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**SELF-STUDY OF JUSTICE RESEARCH  
ABOUT INDIGENOUS PEOPLE: 1981-1984**

**Prairie Justice Research  
School of Human Justice  
University of Regina**

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1981-84

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SELF-STUDY OF JUSTICE RESEARCH  
ABOUT INDIGENOUS PEOPLE: 1981-1984

A Special Report to the Federal  
Ministry of the Solicitor General

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Preface

This project started as a Special Report for the Ministry of the Solicitor General on our focussed area of research on Justice and Indigenous Peoples. It has grown into a full-scale self-study of the Prairie Justice Research Consortium program over the 1981-1984 period. I hope and trust the highly involving and challenging process has furthered our attempts to become more collaborative and to both broaden and deepen our shared understanding of justice research.

I would first like to acknowledge the support received from the Ministry of the Solicitor General over the last six years. A particular acknowledgement is due to Mike Petrunik, the former Senior Research Officer at the Ministry, now at the University of Ottawa, for the very cordial working relationship we have had over the last several years.

Also I would like to acknowledge the various bodies that granted or contracted with us for the total of \$218,825.33\* in research money for this three-year period. These include the Ministry of the Solicitor General, Social Sciences and Humanities Research Council of Canada, Saskatchewan Department of Social Services, Chicago Resource Center, Saskatchewan Health Research Board, University of Regina, Ministry of Justice, Department of the Attorney General and the Canadian Broadcasting Corporation.

The self-study would, of course, have been impossible and pointless without the ongoing research activities, creativity and productivity of the faculty of the School of Human Justice. A special acknow-

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\*The comparable figure for the previous three year period 1978-79 to 1980-81 is \$250,495.99.

ledgement is necessary to my colleagues Jennie Abell, Keith Couse, Gloria Geller, Paul Havemann and Ron Schriml for their cooperation, advice and assistance through the six-month period that this self-study has been squeezed into all our busy schedules. Thanks is also extended to past faculty members Otto Driedger and John Hylton whose research activities overlap with the period under review. Furthermore, a special thanks to all the researchers who have worked on projects in the last three years—Ingrid Alesich, Sally Chaster, Lori Foster, Mary Gianoli, Sharon Kellar, and Lorne Salutin. A special thank you to Linda Bradley, our research secretary, and to Sharon Moryski and Diane Vandenberghe in the Regina School of Human Justice, and to Alice Atkinson in Prince Albert and Janine Krahn in Saskatoon who assisted with Prairie Justice Research typing.

Finally, it has been a real pleasure working on this project with PJR's coordinator Rae Matonovich. Together I think we have succeeded in both accurately reconstructing and reassessing the broad scope of our past justice research and in providing Prairie Justice Research with the basis for an even more fruitful future. Our hope is that the Ministry of the Solicitor General, other Canadian criminology centres, sessional lecturers in the School of Human Justice, our colleagues in the Faculty of Social Work, and all our students across Saskatchewan find this report interesting, pertinent, perhaps even inspiring.

Jim Harding, Ph.D.  
Director  
PRAIRIE JUSTICE RESEARCH  
November 1984

## 1. BACKGROUND TO REVIEW AND SELF-STUDY

### 1.1 Agreement with the Solicitor General

In May 1981 the Prairie Justice Research Consortium, University of Regina, and the federal Ministry of the Solicitor General entered into their second three-year research and funding agreement. According to this agreement the Ministry would provide \$30,000 annually to PJRC from April 1981 to March 1984. The University (PJRC) in turn agreed to provide an equivalent level of matching funds from other sources, excluding the Ministry.

These funds were to be used to meet four general objectives:

- 1) *to attract and retain experienced and expert researchers and to develop new research manpower;*
- 2) *to conduct, facilitate and encourage criminological research either independently or under contract with the Minister or with other organizations;*
- 3) *to encourage, facilitate and carry out the preparation, publication and dissemination of criminological research findings; and*
- 4) *to produce a special research report on a topic or theme to be mutually agreed upon by the Minister and the University.*<sup>1</sup>

The special topic/theme agreed to by PJRC and the Ministry for the period 1981-1984 was in the area of "native people and justice." The special research report on this topic/theme area was to indicate what PJRC had learned from our research in this area. This was to involve describing the objectives of the special report, the methods used, the major findings, and "*setting out the implications for further research, and for the policies and operations of the criminal justice*

*system and of the Minister.*"<sup>2</sup>

Indigenous people and justice was first identified as the area for focussed research in the 1978-1981 contributory agreement. This decision was taken mainly because of the high concentration and the high rate of incarceration of indigenous people on the prairies. The then Corrections Division of the Department of Social Services as well as the Ministry of the Solicitor General both expressed support for this decision.

#### 1.2 Focussed Research between 1978-1980

The *Summary Report* shows that from April 1978 to October 1980 PJRC undertook six interrelated projects in this area of focussed research.<sup>3</sup> One was a study of *Admissions to Saskatchewan Correctional Centres* during 1976-1977 and projections to 1993.<sup>4</sup> This provided the first comprehensive analysis of incarceration rates in the province and confirmed that indigenous people, particularly Treaty Indians, were greatly overrepresented in the correctional system in the province. It was found that rather than this occurring because of the readmission of a small group of indigenous people, the more important factor was the substantially higher possibility of a first incarceration among indigenous people.

A second project, a direct outgrowth of the findings of the above study, began to collect materials on innovative justice programs for minority groups elsewhere. The assumption of this project was that much could be learned in Saskatchewan and Canada from comparisons with the conditions and programs affecting indigenous peoples in other

jurisdictions and countries.

A third project, following from the second, involved the preparation of a directory of the location, purpose, and nature of 300 justice services to indigenous people on the prairies.<sup>5</sup>

Other PJRC projects during 1978-1980 related to this area of focussed research as well. An article reviewing research on natives and justice was prepared for a PJRC workshop.<sup>6</sup> Showing how underdeveloped this area of research was, it called for not only more exploratory research but also research which was more holistic and which paid special attention to questions about social context.

Another report reviewed legal services for native people and evaluated the *Regina Native Council Project*.<sup>7</sup> It concluded that more research should be done on the urban native community and on strategies for organizing the native poor which stressed community development and education rather than a traditional lawyering service.

The findings of the PJRC report on the *History of Adult Corrections*<sup>8</sup> were also relevant to this area of focussed research. For example, the authors noted that: (1) the first major study of Saskatchewan Corrections in 1946 did not even mention people of Indian ancestry; (2) incarceration rates for indigenous females rose from 20% of the total in the 1920's to 90% of the total in the 1970's (for indigenous males the figures were 5% and 65%); (3) the two major studies of Saskatchewan Corrections in the 1970's referred to the need for special programs; and (4) such special programs as the Native Probation Project and the Fine Option Program were started in the 1970's.

Finally, the PJRC study of *Public Attitudes About Crime and the*

*Police*<sup>9</sup> located negative stereotypes of native people in Regina and found some of these stereotypes to be somewhat more widespread among police than the general public, particularly the police who had direct contact with native people in the city. This study proposed that there be more visible mechanisms for bringing complaints against the police, that more indigenous people be hired by the police, and that special liaison committees be established.

### 1.3 Comparisons with 1981-1984

These studies, findings, and recommendations provide the necessary background for our current review of research and self-study of justice research about indigenous people between 1981 and 1984. They provide a sort of baseline for us to refer back to when we reassess the scope and findings of our research on indigenous people and justice. For example, in the conclusions of this self-study we were able to compare the state-of-the-art in this research area within PJRC in 1980 and in 1984. This has proven invaluable in providing future directions for both research and policy in this area and for PJRC itself.

## ENDNOTES

## CHAPTER 1

1. Solicitor General Kaplan to President Barber, 1 May 1981, pp.1-2.
2. Ibid., p.1.
3. Prairie Justice Research Consortium, *Summary Report on the Prairie Justice Research Consortium (April 1, 1978 - October 31, 1980)* (Regina, Sask.: Prairie Justice Research Consortium, School of Human Justice, University of Regina, 1980).
4. John Hylton, *Admissions to Saskatchewan Provincial Correctional Centres: Projections to 1993* (Regina, Sask.: Prairie Justice Research Consortium, School of Human Justice, University of Regina, revised 1980).
5. John Hylton, *A Directory of Justice Services for Persons of Indian Ancestry in Manitoba, Saskatchewan and Alberta* (Regina, Sask.: Canadian Plains Research Center, University of Regina, 1980).
6. Melanie Lutt, "Natives and Justice: A Topic Requiring Research Priority," in *Explorations in Prairie Justice Research*, ed. Dorothy Hepworth (Regina, Sask.: Canadian Plains Research Center, University of Regina, 1979).
7. Paul Havemann, *The Regina Native Counsel Project: A Legal Service for Native Organizations, Groups and Societies in the City of Regina* (Regina, Sask.: Prairie Justice Research Consortium, School of Human Justice, University of Regina, revised 1983).
8. Shirley Skinner, Otto Driedger, and Brian Grainger, *Corrections: An Historical Perspective of the Saskatchewan Experience* (Regina, Sask.: Canadian Plains Research Center, University of Regina, 1981).
9. John Hylton, Rae Matonovich, James Varro, Bijal Thakker, and Dave Broad, *Public Attitudes about Crime and the Police in Regina* (Regina, Sask.: Regina Police Department, 1979).

## 2. OBJECTIVES AND METHODS OF REVIEW AND SELF-STUDY

### 2.1 Overall Objectives and Methods

PJRC initiated several facilitation, research, community service, and dissemination projects in the 1981-1984 period which directly or indirectly address problems and issues pertaining to Canada's indigenous peoples and the criminal justice system as well as broader justice issues. (These will be outlined in detail in chapter 4). The overall objective of the Special Research Report is to carefully profile our total three year research program.

- 1) to indicate which projects have had a direct or indirect bearing on the topic/theme area of indigenous people and justice;
- 2) to assess how problems and issues pertaining to this topic/theme were in fact addressed and have developed and evolved;
- 3) to critically assess how our projects on this topic/theme area have been translated into policy- and program-related activities and forums; and
- 4) to outline the implications of our findings for further research and policy considerations in this area.

The method used to accomplish these objectives is reflective and critical self-study of the products of our three-year research program. This involved three main steps:

- a) creation of inventory;
- b) analysis of inventory; and
- c) modelling of the inventory.

## 2.2 Creation of Inventory

This involved assembling as complete a listing as possible for all projects with which PJRC has been involved between 1981 and 1984.

The main categories included:

- a) research contracts and grants;
- b) published books and contributions to books;
- c) published research reports;
- d) papers given at learned and professional conferences;
- e) presentations at community conferences, workshops;
- f) contributions to journals;
- g) contributions to magazines;
- h) reviews of books and other reviews; and
- i) interviews/presentations through electronic or print media.

This inventory is much more comprehensive than those in the PJRC *Annual Reports* between 1981 and 1984. It addresses the major objectives of the contributory agreement between the Ministry and the University by showing our direct role in conducting, facilitating, and encouraging criminological research; and facilitating, encouraging, and preparing the publication and dissemination of such research.

### 2.2.1 The Scope of the Inventory

The categories used are not as comprehensive as would be possible if the scope of the Special Report was broadened. For example, it is pertinent to both the School of Human Justice (which houses PJRC) and to the University of Regina if, and how, these research-related projects can translate into the curriculum of the School and the inter-related Faculty of Social Work. This matter also relates directly to

the objectives of the contributory agreement between the Ministry and the University, particularly the objective of "*developing new research manpower.*"

Although the scope of this Special Report has not been expanded to systematically include the matter of curriculum, some of the general implications of our three-year research program for curriculum development, including research-related courses, has been discussed. Some of these matters are actually raised within a number of our research-related reports.<sup>1</sup>

The activities of the School and its curriculum-development also involve as many as twenty sessional lecturers throughout the province. These sessionals are interested in the research activities of PJRC to varying degrees. Since 1982-1983 they have received notice and/or copies of PJRC's major publications. Ideally, any research-related activities by these sessionals, such as the application of PJRC findings in teaching or professional work, would be included in our self-study. This is not, however, possible at this time but such a goal is part of the developmental plans of the School and PJRC over the next three-year period.

### 2.2.2 Limitations of the Inventory

The above limitations in our method for self-study indicate that the reliability and validity of our inventory of projects deserves attention. Since we are not yet computerized, we do not have an easy retrieval system for all pertinent information listed above for the

inventory. Part of our plan for the next three-year research program is to develop computer capabilities in PJRC (including computerizing our newly developed and enlarging Resource Centre and linking it to other related centres). This will ensure that the kind of self-study undertaken here can become an ongoing part of our activities.

We have also changed and expanded our internal reporting system within the three-year period under review. It was only after the 1981-1982 period had ended that we consciously started to chronicle interviews and presentations (which developed out of our research program) in the electronic and print media. Changes in faculty and staff associated with PJRC prior to and between 1981 and 1984 have also created some problems in fully and accurately reconstituting our three-year research program.<sup>2</sup> The fact that the School of Human Justice did not have its five full-time faculty positions filled until 1982-1983, and the added fact that the activities and placement of faculty encompass three cities and areas (Regina, Saskatoon, and Prince Albert which are 145, 257 and 370 kilometers apart) added to our difficulties in creating a complete and accurate inventory of research-related activities, especially at the community level.

### 2.3 Analysis of Inventory

The inventory is analyzed according to:

- a) the thematic orientation of the publications, presentations, appearances, and liaisons;
- b) the audience orientation of the presentations, appearances, and liaisons;

- c) major research projects which indirectly bear on the topic/theme area;
- d) major research projects which directly bear on the topic/theme area; and
- e) policy advocacy projects which indirectly or directly bear on the topic/theme area.

Projects were classified as noted above by the PJRC Director and Coordinator in consultation with the various principal investigator(s), research assistant(s), and author(s) of any ensuing publications. Since the Director and/or Coordinator have been involved in an editorial role in the majority of publications between 1981 and 1984 they have direct knowledge of the parameters of most projects. Projects which have an objective related to the main topic/theme area are fairly self-evident. Those projects which have an indirect role were determined by the ensuing publications actually making reference to the implications of the project for indigenous people, and through discussions with the principal investigator(s), research assistant(s), and author(s) involved in the projects. These people were given the opportunity to reassess the categorization of their projects mid-way through the process of assembling the Special Report when a draft of relevant sections was circulated.

