 45 62

INAC, 2008, 2010

Police Statistics Offending in Elsipogtog: Implications for Victimization

The five tables included here deal with actual (not reported) incidents of offending in New Brunswick's largest First Nation. Tables 1, 2 and 3 provide comparison with surrounding non-Aboriginal communities while tables 4 and 5 enable an assessment of the trends for Elsipogtog. The first set indicates clearly that both the level and the rate of crime and related offending has been very much higher than in Elsipogtog than in Bouctouche, Richibucto and St.Louis for virtually ever category of offence, from assaults to disturbing the peace to break and enter. The differences have been huge, ranging in 2006 for example from more than ten times the level of break and enter (71 cases to 6 and 5 in Richibucto and Bouctouche) and to minimally seven times in assaults (147 to 11 and 21). The only comparable levels of police determined criminal incidents in the Atlantic region have been in the other First Nations of Eskasoni and Indian Brook (Clairmont and McMillan, 2006).

An examination of tables 4 and 5 below which detail actual offences for the period 2003 to 2009 makes it very evident that the violence and public safety patterns cry out for more effective solutions. Interpersonal assaults, domestic violence, and property offences have been indeed at very high levels, and unfortunately shown no sign of lessening. For example, the levels of assaults, break and enters, and combined public disturbances have scarcely changed, and the numbers for other offences varied but modestly. Sexual assaults and assaults causing bodily harm are especially high vis-à-vis more populous surrounding mainstream communities. Moreover, according to RCMP officers, while property crimes are primarily carried out by a small number either of adults or youths, violent offences are well distributed among Elsipogtog adults; RCMP reported that “while 15 % of the adults accounted for 60% of the property offences, violent offences such as assault and domestic violence were well distributed due to alcohol and drugs” (personal communication, 2010). Also, according to the RCMP, fully 60% of all cases going to the Richibucto court come from Elsipogtog, and “no shows” and delays in court processing – something which particularly frustrates Aboriginal victims – have especially been characteristic of the Elsipogtog cases (for several reasons,

including the type of offences as cases of interpersonal violence are especially subject to delays in court processing).

Indications of the legacy of mainstream domination and social malaise permeate the police records and suggest a pervasive collective victimization. Police interventions under the mental health act (typically involving a person threatening self-harm) are very high, as is community expert assessments of the number of children and youth impacted at fetus by FASD (i.e., a rate of 20% according to experts associated with Elsipogtog's Eastern Door). The drug abuse situation among adults is epidemic in scale, methadone use alone being at least 50 times the per capita rate of Halifax Regional Municipality, the major urban centre for drug abuse and drug dealing in Atlantic Canada (Clairmont and Augustine, 2009). The police to population ratio is far higher than in most areas (i.e., 14 RCMP officers police the community of roughly 2500 persons) but policing, understandably, is basically reactive given the heavy caseload.

There appears little doubt that the community as a whole has to be more fully engaged and take ownership in getting at the roots of these problems. Given the level of interpersonal violence and alcohol and drug abuse, victimization is rampant and the historic legacy of domination has indeed victimized the whole community. At the same time, the aspect of the colonialist legacy that caused people to protect or shield their own versus the outside justice system, and to adopt the view that non-natives are the problem, is increasingly incongruent with the current realities based on greatly enhanced band council authority and administrative responsibility, and the significant if modest economic and political developments especially over the past decade. The combination of these factors – a sense of community victimization which blurs offender / victim roles, political economic and socio-economic variation within FNs which sharpens the offender-victim role differences, and increasing expectations for community engagement - appears to spawn diverse implications for responding to Aboriginal victimization in the CJS. On the one hand, there is some momentum for launching restorative approaches such as the sentencing circle and the H-W Court, and, on the other hand, there may be increasing similarity with mainstream society with respect to the needs and concerns of the crime victims.

In any event, there is little doubt that young women have been in large number victims of sexual abuse (one Eastern Door official commented that nearly all the young women she has dealt with have reportedly been sexually abused in their younger years). The 2005 Elsipogtog household survey (Clairmont, 2005) found that women, especially young adult women, were more likely than males to state that such abuse occurs, and to contend that it often goes officially unreported, and that there is also no effective informal or alternative response to the abuse (e.g., familial or politically). Perhaps, then, it is not surprisingly then that many young women drift into alcohol and, especially nowadays, drug abuse. The link between substance abuse and the extraordinarily large number of 911 calls to the police service recorded as “assistance under the Mental Health Act” have been described by a senior local police officer as follows: “The majority if not all clients are under the influence of a substance when they indicate they are going to harm themselves”. It has also been confirmed by Elsipogtog RCMP that young women (17 to 30 years of age) are especially common among this “911” clientele and that a number of the women are repeat callers, often intoxicated and upset over the break-up of relationships when the police assistance is requested (personal communication, 2010).

TABLE 1
A COMPARISON OF RCMP STATISTICS FOR ELSIPOGTOG AND
NEIGHBOURING COMMUNITIES
2003-2004

Year	Elsipogtog (pop. 2200)		Richibucto (pop. 1400)		St. Louis (pop. 1000)	
	2003	2004	2003	2004	2003	2004
Sexual Assault	18	14	2	3	2	2
Assault Level I	265	159	46	22	13	12
Assault Level II	60	42	6	2	3	0
Damage to Property	162	173	31	45	32	31
Suicides	0	1	0	1	0	0
Attempted Suicides	5	27	2	0	0	1
Spousal Assault (Male offender)	10	22	0	1	1	0
Spousal Assault (Female offender)	2	0	0	1	0	0
Mental Health Act	152	112	19	29	9	9

TABLE 2
ELSIPOGTOG AND NEIGHBOURING COMMUNITIES: A COMPARISON OF
POLICE STATISTICS 2005

VIOLATION (2005)	Elsipogtog (pop 2400)	Bouctouche MUN (pop 2500)	Richibucto MUN (pop 1400)
Intoxicated Persons Detention Act - Offences Only	3	0	1
Intoxicated Persons Detention Act - Other Activities	26	1	9
Mental Health Act - Offences Only	0	0	0
Mental Health Act - Other Activities	30	1	8
Fail to comply w/ condition of undertaking or recog...	1	0	1
Disturbing the peace	36	4	6
Resists/obstructs peace officer	3	0	0
Fail to comply probation order	3	1	2
Harassing phone calls	5	1	0
Uttering Threats Against Property or an Animal	3	0	0
Breach of Peace	34	4	3
Public Mischief	2	0	0
Drug Offences – Trafficking	0	0	1
Total Sexual Offences	5	0	1
Robbery/Extortion/Harassment/Threats	19	3	6
Assault on Police Officer	1	0	1
Aggravated Assault/Assault with Weapon or Causing Bodily Harm	18	0	1
Total Assaults (Excl. sexual assaults, Incl. Aggravated Assault, Assault with Weapon, Assault Police)	66	2	1
Total theft under \$5000.00	27	9	10
Break and Enter	32	3	5
False Alarms	31	0	9
Crime against property - Mischief (exclu. Offences related to death)	52	2	21

TABLE 3

ELSIPOGTOG AND NEIGHBOURING COMMUNITIES: A COMPARISON OF
POLICE STATISTICS 2006

VIOLATION (2006)	Elsipogtog (pop 2400)	Bouctouche MUN (pop 2500)	Richibucto MUN (pop 1400)
Intoxicated Persons Detention Act - Offences Only	2	1	2
Intoxicated Persons Detention Act - Other Activities	45	1	13
Mental Health Act - Offences Only	1	1	1
Mental Health Act - Other Activities	75	6	7
Fail to comply w/ condition of undertaking or recog...	8	1	1
Disturbing the peace	56	3	24
Resists/obstructs peace officer	12	1	3
Fail to comply probation order (3520)	8	3	0
Harassing phone calls	12	2	4
Uttering Threats Against Property or an Animal	9	1	0
Breach of Peace	111	6	13
Public Mischief	6	0	2
Drug Offences – Trafficking	8	1	0
Total Sexual Offences	6	1	0
Robbery/Extortion/Harassment/Threats	52	8	15
Assault on Police Officer	6	1	2
Aggravated Assault/Assault with Weapon or Causing Bodily Harm	21	0	4
Total Assaults (Excl. sexual assaults, Incl. Aggravated Assault, Assault with Weapon, Assault Police)	147	11	21
Total theft under \$5000.00	52	40	15
Break and Enter	71	6	5
False Alarms	51	38	14
Crime against property - Mischief (exclu. Offences related to death)	102	14	32

TABLE 4

ELSIPOGTOG POLICE STATISTICS 2005 THRU 2008

VIOLATION	Elsipogtog 2005	Elsipogtog 2006	Elsipogtog 2007	Elsipogtog 2008
Intoxicated Persons Detention Act - Offences Only	3	2	2	2
Intoxicated Persons Detention Act - Other Activities	26	45	44	31
Mental Health Act - Offences Only	0	1	3	0
Mental Health Act - Other Activities	30	75	125	111
Fail to comply w/ condition of undertaking or recog...	1	8	22	21
Disturbing the peace	36	56	131	152
Resists/obstructs peace officer	3	12	7	17
Fail to comply probation order	3	8	17	30
Harassing phone calls	5	12	15	13
Uttering Threats Against Property or an Animal	3	9	4	6
Breach of Peace	34	111	158	55
Public Mischief	2	6	9	2
Drug Offences – Trafficking	0	8	13	18
Total Sexual Offences	5	6	33	22
Robbery/Extortion/Harassment/Threats	19	52	64	56
Assault on Police Officer	1	6	12	7
Aggravated Assault/Assault with Weapon or Causing Bodily Harm	18	21	55	65
Total Assaults (Excl. sexual assaults, Incl. Aggravated Assault, Assault with Weapon, Assault Police)	66	147	225	246
Total theft under \$5000.00	27	52	73	74
Break and Enter	32	71	68	81
False Alarms	31	51	89	103
Crime against property - Mischief (exclu. Offences related to death)	52	102	136	172

TABLE 5**ELSIPOGTOG FIRST NATIONS RCMP
POLICE ACTIVITY REPORT 2008 and 2009**

OFFENCES	2008	2009
ASSAULT	189	189
SEXUAL ASSAULT	28	22
ASSAULT CAUSING	68	69
ASSAULT Police Officer	7	4
UTTERING THREATS	66	65
BREAK & ENTER	91	118
THEFT	110	113
DAMAGE TO PROPERTY	184	160
FAIL TO COMPLY	82	80
IMPAIRED DRIVING	78	60
DRUG TRAF / POSS	34	25
INCARCERATED PERSONS	286	306
OTHER CRIMINAL CODE	418	360
MENTAL HEALTH ACT	113	96
911 ACT OFFENCES	381	704
# OF CASES SENT TO CROWN	549	497
RESTORATIVE JUSTICE CIRCLES	43	55

Elsipogtog RCMP First Nations Detachment, 2010

Alcohol and Drug Abuse Issues

Alcohol and drug abuse have not been especially noted in police reports. The charges for drug trafficking and possession do appear on the rise, going from 0 in 2005 to 34 and 25 in 2008 and 2009 respectively, but a caveat is that in the earlier period the figure applied solely to trafficking. Impaired driving has been significant but somewhat on the decline, with 78 and 60 charges in 2008 and 2009 respectively; for several years there has been an average of 40 police interventions per year under the Intoxicated Person Detention Act. While alcohol abuse remains a significant issue in Elsipogtog and RCMP officers suggest that a very high proportion of the incidents they deal with and of the charges they make involve alcohol abuse, it is clear that most informed respondents have emphasized drug abuse as the more important social problem, as it appears to be among several other FNs in Atlantic Canada and of course in the consciousness of mainstream society as well.

In 2009, according to the New Brunswick Department of Health, there were 383 distinct clients registered to bands in New Brunswick who had methadone for addictions, covered by NIHB, that was dispensed at any Atlantic area pharmacy. Of those, 131 were registered to Elsipogtog persons. It appears that all these distinct clients may not have been in authorized programs for the entire year but perhaps for some periods during the year. In any event, based on the fact that virtually all Elsipogtog methadone-authorized users were between 20 and 45 years of age and that there were approximately 1150 to 1200 adult Elsipogtog members in that age category (including on and off reserve), the rate of usage for that age category is one of every nine, truly a very high rate. In Halifax Regional Municipal, generally considered the major centre for drug addiction in Atlantic Canada, the corresponding rate has been, roughly but maximally, one of every 400 among adults between 20 and 45 years of age. In other words, the Elsipogtog rate appears to be at least 50 times as great. Some other FNs in Atlantic Canada, especially Oromocto in New Brunswick and Indian Brook in Nova Scotia have been reported to have rates similar to Elsipogtog. The extensive public funding of methadone maintenance programs throughout New Brunswick is an increasing problem for the Department of Health since drug purchases constitute the third largest budget item after doctors and hospitals and is rising fast. There is no generic pricing so the methadone budget is said to be “sky-

rocketing”; one New Brunswick Health official commented in 2010, “The methadone program at the community level is out of control financially”.