Thematic orientations were determined through re-reading the products of the research activities and preparing an initial listing and by re-examining this listing in group discussions with PJRC faculty and staff. The thematic listing was done with the aid of the typology developed for the questionnaire devised for the review of the School's curriculum from 1976 to 1983 (and ongoing to 1984).<sup>3</sup>

This typology was developed by reading all Human Justice course outlines on record from 1976 to 1983 and sorting them on the basis of the kinds of problems/issues/subject matters and texts/references/resources associated with the course. One category predictably emerged which focussed on a part (policing, the legal process, criminal law, courts, corrections, human rights) or all of the criminal justice system(s). Another emerged which focussed on the broader human service system(s). A third category which we labelled "socio-legal" focussed on social problems and the responses of the state, and a fourth category which dealt with general issues of "social justice" (e.g., relating to women, native people) was also needed to differentiate all courses taught from 1976 to 1983.

Therefore, the categories developed for the curriculum review were:

- 1) studies of criminal justice system(s);
- 2) studies of human service system(s);
- 3) socio-legal studies; and
- 4) social justice studies.

These categories are obviously not mutually exclusive. Some courses were ultimately categorized under more than one heading. In the questionnaire those who had taught these courses were asked to classify and rank their courses under these or additional categories. The vast majority of classes fell into these categories with a few others being suggested (e.g., social theory/policy; development/peace studies; and practical skills).

These categories did not always prove to be adequate for

classifying Prairie Justice Research Consortium projects between 1981 and 1984. A comparison and ranking of the categories among courses and among research projects itself provided the School of Human Justice and the Prairie Justice Research Consortium with additional information for reflection and re-evaluation. This allowed some reconsideration of the way the ongoing research program and curriculum development are or are not interrelated.

The audience orientation was kept quite simple and involved classifying the audience, where presentations or liaison occurred as being either professional, academic or community. "Professional" was treated as conferences or workshops focussing on people directly involved in program delivery or policy-making. "Academic" was used to mean learned societies and academic-oriented or sponsored meetings. "Community" was used to mean community-based groups including non-governmental groups unless the meeting was specifically oriented to program or policy professionals.

This stage in the methodology allowed us to begin to specifically chronicle and reflect on how we have and have not addressed problems and issues pertaining to the special topic/theme area. In turn, this allowed us to directly and more explicitly "deduce" our conclusions regarding the implications of our three-year research report for further research and policies and operations of the criminal justice system.

This stage in the methodology also assisted us to reconstruct and reflect on the development of problem areas, the scope of problems, and the contextual handling of these factors over the three-year period

under review. And it provided a check for us on the evolving individual and group conceptualization and methodology in PJRC. Such insights will be invaluable in reassessing and planning our research program into the next three years, and will hopefully provide the Ministry and other Canadian crime and justice research centres with information to facilitate more explicit and mutually rewarding discussions about research teaching and policy problems, approaches, and priorities across Canada.<sup>4</sup>

#### 2.4 Modelling of the Inventory

This review of research and self-study on the topic/theme of indigenous people and justice also allowed some modelling of interfaces and processes over the three-year period of research activities, including such things as tracing whether and how the results of projects are disseminated and constructing the changing interfaces within and among projects, year-by-year.

Doing this provided us with another means of reassessing our directions, our working relationships, and the actual organization of PJRC. It provided some general insights to help facilitate further research and policy activities regarding both indigenous peoples and the criminal justice system and broader justice-related research problems and perspectives. Such an analysis could have been delimited to utilize only the most recent presentation/publications of faculty and staff associated with PJRC for our examples.<sup>5</sup> Since even this could have easily become unmanageable, our modelling for this review was done only in a general way.

## ENDNOTES

## CHAPTER 2

1. See for example: Keith Couse, Gloria Geller, Jim Harding, Paul Havemann, Rae Matonovich, and Ron Schriml, *The False Promises of Criminology and the Promise of Justice* (Regina, Sask.: Prairie Justice Research Consortium, School of Human Justice, University of Regina, 1983), pp.58-65.

2. Otto Driedger was Associate Dean of the School and Director of PJRC until 1980 when he became Dean of the Faculty of Social Work. Paul Havemann then took up these positions. John Hylton joined the School and PJRC in 1979, leaving in 1981 to go to the Saskatchewan Department of Social Services and, later, the newly formed Department of Justice. Dr. Jim Harding joined the School and PJRC in 1981 and later replaced Paul Havemann as PJRC Director. Rae Matonovich replaced Bev Edwards as PJRC Coordinator in 1981. Dr. Gloria Geller joined the School and PJRC in 1982. Jennie Abeil joined the School and PJRC in 1983 as a sabbatical replacement. Ron Schriml, Paul Havemann, and Keith Couse have been with the School and PJRC almost from their inception (1976, 1977 and 1978) respectively. There have also been several changes in PJRC Research Assistants during the 1981 to 1984 period: Ingrid Alesich, Sally Chaster, Lori Foster, Mary Gianoli, and Lorne Salutin.

3. Jim Harding, "A Review of the Human Justice Curriculum," mimeographed (Regina, Sask.: School of Human Justice, University of Regina, 1984).

4. Past meetings of the Directors of Criminology Centres and the Ministry have often lacked the in-depth information required for such discussions.

5. For example, all PJRC faculty and research staff (9 people in total) presented at one or both of either (1) the Western Association of Sociology and Anthropology (WASA) Conference; or (2) the Participatory Research Workshop, both of which were held in February 1984.

## CHAPTER 3: INVENTORY OF PRAIRIE JUSTICE RESEARCH CONSORTIUM ACTIVITIES

### 3.1 Inventory of PJRC Activities

#### 3.1.1 Introduction

In this section we list all the Prairie Justice Research Consortium (PJRC) activities between 1981 and 1984 for which we have a record. This listing is an inventory of our direct role in conducting, disseminating, facilitating and encouraging research. The activities are categorized separately for each of the three years under review—1981-1982; 1982-1983; and 1983-1984. Figure 1 lists the research contracts and grants; Figure 2 the publications; and Figure 3 the papers and presentations.

## RESEARCH CONTRACTS AND GRANTS

Figure 1

1981-1982	1982-1983	1983-1984
<p><b>ONGOING</b></p> <ul style="list-style-type: none"> <li>History of Adult Corrections. July 1978 to August 1981; funded by the School of Human Justice and the Saskatchewan Department of Social Services.</li> <li>Unified Family Court. September 1978 to March 1984; funded by the Saskatchewan Departments of the Attorney General and Social Services.</li> <li>Training for Corrections Workers.* May 1979 and ongoing; funded by the Saskatchewan Department of Social Services, Corrections Division *HJ/PJR project.</li> <li>Indigenous Peoples Collection. February 1981 and ongoing; funded by Social Sciences and Humanities Research Council of Canada, Strengthening of Specialized Collections Programme.</li> <li>Private Policing. March 1981 to October 1983; funded by the University of Regina, President's Award Fund.</li> </ul>	<p><b>ONGOING</b></p> <ul style="list-style-type: none"> <li>Unified Family Court. September 1978 to March 1984; funded by the Saskatchewan Departments of the Attorney General and Social Services.</li> <li>Training for Corrections Workers.* May 1979 and ongoing; funded by the Saskatchewan Department of Social Services, Corrections Division *HJ/PJR project.</li> <li>Indigenous Peoples Collection. February 1981 and ongoing; funded by the Social Sciences and Humanities Research Council of Canada, Strengthening of Specialized Collections Programme.</li> <li>Private Policing. March 1981 to October 1983; funded by the University of Regina, President's Award Fund.</li> <li>Contributory Funding. April 1981 to March 1984; funded by the Ministry of the Solicitor General, Research Division.</li> <li>Legal Services for Ethnic Minorities. April 1981 to October 1983; funded by the University of Regina, President's Award Fund.</li> </ul>	<p><b>ONGOING</b></p> <ul style="list-style-type: none"> <li>Unified Family Court. September 1978 to March 1984; funded by the Saskatchewan Departments of the Attorney General and Social Services.</li> <li>Training for Corrections Workers.* May 1979 and ongoing; funded by the Saskatchewan Department of Social Services, Corrections. *HJ/PJR project.</li> <li>Indigenous Peoples Collection. February 1981 and ongoing; funded by the Social Sciences and Humanities Research Council of Canada, Strengthening of Specialized Collections Programme.</li> <li>Private Policing. March 1981 to October 1983; funded by the University of Regina, President's Award Fund.</li> <li>Contributory Funding. April 1981 to March 1984; funded by the Ministry of the Solicitor General, Research Division.</li> <li>Legal Services for Ethnic Minorities. April 1981 to March 1984; funded by the University of Regina, President's Award Fund.</li> </ul>
<p><b>NEW</b></p> <ul style="list-style-type: none"> <li>Contributory Funding. April 1981 to March 1984; funded by the Ministry of the Solicitor General, Research Division.</li> <li>Legal Services for Ethnic Minorities. April 1981 to October 1983; funded by the University of Regina, President's Award Fund.</li> <li>Probation. May 1981 to May 1982; funded by the Saskatchewan Department of Social Services, Corrections Division</li> <li>Saskatchewan Human Rights Board of Inquiry.* September 1981 to March 1984; funded by the Saskatchewan Department of the Attorney General. *HJ/PJR project.</li> <li>Law and Order for Canada's Indigenous People. September 1981 to March 1984; funded by the Ministry of the Solicitor General, Research Division.</li> </ul>	<ul style="list-style-type: none"> <li>Probation. May 1981 to May 1982; funded by the Saskatchewan Department of Social Services, Corrections Division.</li> <li>Saskatchewan Human Rights Board of Inquiry* September 1981 to March 1984; funded by the Saskatchewan Department of the Attorney General. *HJ/PJR project.</li> <li>Law and Order for Canada's Indigenous People. September 1981 to March 1984; funded by the Ministry of the Solicitor General, Research Division.</li> </ul> <p><b>NEW</b></p> <ul style="list-style-type: none"> <li>Community-Based Socio-Health Impact Assessment of Northern Saskatchewan. July 1982 and ongoing; funded by the Saskatchewan Health Research Board.</li> <li>Pharmaceutical Control. September 1982 to March 1983; funded by the Canadian Broadcasting Corporation.</li> <li>Social Policy Under the Saskatchewan NDP. September 1982 and ongoing; funded by PJR and SARU.</li> <li>Overhead Research. October 1982 and ongoing; funded by the University of Regina, President's Award Fund.</li> <li>Saskatchewan Juvenile Justice Task Force. November 1982 and ongoing; funded by HJ and PJR.</li> <li>Native People and Uranium Mining. December 1982 to May 1983; funded by the Social Sciences and Humanities Research Council of Canada, Strategic Grants Programme.</li> </ul>	<ul style="list-style-type: none"> <li>Saskatchewan Human Rights Board of Inquiry.* September 1981 to March 1984; funded by the Saskatchewan Department of the Attorney General. *HJ/PJR project.</li> <li>Law and Order for Canada's Indigenous People. September 1981 to March 1984; funded by the Ministry of the Solicitor General, Research Division.</li> <li>A Community-based Socio-Health Impact Assessment of Northern Saskatchewan. July 1982 and ongoing; funded by the Saskatchewan Health Research Board.</li> <li>Social Policy Under the Saskatchewan NDP. September 1982 and ongoing; funded by PJR and SARU.</li> <li>Overhead Research. October 1982 and ongoing; funded by the University of Regina, President's Award Fund.</li> <li>Saskatchewan Juvenile Justice Task Force. November 1982 and ongoing; funded by the University of Regina, President's Award Fund.</li> <li>Saskatchewan Juvenile Justice Task Force. November 1982 to May 1983; funded by the Social Sciences and Humanities Research Council of Canada, Strategic Grants Programme.</li> </ul>
		<p><b>NEW</b></p> <ul style="list-style-type: none"> <li>Women's Educational, Occupational and Familial Aspirations. April 1983 and ongoing; funded by the University of Regina, President's Award Fund.</li> <li>Correctional Alternatives. October 1983 and ongoing; funded by the Chicago Resource Centre.</li> <li>The Law, the Family and the Socialization of Children. February 1984 to May 1984; funded by the Social Sciences and Humanities Research Council of Canada, Strategic Grants Programme.</li> <li>Content Analysis of Uranium Mining Transcripts in Saskatchewan. February 1984 and ongoing; funded by the Social Sciences and Humanities Research Council of Canada, Strategic Grants Programme.</li> </ul>

PUBLICATIONS

Figure 2

1981-1982

1982-1983

1983-1984

1981-1982	1982-1983	1983-1984
<p><b>Published Books and Contributions to Books</b></p> <ul style="list-style-type: none"> <li>"Community Corrections and Social Control." In <i>Proceedings of the One Hundred and Tenth Annual Congress of Corrections.</i></li> <li><i>Corrections: An Historical Perspective of the Saskatchewan Experience.</i></li> <li>"The Pharmaceutical Industry as a Public Health Hazard and Institution of Social Control." In <i>Health and Canadian Society: Sociological Perspectives.</i></li> <li><i>Reintegrating the Offender: Assessing the Impact of Community Corrections.</i></li> <li>"The Use of Blood Typing in Cases of Disputed Paternity in England." Appendix G to <i>Child Support in America.</i></li> </ul>	<p><b>Published Books and Contributions to Books</b></p> <ul style="list-style-type: none"> <li>None.</li> </ul> <p><b>Published Research Reports</b></p> <ul style="list-style-type: none"> <li>Annual Report 1982-1983.</li> <li><i>A Comparison of a Final and Released Government Research Report on Prescribing to the Elderly in Saskatchewan. Occasional Paper No. 1.</i></li> <li><i>Team Work: Saskatoon's Unified Family Court, Final Report of the Saskatoon Unified Family Court Evaluation 1978-1981.</i></li> </ul> <p><b>Contributions to Journals</b></p> <ul style="list-style-type: none"> <li>None.</li> </ul> <p><b>Contributions to Magazines</b></p> <ul style="list-style-type: none"> <li>"Green Party Founded: Convention Erupts Over Process and Structure," <i>Briarpatch.</i></li> <li>"Law and Order in Saskatchewan," <i>Briarpatch.</i></li> <li>"Prairie Justice News," <i>Canadian Plains Bulletin.</i></li> </ul> <p><b>Reviews of Books and Other Reviews</b></p> <ul style="list-style-type: none"> <li><i>Criminal Justice in Canada: An Introductory Text. In Justitia.</i></li> <li><i>The Politics of Rights: Lawyers, Public Policy and Political Change. In Justitia.</i></li> <li><i>The Practice of Freedom: Canadian Essays on Human Rights and Fundamental Freedoms. In Justitia.</i></li> </ul>	<p><b>Published Books and Contributions to Books</b></p> <ul style="list-style-type: none"> <li>"An Ethical Movement in Search of Analysis." In <i>Our Generation Against Nuclear War.</i></li> <li>"Managing Social Contradictions Through Drugs. Contradictions in Canadian Society.</li> <li>"Mercury Poisoning." In <i>Sociology: A Critical Perspective.</i></li> </ul> <p><b>Published Research Reports</b></p> <ul style="list-style-type: none"> <li>Annual Report 1983-1984.</li> <li><i>Content Analysis of Uranium Mining Transcripts in Saskatchewan, 1977-1980: A Preliminary Report on Problems and Methods. Occasional Paper No. 2.</i></li> <li><i>The False Promises of Criminology and the Promise of Justice.</i></li> <li><i>Law and Order for Canada's Indigenous People: A Review of Recent Research Literature Relating to the Operation of the Criminal Justice System and Canada's Indigenous People.</i></li> <li><i>The Regina Native Counsel Project: A Legal Service for Native Organizations, Groups and Societies in the City of Regina. Revised 1983.</i></li> </ul> <p><b>Contributions to Journals</b></p> <ul style="list-style-type: none"> <li>"Discussion of a Research Report Entitled 'Public Drunkenness in Regina: A Search for Determinants and Solutions' by the Saskatchewan Alcoholism Commission," <i>Canadian Journal of Criminology.</i></li> </ul> <p><b>Contributions to Magazines</b></p> <ul style="list-style-type: none"> <li>"Atomic Cafe: The Saskatchewan Version," <i>Briarpatch.</i></li> <li>"Environmental Politics: The Rise of the West German Green Party," <i>Briarpatch.</i></li> <li>"Legal Aid Review: Report Offers Simplistic Solutions," <i>Briarpatch.</i></li> <li>"New Prison Paradigms," <i>ICOPA Newsletter.</i></li> <li>"Prairie Justice News," <i>Canadian Plains Bulletin.</i></li> <li>"The Prospects of a Canadian Green Party," <i>Briarpatch.</i></li> <li>"Provincial NDP Convention Overturns Pro-Uranium Policy," <i>Nuclear Free Press.</i></li> <li>"Regina Peace Coalition Adopts Anti-Nuclear Stand," <i>Nuclear Free Press.</i></li> <li>"Saskatchewan P.C.'s 'Open for Business' to Cruise and Uranium Mining," <i>Nuclear Free Press.</i></li> <li>"Saskatchewan Prison Overcrowding," <i>Justitia.</i></li> <li>"Saskatchewan Report," <i>Nuclear Free Press.</i></li> <li>"Unified Family Court Stifled by Conservatives," <i>Briarpatch.</i></li> <li>"U.S. Documents Reveal Canadian Complicity in Offensive Weapons Development," <i>Briarpatch.</i></li> </ul> <p><b>Reviews of Books and Other Reviews</b></p> <ul style="list-style-type: none"> <li><i>Current Issues in Juvenile Justice. In Justitia.</i></li> <li><i>Justice for Young Women: Close-up on Critical Issues. In Justitia.</i></li> <li><i>Let the Family Flourish. In Saskatchewan History.</i></li> <li><i>Scared Straight! and the Panacea Phenomenon. In Justitia.</i></li> </ul>
<p><b>Published Research Reports</b></p> <ul style="list-style-type: none"> <li><i>Annotated Bibliography of Consortium Members' Current Research, and Published and Unpublished Materials. Revised 1981.</i></li> <li>Annual Report 1981-1982.</li> <li><i>Fostering the Mental Health of Persons of Indian Ancestry in Saskatchewan.</i></li> <li><i>Probation: North American Literature Review (1971-1981).</i></li> <li><i>Training for Corrections Workers: A Review of the Experience in 1980-1981.</i></li> </ul>	<p><b>Contributions to Journals</b></p> <ul style="list-style-type: none"> <li>"Attitudes Towards the Native Community in Regina," <i>Canadian Journal of Criminology.</i></li> <li>"Community Corrections and Social Control: The Case of Saskatchewan, Canada." <i>Contemporary Crises.</i></li> <li>"The Growth of Punishment: Imprisonment and Community Corrections in Canada," <i>Crime and Social Justice.</i></li> <li>"Innate Criminality Revisited," <i>Canada's Mental Health.</i></li> <li>"Locking up Indians in Saskatchewan: Some Recent Findings," <i>Canadian Ethnic Studies.</i></li> <li>"The Regina Native Counsel Project: A Civilian Perspective on the Delivery of Legal Services to People of Indian Ancestry in the City," <i>Canadian Legal Aid Bulletin.</i></li> <li>"Sexism in the Juvenile Justice System," <i>Canadian Woman Studies.</i></li> </ul>	<p><b>Contributions to Journals</b></p> <ul style="list-style-type: none"> <li>"Discussion of a Research Report Entitled 'Public Drunkenness in Regina: A Search for Determinants and Solutions' by the Saskatchewan Alcoholism Commission," <i>Canadian Journal of Criminology.</i></li> </ul>
<p><b>Contributions to Journals</b></p> <ul style="list-style-type: none"> <li>"Attitudes Towards the Native Community in Regina," <i>Canadian Journal of Criminology.</i></li> <li>"Community Corrections and Social Control: The Case of Saskatchewan, Canada." <i>Contemporary Crises.</i></li> <li>"The Growth of Punishment: Imprisonment and Community Corrections in Canada," <i>Crime and Social Justice.</i></li> <li>"Innate Criminality Revisited," <i>Canada's Mental Health.</i></li> <li>"Locking up Indians in Saskatchewan: Some Recent Findings," <i>Canadian Ethnic Studies.</i></li> <li>"The Regina Native Counsel Project: A Civilian Perspective on the Delivery of Legal Services to People of Indian Ancestry in the City," <i>Canadian Legal Aid Bulletin.</i></li> <li>"Sexism in the Juvenile Justice System," <i>Canadian Woman Studies.</i></li> </ul>	<p><b>Contributions to Journals</b></p> <ul style="list-style-type: none"> <li>"Attitudes Towards the Native Community in Regina," <i>Canadian Journal of Criminology.</i></li> <li>"Community Corrections and Social Control: The Case of Saskatchewan, Canada." <i>Contemporary Crises.</i></li> <li>"The Growth of Punishment: Imprisonment and Community Corrections in Canada," <i>Crime and Social Justice.</i></li> <li>"Innate Criminality Revisited," <i>Canada's Mental Health.</i></li> <li>"Locking up Indians in Saskatchewan: Some Recent Findings," <i>Canadian Ethnic Studies.</i></li> <li>"The Regina Native Counsel Project: A Civilian Perspective on the Delivery of Legal Services to People of Indian Ancestry in the City," <i>Canadian Legal Aid Bulletin.</i></li> <li>"Sexism in the Juvenile Justice System," <i>Canadian Woman Studies.</i></li> </ul>	<p><b>Contributions to Journals</b></p> <ul style="list-style-type: none"> <li>"Discussion of a Research Report Entitled 'Public Drunkenness in Regina: A Search for Determinants and Solutions' by the Saskatchewan Alcoholism Commission," <i>Canadian Journal of Criminology.</i></li> </ul>
<p><b>Contributions to Magazines</b></p> <ul style="list-style-type: none"> <li>"Defining the Role of Government and the Voluntary Sector," <i>Bulletin of the Canadian Association for the Prevention of Crime.</i></li> <li>"ENGO's Gather in Nation's Capital," <i>Briarpatch.</i></li> <li>"Heritage Fund: Rhetoric VS Reality," <i>Briarpatch.</i></li> <li>"Policing the Police: Conference Defends Self-Control Method," <i>Briarpatch.</i></li> <li>"Prairie Justice News," <i>Canadian Plains Bulletin.</i></li> <li>"Regina Water Study Ignores Evidence Linking Chlorination to Cancer," <i>Briarpatch.</i></li> <li>"Renewable Energy for the Left," <i>Canadian Dimension.</i></li> </ul>	<p><b>Contributions to Magazines</b></p> <ul style="list-style-type: none"> <li>"Green Party Founded: Convention Erupts Over Process and Structure," <i>Briarpatch.</i></li> <li>"Law and Order in Saskatchewan," <i>Briarpatch.</i></li> <li>"Prairie Justice News," <i>Canadian Plains Bulletin.</i></li> </ul>	<p><b>Contributions to Magazines</b></p> <ul style="list-style-type: none"> <li>"Atomic Cafe: The Saskatchewan Version," <i>Briarpatch.</i></li> <li>"Environmental Politics: The Rise of the West German Green Party," <i>Briarpatch.</i></li> <li>"Legal Aid Review: Report Offers Simplistic Solutions," <i>Briarpatch.</i></li> <li>"New Prison Paradigms," <i>ICOPA Newsletter.</i></li> <li>"Prairie Justice News," <i>Canadian Plains Bulletin.</i></li> <li>"The Prospects of a Canadian Green Party," <i>Briarpatch.</i></li> <li>"Provincial NDP Convention Overturns Pro-Uranium Policy," <i>Nuclear Free Press.</i></li> <li>"Regina Peace Coalition Adopts Anti-Nuclear Stand," <i>Nuclear Free Press.</i></li> <li>"Saskatchewan P.C.'s 'Open for Business' to Cruise and Uranium Mining," <i>Nuclear Free Press.</i></li> <li>"Saskatchewan Prison Overcrowding," <i>Justitia.</i></li> <li>"Saskatchewan Report," <i>Nuclear Free Press.</i></li> <li>"Unified Family Court Stifled by Conservatives," <i>Briarpatch.</i></li> <li>"U.S. Documents Reveal Canadian Complicity in Offensive Weapons Development," <i>Briarpatch.</i></li> </ul>
<p><b>Reviews of Books and Other Reviews</b></p> <ul style="list-style-type: none"> <li><i>Co-Ed Prison. In Canadian Journal of Criminology.</i></li> <li><i>Globe Theatre's Inherit the Wind. In Briarpatch.</i></li> <li>"History of the Ontario Waffle." In <i>Canadian Dimension.</i></li> <li><i>Rain of Death: Acid Tain in Western Canada. In Briarpatch.</i></li> </ul>	<p><b>Reviews of Books and Other Reviews</b></p> <ul style="list-style-type: none"> <li><i>Criminal Justice in Canada: An Introductory Text. In Justitia.</i></li> <li><i>The Politics of Rights: Lawyers, Public Policy and Political Change. In Justitia.</i></li> <li><i>The Practice of Freedom: Canadian Essays on Human Rights and Fundamental Freedoms. In Justitia.</i></li> </ul>	<p><b>Reviews of Books and Other Reviews</b></p> <ul style="list-style-type: none"> <li><i>Current Issues in Juvenile Justice. In Justitia.</i></li> <li><i>Justice for Young Women: Close-up on Critical Issues. In Justitia.</i></li> <li><i>Let the Family Flourish. In Saskatchewan History.</i></li> <li><i>Scared Straight! and the Panacea Phenomenon. In Justitia.</i></li> </ul>