Of course, drug use in Elsipogtog is not confined to persons enrolled in methadone treatment or to adults between 20 and 45 years of age. Informed estimates, made by key Elsipogtog service providers, suggest that there would be at any given time an average of at least 50 and perhaps 75 others using “hard drugs”. Most local experts report, too, that overall drug abuse in Elsipogtog is a fairly balanced split by gender. The path to methadone, according to the key Elsipogtog service providers, is through oxycontin and lectopam (prescription drugs), as it reportedly is in Indian Brook and Oromocto. Drugs such as lectopam are accessed in capsule form but sometimes, according to local officials, users employ needles to inject the drug which provides for a faster effect and a more efficient use of the amount they have (i.e., a person can get the effect out of half the capsule and still have some for latter). In order to be authorized for methadone by the nurse in charge of the Elsipogtog program, usage is apparently thoroughly determined and only “hard drug addicts” are accepted into that treatment program.

The methadone program was established in Elsipogtog in 2007-2008. Prior to that time, people seeking methadone treatment to deal with their addiction to opiates such as heroin, oxycontin, and dilaudid (methadone is not used to treat dependence on alcohol or cocaine and, indeed, when combined with any of them, the result can be very dangerous to one’s health) went into Moncton. There was an initial transfer of the Moncton cases to Elsipogtog where there would be determination of addiction and prescriptions granted to secure methadone in liquid form from a Richibucto pharmacy, roughly a ten minute drive away. The Elsipogtog nurse practitioner who manages the methadone program deals currently with roughly 50 clients. No youths are allowed into the program though the key officials report that some youths in the community definitely use heavy drugs. Apparently there is at least an equal number of Elsipogtog clients who go into Moncton for their methadone prescription and supply. There is no appreciable waiting list for the methadone program in Elsipogtog and, what waiting list there is, is presumably a function of the capacities of the Richibucto pharmacy and the Elsipogtog methadone program, not by administrative fiat. The waiting list for detox in Moncton

also is not long – just one or two weeks to get in. To get into the traditional substance abuse treatment program at Lone Eagle in Elsipogtog, one must have gone through a detox program (usually that means the one in Moncton).

Methadone treatment is generally defined as a harm reduction strategy, not desirable in itself but better than the alternative of opiate addiction. The evidence is complex. There is strong support for the position that a methadone maintenance program does reduce crime. A major Australian study (Lind, 2005) of over 8000 people who were registered in a public methadone treatment program during a two year period found (as determined by examining court docket data) that they were significantly less likely to commit crimes in those periods when they were in the program than when they were not. Elsipogtog RCMP officials generally contend that crime is modestly down, in part because of the methadone program. It seems reasonable that the pervasive methadone treatment would reduce property crime simply because the clients would have reduced need to obtain money for illicit drugs. The presumption, shared by police and some nurses, also is that people take methadone not to “get a high” but as a sedative, a calmer that makes them less tense, and, more controversially, puts them into a kind of stupor. Perhaps violent crime might be less likely under such circumstances. Unfortunately, the tabular data depicted above do not convincingly support that position, at least at first glance but the RCMP a few years back changed the formats for reporting crime so the comparison has some flaws. New Brunswick’s Department of Health officials reported that there is anecdotal evidence that the methadone program has led to less crime at the community level and more children being re-united with parents but they acknowledge that there are no hard data to support these contentions.

Beyond crime patterns, the impact of the methadone treatment approach is more diversely interpreted. In Elsipogtog, the most common view among local service providers is that the methadone program enables many people to get a grip on their lives and does facilitate family re-integration. Methadone clients interviewed in a recent evaluation of the Elsipogtog program rendered positive claims for improvements in family ties, feeling and acting better and even liking the staff and being monitored (Skead and Hubbard, 2010). But clearly these are not easily accomplished objectives. Consistent with the harm reduction perspective, the clients who are regularly tested for other drug

use (e.g., urine samples are sent to Moncton) are given substantial leeway before they are ejected from the program. Three failures in any two month period could lead to ejection. Smoking pot and the use of some specific prescription drugs are not considered as failures in the tests .As noted above, there is however, a significant level of hard drug usage by some methadone clients, reportedly, especially what is generally known as “eight ball” (primarily a mixture with cocaine or crack cocaine but possibly also “meth”). The Elsipogtog methadone nurse practitioner does provide some counseling, using the motivational interviewing approach, but the caseload limits that to a short session once every two weeks with the clients. In the case of the methadone clients using the Moncton program there appears to be even less counseling; as one Elsipogtog official commented, “There is supposed to be counseling but they manage to avoid it (e.g., alleging “someone is waiting in the car so I have to leave)”. The high level of occasional use of other hard drugs by the methadone clients – several key officials considered it to be in the range of 75% of the clients – underline the challenge. One methadone official considered that only about 15 of the current 50 client caseload could be classified as “stable positives” and that many of the others have multiple problems (some informed estimates are that half the clientele have mental disorders) and frequently seek stronger doses of methadone when tense. Other service providers dealing with many of the methadone clientele attest to the multiple drug use and the long-term effort that success rehabilitation will require.

Overall, alcohol and perhaps especially drug abuse clearly constitute a major problem in Elsipogtog, and some Elsipogtog officials have properly characterized it as an epidemic. The recent evaluation of the methadone program referred to above highlighted opportunities for improvement in the methadone operation especially highlighting more effective use of the outside medical specialists, better appointment times to avoid disorder in the waiting room, better data management and working towards on-site dispensing of methadone. Little was said with respect to the reduction of drug abuse problem or the disadvantages of on-site dispensing (e.g., the Elsipogtog official in charge of prescriptions already has experienced significant threats from users).

In 2010-2011 the latest estimate of Elsipogtog methadone users according to informed persons in policing and working at the Health Centre has reached 174, a significant jump from the 131 reported in 2009. A small experiment of dispensing

methadone at the Health Centre to a limited number of clients reportedly has been initiated but as yet no conclusions drawn about its possible expansion. With respect to getting at the roots of the drug abuse epidemic, given the scale and formidable challenges of drug abuse and the limited counseling in the methadone program, the conventional local programs offered through Mental Health and Addictions have been supplemented since 2009-2010 with a special program developed in the United States and found to be quite successful among young adult female addicts, namely the Parent-Child Assistance Program (PCAP) (see below). All PCAP clients are female and virtually all are also registered with the methadone program. The program aims at the population grouping in Elsipogtog that has been identified above as the most likely subject to repeated victimization of serious person violence. They also reportedly are disproportionately from the grouping whose 911 calls for help are answered by the police under the Mental Act Health Act.

Elsipogtog and Collective Efficacy

The socio-demographic, educational, crime and substance abuse problems constitute one dimension of the social context for the VAP and its programs. As referred to in the introduction to this section, another equally important dimension is the tremendous capacity for collective efficacy which also characterizes this small community of roughly 3000 residents. VAP recall is part of Justice Services which in turn is part of Health Centre. A recently released (2010-2011) survey and assessment of the Elsipogtog Health and Wellness Centre's Services, Structures and Functions (Process Management Inc, 2009) showed, comparing the 2009 survey to the 2004 study carried out by the same consultants, that there has been significant growth in services, client numbers, funding, accountability, and infrastructure across virtually all program areas; as well, the survey indicated an increase in community reception, trust and approval, across the different sectors of the Centre.

The following table, adapted from a recent Elsipogtog submission for court services (2010), depicts the various social services and agencies which exist in the community, and provides a crucial asset mapping for the VAP. The umbrella framework of services / agencies in Elsipogtog is divided into two sections. Section A identifies the

service providers and programs directly salient for VAP. They make up the direct community constituency that the VAP program must collaborate with in order to fully accomplish its objectives. For example, in the Justice area, beyond policing and restorative justice, there are services such as the Crime Reduction Worker, programs such as Apigsigtoagen Traditional Dispute Resolution, and an extensive coordination and planning capacity (e.g., working committees on anti-violence strategies, a broad-based justice advisory committee). There are other programs and services where collaboration is crucial if the VAP worker is to get at short-term and long-term problems associated with the roots and/or impact of victimization such as the Crisis Centre, Mental Health and Addictions grouping, Lone Eagle Traditional Healing, Child and Family Services and Home & Community Care. Increasingly, the capacity and the will to deal with the very challenging issues are there and the focus is shifting to putting in place a justice system that the community fully participates in and that resonates well with its needs and values. Section B identifies the conventional programs and agencies that made up the infrastructure for community capacity such as the educational system, economic and social development, fisheries, and forestry.

While it is not possible to elaborate on the collaborative possibilities VAP might have with such a wide array of local programs and services, PCAP appears to be one such community program, outside the Justice area, where there could be valuable collaboration (for a detailed account of PCAP in Elsipogtog see Clairmont 2010). PCAP is an outreach, program linked with the Eastern Door which is under the management of the coordinator of Mental Health and Addictions. The Parent-Child Assistance Program (PCAP), originally known as the Seattle Birth to 3 Project, began in 1991 as a 5-year federally funded research demonstration project designed to test the efficacy of a model of intensive, long-term paraprofessional advocacy with high-risk mothers who abuse alcohol or drugs heavily during pregnancy and are estranged from community service providers. The primary goal of the program is a straightforward one – “to prevent alcohol and drug exposure among the future children of these mothers”. The program has been recognized for its effectiveness by several authoritative national bodies and has been replicated at over a dozen sites in the United States and Canada. PCAP does not provide direct treatment services. Instead, it advocates, connect mothers and their families with existing

community services, and coordinate services; “women are never asked to leave the program because of relapse or setbacks ...the lives of mothers enrolled in PCAP are characterized by poverty, upbringing by substance-abusing parents, childhood abuse, abusive adult relationships, trouble with the law, and chaotic and unstable living conditions. As products of this background they are often distrustful of community service agencies. The PCAP program tries to overcome the alienation”.

There is little doubt that the PCAP fit to Elsipogtog is extraordinarily apt. According to a Health Centre report, nearly half of the pregnant women in the community in 2005-2006 were drinking and using illegal drugs. And, as noted above, much of Elsipogtog’s core victimization problem has been violence among young adult women fuelled by addictions. The women clearly experienced considerable victimization, had very unstable household situation, reported much sexual abuse and trauma, and were falling between the stools of local services and agencies, Justice included. PCAP launched in Elsipogtog in 2009 generally has followed the Seattle model with emphasis on individual outreach, and a harm reduction approach coupled with long-term commitment to clients. It is a three year voluntary program for women pregnant or with babies less than six months old and who are addicted and on methadone. While participation is voluntary there are “prodding sticks” at the community level, most notably the ever-present threat from the child protection-oriented Child and Family Services to take the baby from “unfit” parents where the child is “at-risk”. Referrals to PCAP primarily have come from the Nurse Practitioner who also manages the methadone program in Elsipogtog. PCAP advocacy has largely had to do with enhancement of clients’ existing contacts. In addition to its own program features (i.e., individual and group meetings, “the difference game” etc), PCAP assists clients in re-connecting with local services and programs and their families, in filling out required forms, exploring new life paths (e.g., adult upgrading and the GED), and even providing transportation to meetings with agencies.

The PCAP program has been well-received by the other service providers in Elsipogtog and by its clients. It seems to be an initiative that other service providers acknowledge is filling an important gap in the community-based prevention - diagnosis - intervention model. Everyone acknowledges that young pregnant or new mothers, in

vulnerable condition because of their addiction and usually unstable family situation, need help and are a crucial link in the prevention and intervention for birth disabilities, other disabilities and learning problems, and victimization. The staff is competent and confident with respect to the PCAP objectives and strategies and the clients clearly value the program (Clairmont, 2010). There has been some criticism from some other local service providers that PCAP staff members smother clients with attention and intervention (e.g., transporting them to meeting with other local service providers) and, in these ways, perhaps some difficulty in appreciating the PCAP outreach approach. However, it does appear that the conventional support and services system in Elsipogtog was not being utilized effectively by the young women. Another issue is the potential problem of staff turnover. As both the PCAP staff and the clients have indicated, building a relationship and establishing trust takes time and is pivotal to the clients accepting the challenge of taking control of their lives. There is little doubt about the significance of these factors and other challenges but then the potential gains can be great and trans-generational too.

Another major concern of course is how effective the program is with the young women. On the one hand, there is evidence of continuing addiction problems and both multiple drug use and unstable home situations. On the other hand, there are many indications from the clients that there has been a significant positive impact for them, such as being able to keep or get back their babies, more confidence in relating to other local service providers, and, remember, the program has only been in existence a little over two year. It is not clear what the impact has been for the women's victimization whether reducing their vulnerability, social marginality or reluctance to report victimization and participate in court or RJ processes but PCAP, in addition to providing personal one-on-one advocacy / support, has spawned a support group of the clients (i.e., the Thursday night meeting) additional to that provided to a similar grouping by Mental Health and Addictions (i.e., the Wednesday night meeting). PCAP cannot and does not provide most of the services and programs that the clients require. Like VAP in its commitment to support clients, it needs the full collaboration of these other community role players given the great challenges being faced.

Umbrella Framework of Services in Elsipogtog

A. Directly Salient Local Services / Programs

- 1. Health and Wellness Centre (1.5 FTE Doctors + 7 Nurses)**
- 2. Children and Family Services (Staff of 8 including adm support)**
- 3. Nurse Practitioner (1 FT and 1 support staff)**
- 4. Save Our Students (Community Interagency Network, no designated staff)**
- 5. Home and Community Care Program (8 Home Care Workers plus administrative staff)**
- 6. Methadone Treatment Program (in 2010 54 of the 135 Elsipogtog resident authorized to receive methadone are processed through this program which has 1 PT Doctor, 1 FT Nurse Practitioner and 1 support staff)**
- 7. Eastern Door Centre (Prevention, Diagnosis and Intervention for FASD and other birth and learning disabilities. The multi-disciplinary diagnostic team includes 10 Elsipogtog and New Brunswick-provided professionals, an elder and a FT coordinator). There is also an executive director for the Eastern Door.**
- 8. Family Support Program for Eastern Door Clients (2 FT Staff)**
- 9. Parent-Child Assistance program (2 FT PCAP Staff)**
- 10. Early Childhood Development Team (Community Interagency Network, no staff)**
- 11. Alcohol and Drug Prevention Program (3 FT Staff)**
- 12. Mental Health Program (2 Psychologists, 1 Resident in Psychology and 1 Clinical Social Worker + 2 support staff)**
- 13. Lone Eagle Treatment Centre (2 FT Treatment Staff, 1 support staff. Traditional Healing Emphasized)**
- 14. Restorative Justice Program (2 FT Case Workers, 1 PT Adm Support)**
- 15. Victim Assistance Program (1 FT)**
- 16. Crisis Centre Helpline, Outreach and Referral Services (4 Staff)***
- 17. Grief and Loss Treatment Program (provided through Mental Health and Addictions)***
- 18. Traditional Healing and Healing Community Health Representative (1 Elder)**
- 19. Physiotherapist (1 FT Staff)**
- 20. Indian Residential School Survivors' Support Services (1 staff)***
- 21. Anti-Violence Interagency Committee (interagency type committee, no staff)**
- 22. Apigsigtoagen Traditional Dispute Resolution (12 trained , no permanent staff)**
- 23. Elsipogtog Justice Advisory Committee**
- 24. Crime Reduction Worker (1 FT)**

B. General Community Services / Programs

- 25. Elsipogtog Elementary School**

- 26. Elsipogtog Daycare Centre**
- 27. Elsipogtog Headstart Program**
- 28. Adult Learning Centre**
- 29. Elsipogtog Trades Training Program Alternative Schools for Youth**
- 30. Elsipogtoeoi Community Newspaper**
- 31. RCMP Detachment (14 Officers + Support Staff)**
- 32. Aboriginal Duty Counsel (N.B. Legal Aid)**
- 33. Fire Department and Ambulance Services**
- 34. Community Leisure and Cultural Development Program**
- 35. Health and Fitness Program**
- 36. Economic Development**
- 37. Forestry and Fisheries Program**
- 38. Social Development Program**

ACHIEVING THE PROJECT'S OBJECTIVES

In describing and assessing the project's objectives there will be first an examination of the activities directly provided for victims in Elsipogtog by the VAP worker and, subsequently, how the activities projected in the original proposal by the Justice coordinator and Crime Reduction worker enhanced the efficacy of Elsipogtog response to Aboriginal victimization.

The Elsipogtog Victims Assistance Program

The formal service program for victims began in Elsipogtog in 2002 but some such victim service was provided earlier in conjunction with the Elsipogtog restorative justice program established in 2000. Indeed, the linkage between restorative justice activity and victim services has remained very strong even as the VAP role evolved into a full-time position in 2006 and became enmeshed in different funding and supervisory governmental relationships. This evolution of VAP was one of the key recommendations of the 2005 Strategic Action Plan for Justice Programming in Elsipogtog which resulted from a multi-year, multi-dimensional, intensive inquiry into justice issues in the community. The plan was vetted through numerous public meetings and carried the imprimatur of a band council resolution (Clairmont, 2005). The objectives of VAP – the nine / ten objectives (sometimes objective #2 is disaggregated and sometimes it is not) - their delineated activities and associated expectations have remained essentially unchanged since the VAP position became full-time in 2006. Since that time, too, VAP has been, as noted earlier, a genuine tripartite program with the federal government (Department of Justice) providing the basic funding for the VAP position, the province of New Brunswick providing the training, monitoring and some supervision, and Elsipogtog Justice responsible for direction and management. VAP has expanded its client base over the years and has developed more collaborative arrangements with internal and external partners while remaining a program requiring an annual proposal for its sustainability. (Process Management Inc. 2011)

A review of the VAP detailed work plans and results for the past three years indicate that its objectives generally have been met despite an increase in the VAP workload well beyond the number anticipated in the work plan. Increased community and victim awareness have taken place through the usual ways (articles in the community paper, brochure distribution on special occasions and at standard sites (e.g., main street check stops assisted by the RCMP), brochures sent to all victims upon VAP receiving a referral) though there has been limited research to determine the extent to which community awareness has actually increased. With one exception, the other standard VAP objectives have been of roughly the same order with respect to consuming the VAP worker's time and effort. The objective of making referrals for victims to other services and agencies has usually involved referring persons with mental health issues, addictions and grief / anger issues to the appropriate local services; the number of such referrals has varied over time, being lowest in the past two fiscal years; no data are available concerning the result of a referral, even whether it was acted upon by the client. Several objectives such as facilitating safety measures for victims-at-risk, support services for victims' immediate family members, and providing opportunity for victims to use the language of their choice, though important for Aboriginal victimization, have been required on very few occasions over recent years. Other yearly objectives such as maintaining linkages with local and external agencies through regular meetings (e.g., bi-monthly meetings of the oversight, Elsipogtog Justice Advisory Committee, eight or more meetings per year with Provincial Victim Services especially in relation to victims' compensation claims, and a handful of sessions with the Elsipogtog Violence and Abuse Prevention Committee) consume significant VAP resources especially since occasionally reports have to be submitted and VAP has no designated secretarial assistance. Objectives related to data management (e.g., maintaining files) and reporting (financial and activity reports) are also exclusive responsibilities of the VAP worker. One can readily appreciate how difficult the data management responsibilities became in 2009-2010 when new referrals to VAP jumped to 182 from 75 in 2008-2009.

The central objective and the one that remains the core VAP activity area is assisting and preparing victims at the pre-trial, trial and post-trial stages of the CJS and also throughout the stages of the alternative, restorative justice program, whether healing

circles or sentencing circles. The court trajectory has involved providing information (well above forty cases a year) and preparing victims for court (minimally a dozen cases a year), court accompaniments (usually four or five cases a year), and assisting the victims in preparing a VIS for the court; in the latter activity there have been VIS requests by the court in at least a fifth of all referrals though only a minority of victims actually follow through and submit a VIS. The restorative justice victim cases are also very demanding of the VAP worker since a similar responsibility is assumed, namely contacting the victim, explaining the process, assisting the victim with preparation of a statement and accompanying the victim to the circle. As in the court trajectory, many of the victims do not show up for the scheduled circle. Unfortunately, data are not readily available on the number of meetings required with victims, the amount of VAP time invested in either court or RJ activity or the impact of the VAP intervention. Sentencing circles began in Elsipogtog during the 2009-2010 year and while few to date the sentencing circle is a much more elaborate event than the healing circle and requires significant time and effort on the part of the VAP worker; by the end of March, 2011 seven sentencing circles had taken place or been scheduled in Elsipogtog (Crime Reduction Monthly Reports, March 2011). In sum, then, the expectations concerning the VAP role on this crucial objective have been either met or exceeded on a numerical case basis since 2006. The court-related referrals have increased steadily as have those from the restorative justice stream; indeed, as noted earlier, the RJ program is singular in New Brunswick both for the wide range of youths and adults and offences (including repeaters) that it deals with and for the large number of cases handled each year. There is simply nothing comparable to its caseload in either trajectory in any First Nation in New Brunswick or elsewhere in Atlantic Canada or even in mainstream communities many times larger in total population.

Victims Assistance Program: Referrals and Services 2002 to 2011

The VAP program has been in place, in one format or another as noted above, since 2002. Here the patterns of referrals and services over that nine year period are examined in detail. Data were derived from the de-identified Victim Intake records for the fiscal years from 2002-2003 to 2010-2011 and three tables were created and analyses

carried out by the evaluator based on that data. The Victim Intake data provide information in relation to specific individual referrals but such data of course do not capture fully the VAP worker's role regarding victimization. Even with respect to directly engaging with individual victims the data do not capture the home visits (a handful per fiscal year) or the VAP worker's role as a panel member in Healing Circles.

Table 1 describes the patterns of referrals. Clearly, the number of referrals to the VAP has increased significantly over the years, from a median of 70 in the first three years to 97 in the next three and 119 in the last three. Also clear is that there has been significant variation over the years. The variation in the yearly number of referrals would appear to be a function of three factors, namely the transition from part-time to full time VAP worker in 2006, the variation in referrals from the CJS sources, especially the RCMP (note the one-time policy change in 2009-2010 when the local RCMP, in order to expedite VAP involvement, decided to send a great many referrals to the VAP prior to officially charging anyone; these police charges had not yet been vetted through the crown and many subsequently were not pursued at that level), and the medical leave of the VAP worker for most of January 2011. Table 1 also indicates that there usually has been significant carry over of cases into the next fiscal year; a median of 28% of the years' cases were "carry-overs". In a small number of instances a case may have been closed then become active subsequently when the victim re-considered the use of VAP services or when a victim's impact statement was requested from the court.

Table 1 also indicates the sources for the referrals to VAP. The percentages total for referral sources does not add up to 100% since there have been occasional self referrals (only seven over the entire nine years) and referrals from other local unidentified agencies or, rarely, even from other jurisdictions; such exceptional referrals in total never amounted to more than two or three in any fiscal year. The crown prosecutors usually have provided a clear majority of the referrals to VAP, the exceptions being the two atypical fiscal years 2009-2010 (when the local RCMP made the most referrals and 2010-2011 (when crown referrals constituted a plurality but not a majority). They notify the VAP when trial date has been set and expect the VAP employee to contact the victim and offer salient services (e.g., court preparation) as the case is processed through the court system. Court referrals have been the second most common,

basically directed at possible victim impact statements (VIS); again the VAP worker is expected to contact the victim and offer various services related to the victim's willingness to complete the VIS. In either case the VAP employee sends the result of the action or intervention to the crown's office. RCMP and restorative justice (RJ) referrals have each usually accounted for roughly 10% of the yearly referrals to the VAP but the yearly variation in RCMP referrals has been especially notable. In the case of the RJ referrals, the VAP worker is informed that a healing circle or a sentencing circle will be scheduled and asked to contact the victims and determine whether they will attend or submit a statement directly or through the VAP worker. If the victim does decide to attend the circle, the VAP worker also tries to be present, especially if it is a sentencing circle which is an elaborate, time-consuming process. All referrals then, whether court or RJ trajectory, set in train a considerable effort on the part of the VAP worker. Table 1 has two rows for fiscal 2010-11 since here there was a discrepancy in recorded referrals between the annual report and the twelve monthly reports; the main difference is that the former appears to understate the referrals received, especially in relation to the RJ trajectory.

While not shown in the table, it was possible to identify the offences associated with the referrals. Over the nine year period, usually the offence involved was person violence (e.g., assaults, threats) and where there was a property offence or a mischief type offence it was usually enveloped with person violence offences. This pattern was confirmed for all fiscal years and was especially pronounced in the crown and court referrals. Even in 2009-2010, when the RCMP made so many referrals to the VAP, the entailed offences usually involved person violence though there were a larger-than-usual number of property and mischief offences and a larger- than- usual number of assaults / threats where both offender and victim were youth. The referrals from the restorative justice program over the years have most often involved property crimes and some "administration of justice" charges but cases of person violence (assaults or threats) were not uncommon.