1981-1982

1982-1983

1983-1984

PAPERS AT LEARNED AND PROFESSIONAL CONFERENCES	PAPERS AT LEARNED AND PROFESSIONAL CONFERENCES	PAPERS AT LEARNED AND PROFESSIONAL CONFERENCES
<ul style="list-style-type: none"> <li>"Are There Any Real Trade-Offs Under the Young Offenders Act," Canadian Indian Lawyers Association Annual Conference.</li> <li>"The 'Criminal Personality' or Innate Criminality Revisited: Modern Justifications for Conservative Criminal Justice Policies and Practices," Annual Meeting of the Canadian Sociology and Anthropology Association.</li> <li>"I Am Not My Brother's Keeper: A Statement about the Abolition of Prisons," John Howard Society Conference, and Saskatchewan Law Union.</li> <li>"The Law, the State and Indigenous Peoples: Some Dilemmas," American Society of Criminology Annual Meeting.</li> <li>"Managing Social Contradictions Through Drugs," Western Association of Sociology and Anthropology Annual Conference.</li> <li>"The Native Offender in Saskatchewan: Some Implications for Crime Prevention," Biennial Congress of the Canadian Association for the Prevention of Crime.</li> <li>"Paradigm Shifts of Justice Models," Western Association of Sociology and Anthropology Annual Conference.</li> <li>"Policing in a Multicultural Society: Some Implications for Police Educators," Eighth Annual Police Educators Conference.</li> <li>"Probation," Saskatchewan Criminology and Corrections Association Workshop.</li> <li>"Social Welfare, Human Justice and Mineral Resources Policy: A Saskatchewan Case Study 1971-1981," Western Association of Sociology and Anthropology Annual Conference.</li> <li>"Some Future Perspectives on the Family and Conflict Resolution: Lessons from Saskatoon," Second Annual Western Regional Conference on Conciliation Services.</li> <li>"Volunteers in Corrections," Saskatchewan Criminology and Corrections Association Conference.</li> </ul>	<ul style="list-style-type: none"> <li>"Alternatives to Legal Services," Saskatchewan Law Union.</li> <li>"Brief Presented at the Public Hearing for the Review of the City of Regina Police Canine Unit," Public Hearing.</li> <li>"Brief Presented at the Public Hearings Regarding The Mental Health Act, and the Law Reform Commission's Proposals for a Compulsory Mental Health Care Act and a Personal Guardianship Act," Public Hearings.</li> <li>"The False Promises of Criminology," American Society of Criminology Annual Meeting.</li> <li>"Organizing Conciliation Services in the Best Interests of the Children," Third Annual Western Regional Conference on Court Conciliation Services.</li> <li>"Prescribing of Mood Modifiers to School-Age Children: Problems and Alternatives," Education Showcase 1983.</li> <li>"Streaming of Males and Females in the Education System," Education Showcase 1983.</li> <li>"The Use of Legal Drugs as Social Control," American Society of Criminology Annual Meeting.</li> </ul>	<ul style="list-style-type: none"> <li>"Abolition," Quarterly Corrections Managers Meeting.</li> <li>"Bill C-157," Workshop on Canadian Security Intelligence Service.</li> <li>"The Changing Saskatchewan Legal Aid Plan: Implications for Client Groups," Western Association of Sociology and Anthropology Annual Conference.</li> <li>"Content Analysis of Uranium Mining Transcripts in Saskatchewan, 1977-1990," Western Association of Sociology and Anthropology Annual Conference.</li> <li>"The Emerging Paradigm: Alternatives to Prison—A Review of Sidestream Literature and Movements," Western Association of Sociology and Anthropology Annual Conference.</li> <li>"The False Promises of Criminology and the Promise of Justice," Learned Societies Conference.</li> <li>"The Family Services Act," Family Services Act Review Committee Hearings.</li> <li>"Goals of the Workshop and a Canadian Example of Some Methodological and Ideological Problems of Participatory Research," Introductory Workshop on Participatory Research.</li> <li>"The Human Justice Program, University of Regina," First Annual Prison Educators Conference.</li> <li>"Ideological Issues for Participatory Research," Introductory Workshop on Participatory Research.</li> <li>"The Indigenization of Social Control in Canada," XIth International Congress on Anthropology and Ethnology.</li> <li>"Justice and Youth: Young Offenders Act," Saskatchewan Libraries Association.</li> <li>"Preliminary Findings on a Content Analysis of Uranium Mining Transcripts," Human Context of Science and Technology Conference.</li> <li>"Saskatchewan Juvenile Justice Task Force Case Study," Introductory Workshop on Participatory Research.</li> <li>"Summing Up," Introductory Workshop on Participatory Research.</li> <li>"Women's Educational, Occupational and Familial Aspirations: A Longitudinal Study," Western Association of Sociology and Anthropology Annual Conference.</li> <li>"Young Offenders Act: Custodial Issues," Young Offenders Act Educational Workshop.</li> </ul>
PAPERS AND PRESENTATIONS AT COMMUNITY CONFERENCES	PAPERS AND PRESENTATIONS AT COMMUNITY CONFERENCES	PAPERS AND PRESENTATIONS AT COMMUNITY CONFERENCES
<ul style="list-style-type: none"> <li>"Alcohol and Drug Problems in Saskatchewan," Community Drug Forum.</li> <li>"Drugs and the Elderly," Faculty of Social Work Seminar.</li> <li>"Freedom of Information: Who Controls the Facts," Faculty of Social Work Noon Hour Forum.</li> <li>"Making Peace with Nature," Regina Unitarians.</li> <li>"Marijuana and the Law," Regina Drug Abuse Society.</li> <li>"The Medicalization of Underdevelopment," Manitoba Committee for International Cooperation.</li> <li>"Nuclear Science and Technology in our Modern World," University of Regina Extension.</li> <li>"The Politics of Cancer," Meadow Lake Environmental Society.</li> <li>"The Poverty of Pluralism: Critique of the Philosophy of Human Services," Faculty of Social Work Noon Hour Forum.</li> <li>"Prescription Drugs and Healthcare," Saskatchewan Union of Nurses, Heyburn Hospital Non-Nursing Staff, and Balcarres Nursing Home Staff.</li> <li>"Probation," Saskatchewan Social Services Probation Supervisors.</li> <li>"Public Drunkenness in Regina," Regina Drug Abuse Society.</li> <li>"Social and Economic Conditions Facing Persons of Indian Ancestry in Saskatchewan," Native Child Apprehension Conference.</li> </ul>	<ul style="list-style-type: none"> <li>"Drunk Drivers: Is the Law Tough Enough," Let's Talk Series.</li> <li>"Health Hazards of Uranium Mining," United Church Uranium Hearings.</li> <li>"How Safe is Uranium Mining," Let's Talk Series.</li> <li>"The Literature Review as a Tool for Policy Analysis," Faculty of Social Work M.S.U. Meeting.</li> <li>"The Pharmaceutical Industry and the Third World," Manitoba Council for International Cooperation.</li> <li>"The Rights of the Institutionalized: The Case of Central Nervous System Prescriptions in Saskatchewan Nursing Homes," University of Regina Extension.</li> <li>"Solvent Abuse and Community Responses," Saskatchewan Association of Non-Governmental Social Services Agencies Conference.</li> <li>"Streaming of the Sexes in the Juvenile Justice System," University of Regina Psychology Wednesday Colloquia.</li> <li>"Violence and Justice," John Howard Community Justice Services Forum.</li> </ul>	<ul style="list-style-type: none"> <li>"The Dangers of Pharmaceutical Medicine," Consumers Health Organization of Manitoba Annual Convention, and Healthy Horizons Conference.</li> <li>"Ecology and Human Health," Consumers Health Organization of Manitoba Annual Convention, and Healthy Horizons Conference.</li> <li>"The Effects of the Economic Recession on Women," Biennial Conference of the Saskatchewan Action Committee on the Status of Women.</li> <li>"Female Juvenile Offenders," Elizabeth Fry Annual Meeting.</li> <li>"The Impact of Resource Development in the North," Faculty of Social Work Noon Hour Forums.</li> <li>"Juvenile Justice: What Does the Community Know," Faculty of Social Work Noon Hour Forums.</li> <li>"The Law and the Young Female Offender: Is It Just," Let's Talk about Women Series.</li> <li>"Prescribing Social Control," Healthy Horizons Meeting.</li> <li>"Problem-Solving Groups," Healthy Horizons Meeting.</li> <li>"Social and Political Implications of the Anti-Choice Campaign," Meeting of Citizens for Reproductive Rights.</li> <li>"Strategies for Peace and Security in the Nuclear Age: A Report on the International Peace and Security Conference at Guelph," University of Regina Psychology Wednesday Colloquia.</li> <li>"Young Offenders Act: Boon or Burden," Faculty of Social Work Noon Hour Forums.</li> </ul>
INTERVIEWS/PRESENTATIONS THROUGH ELECTRONIC OR PRINT MEDIA	INTERVIEWS/PRESENTATIONS THROUGH ELECTRONIC OR PRINT MEDIA	PAPERS AND PRESENTATIONS AT COMMUNITY CONFERENCES
Not documented in 1981-1982.	<ul style="list-style-type: none"> <li>"Alcohol and Marijuana Research," CKBI Open Line.</li> <li>"Divorce Statistics and the Family of the Future," CBC Saskatchewan Today.</li> <li>"Drug Abuse and Community Response," CKBI Open Line.</li> <li>"How Safe is Uranium Mining," CKCK AM Magazine.</li> <li>"Impaired Driving in Saskatchewan," CKCK AM Magazine.</li> <li>"Pharmaceutical Control," CBC Ideas.</li> <li>"Private Policing," CBC Saskatchewan AM.</li> <li>"Solvent Abuse," CKBI Open Line.</li> <li>"Streaming of Males and Females in the Education System," CBC CBC Hours.</li> </ul>	<ul style="list-style-type: none"> <li>"The Dangers of Pharmaceutical Medicine," Consumers Health Organization of Manitoba Annual Convention, and Healthy Horizons Conference.</li> <li>"Ecology and Human Health," Consumers Health Organization of Manitoba Annual Convention, and Healthy Horizons Conference.</li> <li>"The Effects of the Economic Recession on Women," Biennial Conference of the Saskatchewan Action Committee on the Status of Women.</li> <li>"Female Juvenile Offenders," Elizabeth Fry Annual Meeting.</li> <li>"The Impact of Resource Development in the North," Faculty of Social Work Noon Hour Forums.</li> <li>"Juvenile Justice: What Does the Community Know," Faculty of Social Work Noon Hour Forums.</li> <li>"The Law and the Young Female Offender: Is It Just," Let's Talk about Women Series.</li> <li>"Prescribing Social Control," Healthy Horizons Meeting.</li> <li>"Problem-Solving Groups," Healthy Horizons Meeting.</li> <li>"Social and Political Implications of the Anti-Choice Campaign," Meeting of Citizens for Reproductive Rights.</li> <li>"Strategies for Peace and Security in the Nuclear Age: A Report on the International Peace and Security Conference at Guelph," University of Regina Psychology Wednesday Colloquia.</li> <li>"Young Offenders Act: Boon or Burden," Faculty of Social Work Noon Hour Forums.</li> </ul>
INTERVIEWS/PRESENTATIONS THROUGH ELECTRONIC OR PRINT MEDIA	INTERVIEWS/PRESENTATIONS THROUGH ELECTRONIC OR PRINT MEDIA	INTERVIEWS/PRESENTATIONS THROUGH ELECTRONIC OR PRINT MEDIA
Not documented in 1981-1982.	<ul style="list-style-type: none"> <li>"Crime and the Elderly Victim," Cable Regina.</li> <li>"Key Lake Uranium Mine Spills," CKCK Johnny Sanderson Show.</li> <li>"Pharmaceutical Medicine," CKCK Action Line.</li> <li>"Pornography," CKCK AM Magazine.</li> <li>"Saskatchewan Homicide Rate," CBC French News, Newsday, Saskatchewan Today.</li> <li>"Study of Alternatives in California," CFQC News Report.</li> <li>"The Treatment of Female Juvenile Offenders within the Juvenile Justice System," CKCK AM Magazine.</li> <li>"The Unified Family Court," CBC Saskatchewan Today.</li> <li>"The Young Offenders Act," University of Saskatchewan UPLINK 34.</li> </ul>	<ul style="list-style-type: none"> <li>"Crime and the Elderly Victim," Cable Regina.</li> <li>"Key Lake Uranium Mine Spills," CKCK Johnny Sanderson Show.</li> <li>"Pharmaceutical Medicine," CKCK Action Line.</li> <li>"Pornography," CKCK AM Magazine.</li> <li>"Saskatchewan Homicide Rate," CBC French News, Newsday, Saskatchewan Today.</li> <li>"Study of Alternatives in California," CFQC News Report.</li> <li>"The Treatment of Female Juvenile Offenders within the Juvenile Justice System," CKCK AM Magazine.</li> <li>"The Unified Family Court," CBC Saskatchewan Today.</li> <li>"The Young Offenders Act," University of Saskatchewan UPLINK 34.</li> </ul>

### 3.2 Thematic Orientation of PJRC Activities

Most of the information presented in Figures 2 and 3 was categorized according to thematic orientation. However, the list of contracts and grants (Figure 1) was not included since it is the outcome of these (publications, presentation, resourcing) that is open to thematic analysis. Some of the themes used for the curriculum review of the School of Human Justice<sup>\*</sup> had to be collapsed and additional ones developed because of the scope of the thematic orientation in the research-related publications and presentations. No attempt was made to weigh publications (e.g., books versus reviews) or presentations (e.g., professional versus community) and, as such, all units of analysis are treated equally. It should also be recognized that in some cases a publication or presentation had to be listed under more than one theme. Percentages are therefore based on the total number of themes, not the total number of publications or presentations. A more sophisticated content analysis would not treat different publications or presentations as equal units of analysis but might sample equal units (e.g., number of pages) from all publications or presentations as a basis for the allocations of themes. For the purposes of this review and self-study, however, we did not believe such a time-consuming method was required or justified.

#### 3.2.1 Thematic Orientation of Publications

Table 1 shows the range of themes for categorizing publications

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\*See definitions on page 11 above

Table I  
THEMATIC ORIENTATION OF PJRC PUBLICATIONS 1981-84

	Criminal Justice (Incl. Socio-Legal)		Socio-Health (Incl. Environmental)		Justice and Indigenous People		Human Services (Incl. Policy)		Research Facilitation		Women and Justice		Peace		Totals
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
1981-82															
Books	5	72	1	14	0	0	1	14	0	0	0	0	0	0	7( 5)
Reports	2	33	1	17	1	17	0	0	2	33	0	0	0	0	6( 5)
Papers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Journals	7	64	1	9	3	27	0	0	0	0	0	0	0	0	11( 8)
Magazines	1	20	3	60	0	0	1	20	0	0	0	0	0	0	5
Reviews	3	50	3	50	0	0	0	0	0	0	0	0	0	0	6
TOTAL	18	51	9	26	4	11	2	6	2	6	0	0	0	0	35(29)*
1982-83															
Books	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reports	2	67	0	0	0	0	1	33	0	0	0	0	0	0	3( 2)
Papers	0	0	1	50	0	0	1	50	0	0	0	0	0	0	2( 1)
Journals	1	50	0	0	0	0	0	0	0	0	1	50	0	0	2( 1)
Magazines	0	0	2	100	0	0	0	0	0	0	0	0	0	0	2
Reviews	1	100	0	0	0	0	0	0	0	0	0	0	0	0	1
TOTAL	4	40	3	30	0	0	2	20	0	0	1	10	0	0	10( 7)**
1983-84															
Books	0	0	2	50	0	0	1	25	0	0	0	0	1	25	4( 3)
Reports	3	60	0	0	2	40	0	0	0	0	0	0	0	0	5( 3)
Papers	0	0	1	100	0	0	0	0	0	0	0	0	0	0	1
Journals	1	50	0	0	0	0	1	50	0	0	0	0	0	0	2( 1)
Magazines	4	29	6	43	1	7	0	0	0	0	0	0	3	21	14(13)
Reviews	2	50	0	0	0	0	1	25	0	0	1	25	0	0	4
TOTAL	10	34	9	30	3	10	3	10	0	0	1	3	4	13	30(25)***
TOTALS	32	43	21	28	7	9	7	9	2	3	2	3	4	5	75(61)

Table I (Con't)

- \* One book included as both criminal justice and human service; and one book included as both criminal justice and socio-health. One report included as both justice and indigenous people and socio-health. Three journal articles included as both criminal justice and justice and indigenous people.
- \*\* One report included as both criminal justice and human services. One paper included as both human services and socio-health. One journal article included as both criminal justice and women and justice.
- \*\*\* One book included as both socio-health and human services. Two reports included as both criminal justice and justice and indigenous people. One journal article included as both criminal justice and human services. One magazine article included as both socio-health and peace.

between 1981 and 1984. Overall, "criminal justice" (including socio-legal) themes persisted as the main orientation for PJRC although according to this exercise, it dropped from 51% to 43% of the themes allocated to publications over the three years.