Table 2 describes the frequency of the services provided to victims by VAP over the nine year period. These data systematically understate the VAP worker's victim activity since the intake form's exclusively focuses on services to referred victims,

following the format of the provincial victim services. Court attendance when not linked to a specific client is excluded as is participation as a panel member in RJ (i.e., not as a representative or support person for a specific client); on the basis of monthly reports it would appear that court support and healing circle support would be roughly one third greater were these non-specific-client victim services included. Another area of some possible ambiguity concerns the provision of VIS services; here monthly reports sometimes do not indicate any substantial service was given due to the victim's reluctance; essentially though this is the same ambiguity with referrals to other local services.

The large majority of victims were contacted and received some informational assistance, especially once the VAP position became full-time in 2006. It can be noted that virtually all reachable referrals were contacted even in 2009-2010 when VAP was inundated with 184 referrals and in 2010-2011 when the VAP worker was in ill-health. Court preparation and court support since 2003 never was provided to more than a minority of any year's referrals, basically because most victims did not avail themselves of the VAP service or because there was no court follow-through of the victimization in the first place. In the last three years the percentage receiving such services was especially low for several reasons already noted. While court preparation and court support services as distinct VAP services declined, at least one fifth and sometimes one-third of the victims continued to receive information if not assistance regarding a victim impact statement. The percentage of cases where victims were provided assistance in obtaining compensation varied much over the years, from a high of 21% in 2006-2007 to 3% in 2010-2011 (several Elsipogtog victims did receive compensation cheques ranging from \$250 to over \$1000 via the VAP office in 2010-2011 but apparently the interaction was limited to simply picking up the cheque).

Providing the equivalent of court preparation, court support and VIS-type assistance through the restorative justice processes has increased over the years. Table 2 shows the median percentage of referrals served thusly by the VAP worker grew from 2% and 3% in the first and second three year periods respectively to 8% in the most recent three year period. It is important to note too that full-blown sentencing circles have emerged over the past two years in Elsipogtog and, while only seven had occurred up to

the end of fiscal 2010-2011, it appears likely they will be scheduled monthly in the future. The sentencing circles each take up the best part of a day and bring together a wide range of CJS officials, local service providers and support persons as well as the offender, victim and facilitators. The VAP role in sentencing circles is considered very important and the preparation, support and participation are demanding for the VAP worker.

Since its inception the VAP referrals to local services have for the most part been to Mental Health and Addictions (Psychological Services and the Alcohol and Drug Program) with the former providing largely individual counseling and the latter offering programs in anger management, handling grief, and alcohol and drug programs such as A.A., as well as referrals for more in-depth treatment elsewhere (e.g., detox in Moncton or beyond). VAP referrals to these services increased significantly as the VAP worker became full-time in that role in 2006 but the percentage has declined sharply over the past three years (i.e., from 15% to 2%) partly because of the huge increase in RCMP referrals in 2009-2010 and the health issues of the VAP worker in 2010-2011. Assessing the significance of the VAP services or even comparing their utilization is virtually impossible since no information is readily available on the number of times a particular victim met with the VAP worker in using a service nor on the amount of time involved in providing the service and, in the case of VAP referrals to local services, data are not available on whether the referral was acted upon by the victim or the victim's family member.

In table 1, the gender breakdown of victims referred to VAP was provided for the period 2002-2003 to 2010-2011. Overall, females consistently have accounted for the larger proportion of victim cases referred to the VAP (i.e., roughly 60% to 40% males). Table 3 provides a breakdown of referred victims by gender and age for selective years, two earlier in the VAP's existence (i.e., 2003-2004 and 2005-2006) and the two most recent (i.e., 2009-2010 and 2010-2011). Overall, the median age of referred victims has been quite similar for both males and females, roughly mid to late 20s. While the percentage of referred victims aged 40 years or more varied sharply by gender in the earlier years, it was identical in recent years (i.e., between 19% and 24%). As for young referred victims (i.e., aged 17 or younger), there usually have been higher percentages

among the males save in 2009-2010 where RCMP pre-charge referrals to VAP jumped considerably and over 40 female victims 17 years of age (28% of all female referred victims that year) were referred to VAP. This latter fact, occasioned when the local RCMP instituted a temporary policy of referring all actual (i.e., confirmed not simply reported) assaults and other personal violence victims to VAP does seem to indicate that female victimization could be quite extensive in Elsipogtog.

The data in the victim intake reports did not elaborate on the offence in question save in identifying the gross criminal code categories such as cc 266 for common assault and cc 271 for sexual assault. By far the most common offences in the case of both female and male victims were common assault and threat / harassment. Examining in detail the victim intake data for the four selected fiscal years cited above indicated that also there were essentially no differences by victim gender in these offences or for more serious assault (e.g., cc 267, cc 268), violation of peace bonds, and property offences. Females were much more likely to be the victims of disturbances and sexual offences over the four fiscal years examined but the number of such victims was modest. In the case of sexual offences, female victims were four times the number of male victims (i.e., 12 to 3); age was crucial as both male and female victims of sexual assaults were overwhelmingly youths not adults. The uniqueness of the 2009-2010 fiscal year data – where the local RCMP referred a large number of victims to VAP at the pre-charge phase – reflected the extensive problem of personal violence in Elsipogtog, especially in the comparatively large increase in cases where there were serious offences such as more serious assaults (sexual and otherwise).

Victims Assistance Program: Repeat Victims

As was noted above in the review of literature on Aboriginal and mainstream victimization, research has established that victims of personal violence offences are often repeat victims. Such a fact makes it imperative that one explores both the existence of such a pattern in Elsipogtog and how repeat victims have utilized the VAP service there. Initially, random checks were made of the victim intake forms to get a sense of how prevalent repeat victims were and, surprisingly, the repeat victims seemed to be few in number. Subsequently, the manageable strategy was adopted of tracing 2010-2011

referred victims back to 2003-2004 and referred victims in 2003-2004 forward to 2010-2011 to determine the extent and features of repeat victims. The data examined were of course de-identified but each victim had a unique ID; apart from the limited data gathered by the intake forms, there were few other problems (e.g., some missing information). Both the initial spot checks and the subsequent backward and forward pursuit of repeat victimization established that repeat victims were almost always females under 40 years of age – there were very few males of any age or females over 40 years of age who were found to be repeat victims; accordingly, the analyses focused exclusively on females under forty years of age..

The “backward approach”, tracing back from referred victims in 2010-2011, indicated that most female victims had only one file (i.e. one case) though it may have been carried over from earlier years, and three females had been victimized in two distinct incidents (all had been victims of serious assaults) in 2010-2011 but otherwise had no history of victimization recorded in the VAP data system. There were seven females whose repeat victimization spanned several years, all of whom had experienced personal violence in each incident. For example, in one case a young girl (aged 15) was a three-time repeat victim of apparently minor assaults (cc 266) whereas, in another, the young adult female experienced increasingly serious assaults beginning in 2004-2005 (cc 266) which led to a peace bond, then another cc 266 in 2007-2008 which led to the offender getting probation, then assault causing bodily harm (cc 267) in 2008-2009 which led to the offender serving ten months in jail, and then the same violent victimization (cc 267) in 2010-2011.

The “forward approach” tracing young female victims recorded in VAP 2003-2004 yielded eighteen female victims of interest after screening eliminated roughly ten cases where ID was missing or the females lived in other jurisdictions or were over forty years of age. In seven of tracked cases, the female victims were one-time cases with no further files of victimization though several cases were recorded in VAP records in consecutive years since the original case was not resolved in 2003-2004. In the other eleven cases (61% of the cases tracked) there was repeat victimization. There were two cases where the repeat victimization occurred within the same year and there was no record of victimization in subsequent years. In the other nine cases (50% of the tracked

referrals) the repeat victimization – all personal violence, usually cc 266, cc 267 and occasionally cc 271 - occurred over a period of five years or more. Interestingly, in all but one of these cases, at some point the victim had either declined any contact with VAP or it was recorded that “no contact could be made”. Five of the nine repeat victims were only referred to VAP for different incidents on two occasions.

The Elsipogtog VAP data would suggest then that repeat victimization of personal violence is essentially an issue for young females. A significant proportion of female victims – estimated at a large minority – have experienced repeat victimization. It can also be argued that, since the majority of female repeat victims on VAP record have only had two distinct incidents of victimization over a number of years, the reality of repeat victims should be not be over-stated. However, the research literature does show that many such female victims vastly under-report their victimization. Moreover, most VAP referrals come from the crown prosecutors but only if the case is going forward and a large but unknown number of female victimizations do not get beyond the police report phase. This latter point has been underlined in the analyses presented above where it was shown that the one time RCMP initiative in 2009-2010, referring many if not most victims to VAP upon confirming an actual offence had occurred, led to a very significant increase in the number of serious assaults (and sexual assaults) referred to VAP in that year. An additional point to be drawn from the analysis of repeat victims is that, for one reason or another, VAP has had difficulty providing services to the most troubled victims. Clearly a more aggressive outreach might be desirable and effective – recall the analyses provided earlier with respect to the Parent Child Assistance Program in Elsipogtog and elsewhere - though just as clear is that the workload has already reached well beyond expectations projected in the VAP project proposals over the past several years and can be expected to increase even further in the future with the establishment of the Healing to Wellness Court.

Conclusions

Elsipogtog’s VAP has been operational since 2002 and the single VAP worker full-time since 2006. The program reflects a tripartite collaboration with the federal government providing the funding for the position, the province providing training and

supervision, and the FN providing the direction and management. VAP has been a busy community service handling referrals and engaged in services well in excess of the project's initial expectations. Using de-identified VAP intake data it has been possible to present a detailed description and analysis of VAP referrals and services though the VAP data system provides limited time-budget information especially on the services (e.g., frequency and length of contacts, follow-up on service referrals and so forth). The evidence over the nine year history of VAP in Elsipogtog shows that referrals of victims to VAP have steadily increased in number, calculated on three-year cycles. Variation in referral numbers among the years can be accounted for by three factors – the transition to full-time VAP worker, RCMP policy changes and in 2011 the temporary health problem of the VAP employee. The crown prosecutors have been the major source of referrals to VAP but court referrals, essentially VIS requests, have usually been numerous. Perhaps somewhat unusual among victim services in other jurisdictions, Elsipogtog's VAP has occasionally received many referrals from the local police service and regularly is active in partnership with the community's restorative justice program, the largest and unique extra-judicial sanctions program in New Brunswick.

Referrals to VAP usually involve cases of personal violence, the toughest cases for a victim service to deal with for many reasons. A range of services are provided to victims, ranging from basic information about the court and restorative justice trajectories to preparation and support for victims proceeding along either of these paths to assisting the victim in securing compensation where appropriate, and in accessing local services, such as mental health counseling, grief and anger management, and alcohol and drug counseling, where victims or the victims' immediate family members are willing. While meeting initial numerical expectations for such service provision, more depth in data concerning the quality of the intervention would be beneficial. This need is evident especially in the case of repeat victims of personal violence who – consistent with the literature on repeat serious victimization - essentially are young (i.e., teens and adults) females as described in the more detailed analyses of VAP's data management system.

It was noted that focusing on the victim intake reports understates the victim activity of the VAP worker, not reflecting the engagement in providing a victim dimension to all RJ interventions or the quality of the intervention (e.g., home visits

where they make a difference in reaching out to the referred victims). In referrals and services VAP has met and usually exceeded by a significant margin the numbers set out in the project proposal as detailed in the appendix A. In addition, the VAP worker, like the Elsipogtog Justice coordinator and the Crime Reduction worker have engaged in other activities aimed at prevention of violent victimization and establishing partnerships with local and external services, programs and governments both to facilitate prevention and to provide integrative and other responses for the victimization that does occur. Such required enhancement is discussed next.

Enhancement of VAP's Efficacy

Given, as noted earlier, the high levels of interpersonal violence and victimization in Elsipogtog, a sound anti-victimization strategy would have to go beyond the important task of providing services to referred victims to building and strengthening partnerships with kindred services and organizations and advancing efficient and effective preventative solutions to the problem. The project proposal aimed at such objectives by including support for supplemental strategic activities by the VAP worker, the Crime Reduction worker and the Justice coordinator in Elsipogtog. While all three role players had their distinct core functions, the project enabled them to devote significant effort to these larger contextual concerns. The areas of greatest significance here involved linkages with local and external service providers in the areas of domestic / family violence services, dealing with violence against women, and impacting on the changes underway in the Justice area in order to shape that change and thereby effect a stronger consideration to the issues of victims and victim reduction in the future. Activities in the first two areas highlighted strengthening ties with bodies such as the Gignoo Transition House in Fredericton (there is no transition house for battered women and their children in Elsipogtog), The White Crow program in British Columbia which, like Elsipogtog's Eastern Door, has pioneered strategies to prevent, diagnose and respond to non-genetic birth disabilities such as FASD, and the Kent Centre for Prevention / Awareness of Family Violence, as well as strengthening local service links through the Elsipogtog Violence and Abuse Prevention Committee, and developing a Sexual Abuse and Incest Disclosures Protocol Manual.

Getting victim issues into the forefront of on-going social change was a major activity area. On the one hand it involved learning about the newly minted New Brunswick Safer Communities and Neighbourhoods Act (SCAN) and how it can impact on some of the underlying causes of violence such as illicit alcohol and drug distribution and use (the RCMP report that in virtually all of the violent incidents substance abuse has been a proximate cause) and partnering in pertinent discussions and strategies with government and service agencies. Undoubtedly the most time-consuming activity area concerned the imminent (scheduled for early Fall, 2011) establishment of a Healing to Wellness (H-W) Court Aboriginal court in Elsipogtog on a three year pilot project basis.

As noted earlier, this H-W Court agreement between the New Brunswick government and the Elsipogtog FN is singular in Canada for many reasons and represents the accomplishment of one of the major planks in Elsipogtog's 2005-2006 Strategic Action Plan for Justice. Setting up and fleshing out the implementation through the various working committees (e.g., court process, start-up, healing process) and dealing through issues of eligibility, primary care coordination and so on for the H-W Court has been a major and pressing commitment for government and especially for Elsipogtog, a small community with its limited organizational resources. This project made that commitment doable by facilitating the Justice coordinator taking a lead role as co-chair for most working subcommittees and the Crime Reduction worker providing technical support (arranging meetings, taking minutes etc). Considerable discussion has taken place concerning the eligibility for alternative processing of offences such as domestic and sexual violence since such offences have fragmented FN communities and without a significant consensus could generate a considerable backlash. The Elsipogtog Justice negotiators backed by chief and council reached a Hollow Water- type consensus, namely that family-centered violence is at the core of community victimization and needs to be addressed through the H-W Court since clearly the conventional court has not been able to effectively deal with it. Government officials in the working groups have generally supported that position though the matter of eligibility remains to be detailed.

This project's funding enabled all three role players to transcend their regular conventional roles and enhance the efficacy of VAP. The regular, quite demanding, roles were for the VAP worker the central objectives noted above whereas for the Crime

Reduction worker they were the varied activities of Crime Reduction including Neighbourhood Watch, crime prevention strategy meetings, technical support to the RJ program and close collaboration with the local RCMP in a variety of areas. In the case of the Justice coordinator the regular responsibilities included directing the Justice programs (RJ, Crime Reduction, VAP), financial reporting and other administrative tasks, almost continuous proposal writing since most of the varied projects in the Justice area required annual proposals be submitted, and liaison with federal and provincial authorities. An additional responsibility of the Justice coordinator has been to organize and be chief facilitator for all the sentencing circles, a very time consuming task but a task that also demanded a senior Elsipogtog Justice presence given that these sentencing circles have only begun in the past two years and are of the “full monty” type involving all the conventional CJS role players (e.g., judge, prosecutor, defence counsel) as well as the offender, victim, support people and some local service providers.

As a result of the project support, the extra-accomplishments of the three Elsipogtog Justice role players have been impressive and indeed vital for victim services and reduction of victimization in Elsipogtog. Below is a brief reference to these for each month of the five month project. In this evaluator’s view, the chief contributions have been (a) the strengthening of linkages with regional services for victims such as the Gignoo Transition House; (b) the formalization of procedures such as the Sexual Abuse and Incest Disclosures Protocols Manual; (c) the inclusion of a major role for VAP in the new H-W Court. As stated in the accepted H-W documentation, the VAP worker or Victim Services coordinator will be a “primary player” and “As part of the Healing to Wellness Court process, victims have the right to provide input into the development of a treatment plan {for the offender} and to be informed of the outcomes of all court appearances. As part of the process, the victim will also have his or her healing plan. The Victim Services Coordinator’s serves as the advocate for the victim in the pre-court meeting, ensuring that the victim has a “voice” in the discussions regarding the participant’s progress. The Victim Services Coordinator attends both the Healing Team Meetings and the Pre-Court Meeting” (Minutes of the Court Implementation Team, 2011). Additionally, it is stated that “the victim may attend any session of the Healing to Wellness Court and may provide input into the participant’s treatment plan. If the victim

does not choose to attend court, the Victim Services Coordinator will provide the victim with information as to what occurred in court. If the victim or Victim Services Coordinator does not attend court, the Court Coordinator will provide an update to the Victim Services Coordinator, who in turn will notify the victim”. Clearly the victim and the VAP worker will be significantly engaged in the H-W Court.

Activities: Monthly Highlights

November 2010

1. Family Violence Awareness Month activities included “Check Stop” information distribution, workshops at Kent Centre for the Prevention of Family Violence and also with the Canadian Red Cross on Family Violence Prevention and Awareness
2. Programs at the local Elsipogtog school – International Child ‘s day
3. Work on the Sexual Abuse and Incest Disclosures Protocols
4. Purple Lights (“take back the night”) activities
5. H-W Court implementation activities (an overall Implementation Committee plus three working committees with provincial government and Elsipogtog representatives, on-going)

December 2010

1. H-W Court activities (the three working committees where the Justice coordinator was co-chair and the Crime Reduction worker provided technical / administrative support).
2. Linking local and external services (Gignoo Transition House and Child & Family Services)

January 2011-07-09

1. Working with the provincial authorities and local services and agencies with respect to SCAN (New Brunswick’s Safer Communities and Neighbourhood Act)
2. H-W Court activities (the overall Implementation Committee plus the three working committees where the Justice coordinator was co-chair and the Crime Reduction worker provided technical / administrative support).

February

1. Meeting with New Brunswick Public Prosecutions to discuss whether to include domestic violence and certain other offences as eligible offences for the H-W Court.

2. H-W Court activities (the overall Implementation Committee plus the three working committees where the Justice coordinator was co-chair and the Crime Reduction worker provided technical / administrative support).
3. Linkages via the Advisory Committee on Violence Against Aboriginal Women sponsored by the Gignoo Transition House in Fredericton (175 attendees).
4. Victim & Abuse Prevention meetings on elder abuse.

March 2011

1. Seminar and linkage with White Crow (British Columbia) program for FASD and related disabilities
2. H-W Court activities (the overall Implementation Committee plus the three working committees where the Justice coordinator was co-chair and the Crime Reduction worker provided technical / administrative support)
3. Discussions in Moncton concerning whether to include young offenders in the H-W Court (the final decision was “yes”).

TABLE 1**VAP REFERRALS BY YEAR AND SELECTED CHARACTERISTICS**

Year	#Total Referrals	%Referrals Carried Over	% Referrals Females	%Crown Referrals	% Court Refers	RCMP Referrals	% RJ Referral
2002-03	70	NA	69%	89%	*	*	6%
2003-04	67	6%	67%	80%	4%	7%	4%
2004-05	90	30%	62%	73%	3%	11%	11%
2005-06	67	28%	63%	68%	18%	4%	9%
2006-07	97	28%	56%	63%	20%	8%	4%
2007-08	100	38%	58%	64%	3%	21%	10%
2008-09	119	35%	63%	70%	2%	15%	13%
2009-10	184	1%	65%	22%	16%	48%	12%
2010-11	62	22%	47%	39%	32%	14%	13%
2010-11	84*	22%	47%	37%*	29%*	10%*	22%*

- This table has been compiled from de-identified VAP Intake reports. The asterisks indicate that no data were recorded from the referral source. The % total for referral sources does not add up to 100% since there have been occasional self referrals and referrals from other local agencies or, rarely, from other jurisdictions. The 2009-2010 RCMP referrals represented a temporary change in local RCMP policy for notifying VAP of victims.
- A second row for 2010-11 is depicted since monthly VAP reports indicated more referrals received than the yearly totals and if the monthly figures were correct there would be slight adjustments in the % from the different referral sources.

TABLE 2

VAP REFERRALS BY YEAR AND % SERVICE PROVIDED TO CLIENTS*

Year	Court Prep	Court Support	Informat'n	VIS	Refer to Counsel	Assist Comp**	Healing Circle***
2002-03	53%	17%	54%	34%	0%	3%	4%
2003-04	37%	21%	64%	33%	8%	10%	2%
2004-05	28%	21%	54%	39%	6%	3%	2%
2005-06	28%	22%	77%	24%	10%	12%	3%
2006-07	26%	21%	81%	26%	15%	21%	0%
2007-08	30%	19%	71%	20%	16%	17%	11%
2008-09	18%	13%	81%	23%	10%	13%	12%
2009-10****	7%	3%?	82%	25%?	1%	4%	6%
2010-11	3%	0%	96%	32%	2%	0%	8%
2010-11	9%*+	5%*+	96%	32%?	2%	3%*+	12%*+

* This table has been compiled from de-identified VAP Intake reports. The % refers to the proportion of referred victims for whom a given service was provided in a given year.

** Assisting in compensation refers to the VAP helping a victim advancing a claim for compensation.

*** Healing circle service usually does not include occasions where the VAP worker was a panel member, not representing a specific client.

**** In 2009-10, due to a change in local RCMP policy in reporting victimization incidents to VAP, the number of referrals increased to 184, an increase of 125% over the median yearly referrals in the years since 2002-03.

? In the 2009-2010 row, the question marks mean that monthly VAP reports indicate more court support (11%) and fewer VIS services (10%) for that fiscal year.

*+ These different figures are based on analyses of VAP monthly reports here a total of 84 not 62 cases were reported. The only significant possible change concerns the VISs where there is appears to be a difference linked to whether or not a VIS was actually prepared with any VAP assistance rather than just discussed with the client.

TABLE 3

AGE OF VICTIM REFERRALS BY GENDER AND SELECTED YEARS *

SELECTED YEARS	FEMALE	MALES
2003-2004		
Age 17 or less	10%	30%
Age 40 or more	27%	15%
Median Age	28	22
2005-2006		
Age 17 or less	7%	9%
Age 40 or more	26%	44%
Median Age	34	35
2009-2010		
Age 17 or less	28%	16%
Age 40 or more	19%	19%
Median Age	27	27
2010-2011		
Age 17 or less	3%	18%
Age 40 or more	24%	24%
Median Age	27	25

* This table has been compiled from data taken from the de-identified VAP Intake reports. There were a small number of cases – less than 5% of the total - where the age was missing. The table should be read as follows for the year 2003-2004: among the female victims in 2003-2004, 10% were aged 17 or less and 27% were age 40 or more while the corresponding percentages for males were 30% and 15%.

PERSPECTIVES ON VICTIMIZATION IN ELSIPOGTOG

Introduction

As noted above, the level of violent victimization in First Nations in Atlantic Canada, as in Canada as a whole, has also been consistently very high in comparison with mainstream society. The tables and analyses presented thus far have underlined that situation in Elsipogtog, New Brunswick's largest First Nation, where rates of serious assault, domestic violence and sexual assault have been much greater than among a set of neighbouring non-Aboriginal communities with a combined larger population, and where there has been no significant change in these huge differential rates between Aboriginals and non-Aboriginals over the past decade. In this section there is presentation of data gleaned from community surveys previously completed by the evaluator and interviews conducted for this current evaluation with stakeholders, both external and internal, CJS and otherwise. At this point in time, only one actual client of the VAP service has responded to requests for interviews but it is hoped that more will do so in the next few weeks. Securing victim participants for research / evaluation as noted in the earlier introductory sections on victimization has been a difficult challenge. For example, CSC Ottawa recently initiated a project exploring whether, if there were meaningful options, victims in Canada would participate post-sentencing in CSC and NPB victim programs. After three years, and despite the strongest information campaign reportedly ever launched, there were still not enough victims coming forward so the project was cancelled (personal communication, April, 2010); among Aboriginal victims the engagement has been even more problematic (Clairmont, 2010).