This may seem surprising in view of our collaborative publication, *The False Promises of Criminology and the Promise of Justice*, where we critiqued a narrow criminocentric orientation to justice. The maintenance of a criminal justice orientation as our central research focus, however, does not necessarily imply this criminocentric view. Much of our activities in criminal justice-related research, for example, had to do with broad juvenile justice issues pertaining, but not restricted to, the implementation of the Young Offenders Act.

Next to a criminal justice orientation, "socio-health" (including environmental) was the major theme allocated to publications. This emphasis on socio-health (e.g., health and justice) problems and issues was largely the result of PJRC moving more fully into such areas as drug abuse and environmental impacts/laws which were both classified under this category.

According to this categorization our "special topic/theme area" was our third major thematic orientation. Two major qualifications need to be made about this finding. First, five publications listed under this theme were also listed under "criminal justice" and hence our "special topic/theme area" is also reflected there. If these publications had only been listed under "justice and indigenous people" the latter would have constituted a larger percentage of the total themes allocated and the discrepancy between it and the major theme,

criminal justice, would have been reduced. Secondly, the lack of any listing under this theme in 1982-1983 is not because PJRC was not working in this area but because one of our major projects between 1982 and 1984, the report on *Law and Order for Canada's Indigenous People*, was counted only for the year it was completed (1983-1984). This shows the limits of a static approach to a content analysis of a research program—something which will be corrected in the latter chapters which deal with the content of our research activities in a substantive (not formal), qualitative (not quantitative) manner.

There are some other problems that need to be raised about this highly preliminary overview of PJRC activities. Some people might include all criminal justice research issues and problems under a large "human service" category. We did not use this approach because we wanted to be able to compare criminal justice-related projects and other orientations. Yet much of our criminal justice/socio-legal research (e.g., the *Unified Family Court* evaluation) does have a human service dimension. Furthermore, much of our research in all areas has direct policy implications, and yet there were not all included under "policy" which was instead grouped with human services for the purposes of this review. Therefore, the "human service/policy" percentages need to be seen in a narrow, not a broad, manner.

Finally, all research publications can be considered as facilitating further research since they hopefully contribute information and knowledge which allows for re-thinking of the area, encourages new applications, and/or has other kinds of implications. However, some PJRC publications (e.g., *Directory of Funding Sources for Justice*

*Researchers on the Prairies*) facilitate research in a more direct and narrow sense and it is these that are listed under this theme.

### 3.2.2 Thematic Orientation of Presentations

Table II allocates themes to PJRC presentations between 1981 and 1984. The same general problems about units of analysis and percentages regarding Table I apply to these results. It is noteworthy how similar the percentages are for the three thematic orientations ("criminal justice/socio-legal," "socio-health/environmental," and the "human services/policy" themes) for both publications and presentations. This would suggest that, in general, the same priority has been given to presenting our research findings in these areas as is given to publishing them. It probably suggests that presentations and publications are quite interrelated—both that presentations are more likely if the material is organized in a publishable form and that presenting material challenges people to organize it in a form which is publishable.

In the other thematic areas this parallel between publications and presentations declines. "Women and justice" and "research" facilitation themes have higher overall percentages than "justice and indigenous people" in the case of presentations made, whereas they had lower overall percentages than "justice and indigenous people" in the case of publications.

This raises several questions. First, it may indicate that the scope of groups inviting PJRC to present and/or to which PJRC findings are judged to be pertinent has undergone recent change. The most

Table II  
THEMATIC ORIENTATION OF PJRC PRESENTATIONS 1981-84

	Criminal Justice (Incl. Socio-Legal)		Socio-Health (Incl. Environmental)		Human Services (Incl. Policy)		Women and Justice		Research		Justice and Indigenous People		Education		Peace		Totals
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
1981-82	12	39	11	35	5	16	0	0	0	0	3	10	0	0	0	0	31(26)*
1982-83	10	40	8	32	2	8	2	8	1	4	1	0	2	8	0	0	25(17)**
1983-84	15	44	5	15	2	6	6	17	4	12	1	3	0	0	1	3	34(30)***
TOTAL	37	41	24	27	9	10	8	9	5	6	4	4	2	2	1	1	90(73)

25

\* One included as both criminal justice and human services; two included as both criminal justice and justice and indigenous people; and two included as both criminal justice and socio-health.

\*\* One included as both criminal justice and women and justice, socio-health and education, women and justice and education; two included as both criminal justice and human services; and three included as both criminal justice and socio-health.

\*\*\* One included as both criminal justice and human services; and three included as both criminal justice and women and justice.

dramatic comparison is between "justice and indigenous people" and "women and justice." Whereas "justice and indigenous people" was found to be 10% of the overall themes in publications between 1981 and 1984, it was found to be 4% of the overall presentations in this period. (Two presentations judged to be "justice and indigenous people" were also included in the "criminal justice" category). In contrast, whereas "women and justice" was found to be 3% of the overall themes in publications between 1981 and 1984, it was found to be 9% of the overall presentations. (Four presentations classified as "women and justice" were also included in the "criminal justice" category).

The increase in presentations involving "women and justice" themes was particularly notable in the last year (1983-1984) which corresponds to, and is largely explained by, the addition of a faculty member with a background in women's studies. Without such a resource person(s) in previous years it is understandable why PJRC would not receive requests or feel able to present or resource on women and justice issues and problems. Conversely, now that such a dimension exists within PJRC it raises the question of whether women and justice issues and problems ought to be incorporated into the center of PJRC activities (i.e., into our overall problem-defining), something we shall return to in the conclusion of this report.

The greater percentage in research facilitation presentations than in publications partly reflects PJRC's decision in 1982-1983 to become more involved in community-based and participatory research processes involving justice issues. Our co-sponsorship of and participation in a Participatory Research Workshop in 1983-1984 explains the

significant increase in this thematic orientation during that year.

Table II also indicates that categories on "education and justice" and on "peace" were required to be able to classify all the thematic orientation of PJRC's presentations during 1981-1984. Research findings presented by two PJRC associates at the Saskatchewan Teacher's Federation Educational Showcase during 1982-1983 explains the one theme. The "peace" category parallels the rising public profile of the Canadian peace movement and matters of nuclear disarmament during 1983-1984 but probably also reflects a previous decision by the School to expand curriculum into problems of justice, peace and development.

### 3.2.3 Audience Orientation of Presentations

It was also possible to content-analyze the nature of the audience in the case of presentations. Table III indicates that overall there was a fairly even involvement of professional, academic and community groups where PJRC presentations were made. However, this would not have been the case if there had not been a shift in the orientations from professional towards both academic and community groups over the three-year period. A more detailed breakdown of the specific groups classified under these three headings will prove helpful in assisting us (we are not impersonal) to determine the effectiveness of our approach to dissemination. In general, however, this analysis suggests that the decision to strengthen dissemination to community-based justice groups and to liaise with relevant academic bodies and forums has some impact. This has not been done at the expense of relevant professional-related activities so much as it is

the result of a general increase in the number of presentations from 1981-1982 to 1983-1984.

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Table III

AUDIENCE ORIENTATION OF PJRC PRESENTATIONS

	Professional		Community		Academic		Totals
	#	%	#	%	#	%	#
1981-82	10	38	8	31	8	31	(26)
1982-83	6	35	7	41	4	24	(17)
1983-84	6	20	11	37	13	43	(30)*
TOTAL	22	30	26	36	25	34	(73)

\* One-half of the presentations to the Workshop on Participatory Research were classified as academic and one-half were classified as community.

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3.2.4 Thematic Orientations of Media Appearances

It was also considered helpful and important to analyze the thematic orientations of media appearances made by PJRC associates during 1981-1984. (The audience orientation could not easily be done for this). Unfortunately, a system for collecting such dissemination-type information was not in place until 1982-1983 so only the 1982-1984 period can be profiled. In Table IV, the finding that the "criminal

justice/socio-legal" theme was even more pronounced than for publications or presentations may indicate the media perceives us as primarily a "criminological" resource. It also reflects the sensationalistic media interest in the increased homicide rates in Saskatchewan during 1984 and our willingness to try to inject some statistical perspective into the news coverage releasing this information.

The high percentage in the "socio-health" category is largely explained by a PJRC associate's involvement in a three-part CBC *Ideas* series on pharmaceutical drugs, and the publicity and appearances resulting from this. It is noteworthy that "women and justice" was the third thematic orientation in media appearances. This provides further support for our earlier conclusion that PJRC is increasingly seen as a resource in the areas of women and criminal and social justice.

Table IV  
THEMATIC ORIENTATION OF PJRC TV AND RADIO APPEARANCES 1981-84

	Criminal Justice (Including Socio-legal)		Socio-Health (Including Environmental)		Women and Justice		Education		Totals
	#	%	#	%	#	%	#	%	
1981-82	No info.		No info.		No info.		No info.		No info.
1982-83	3	25	7	59	1	8	1	8	12(11)*
1983-84	8	66	2	17	2	17	0	0	12(10)**
TOTAL	11	46	9	38	3	12	1	4	24(21)

\*One included as both women and justice and as education.

\*\*Two included as both criminal justice and women and justice.

### 3.2.5 Thematic Orientation of Liaisons

PJRC liaisons were also analyzed according to thematic and audience orientations. In Table V, the "criminal justice/socio-legal" thematic orientation was a greater percentage than in any of the other analyses (i.e., higher than publications, presentations, media). This suggests that the School and Consortium remain imbedded in the constituency out of which they originated. It is noticeable that there is a marked decrease in the percentages of the other liaisons. "Human services/policy," "justice and indigenous people," and "women and justice" taken together didn't account for as much as the "criminal justice/socio-legal" category alone (40% compared to 51%). There is a definite

Table V  
THEMATIC ORIENTATION OF PJRC LIAISONS 1981-84

	Criminal Justice		Human Service		Justice and Indigenous People		Women and Justice		Socio-Health		Education		Peace		Totals
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
1981-1982	11	61	3	17	4	22	0	0	0	0	0	0	0	0	18(17)
1982-1983	8	44	2	11	3	17	2	11	2	11	1	6	0	0	18(16)
1983-1984	20	50	7	17	3	8	6	15	3	8	0	0	1	2	40(37)
TOTAL	39	51	12	16	10	13	8	11	5	7	1	1	1	1	76(70)*

\* The actual total number of liaisons was 70. One was classified as both criminal justice and justice and indigenous people in 1981-82, in 1982-83 and 1983-84; one was classified as both criminal justice and socio-health in 1982-83; and two were classified as both criminal justice and women and justice in 1983-84.

decrease in liaisons involving justice and indigenous people from 1981 to 1984 and a reverse trend regarding women and justice. This confirms the conclusion made earlier that PJRC is becoming more involved in women and justice resourcing and liaisons. In contrast, it is noteworthy how our liaisons with groups concerned with health and justice issues is not as pronounced as are our publications and presentations in this area. There clearly is the potential in the future for more liaison over our socio-health/environmental research projects.

#### 3.2.6 Audience Orientation of Liaisons

Finally, Table VI shows the findings of the content analysis for the type of audience liaisons PJRC has had. There is a marked contrast between these findings and those for the audience orientation where PJRC made presentations. In the case of liaisons professional groups, and less so community groups, were far more pronounced than academic groups. This is not explained by a decrease in any area but by a greater increase in community liaisons (from 4 to 18 between 1981-1984) and in professional liaisons (from 9 to 15 between 1981-1984) than in academic liaisons (from 4 to 6 between 1981-1984). These findings further suggest that the decision to expand the scope of both research and dissemination—particularly into more community-based research along the lines of the SSHRC Native Issues strategic granting area<sup>\*</sup>—have been reflected in greater overall activities, not in a decline in activities involving the traditional professional constituency out of which the School and Consortium originated.

All the above findings should be taken as suggestive and preliminary. Impressions and conclusions should be carefully assessed in view of the more substantive and qualitative evaluations presented in the following chapters.

Table VI  
AUDIENCE ORIENTATION OF PJRC LIAISONS 1981-84

	Professional		Community		Academic		Totals
	#	%	#	%	#	%	
1981-82	9	52	4	24	4	24	17
1982-83	8	50	6	38	2	12	16
1983-84	15	39	18	46	6	15	39
TOTAL	32	44	28	39	12	17	72

### 3.3 Dissemination and Facilitation

While the above analysis and tables provide some insight into the communications of PJRC's research findings, it is helpful to look at such activities in more detail. PJRC's communication activities (inventoried above) take two general forms—dissemination and facilitation. In one sense dissemination consists simply of responding to requests for research publications.\*\* On the other hand, it also

\*Canada, Social Sciences and Humanities Research Council of Canada, "Community-Based Research: Report of the SSHRC Task Force on Native Issues," paper (Ottawa, Ont.: Social Sciences and Humanities Research Council of Canada, November 1983).

\*\*Because our mailing/dissemination lists continue to expand we now feel it would be useful for PJRC to track these requests so as to have a better idea of our readership and their informational needs.

introduces our work and objectives to other constituencies (e.g., *Annotated Bibliography of Research*, 1981; *Annual Reports*; *False Promises*, 1983), has implications for policy concerns (e.g., "Brief to the Review of the City of Regina Police Canine Unit," 1982) and curriculum (e.g., the 1982 *Probation* study is being used as a training document by the Manitoba Probation Services), and may translate into further research requests.

The facilitation function is probably the most important because it enables us to establish direct links with individuals and organizations in terms of their particular needs for justice information. It also offers the opportunity to encourage a community of research in the justice field.

A number of our projects have been specifically aimed at communicating information on research resources. The *Directory of Funding Sources for Justice Researchers on the Prairies* (1981), for example, was compiled to assist researchers or agencies seeking potential funding and publication outlets. Because it deals specifically with research on justice issues, this publication has some advantage over more general foundation and granting agency directories.