Community Assessments

Community surveys carried out among the larger FNs in Nova Scotia in 2001 found that Mi'kmaq adults living in either Cape Breton or Mainland Nova Scotia considered that their greatest problem with the mainstream justice system was that victims' need were neglected; 56% of the former and 69% of the latter held that such neglect was a major problem, a higher percentages in each area than identified issues such as prejudiced court officials, language and cultural differences, lack of familiarity

with the court system, and inappropriate sentencing practices as major problems. In 2005 a large study of Elsipogtog community views and hopes pertaining to justice was undertaken using a variety of research strategies – surveys, focus groups, individual interviews, public meetings and analyzing accessible justice statistics. That large set of tables drawn from a 2005 representative survey of over 200 adults in Elsipogtog described a similar pattern of priority for victim issues. The tables are reproduced in the appendix and the complete report with more elaborate analyses of the survey results (e.g., taking into account how variables such as age, gender, engagement in traditional cultural activities and socio-economic status impacted on attitudes and reported experiences regarding victimization) is available on-line at www.atlanticinstituteofcriminology.ca.

The tables noted here focus only on gender differences since females tend to be the primary victims of serious personal violence, though admittedly there have been a number of violent acts against men. Table One shows that a majority of women in the sample were worried “very much” about the likelihood of serious personal violence victimizing themselves or their loved ones, and considered that they lived in a high crime area where crime was increasing. In these regards there was a major gender difference with, for example, 61% of the women having the above worries while only 33% of the men did. There was much less gender difference for worrying “very much” about property crime victimization (68% of the women and 57% of the men). Table Two indicates that women were also more likely than men to consider wife battering (40% to 29%) and child abuse (62% to 45%) to be a “big problem” in their community; indeed, women were more likely than men to regard all the issues identified in that table as “big problems”.

Other tables (see appendix D) from the appendix highlighting gender differences are not reproduced in the text but can be briefly summarized. Table D-1 indicates that almost half the female survey respondents reported that they had been a crime victim within the past two years, about twice the proportion of male respondents reporting personal victimization (i.e., 46% to 26%). Tables D-2 indicates that 57% of both female and male adult respondents held that wife battering and child abuse are usually unreported to officials, and only 6% to 7% of each gender group thought that the unreported crimes / wrongdoings are dealt with satisfactorily in any other manner (e.g.,

informally, by band leaders, elders' intervention etc). Table D-3 shows that females were more likely than males to contend that the reasons for such crimes being unreported were (a) people are too scared to report – 77% females to 67% males; (b) there is much community pressure not to report – 66% females to 55% males; (c) there is too much denial – 78% females to 69% males; (d) the justice response is not helpful anyways and the offenders carry on – 79% females to 75% males. Clearly the large majority of both male and female adults share these opinions. Table D-4 indicates that in Elsipogtog the majority of adults, both females (68%) and males (63%) held that a major problem in the justice system is that it has neglected victims' needs and concerns. Finally, Table D-5 indicates that, a high priority for the justice system should be more services for victims of crime - 81% of the females and 71% of the males. These survey results were reiterated in the other research methods (e.g., the focus groups and band council meetings)

Overall, then, extrapolating from these tables and other research findings, it is clear that in Elsipogtog the community considered that there was a very high level of personal violent victimization, especially directed against vulnerable women. The adults in these communities, most notably the females who are the primary victims of personal violent crime, reported that the violent crime is very high compared to mainstream society and not declining. In these regards their perceptions corresponded closely to the actual data on criminal victimization available from both police reports and VAP intake. The respondents – especially of course the female respondents but also the males – considered that much violent crime generally has been unreported and not acted upon either through informal sources. The reasons given for the under-reporting were the usually cited factors such as community pressure not to report, the expected ineffective response of the justice system and so forth. Respondents in these surveys have indicated clearly that the justice system has a major shortfall in its response to victims' needs and concerns and rectifying that shortfall should be its high priority. They recommended a more robust VAP and a transition house for female victims and their children.

While the transition house has not materialized, the VAP worker has become a full-time position and since 2005 both federal and provincial governments have placed more emphasis on how to respond more effectively to victim needs. On occasions where formal presentations have been made to chief and council by the EJAC since 2005 (e.g.,

the SAP in 2005, Crime Reduction in 2009 and the H-W Court in 2010), a major concern expressed by the elected band officials has been about the impact for victims.

Unfortunately no comparable, contemporary survey of Elsipogtog adults is available to examine but a 2009 assessment (released in 2011) of all services and programs, such as VAP, directly operating out of the Health Centre, provides some limited information. That assessment of the programs included client numbers, staffing and organizational factors as well as a survey directed at community views of the services and programs in 2004 and 2009, both studies conducted by same consultants (Process Management Inc). The study found significant positive change in all dimensions and across the board for the Health Centre's services and programs. The authors present data showing that there has been significant growth in services, client numbers, funding, accountability, and infrastructure adequacy across virtually all program areas including Justice services; VAP like other Justice programs was grouped under the section Community Wellness but its expansion between 2004 and 2009 was noted as was its dependency upon an annual proposal and its collaborative organizational framework externally (e.g., the provincial Victim Services) and internally (e.g., other Justice programs).

The consultants' surveyed the views of some 300 users and non-users, differentiated for the various services and programs. They reported a significant and positive increase in community trust and approval, across the different sectors of the Centre, including the sector Healing, Justice and Crisis Assistance where the VAP was placed; the three main units in this sector were Crisis Intervention, Justice Circles and VAP. The data were only accessible for that broad category (also designated as "high personal risk" services) so it is uncertain how accurately the findings apply specifically to VAP. In any event, the data indicated a high level of satisfaction with the services (85%), of believing the services valuable for the community (91%) and of considering that clients have been treated with respect (95%). Among the roughly 75 users of the sector's services, the assessments were still positive though slightly below the median for the ten different sectors of Health Centre activity (e.g., 81% of the respondents stated that the service(s) met expectations compared to a median 86% for the total sample). Asked why, if in need, they would not likely use the 'high personal risk' services, the most frequent and common response was because it would be of little help in dealing with the problem.

Overall, then, there has been some progress on the community concerns about victimization expressed in the 2005 inquiry. The progress has been represented most by the establishment of a full-time VS staff person, but also is evident in the other initiatives including the Anti-Violence Committee and the Crime Reduction program launched by the EJAC. The 2009 community survey confirms a more positive assessment of the “high personal risk” services such as VAP, and the emphasis on victims and victims’ perspectives and treatment in the 2011 protocol of the Healing to Wellness Court where the VAP worker is deemed “a primary participant” (see appendix C) would appear to underline that progress.

**Community Survey Results: The Future of Justice
Programming in Elsipogtog 2005**

TABLE ONE

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 TWO

**PERCEIVED MAJOR PROBLEMS IN JUSTICE SYSTEM BY GENDER,
ELSIPOGTOG ADULTS**

	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%

Stakeholders' Views: CJS Officials and Local Service Providers

Crucial CJS stakeholders for VAP include New Brunswick Victim Services which orients, trains and monitors the VAP worker, the local police and district crown prosecutors who are the key referral sources for VAP work within the CJS and RJ systems, and the Elsipogtog RJ staff who work closely with the VAP worker in the RJ cases. Interviews were conducted with representatives from these four roles, several times with the police and the RJ coordinator. Other potentially crucial stakeholders include local service providers, of whom seven were interviewed.

The senior RCMP officer interviewed had spent many years policing in diverse Aboriginal communities. Positioned at Elsipogtog for five years, he was very well informed about the community, and very actively involved with the EJAC, the restorative justice program, and crime reduction initiatives. His empathy was rooted in solid experience and his strong commitment and push for an enhanced RJ approach and greater community engagement in dealing with crime and offences was accompanied by frequent attendance at the circles (healing and sentencing circles) and taking advantage of opportunities to learn more about possible culturally relevant justice-related social movements and policies (e.g., the Gladue decision, the H-W Court). This officer reported that there is a space on the police forms where victims are to be asked if they would wish to be contacted by VAP (victim services) and, if the answer is yes, then his office either sends a copy to or else wise notifies VAP. Sometimes, especially during a trial period in 2009, police practice was to send copies / notification even if there was no formal assent by the victim; the offences in question were primarily person violence. That short-term, 2009 practice was occasioned by the senior officer's wish to encourage an earlier contact with VAP given that the crown's office would notify VAP (i.e., send a referral) only when a trial date was set, certainly no earlier than first appearance. The 2009 initiative overwhelmed the VAP worker who responsibly tried to contact all referrals and so it was stopped.

The RCMP officer acknowledged that there often is widespread reluctance on the victims' part to go forward on the incident whether in the court or RJ trajectory or even accepting VAP services, once the victimization is reported to the police (often via a 911 call for police response). While police claimed that there has been an increase in

reporting victimization to the police (especially in sexual assaults) in recent years, they also reported little solid evidence that there has been progress in victims' pursuing the matter in the CJS. According to police sources, crown prosecutors do not consult with the victims on a referral nor do they discuss such referrals with the police. The well-informed senior officer noted that while violence acts, unlike property crimes, are not concentrated in a small grouping of offenders or victims, victims often have had a history of abuse with the offender and apparently are reluctant to communicate on these matters. Patrol officers, on the other hand, have been quick to observe that, in the field, repeat calls to same residence in response to violent acts and threats remain commonplace. The general police perspective appears to be that victims contact police usually to "restore order" and have police stop the victimization for the nonce, not uncommon as well in mainstream society. Their reluctance to pursue their victimization in court – and to a significant degree, also in RJ – could be explained in the police view by their fear of it generating more violence from the offender and his / her family supporters and by their own unease in dealing with the CJS. Many victims according to police have serious social issues and limited social support. The senior officer indicated that he was not surprised that few Aboriginal victims of serious crimes registered with CSC / NPB in order to gain information about the offender's movements in federal custody or attend parole hearing; in his view, victim registration and participation in parole hearings would require the support of the victim services worker.

Certainly a more engaged victimhood at all stages of CJS process, including post-sentencing and both provincial and federal jurisdictions, would presumably require an active, outreach by VAP (e.g., home visits) and circles of support in the community (e.g., the PCAP / Mental Health and Addictions support groups). The police were not well-informed about the practices of VAP and unsure what the follow-up has been to their referrals to it.

At the crown prosecutor level, a basically similar description of the VAP in Elsipogtog was obtained. The crown interviewed in 2011, like police, also had no follow-up information on the referrals to VAP (even as pertains to compensation claims being accepted or not through Victim Services) and was not especially aware of the services

that were provided by VAP, save of course the VISs. Like police, the crown in general knew who the VAP worker was but there was virtually no face-to-face contact (in this respect much less than in the case of the police interviewee and the VAP worker). The crown prosecutor could not recall seeing the VAP worker in court but allowed that recognition prior to the recent sentencing circles would have been problematic anyway since she had only been handling crown duties for the district for a little over a year. Recall that the VAP worker does not have a visible court role and rarely if ever would give testimony or speak in conventional court, unlike in the RJ sentencing circle proceedings. Referrals to the VAP worker to facilitate victims' VISs are deemed to be a court not crown referral but the results of the VAP intervention are conveyed through the crown's office (actually to the crown's assistance and court official). The prosecutor held that the VISs from VAP have often been late compared to the rest of Kent County's Victim Services but when they do come in, they have been "okay" and do not usually require any additional re-working.

The 2011 crown interviewee considered that like Elsipogtog victims were much like other non-Aboriginal victims of non-random personal violence in terms of not following through on cases, and their demeanor in court, but added that "there does not appear to be a good support system in place there"; here the crown cited especially the poor quality of support in the case of child victims (the issue here may be the need for more collaboration between VAP and CFS). As for the offenders of personal violence, the crown prosecutor noted that "yes, it's often the same people", citing the case of one male adult who has appeared on charges of family-related violence three times in the past year. In her view, there has been much recidivism among a fairly number of Elsipogtog offenders.

While in its first eight years of existence Elsipogtog RJ depended on the RCMP for referrals, since 2008-09 the crowns have consistently provided more RJ referrals than the police and now they account for the lion's share of RJ referrals. A veteran crown prosecutor for the Elsipogtog / Richibucto area previously (2009) called attention to this development, noting that "the community of Elsipogtog has benefited from the Restorative Justice Program", and indicated that "I am of the view that this program should continue and maybe even be expanded as it is very beneficial to the native

community”. The district judge echoed these positive views at the time, suggesting, too, that he would welcome a short proposal from Elsipogtog on the sentencing circle option, dealing with the type of offence where it would be recommended, the format of the sentencing circle and any associated protocols. It was appreciated that a sentencing circle would be demanding of time and resources so would have to be limited to cases more complex than dealt with in the usual healing circle. That positive crown / court view of Elsipogtog having a greater role in Justice and considering it as impacting positively on justice issues has been long evident not only with RJ but also with the VAP and currently with planning for the Healing to Wellness Court.

Two senior New Brunswick Victim Services (NBVS) officials were interviewed since 2010; as well there several email exchanges to clarify points. The NBVS is the oldest Victim Services operation in Canada. It is a relatively large department with 27 full-time employees, detailed policy and procedures manuals for staff, and managed by experienced leaders. Only Elsipogtog among the 15 FNs in New Brunswick has a dedicated victim services worker. Tobique has a part-time VS worker while several the others are served by regional / district VS staff (e.g., Burnt Church, Eel Ground and Red bank are ‘covered’ by a VS coordinator in Miramichi). Both interviewees commented that Elsipogtog has the reputation of having done much better than other New Brunswick FNs in securing federal and provincial funding in virtually all institutional areas (e.g., justice, education, health etc), an advantaged situation some government officials say is not sustainable. In any event, apparently in 2011 NBVS hired someone to go to every FN and see what is available with respect to victim services.

In the case of the Elsipogtog VAP, the senior officials confirmed that the federal government (Department of Justice) funds the VAP worker position while the province provides orientation and guidelines and is “last resort” paying for any required services – “the province pays for what is not covered elsewhere”. NBVS provides for counseling costs (trauma and roughly ten sessions of counseling) as well as compensation costs. In the case of Aboriginal victims, some outlays are recovered from the federal government but compensation costs are covered exclusively by the province and none of the compensation outlays are recouped from the federal government. The Elsipogtog VAP

worker “participates in our training”, follows provincial standards and procedures, and the NBVS district supervisor oversees the VAP work. While emphasizing that NBVS “sets the standards”, it was added that “the Elsipogtog VAP worker is difficult to supervise since she is not our employee”; an example perhaps was the view that “the VAP worker was doing some restorative justice which was wrong” - here it was contended that most victims have been subjected to personal violence offences and have not taken to restorative justice; in Nova Scotia the provincial government’s position is somewhat similar to that of NBVS and there has been a continuing moratorium against referring sexual assaults and intimate partner violence to any RJ agency.

The NBVS officials noted that most VS referrals are expected to come from crown and court since VS is activated by charges – that is, offences that have been shown to have occurred and a charge is the key way to establish that fact. At the same time, NBVS is attempting to secure a memo of understanding with the RCMP to have the police refer, pre-charge, cases where there is trauma (“we want more RCMP / police referrals”). Here it was observed that in places, such as Elsipogtog, organizations such as the Crisis Centre sometimes get the referrals, not VS or VAP, because there is a need to quickly respond to traumas. The NBVS officials also commented that VISs are court referrals “where the court informs us and we contact the victims to provide information and forms, review tactfully what they [the victims] write in the VIS etc and if the victims refuse to do a VIS, we notify the court”.

The officials expressed appreciation for the challenges that the VAP worker encounters in Elsipogtog. In their view, “there is little take-up of victim services or court follow-up in FNs”, attributing that pattern to Aboriginal subculture and a “lack of trust by Aboriginals” in the CJS. One official held that “yes, there probably is little local support for victims in Elsipogtog and other FNs and perhaps that does explain why many victims there do not ask for services, submit VISs, and so on”. At the same time there was some ambivalence among the officials as to how unique Aboriginal victims were with respect to the alleged “weak social support”. One official suggested that the major factor may be the rural-urban divide since in urban areas there are organizations that provide support for victims of violence. The other official was also inclined to cite common patterns and causes and was skeptical about positing cultural differences between mainstream and

Aboriginal victims but she did contend that Aboriginal victims generally were most alienated from the CJS, did not want to testify, were less likely to go to court and were more likely to be embedded in deep kinship systems – “they’re all related”.

The NBVS officials observed that the VAP and VS workers’ role everywhere in the province (and beyond) is a stressful, frustrating one since there are a lot of “horror stories” about the victimization and much victim reluctance to use the services, complete a VIS and so on. Arguably then, they noted, the frustration and stress might well be greater in FNs such as Elsipogtog where these features are even more pronounced. Such a situation could be aggravated, it was suggested, by the VAP and VS workers being hired “who do not have the credentials such as university education, that NBVS looks for in its VS workers”. This general characterization of the victim situation and the VS worker was deemed applicable to Elsipogtog. The officials agreed that repeat victimization was disproportionately high among young adult women with weak social support and lifestyle issues, and that while this pattern existed in mainstream society, it was likely greater in FNs such as Elsipogtog. They acknowledged that no special strategies have been developed by VS for dealing with repeat victims. Indeed it was noted that the VS data system is inadequate and consequently analyses of repeat victimization, other patterns, causes and trends are not commonly done.

Overall, the NBVS officials appreciated the demands for an effective efficient VAP in Elsipogtog and the special circumstances for victims and for VS that prevailed in the community. Given these realities, they were positive about the need for VAP and the performance of VAP worker.

Currently the VAP worker functions as a member of the Elsipogtog Justice unit which consists of six full-time positions, a coordinator, two RJ workers, a Crime Reduction Worker, the VAP worker and an administrative assistant. From the very beginning of victim services in Elsipogtog it has been thoroughly intertwined with the RJ initiative, a linkage that was based on funding arrangements and also deemed appropriate to an Aboriginal approach to justice. Until 2006 the victim service worker formally divided up her time between VS and RJ. Since the position became full-time the VAP worker basically has performed three functions vis-à-vis RJ, namely being a panel

member (i.e., attending healing circles at the request of the RJ facilitator and with the offender raising no objection), sometimes accompanying a victim, and, if requested, reading a statement from the victim.

When a case is referred to RJ, if there is a person victim involved, a form is sent to the VAP worker notifying her, and inviting her to attend the circle. It is expected that the VAP worker would contact the victim if possible to inform him / her about the RJ process and offer support in the victim's preparation of a statement whether delivered orally or in writing. The VAP assistance in encouraging victims to attend the circles is considered quite important partly because of the sense that it is congruent with Aboriginal culture and community collaboration in distinction to the way conventional court functions, and partly because it is believed – and validated by actual experiences - that victim participation enhances the cognitive and emotional value of the session for all parties and makes the restorative process more meaningful. As in the case of a VIS in conventional court, the VAP worker is expected to assist the victim in preparation of a statement for RJ but not create it.

The VAP workload clearly has been impacted considerably, in all three functions or roles that the VAP worker takes on in the RJ system, by the huge increase in police and crown referrals to the Elsipogtog RJ system over the past several years. Whereas in 2006-2007 these referrals numbered about a dozen or so, in 2010-2011 there were 93 referrals, more than seven times as many. Despite the effort and the use of the VAP worker as a liaison, getting victims to participate in the RJ healing circles remains major challenge, as it does in mainstream restorative justice programs (Clairmont, 2006, 2007, 2011). Examining the Elsipogtog RJ data system from 2009 on, it was found that in two consecutive fourteen month periods that victims were present at 26% and 30% of the RJ sessions respectively. The accessible data were problematic since, on the one hand, victim and victim supporter were not differentiated in the RCMP record utilized here, while, on the other hand, roughly only 66% of the RJ sessions since 2009 dealt person-violence (i.e., some form of assault); still, overall, the 26% to 30% range does appear to be a reasonable estimate. No systematic analyses of the factors contributing to low victim participation has been undertaken by the RJ or VAP program nor was it possible to do so for this evaluation. The RJ-VAP official referred to a *mélange* of factors such as fear of

retaliation, lack of confidence that being engaged would have any positive implications and the lifestyles of a large number of victims (e.g., methadone users). Generally they also held that the healing circles can be emotional, intense and penetrate to the offender's underlying problems in the absence of the victim; nevertheless, the greatest effect of the RJ intervention is believed by them to occur if the victim is present and the underlying rationale for a community and Aboriginal intervention emphasizes the importance of the victim's presence. Finally, while the NBVS had reservations about their VS workers being integral to restorative justice interventions (in the case of person violent crimes) no other officials in the CJS or among the local service providers articulated that view in this assessment.

The key local agencies / services where there could be cross-referrals and collaboration with VAP in order to support victims of personal violence and possibly assist them with their underlying issues include Crisis Intervention, Mental Health and Addictions, Nurse Practitioner responsible for the Methadone program and Child and Family Services. Interviews were conducted with seven of these role players. For the most part these respondents indicated that they had little meaningful engagement with the VAP given the different mandates and phases of their interventions (i.e., VAP essentially begins with a court appearance and ends with sentencing). A senior CFS staff person, for example, reported that his service does not refer or receive referrals from RJ or VAP but indicated too that more collaboration particularly with RJ would be pertinent and perhaps will happen with the implementation of an H-W Court this Fall. A senior Crisis Centre official noted that the Centre does not refer to victim services or to RJ and they do not refer to him, but they do seek his personal advice on occasion. He added a somber point about gender relations among the young adults and pressures perhaps for victims not to want to follow through after reporting the matter to the police (or someone else doing so), noting that "there are two big underlying factors pushing people to consider, try and do suicide and these are (a) a relationship break-up; (b) a court case pending; when both factors are present, yes, the situation is quite dangerous". Apparently, the Centre's clientele is disproportionately young adult males (up to 30 years of age) with "a lack of community support and not seeking any". The reluctance of the victims in serious

violence cases to become further engaged whether in the CJS or RJ trajectories, from this perspective, could be a complicated combination of concern for what the offender (and perhaps some family members) might do not only for them but for himself!

The main local agencies for VAP referrals have clearly been Mental Health and Addictions. There has not been any significant referral to or involvement with traditional healing local services emphasizing traditional healing – essentially Lone Eagle – in large part because the latter’s programs and eligibility criteria do not link up well with victims’ needs at the time when they are being referred to services by VAP. One prominent traditional elder decried that he has not been engaged in either VAP or RJ and contended that Aboriginal tradition or culture is hardly involved. He called for attention to secondary victims or the meaningful engagement of elders in the healing circles, arguing that there is need for an Aboriginal voice at the table to push for these things such as elders’ role, spirituality, cultural sensitivity and the extra-individual focus.

The VAP referrals go to Mental Health and Addictions however because it provides individual youth and adult counseling and, through its Alcohol and Drug Prevention unit, programs such as A.A., N.A., Anger Management, Women’s Support Groups and A&D assessments. There is much support for VAP objectives among the Mental Health and Addictions staff. One senior official, one of the most reliable RJ panel member attendees, underlined both the slight victim engagement, and the significance of the engagement when it does occur, with his comment, “the victim is not there most of the time but when there is a victim then the RJ session has more impact ... that is the only time you have to have a box of Kleenex handy. Usually it’s just others reading a victim impact statement or note”. All the staff interviewed valued the VAP intervention but at the same time they noted that much more outreach and community support was needed to effect victim engagement and meaningful VAP referrals. There were no data readily available on what percentage of the VAP referrals did actually take place and how extensive the service provided was but none reported much contact with VAP. One Mental Health counselor, in highlighting the need for support groups, noted that the victims (especially but not only young female adults)y needed more than one-on-one counsel since it is important to get at the subculture that breeds and tolerates this kind of action. Citing her experience in more urban areas elsewhere, she echoed the views of the

NBVS officials cited earlier, that in these areas there was more grass-roots mobilization to protest against such behaviour, and to provide support and empower the victims. She observed, based on her experience with victims in Elsipogtog, that they are reluctant to discuss the victimization, fear exposure, and experience shame, adding that the preoccupation with concern for exposure is complex since usually assaults are common knowledge anyway.

Overall, then, while the VAP program has been evolving well in context of the criminal justice system, the linkages with local services and agencies has been quite modest. The priorities have been meeting the increasing demands of both the CJS and RJ systems and providing services that flow from that workload (e.g. advising victims on compensation claims and referring them to appropriate and timely counseling). It would appear that for VAP to be more active in pursuing with local service providers collaborative strategies to benefit victims would require broadening the VAP mandate and enhancing VAP capacity to analyse data and strategize, and that in turn would require resources. These types of issues have also arisen in regards to VAP becoming more involved in working with clients subsequent to their offenders being sentenced to federal custody since at present there is minimal activity in this area and minimal engagement on the part of Aboriginal victims (Clairmont, 2010). In the latter respect, several interviewees suggested that structural and cultural factors would need to be targeted if Aboriginal victims' estrangement was to be overcome.

Perspectives of VAP and Victims

The two VAP workers in place serially since 2009 were interviewed. They confirmed the specifics noted above about the linkages with CJS officials, the RJ system and local service providers. They confirmed that no counseling is provided by the VAP worker, but rather, information, support and help with forms; where counseling could be helpful, the victim is referred to Mental Health and Addictions. Outcomes are tracked in terms of whether a victim submits a VIS or secures compensation but not on whether a referral is acted upon. Subsequent to offender sentencing, apart from compensation, there has been minimal contact continued between VAP and the victim. Where the offence has

resulted in a federal sentence (reportedly no more than a few Elsipogtog offenders have been sentenced to federal custody since 2009), victims have not registered register for CSC / NPB contact; nor, as far as VAP workers were aware, have any Elsipogtog victim attended a parole hearing in recent years.