Our resource centre which is shared with the School has some 1200 holdings (a four-fold increase in the last two years) and is an information base for Human Justice and other students as well as for university and community researchers. Holdings include AV materials, bibliographies, publisher's catalogues, and research project files, as well as journals/magazines/newspapers and books. However, the emphasis is on obtaining publications not normally acquired by public or

university libraries such as local community newsletters. The Consortium research around justice and indigenous people has provided an especially large quantity of material.

We anticipate computerizing the resource centre holdings in 1984-1985, linking up with the Saskatchewan and Prince Albert Community Education Centres and with the Social Administration Research Unit, Faculty of Social Work, in 1985-1986, and linking up with other Canadian crime and justice research centres by or before 1986-1987.

In terms of making our publications more widely available we have put together display kits for each of the three central PJRC/School locations to be used at professional and community conferences, and we are presently negotiating with the University bookstore to sell our materials. We have also begun to explore ways of ensuring our publications are indexed in the more traditional academic library indexes and reference books such as *Canadiana* and possibly the Canadian Cataloging in Publication Program (CIP) of the National Library of Canada, as well as having International Standard Book Number (ISBN) and International Standard Serial Number (ISSN) codes assigned to our publications.

It is also expected that our specialized library collection "Pursuit of Justice for Indigenous Peoples" will be of major international significance to researchers. The collection is being funded by the Social Sciences and Humanities Research Council of Canada, and assembled in collaboration with the University of Regina library. Parameters have been broadly defined to include social justice issues as well as issues in the criminal justice and legal fields. Currently

there are over 1500 holdings. When the project is completed in 1985 it should provide the basis for advanced, comparative research on justice and Indigenous peoples.

Within the last two years we have become more actively involved in supporting and assisting individuals and groups, both from the university and the community, with their research problems and needs. This has ranged from more or less routine requests for speakers or for research consultations (although from a variety of organizations, e.g., the RCMP, PLEA, Regina Low Income Housing) which usually can be accomplished in one or two meetings; to fairly extensive contact with "communities of interest" (e.g., the Prince Albert Community Education Centre's work around drug and alcohol addictions); to full-scale involvement in specific projects. For example, beginning in November 1982 the Consortium and the School undertook coordination and support work for a Juvenile Justice Task Force established at the Saskatchewan Criminology and Corrections Association Conference on the Young Offenders Act. The Task Force's mandate was to attempt to influence implementation of the Act for those constituencies affected by the legislation in Saskatchewan. Members are chiefly non-governmental organizations working with youth or concerned with juvenile justice. We have, therefore formed better links with such groups as Native Courtworkers, Ranch Ehrlo Society, Public Legal Education Assistance, and Saskatchewan Psychiatric Nurses. (For a complete listing of participants, refer to Appendix I). The Saskatoon and particularly the Prince Albert Community Education Centres were heavily involved in encouraging,

supporting and facilitating the Task Force process. As part of our facilitation role, PJRC designed a questionnaire at the request of the Task Force around eight broad areas specified by participants dealing with respondents' views about the impact of the Act in Saskatchewan.

Last spring, in cooperation with the Saskatchewan Association of Northern Local Governments (SANLG), we helped to organize and sponsor a series of meetings on "The Problems Facing Saskatchewan's Northern People." PJRC also helped produce a segment of the video tapes from the Prince Albert meetings and Saskatoon conference and these have since been broadcast on the Prince Albert and Ille-a-la-Crosse community television networks. With funds allocated from the joint PJRC/SARU Saskatchewan Health Research Board grant, SANLG has currently undertaken a preliminary community-based social impact study of the socio-health effects of past economic projects on northern Indigenous people. They may utilize this study to prepare a research grant proposal.

The main goal of the "Introductory Workshop on Participatory Research" cosponsored by PJRC and SARU in February 1984 was to initiate some examination of the processes involved in orienting more research capabilities towards those constituencies not typically able to access research-based information. Six people from PJRC participated in the panel discussions and case studies. Workshop projects were selected to encourage communication across researchers working both outside and inside the university. A questionnaire evaluating the workshop has been sent to all those who attended, and it is possible

that further similar workshops will be held if those participating or other community-based researchers indicate this need.

We have also been involved in sharing information on justice issues and in trying to link up with individuals and organizations with similar concerns. This has occurred both formally and informally. In addition to the Task Force, SANLG meetings, and the Participatory Research Workshop, we cosponsored the Second Annual Western Regional Conference on Conciliation Services at Regina in March 1982; were involved in establishing an ad hoc Committee on Women in Prisons in Prince Albert in July 1983; and helped organize the founding meeting of the Western Feminist Network at the WASA Conference in February 1984. During the past three years PJRC members have attended and presented at over 70 professional and community conferences. We have, as well, sponsored or cosponsored a number of speakers to the university campus.

From 1978 to 1983 PJRC contributed to the quarterly *Canadian Plains Bulletin* through "Prairie Justice News." This was an opportunity for communications about justice research and projects in the prairie region and included such things as articles on legislation, reports on research being conducted, book reviews, and a listing of forthcoming conferences and workshops. In 1978-1979 we set up a network of correspondents to act as associates to the Consortium. Part of their role was to communicate regional news items to ensure a more truly prairie-based network. After the fall 1983 issue "Prairie Justice News" was dropped from the *Bulletin*, ostensibly because of an interest in standardizing the format and because there were only 350 individuals of the 4500 receiving it who were specifically interested in justice news.

Now that other centres of justice-related research are emerging in other prairie provinces the need for such a service is under review. We hope to continue to work with our correspondents and to launch a new system of communication, possibly integrating with the School of Human Justice brochure, by the winter of 1985 if funding is available.

## CHAPTER 4: RESEARCH PROJECTS NOT RELATED TO JUSTICE AND INDIGENOUS PEOPLE

4.1 Training for Corrections Workers: A Review of the Experience in 1980-1981

In 1980 the Corrections Division of the Saskatchewan Department of Social Services and the School of Human Justice signed an eighteen-month contract to jointly collaborate in the delivery of an educational program to corrections workers. This program would develop basic job-related skills and knowledge of the criminal justice system, and would provide the basis for further professionalization of corrections workers. *Training for Corrections Workers*<sup>1</sup> is a review of the major positive and negative aspects of the collaborative process.

4.1.1 Background

During the early 1970's only permanent staff, quite often only after working in the centres for some time, participated in basic training. Temporary staff did not receive training. However, as the institutions became overcrowded in the mid-1970's more temporary staff were employed. In 1976 the construction of two new 100+ bed correctional facilities and the hiring of 200+ more correctional staff was approved, and in 1977 some general guidelines were set out for the recruitment, deployment and training of staff for these new institutions.

There were political as well as bureaucratic implications for upgrading the training program. The criticisms of the Division and

the recommendations around the management of the correctional centres from the Moore Inquiry into the 1977 Prince Albert Correctional Centre riot made the Division very anxious to demonstrate competence in the management (including training) of the new programs under its direction.

When the contract with Corrections Division was signed the School of Human Justice had been offering classes for three years. Curriculum was solidifying and some valuable experience had been acquired using adult approaches to learning. We were developing a clearer understanding of what professional education meant in the context of the university and the justice community, and the opportunity to experiment with another innovative form of professional education was regarded positively. We wished to continue our involvement with the professional community, assist in its development, and influence the delivery of human services. The contractual arrangement seemed another possible way to fulfill the School's mandate. It was also consistent with trial relationships the School had had with police forces and paralegals in the province in previous years.

The Division and the School agreed to implement two phases of training and to consider two additional phases. Phase I, custody skills, would provide a core group of educational classes and field experience. Phase II, living unit skills, would consist of an intensification of those programs derived from the first phase, but specifically designed to provide the necessary skills for workers to operate as fourteen-person teams in the living unit milieu. The third phase,

in-service training, would consist of a more in-depth application of living unit skills. Phase IV, continuing education, proposed to develop more flexible methods of dealing with each individual living unit situation, and to provide opportunities for staff to grow professionally. All four phases were to be built on the emphasis on human behavior, security, and criminal justice theory; on staff working as a team; on independent learning; and on practical experience.

In retracking our experience with the Corrections Worker Training Program, it appears that some of the major issues centered around philosophical assumptions or objectives, contractual relationships, curriculum content, and personnel/recruitment.

#### 4.1.2 Philosophical Assumptions/Objectives

In our opinion the learning experience was handicapped because the Division failed to clearly articulate its philosophy about prisons for each component, particularly the Curriculum Development Committee. A major part of this philosophy was expressed in the term "normalization" and yet even near the end of the training period the meaning of this term was not commonly understood. Middle managers did not seem to clearly understand the approach, did not always have concensus on it, were not committed to it, or could not inspire line staff by it. The line staff, old and new, seemed prepared to act but could not easily understand the approach, identify with it, commit themselves to it, or act independently. According to the School's report,

*the failure to clearly define the objectives of*

*training, rationalize them with operation objectives, take a clear position in support of them, and gain acceptance of middle managers, was one of the key structural weaknesses which resulted in reduced effectiveness of training resources.<sup>2</sup>*

Because of the absence of program goals and plans for the new facilities, policies and procedures were being developed in the form of an operational manual. Program descriptions were sketchy and general. This made any integration of the training package with the operational programs haphazard and substantially reduced the opportunities for staff to participate in learning or development. Therefore, it was our recommendation that:

*The Division should clearly articulate a philosophy and state [its] assumptions about the operation of correctional facilities and about the training of staff for these facilities. The Division and the School should jointly describe the roles, skills, knowledge [and] needs...of corrections workers more clearly and specifically. They should then establish [measurable] objectives on the basis of these [factors]....<sup>3</sup>*

There were also differences in the philosophy about learning. In earlier discussions with the Division the assumptions were that adults can take an active part in their learning, and that the relationship between training and education is based on the training program addressing both the knowledge and skills related to working in corrections. But in the contact the School had with the Training Coordinators and the Centre Directors there was evidence of a failure to understand the University's position, and a belief that the training program was intended only to train and not to educate. This was particularly evident in the last six months of the contract when the

self-directed learning approach was not supported by the Division for Phase II and was not designed into the curriculum.

#### 4.1.3 Contractual/Structural Relationships

Because of the breakdown in contractual relationships (and the serious negative implications of this for the curriculum developed for the Corrections Worker Training Program), our report made the following recommendations:

*The contract should, more clearly and specifically, spell out the roles and relationships between the School and the Division in relation to planning, instruction, and evaluation. This contract should respect the different objectives, methods and priorities of each organization, recognizing that there are parallel rather than coterminous goals and interests. The contract should change the structural relationships between the School and the Division. This should stress an interdependence rather than dependence. It would mean autonomy for the School with accountability to one position (or team) in the senior management ranks of the Division. It is our suggestion that the management of the contract and lines of authority be directly between the School and the Director of Personnel and Training or the Director of Corrections.<sup>4</sup>*

In initial meetings about the contract between the School and the Division it seemed to be agreed that the School would: (1) act as a consultant to Corrections in designing a curriculum which would be acceptable to the University of Regina to credential training of corrections workers, (2) instruct portions of the training program (i.e., teach and consult), and (3) provide opinions about the presentation of the material (evaluate). These activities would occur primarily in the Curriculum Development Committee (CDC) and be reviewed

by the Steering Committee (SC). The contract was to be purposefully written to allow the widest possible interpretation because it was agreed from the beginning that problems in interpretation could be resolved on a face-to-face basis between the people on the Steering Committee. Unfortunately this Committee did not meet face-to-face from October 9, 1979 to October 22, 1980.

At the outset it was agreed that the School would participate as an equal partner in these forums (CDC and SC) with the Division assuming the administrative leadership or managerial role. This relationship existed (perhaps by neglect rather than by intention) until the opening of the new facilities became imminent. At that point operational concerns became paramount and this extended to training.

*Under these conditions the quality of a consulting partner to a managing partner was forgotten and the School was seen as subordinate to the Division. The School was antagonistic to this role and resisted the direction of the Division. It soon happened that the School was seen as part of the problem rather than part of the solution....The conflict over authority, role[s] and curriculum content injured the trust relationship which existed and wasted the energy of both the School and the Division in confrontation and competition rather than collaboration.<sup>5</sup>*

#### 4.1.4 Curriculum Content

The attempt to integrate classroom and field material, and the cooperation between instructors, which was excellent throughout the training program, presented students with a broad, comparative view of corrections and of the educational process. Student evaluations seemed to emphasize the importance of "the group" and "group process,"

and anything which promoted positive group interaction was viewed as satisfying. Overall, student evaluations of the training were positive for both Phases I and II. However, the collaborative approach to delivery did not extend to curriculum planning or evaluation during the second phase of the program. No measure of student performance was established in this phase, and the Schools' recommendations on curriculum content were ignored. In fact, there was never a comprehensive statement of the subject areas to be covered nor a comprehensive statement of learning needs for corrections workers throughout the entire training program.<sup>6</sup>

At the beginning there was an attempt to build the CDC into a team. It was agreed to make decisions and take action as a group rather than as individuals representing different organizations or interests. Because the role of the School's representative was neither clear nor accepted, a collaborative process finally proved unworkable. Until October 1980 decisions about curriculum and the approach to students and learning were taken by the CDC which the School reviewed and approved. After that time the Correctional Centre directors asked that the curriculum for Phase I be presented to them for approval and they took an active part in determining the content and approach to Phase II without hearing the recommendations of the CDC. The School of Human Justice continued to operate on the premise that decisions were made in the CDC and continued to argue for inclusions and exclusions from Phase II in this Committee. When it became evident that this Committee was no longer making the decisions the

Steering Committee (which had not met since October 1979) became more active in trying to resolve the conflict but, in the meantime, Phase II was designed and implemented over the School's objections. In hindsight, our report recommended that:

*The Division increase the autonomy of the training department to provide both more authority and more responsibility to this department to make decisions about content and delivery....[As well,] the School should provide more human resources and of a wider variety to the program. There was not enough of a "faculty" or "university" identity in the management or the delivery of the program over the terms of the contract.*<sup>7</sup>

#### 4.1.5 Personnel/Recruitment

Insofar as personnel problems are concerned, the negative employee-management relationships which existed throughout the period of the training program under review (1980-1981) had a serious effect on that training. There was a continual undercurrent of negotiations over such things as job classification, transfers, and living allowances which cast an adversarial pall over the program. On a number of occasions this erupted into full-scale antagonism as the one-month strike in 1979 and the protest in the camps in the spring of 1981 indicate. In addition, it was our perception that Division practices tended to downgrade employee's status, both as adults and adult learners. For example, employees were given little opportunity to grieve conflicts or were given little explanation for changes in plans. These job actions and their results (the contract finally negotiated provided unanticipated benefits in earned days off which meant hiring

and training more staff) may have had the single most significant impact on the planning and organizing of the changeover and, thus, both directly and indirectly on the training program.

Nonetheless, a large part of the success of the training program can be credited to the recruitment process. In the first place, the benefits (salaries and allowances) were more than adequate to support the program and to encourage people to participate and must have continued to motivate students throughout the course. Those recruited displayed a high individual motivation to learn as well. And the decision to have the teams proceed through training as a unit was perhaps the most beneficial aspect.

The recruitment process was not, however, even. There were times when the groups were too small and a number of occasions when they were too large, meaning that group size sometimes reduced the effectiveness of instruction. A more important problem was that the recruitment process did not attract sufficient numbers of female and Indigenous staff although this may have been beyond the control of the Division. The vast majority of the students in Phase I (175) were new employees of the Division. There were 143 males (82%) and 32 females (18%), and of these 11 (6%) were Indigenous people. During Phase I there were 10 terminations from the program representing an attrition rate of almost 6%; 4 of these were Indigenous staff and 2 were female staff. Comparable data is not yet available for Phase II.

The Division should consider looking more closely at the recruitment and selection process for women, especially since the 32

initial recruitments are disproportionate to the total number of female corrections workers. Almost all of the women completed the training successfully (30 out of 32) and many did better than average work in the classroom portions of the course. There were some signs of discrimination in the physical portions of the program and during the field placements but these were not researched.

*It would benefit the Division to interview the women staff about their experiences both in training and on initial placement. As well, they ought to take a longitudinal look at female corrections workers performance and job satisfaction.*<sup>8</sup>

Some consideration should also be given to developing a portion of the class material that deals with the specific needs of female offenders.

Given the low participation rate by Indigenous staff and the fact that Canada's prisons hold a disproportionate number of Indigenous offenders (see *Law and Order for Canada's Indigenous People*) our report recommended that it would be worthwhile to review the recruitment process, perhaps with someone experienced in minority group recruitment, to identify the factors which discourage Indigenous participation. Terminations from the program could occur for both voluntary and involuntary reasons. Since 4 out of 10 terminations were Indigenous corrections workers it would be useful to interview those who completed the program and those who did not in order to try and determine conditions which discourage Indigenous staff from continuing with their studies. It is our opinion that these terminations were initiated by Indigenous corrections workers because of a "*combination of job opportunities in other settings and the absence of a supportive, accepting environment at the Staff College and on placement.*"<sup>9</sup> For example, it

was our suggestion, and always has been, that a more generic kind of learning be promoted which would permit corrections workers to relate to offenders.

*[Yet] the Native Awareness training module seemed to acquaint corrections workers with new information about native people but did not help corrections workers relate to native offenders. It was not intensive enough to change attitudes and [was] too general to be relevant in a job training program. Furthermore it was located at a time when corrections workers were tiring of training.<sup>10</sup>*

#### 4.2 Assessing the Implications of the Growth in Private Policing

A small project we undertook in 1981 began to look at preliminary findings on the extent of private policing nationally in terms of industry growth and characteristics.<sup>11</sup> These findings have some implications for regulation/accountability, human rights, community control of policing, and national security legislation that need to be further explored.

Although poorly regulated and controlled, the private policing industry (private investigators, contract security guards, and in-house security personnel) is rapidly surpassing public law enforcement systems both in terms of absolute numbers and expenditures involved. The security hardware industry, especially the alarm systems aspect, has itself become a "big business."

*In Canada in 1971 there were 36,720 contract police as opposed to 39,726 public police....In Saskatchewan in 1971 there were 855 contract private police and 1,471 public police....Although there are no figures available in Canada concerning the number of private police involved in in-house security, estimates indicate [they] may out-number public police by as much two to one. Spending on private police is running faster than spending on public law enforcement. Estimated Canadian expenditures for security products and services totalled \$165 million in 1971 and are expected to reach \$809 million by 1985.<sup>12</sup>*

The origins of private police coincide with the concentration and centralization of capital within a few large industries (e.g., railroads), with the expansion of the insurance industry to protect the business profits of these large companies, and with the growth

of organized labor. More recently the increase in private policing may be a response to the so-called upswing in crime statistics (including the need to control "white-collar" crime) and the need for private police to secure such sensitive areas as uranium refining/nuclear weapons plants and other "high-tech" operations where public police cannot be expected to maintain continuous surveillance. The above statistics on the expansion of the private police industry raise a number of important questions about the nature and accountability of these practices.

There is an initial problem of how to differentiate and track the in-house security segment. Existing federal legislation only provides for the regulation of certain police under its jurisdiction—C.P.R. police and police in the mining industry. It would be useful to know whether other crown corporations such as the Saskatchewan Power Corporation or SGI contract out for their security personnel and what the status of these individuals would be.

Other than the small area applicable to federal legislation, the licensing of private investigators and guards has been assumed to be a provincial responsibility. Here, the restrictions governing private police are much less stringent and much less well-defined than those pertaining to the public sector.

*The Saskatchewan legislation does not cover the security hardware industry, insurance agents, or in-house private police. It should be noted that many consider the in-house segment to be the largest.... Unlike public police, private police are not covered by specifically enacted laws relating to powers of arrest, search, ... and hiring and firing. Private police derive their power from the rights of the private owner of the property they are protecting. As a result the contract between the private police and the owner will determine the extent of lawful [actions].<sup>13</sup>*

Private security often gives rise to private justice where company employees are privately disciplined instead of prosecuted. In this way the actual number of federal, provincial and municipal offences are undercounted since private police are not required and, in fact, generally do not report such offences. One of the recommendations we made to the National Crime Reporting Workshop, sponsored by the Law Enforcement Program, Canadian Centre for Justice Statistics, in March 1983, was that some mechanism be instituted whereby private police would be required to report all investigations undertaken and the outcomes in order to obtain standard and comparable information with public police forces.

Practices of private justice have also been reported as giving rise to illegal actions and to methods of investigation which are often improper if not illegal.

*Although private police generally have the rights of a private citizen, they are more likely to use force than a private citizen. In Canada today searches are more likely to be conducted by a private police person ...than a member of the public police. Unlike the public police who...must have reasonable and probable grounds for search, private police are usually able to do so in a random manner.<sup>14</sup>*

The relationship that exists between the public and private police reduces the likelihood of detecting and investigating potential abuses of power. For example, there are indications that information on individuals being investigated is regularly exchanged, and there is a constant interchange of personnel between the two policing sectors, mostly in the direction of the private police.

[And] although the Act does set out a complaint procedure, few people actually take advantage of it. In Ontario in 1972 for instance there were 49 complaints, mostly against private investigators. Of these only 13 were registered by members of the public. In Ontario most complaints in fact originate from other agencies....No formal complaint was registered in Saskatchewan during the same period. The low figure may result from the fact that few of those abused are in a strong position to register a complaint to initiate an investigation by the registrar.<sup>15</sup>

This may especially be the case for Indigenous persons. Furthermore,

*...in civil proceedings instituted by a citizen against a member of the private police, it is the citizen who must prove lack of consent in cases of abuse.*<sup>16</sup>

Approximately 50% of the private police industry in Canada is foreign controlled. This situation, plus the overall growth in the industry, needs to be examined with a view to regulating and controlling private police practices. The areas most in need of attention are those relating to the use of force; arrest; search and seizure; access to and use of confidential records (e.g., health records), electronic surveillance equipment, firearms and other restricted weapons; and the use and control of guard dogs. More information must also be gathered on in-house security, insurance agents, and manufacturers of security hardware. Similarly, the public must be made aware of their rights and any complaint procedures set out in the Act. Together, the public and private police constitute a continually expanding police network which does not allow for local initiatives or alternatives to policing.

#### 4.3 Reintegrating the Offender: Assessing the Impact of Community Corrections

This study<sup>17</sup> about the impact of community programs that aim to integrate or reintegrate offenders assessed impact first at the level of the correctional system and then at the level of the offender. Some of the data has implications for the Juvenile Justice Task Force findings, for research on the special needs of Indigenous offenders, for the way in which discretion is exercised within the correctional system when alternative programs are available, and certainly for the CTR program and others like it.

*Community programs affect offenders in ways that don't show up in an examination of recidivism rates. Moreover, community programs bring about changes in the larger correctional systems of which they are a part and in other corrections programs. However, research respecting these types of impact is virtually non-existent. Whether the focus of inquiry is the offender, or whether it is the correctional system, the impact of community programs needs to be conceived more broadly.<sup>18</sup>*

Part I attempts to locate the development of community programs in the context of the Canadian and Saskatchewan criminal justice systems, and looks at the influence of these programs on other aspects of correctional practice provincially. It is argued, for example, that the evolution of correctional services in Saskatchewan has been partly influenced by a unique offender population. A substantially larger "at risk" population exists in Saskatchewan compared to other provinces because, prior to the Young Offenders Act, persons 16 or older were considered adults and were not dealt with in the juvenile court. Many of these were and are Indigenous youth.

*'Whereas Native people make up only about ten per- cent of the Saskatchewan population, they have traditionally made up over half the population in the provincial correctional institutions.'* Drinking and driving related offences are especially common. Due to lack of financial resources many are also incarcerated for non-payment of fines....[M]igration ...from the reserves and rural areas to the urban centers....has led to other social problems.... [which] have also predisposed Native persons to involvement with the correctional system.<sup>19</sup>

Specific questions about the impact of community programming on correctional institutions and the size of the correctional system were also explored.

*...the evidence presented...suggests that institu- tional care is not being replaced by community pro- grams. In fact, in Saskatchewan, a greater number of offenders are incarcerated each year even though community programs are expanded....Although community programs have not replaced insitutional ones, they ....have made possible the expansion of the correc- tional system....An increasingly serious insitut- tionalized population of offenders and the more dramatic measures required to maintain institutional control also result from community programming.<sup>20</sup>*

The development of community programs would seem to be associated with greater opportunity for discretion within the correctional system. Questions around impact, such as changes in the use of police discre- tion that occur when "alternative" programs are developed or the size of fines and the length of time given to pay under Fine Option pro- gramming, therefore need to be explored.

Part 2 of the study reports on 138 offenders in five Community- Training (CTR) programs who were surveyed for impact by focusing on levels of social integration. The specific objectives of the survey were to describe the CTR program and residents, to document levels of

social integration, and to identify factors facilitating and hindering social integration. Because each facility could accommodate a maximum of twelve residents at one time a large enough sample could not be obtained by collecting data on only one occasion. Since the maximum stay in the CTR's was estimated to be three months, it was decided to collect data on three separate occasions at three-month intervals. This occurred between December 1977 and June 1978. With the exception of two individuals (a refusal rate of 1.4%) every offender present in the CTR's during this period chose to participate in the study. There were at least 26 respondents from each of the CTR's. Five of the residents were admitted to the CTR directly from court, 13 were probationers, and the remaining 120 were admitted from provincial correctional centers. Of these 120, 4 had been at correctional camps. Except for the probationers, all offenders had been committed to the provincial correctional authority to serve a period of incarceration. Most of the respondents had been incarcerated for drug, alcohol, and driving related offences. The average length of placement among the residents was 68 days. Slightly over one-third of the respondents (51 or 37%) were Indigenous.

The social integration scales, adapted from Segal and Aviram (1978), distinguished among: (1) social integration (i.e., internal or external); (2) offenders (i.e., on the basis of such characteristics as employment history, education, family background, substance use, and attitudes to the criminal justice system); and (3) CTR placement (i.e., residences were associated with different characteristic rates or levels of social integration). Some types of social

integration were influenced by the CTR program while others were not. For example, the extent to which residents perceived the program as encouraging "autonomy" or "expressiveness" was associated with external integration, while residents' perceptions that there were few, if any, obstacles to greater participation in community groups and facilities did not appear to influence external integration.<sup>21</sup> Although the social integration measure proved sensitive to both client characteristics and their experiences in the CTR program, client characteristics had more predictive power than the more immediate experiences in the CTR program. Social class and ethnicity were two such factors. Thus, "*residents were less likely to be externally integrated if they reported being Indian or Metis or if they reported their families had received welfare.*"<sup>22</sup> On the other hand, offenders who had served lengthy prison terms or who had often been incarcerated were more likely to be externally integrated when compared with less serious offenders. It appears that the correctional goal of "reintegrating offenders" is not appropriate for offenders who have been institutionalized for long periods of time, although the CTR might manage the reintegration process but not foster it per se.<sup>23</sup>

Overall the preliminary findings on social integration are encouraging in that an alternative to traditional measures (e.g., recidivism) can be developed which is sensitive enough to distinguish between client and program impacts. However, the CTR program was not compared with some other program. Thus it is not known how the social integration scores of CTR residents would differ from those of similar

offenders in another program (or no program at all).

*The use of more 'objective' measures of client and program variables, a multi-level contextual analysis, an examination of factors that facilitate and hinder Internal Integration, a replication of the study, a comparison of the CTR program with other programs, the collection of follow-up data, and the placing of 'social integration' in a larger body of correctional theory would all extend the present findings significantly.<sup>24</sup>*

#### 4.4 Aspirations of Female High School Students

The problem of systematic discrimination encountered by women within the labour force has been documented in considerable detail over the past decade.<sup>25</sup> Part of this problem has been shown to be rooted within the school system where both females and males of all social classes are streamed towards programs (and, hence, occupational choices or non-choices) traditionally defined as sex-appropriate.<sup>26</sup> One important aspect of the streaming process has been the failure of educational institutions to encourage young women to undertake studies in areas which would better prepare them to deal with the effects of technological change on work and work roles.