Both noted that going through the conventional court system has been relatively fruitless most of the time for Elsipogtog victims and for themselves – less than a handful of trials were observed in three years involving VAP clients, whether in Richibucto or, in the past year, in Moncton. Moreover, there was some ambiguity about the appropriateness of the VAP worker attending court otherwise, as a general support for Elsipogtog victims who were not clients since, according to one VAP worker, “Well, the policy in New Brunswick Victim Services is that the VS staffers do not attend court but rather utilize a volunteer system”. There is not now, and reportedly never has been, such a volunteer system in place in Elsipogtog, and the VAP worker said she never saw one in Richibucto court when she went there. The VAP workers also observed that the victim input has been more meaningful and impacting in the RJ trajectory, adding that the RJ victim’s statement read or delivered does not have to follow the court standard for a VIS and so there’s more emotion and substance in them.

The VAP workers identified several factors in accounting for the modest level of clients’ taking up on VAP services such as court support and assistance with VISs and RJ statements. One VAP worker commented that a small percentage of persons have been repeat referrals as victims and they have been difficult to engage because of their lifestyle and estrangement not only from the CJS but also from the community. The analysis, of VAP intake / referral data for the period 2001-2011 presented earlier, does provide some support for that position as young adult females were found most likely to be repeat referrals, though, overall, the results suggested that most victims of personal violence had not been repeat referrals. Another major factor according to the VAP workers is that the whole CJS system is not victim-friendly and the victims “are generally pissed off with the court processing”, the bureaucratic format / non-supportive atmosphere and, so, ill-inclined to get further involved either after sentencing or in a subsequent incident. Here it was argued also that not many Aboriginals get federal prison terms “because of the (CJS) policy that Aboriginals should get less time”, something that underlines, in their view, the

CSC and NPB focus on the offender. A third major factor identified for the modest (at best) follow-through by victims subsequent to their victimization being reported to police, has been fear of attack by the offender and / or his family members; here one VAP worker cited instances of the offenders' family supporters following the victim into court and another case where the victim for safety reasons left the community.

In general, the VAP workers nevertheless considered that with better information and especially with more outreach (targeting the victims) and community support, there could be greater engagement by victims in both the CJS and RJ systems. One VAP worker contended that she has likely engaged more victims than other VS workers because she knows them and does some modest outreach, going to the victims' home on occasion (NBVS reportedly does not advise this) when feasible (changes of residence and phone changes due to failure to pay the bills challenges even this strategy). It was claimed too that, if resources were available to contact victims of offenders in federal custody, subsequent to a cooling-off period after the sentencing, then, "despite that fact that CSC and NPB are offender-focused, more victims might decide to register" and thus participate in federal programs for victims (of course the VAP worker indicated that she would be willing to accompany a victim to a parole hearing). A VAP worker also thought exit circles, just prior to or upon release from custody, which brought together offender and victim and others (supporters), would be worth exploring in order to lessen the likelihood of further violence and victimization upon the offender's return to the community.

Looking ahead, the VAP workers believed that the new H-W Court might be quite different than the conventional court system if the attention paid to victims and VAP in the protocol documents (see appendix C) carries through to implementation. The VAP role appears to be much more highlighted and demanding, victim input to be more extensive and monitored, and treatment plans developed for the victim as well as the offender. There was, not surprisingly, some uncertainty as to how significant the changes will also be for RJ referrals, and, for the frequency of sentencing circles in the case of offenders not going through the H-W Court. Associated with the uncertainty was some anxiety concerning possibly significant changes in the VAP workload and role changes / expectations but also a sense that the whole package of change while challenging will be

positive for victims. Clearly, the changed workload could aggravate the current shortfall in the VAP office, namely the limited data analysis capacity, the need for enhanced tracking of referrals and outcomes, and the limited secretarial support for assistance in correspondence and reporting. .

Victim voices have been considered very important in Aboriginal Justice theory and policy as noted in the introductory pages to this assessment. The argument often advanced is that, while victim voices are rarely heard in the conventional criminal justice system, they receive much greater acknowledgement in Aboriginal justice systems, an acknowledgement that contributes to a more balanced approach there. Additionally, the experiences of officials and observers have been that victim presence and engagement in the CJS and participation in the RJ system do make the processes more meaningful and possibly produce better outcomes in the sense of furthering the reintegration of both offenders and victims. It is important then to hear from the victims themselves and explore what their views are about participating in the CJS and RJ systems, what benefits and satisfactions they obtain, and what dislikes and challenges they identify. It is important to inquire as to why victims accept or dismiss the offer of knowledge, assistance and support from the VAP worker and what have been the implications for them of selecting either option. At this point in the assessment the efforts to solicit victims for interviews have not been successful despite two newspaper ads and including some modest incentives. That pursuit will continue. Here then the reference to victims' views and experiences can only be made to material the evaluator has recently gathered from other Aboriginal victims in the area.

Research carried out by the evaluator for the NPB in 2010 examined a sample of letters written to the parole board (Clairmont, 2010). A sample of roughly 95 victims' letters to the NPB Atlantic was examined in 2010. Some of the on-file letters dated back more than ten years. It was not directly possible to identify Aboriginal victims but the Aboriginal offenders associated with the files were identifiable by the file caption. There were only six files where there were Aboriginal offenders; in four of these instances the victims were also Aboriginals and in two cases, non-Aboriginal (based on the references in the letters and the prior knowledge of the researcher). An examination of a large

sample of this 95 sub-sample found no additional Aboriginal victims. It appears reasonable to assume, from this sample of between 1/3 and 1/4 of all, on-file, victim letters to NPB Atlantic, that over a ten year period the number of Aboriginal victims who wrote to the parole board would be between 10 and 15, roughly one a year (in the Fall of 2009 in Atlantic Canada there were roughly 15 cases of victim notification where the offender was listed as a status Aboriginal).. All but one of the 95 victim letters – and all the Aboriginal victims’ letters - dealt with offences involving severe interpersonal violence. The key offences were intimate partner violence, sexual assault, incest, other serious assault and drunk driving- related deaths. Essentially there were three themes in the letters, namely (a) keep ‘em [the offenders] in prison (e.g., letters stressing the alleged incorrigible nature of the offender), (b) keep ‘em away from me and my loved ones (attach conditions to any parole or temporary release such as “no return to community or to neighbourhood” or “no contact with me and my family” (access to children was an issue in some cases) and a few but not many letters called for requiring the inmate to abstain from alcohol and drugs), or (c) letters critical of NPB policies and practices regarding for allegedly not heeding the best interests of the victims. The few Aboriginal victims gave essentially similar responses, emphasizing the three themes noted above but adding an Aboriginal nuance; for example, in criticizing NPB policies (“imposed stringent restrictions on “what I could say or present at the hearing”), one such victim went on to criticize the Aboriginal policies of the CJS more generally; in her view, “the court was too lenient. I believe it is because we are Mi’kmaq and he is Mi’kmaq”. While few in number, the letters indicated that significant trauma was experienced by the Aboriginal victims (and also by their close family families) because of their violent victimization and that they were scared about their offender’s return to their community.

Four Aboriginal victims were directly interviewed in 2010 and, as above, the focus was not on victim services or VAP but on post-sentencing involvement in the federal processing of their offenders. They were all female and had been victimized either by homicides or severe, aggravated assaults inflicted by Aboriginal offenders (and in two instances non-Aboriginal co-offenders) now under federal custody. They were all mature adults, articulate, well-connected in their community, and ostensibly well-informed about the justice system. The interviewees’ responses followed closely the themes found in the

analyses of victim letters on file with the NPB Atlantic. All reported themselves as basically re-victimized by the court process, contending that “the whole process is offender-focused and there is little for the victim”. Three specifically cited the SCC’s Gladue imperatives and the entailed policy as creating an imbalance whereby sympathy and generosity was evidenced for the offender but little was displayed on their behalf. Another victim (her mother was murdered) complained that victims were not allowed to speak to the offender who entered a guilty plea, see the video of his confession, get answers in a safe environment, or even to be heard. Two other victims cited the long-drawn court process as frustrating and indicative of the “offender focus” of the system.

The dissatisfaction generated by the court process was, in their mind, reinforced by their post-sentencing experience. All four were aware of the need to register in order to access information from CSC and NPB but none were happy with their experience in this regard. Only limited information was deemed available to them – as one person commented, “I wanted to know what programs were being offered to him to make him healthy but they couldn’t tell me that. I couldn’t get questions answered by CSC officials ... victims are not heard”. Another respondent, an aunt whose nephew was murdered, claimed she could establish no contact with officials “because they don’t take into account all of us, the close family [members]”. A third interviewee claimed that she had written several letters to either or both CSC and NPB (she could not recall the details) but had received no reply. The fourth respondent reported that initially she was not registered because she had been hospitalized as a result of the attack, but she initiated contact with CSC and NPB by telephone and subsequently did attend one parole hearing involving her offenders. She commented that “I had no access to what programs [the principal offender] did in prison”. As for parole, “I could make it to only one hearing” (her offender was later transferred out of province and she was funded to attend only the first, in-province hearing). She explained that she attended because she wanted to have her say but was limited in what she could say, and, under the circumstances, “I could have but wouldn’t sit in a circle with [the inmate]”. In her view, “attending the hearing was not good” and she would not recommend it to other victims of similar crimes since “victims are hurt more”.

The perceived Gladue-generated “imbalance” referred to above at the sentencing stage was seen as operative at post-sentencing phases as well. All the other victims shared the sentiments of the fourth victim who stated

“In Corrections’ [and NPB’s] eyes they are doing things right but they are not and are way off. For violent crimes like what happened to me, Aboriginal status of the offender should be considered but not be a free pass. They need to make sure they [the offenders] are totally rehabilitated before they give early parole”.

In addition to emphasizing the need for balance in the CSC / NPB response, the interviewees generally claimed that they were not opposed to some form of restorative processes or practices – indeed, one respondent, whose offender refused a sentencing circle, argued that Aboriginal offenders should usually be required to participate in sentencing circles. They were of the view too that the Aboriginal offenders will typically return to the small community, especially if they were born and have band membership there, so some restorative / reintegrative approaches may be helpful as would obtaining knowledge of the rehabilitative programs taken by the offender-inmate and his / her attitudes and actions in prison. The victims recommended a broadened eligibility criterion be used by CSC and NPB so that family members and the larger Aboriginal community can access information and funding for greater participation. The respondents also suggested that Aboriginal victim services (i.e., such as VAP) needed to work more with victims in the post-sentencing phase, informing victims, helping them with registration and forms and in a supporting role at parole hearings.

Future Directions

Overall, then, the evaluator has found that the VAP project has successfully carried out its objectives and strategies for the enhancement of victim services in Elsipogtog as specified in the project proposal and the accompanying process logic model. The VAP worker was found to have a very heavy workload and one that appears to be likely to face significant increase with the implementation of the Healing to Wellness court there. The evaluation has found that victim services is integral to the efficiency, effectiveness and equity model of the community-based, Aboriginal justice approach desired by community leaders and residents and encouraged by both federal and

provincial authorities. There are areas for improvement such as (a) better grasp of the need for and possibilities of gathering and processing data in order to identify special issues such as repeat victims, clients' follow-up when referred to local or external services and agencies, and to assist in managing the time-budget realities of and possibilities for a demanding workload; (b) greater and more formal collaboration with specific local partners to get at, in an holistic, "wrap-around" fashion, the challenging problems of victim support and repeat victimizations; (c) review of the VAP worker's mandate to ensure that responsibilities extra to the central VAP role are not interfering with the priority tasks. Given the unfortunate need for annual proposal writing and the limited funding available, issues of more secretarial assistance, strategies for additional data collection, and data analyses clearly have to be accessed by VAP as a activity area within the Elsipogtog justice unit so unit-wide capacity is crucial. However, it does appear based on workload, current and anticipated, that an additional half-time position may be required in the VAP role. Another area for VAP's growth would appear to be with respect to services and support for victims of federally incarcerated offenders. In sum, the VAP initiative is vital to Elsipogtog's justice and the challenges remain significant, are on-going, and will likely increase in the near future given recent trends and new developments noted in the court system and restorative justice. The expression "the eagle needs two wings to fly" may be an apt metaphor here; Elsipogtog has achieved great accomplishments in justice for a small community but needs to strengthen the victim "wing" or else the success could be compromised in the future.

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