Over and above the fact of sex-linked streaming, the school system educates irrationally in other ways as well. For instance, most young women are very much unprepared for a sole income earner status, even in the face of rising divorce rates and increasing numbers of sole-support mothers with dependent children, many of whom live below the poverty line.

*The [se] are not issues in the minds of most people. They are facts of life. And present education prepares people to accept them as facts, as given realities, rather than as issues over which we could assert control. It is because present education does not treat these survival issues as issues that...[it] prepar[ee] us for a false future and, at the same time, indoctrinat[ee] us about a non-existent past.<sup>27</sup>*

With some exceptions, young women have been brought up to think of themselves primarily as mothers and wives, and their educational and occupational aspirations have accordingly been narrow and limited. In a

patriarchal society inadequate childcare facilities, expectations that housework and child rearing are female responsibilities, isolated nuclear families, and work hours organized to suit the needs of industry rather than people have placed heavy burdens on women's lives, and have prevented them from seeing themselves as powerful.

This past year we replicated a study on female high school students' aspirations conducted in 1973 in Toronto.<sup>28</sup> The major emphases of the original and present studies have been to identify young women's aspirations in the areas of education, occupation, and the family. Some preliminary findings on the longitudinal comparisons (1973 and 1983) by school have been made between the two Toronto groups, while the data has yet to be analyzed for the Regina study also administered in 1983. As well, 18 of the participants in the 1973 study have been located and interviewed and this data will have to be incorporated.

#### 4.4.1 The Sample

"Diaries of the future"<sup>29</sup> and background questionnaires were gathered from three schools representing three social classes (n=241, 1973; n=266, 1983). Using the Pineo-Porter Occupational Prestige Scale (1967), father's occupation was taken as the major measure of social class. City School was largely working class; Suburban School largely middle class; and Private School upper-middle class. The data were gathered from all female students in four and five year stream programs in grade 9, from grade 12 students completing high school that year, and from grade 13 students.

Of particular relevance for this Special Report is the fact that none of the 266 Toronto respondents and only 2 of the 167 Regina respondents in 1983 were Indigenous females. This probably reflects the low rate of Indigenous people making it into the high school system, as well as our inability to get permission to survey schools in areas of high Indigenous populations. The absence of Indigenous respondents is significant in the case of Regina where an estimated 15% of the population are Indigenous people, and suggests that educational (and, hence, occupational) options or choices for Indigenous women are particularly limited, and that there are few services or life-skills courses being directed at this target group. As we noted in *The False Promises of Criminology and the Promise of Justice*<sup>30</sup> and *Law and Order for Canada's Indigenous People*,<sup>31</sup> there has been almost no effort on the part of criminologists and little in the work of general social scientists to come to grips with the range of problems facing women today (especially Indigenous women), including the issue of the female offender.

#### 4.4.2 Educational Aspirations

With the exception of marriage expectations which have remained fairly stable, the 1983 Toronto respondents indicate increasing educational and occupational aspirations although there are significant differences along class lines. In 1973 Private School students "expected" to attend university. Some 37% indicated a first degree as their educational intention while in 1983 this figure had climbed to almost 49%. Thirty-four percent in 1973 and 41% in 1983 planned graduate or

professional education, perhaps indicating the extent to which upper-middle class women view university as a necessary part of their lives. In 1973 23% of Suburban School and 14% of City School students stated they planned to obtain education at the university level. By 1983 these figures had risen to 38% and 39%, a particularly dramatic increase for City School females. The degree of interest in post-graduate work and professional training is considerably less clear as an educational aspiration for these two groups although substantial proportions of the students (37% Suburban; 25% City) did not identify their educational aspirations.

#### 4.4.3 Occupational Aspirations

The increasing level of aspirations is especially evident in the occupational categories chosen over the last decade. It seems that most of these young women acknowledge they will be working outside the home, perhaps for a considerable portion of their lives. Only 4% in 1983 as compared to 21% in 1973 indicated a desire to quit work and stay home permanently upon marriage or the birth of a child. However, the range of occupational choices seems somewhat narrow, and non-traditional choices are largely skewed toward the professions, business, and computer programming.

Occupational choices were divided according to status and according to whether or not the choices were traditional ones for females. 1961 and 1971 census data on labour force participation by occupation and sex was used to determine the proportion of women in the occupations.

Those occupations held 50% or more by women were defined as "traditional," 30-50% females were defined as "intermediate," and under 30% females were defined as "non-traditional." Occupational status was determined using the Porter-Pineo Scale.

In 1973 31% of the subjects selected traditional, low status occupations more than any other type (49% City; 30% Suburban; 14% Private). The next highest choices for City and Suburban School students were traditional, high status occupations (12% and 21%) such as nursing or high school teaching. Private School students selected more high status occupations, both traditional (23%) and non-traditional (29%), than did the other two groups. Traditional choices were down considerably in 1933 however. About 19% made low status choices, although one-third of the City School women chose traditional, low status jobs. There was an increase in intermediate, high status choices with some 13% selecting such occupations as psychologist, TV performer or writer, and in both low status, non-traditional occupations (11%) such as computer programmer, police officer, or athlete, and high status, non-traditional occupations (28%). Private School students overwhelmingly (55%) selected high status, non-traditional occupations (especially medical doctor). In both years about 20% of the respondents did not indicate their occupational aspirations.

The reality is that the majority of these young women will be working through a large part of their lives in addition to whatever family roles they may have. But many traditional female occupations are "drying up" and there tends to be an overabundance of women with

similar skills competing for many of the same scarce jobs. The selection of non-traditional jobs, tending largely towards a few of the professions but not including engineering and the "hard" sciences, indicates both a lack of knowledge about the options in these areas as well as the very real perception that women are still largely excluded from a wide range of occupations.

#### 4.4.4 Marriage and Family Aspirations

Judging from our research, what may not be getting through quite so clearly to these young women is that life-long marriage and the nuclear family are becoming more improbable. For example,

*'most of the 1983 respondents plan to have children but few plan to have only one child even though the size of families in Canada is now less than 2 children per woman' ....[At the same time ] well over 70% of the young women for whom marriage is indicated do not mention housework or being a housewife.<sup>32</sup>*

These young women also appear to have unrealistic expectations in view of the considerable efforts necessary to balance jobs, families, and households. The present school system and general life experiences are not educating females so that they are adequately prepared to deal with such issues as (shared) responsibilities in parenting and household duties, or the commitment involved in staking out a career.

Marriage remains an aspiration for most of these young women. Seventy percent in 1973 and 74% in 1983 indicated they expect to or hope to marry. While considerable numbers of those who indicated they expect to marry did not note a preferred age or stage of life, most felt this

would be before age 25 or after completing their education. A sizeable proportion suggested the preferred age range to be 25-30, including about 25% of Private School women, most of whom are seeking professional or graduate training. Few respondents selected over age 30 as the time when they planned to marry.

The interesting difference between the Toronto cohorts is that more Private School women expected to marry in 1983 (80%) than in 1973 (59%). And while most respondents indicate a desire to have children (69%, 1973; 77%, 1983), more Private School women (87%) wanted children than the other two groups. This is a reversal of 1973 when Private School women were least likely to mention children (61%). The number of children a woman has directly affects her situation in the labour force so that the larger the family size the more difficult it would be for her to work out of the home. Of those who indicated family size, 11% in 1973 and 12% in 1983 stated they wanted two or more children. And over 50% of Private School women planning to have families chose between two and four children in 1983 in contrast to 1973 when only 16% wanted families of this size. With the possible exception of this latter group, combining a career and family is problematic.

The major change in the lives of women in the last decade is the fact that women are remaining in the labour force for longer periods of time than was previously the case, and those women with young children are working in greater numbers than ever.<sup>33</sup> On top of this, the number of divorced, separated and/or single-parent families is rising. Most women do, in fact, spend a number of years alone, and often old women

are poor women. The findings from our study suggest young women are not prepared to deal with such issues. Social justice research then needs to address questions around the status of women including women and patriarchy, and women and socio-technical change, and it needs to look at developing alternatives and encouraging social support systems that better fit women's needs.

#### 4.5 A Human Rights Approach to Combat Misogyny

Our participation in a three-year inquiry involving a complaint under the *Saskatchewan Human Rights Code* has helped to make more explicit the links between the discriminatory treatment of a class of people on the basis of race (e.g., *Law and Order for Canada's Indigenous People*) and the discriminatory treatment of a class of people on the basis of sex (e.g., *Women's Aspirations Study*). The hearings also have implications for our study of uranium mining boards of inquiry where we are looking at such things as the public inquiry process (including community involvement and the power of the Boards), and individual/community perceptions of how human rights and social justice issues are dealt with.

On July 9, 1980 Kathleen Storrie, Corresponding Secretary of the Saskatchewan Action Committee on the Status of Women, and an Assistant Professor of Sociology at the University of Saskatchewan, Saskatoon, filed a complaint against the Engineering Students' Society (ESS), University of Saskatchewan, alleging that the October 3, 1979 edition of their publication, *The Red Eye*, contained representations of women which ridiculed, belittled, and otherwise affronted the dignity of women in Saskatchewan contrary to Section 14(1) of the *Saskatchewan Human Rights Code*.

*No person shall publish or display, or cause or permit to be published or displayed, on any lands or premises or in a newspaper, through a television or radio broadcasting station or any other broadcasting device or in any printed matter or publication or by means of any other medium that he owns, controls, distributes or sells, any notice, sign, symbol, emblem or*

*other representation tending or likely to tend to deprive, abridge or otherwise restrict the enjoyment by any person or class of persons of any right to which he is or they are entitled under the law, or which exposes, or tends to expose, to hatred, ridicule, belittles, or otherwise affronts the dignity of, any person, any class of persons or a group of persons because of his or their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin.*

The complaint was not settled and on April 14, 1981 the Saskatchewan Human Rights Commission launched a complaint against the Respondents alleging that both the October 3, 1979 and January 27, 1981 editions of *The Red Eye* contravened Section 14(1) of the Code. These complaints were not resolved and, as a consequence, the Attorney General of Saskatchewan appointed a formal, three person Board of Inquiry<sup>34</sup> on September 17, 1981 to hear and decide the matter. The Associate Dean of the School, Paul Havemann, was named chairperson for the Board.

#### 4.5.1 Orders

In its March 1984 decision the Board of Inquiry declared that the 1979 and 1981 editions of *The Red Eye* newspaper published, controlled and distributed by the Engineering Students' Society and the other Respondents (the presidents and editors of the newspaper in those years) had violated Section 14(1) of the Saskatchewan Human Rights Code. The judgment stated that:

*The form of these violations is not protected by the freedom of expression. The violations discriminated against women by ridiculing, and belittling them, and affronting their dignity because of their sex. The Board reiterates that this material, in promoting a consistent image of women as less than human, is a*

*source of grave evil in our society. Once a class of people is presented as less than equal members of the human family with impunity, the class may well be treated as such. Material of the kind in these two newspapers perpetuates a social climate which is discriminatory to women. Women are already targets of manifold discrimination and horrible violence. No social interest is served by tolerating the free expression of such material.*<sup>35</sup>

Further, the Board ordered that there be no further dissemination of the 1979 and 1981 editions of *The Red Eye*; that the ESS publish copies of the Order in full and without comment for each member of the ESS in the 1984-1985 academic year, simultaneous with the next edition *The Red Eye*; that all members of *The Red Eye* staff and the ESS executive for the 1983-1984 and 1984-1985 academic years attend workshops arranged by the Saskatchewan Human Rights Commission; and that the ESS and other Liable Respondents pay certain costs to the Board and the witnesses for expenses incurred by unnecessary delays in the hearings. At the present time we do not know whether the Board's decision will be formally appealed.

#### 4.5.2 Implications

The Board's ruling, if allowed to stand, has a number of important implications, particularly those implications respecting women's rights. The judgment represents the first interpretation of Section 14(1) which is the only section of its kind in Canada. The other Canadian Human Rights Codes do not deal with discriminatory conduct involving the treatment of women affected by affronts to their dignity, and belittling and ridiculing them as a class because of their sex.

In addition, the ruling defined an unincorporated entity (the ESS) as a "person" under Section 14(1) with all the associated liabilities and responsibilities for the end results of its actions. Unless overturned by appeal, it is expected the Board's decision will therefore have set a precedent for future interpretations of human rights legislation. It represents a human rights approach to misogyny which is not addressed by penal statutes such as the *Criminal Code*.

Very likely the Board's findings would have had an even greater effect had the Commission further strengthened its position by incorporating into the complaint the portion of Section 14(1) dealing with discrimination against a group of persons by exposing them to hatred. Further, it is interesting to speculate how a charge under the *Criminal Code* having to do with obscenity might have fared.

#### 4.5.3 Process

The protracted nature of the proceedings can be partly attributed to the extraordinary concessions the Board had to take for the convenience of the Engineering Students' Society Respondents and their counsel. Two early attempts to set hearing dates were unsuccessful due to the unavailability of counsel for the ESS et al. The Society then made two applications to prohibit the Board from proceeding on the usual grounds that the Board was acting in excess of or abusing the scope of its jurisdiction and that the proceedings had been conducted in a fashion contrary to natural justice or reflecting bias. The first application was dismissed on technical grounds, having named the Commission rather than the Board as the body to be stopped from

proceeding, while the second application was found to be unsubstantiated and was dismissed. Such delays actively discourage citizens from laying complaints and from proceeding with actions despite the fact that the issues under contention deeply affect them. This was acknowledged by the learned Judge in Chambers in his decision:

*'I reject emphatically the complaint that the Board had "delayed the hearing in this matter." The affidavit material leads me to the contrary conclusion. If blame is to be attributed to any person it is to the Society....The persons aggrieved by the publication and members of the Society are not the only persons affected by the delay. The community as a whole is affected if its members suspect the charges of sexism, racism or whatever cannot be investigated and determined promptly by tribunals created for that specific purpose.'*<sup>36</sup>

Boards of Inquiry must be very sensitive to the principles of natural justice, such as the Respondents' right to be heard, since they do not have the disciplinary powers, e.g., contempt, which courts have to govern these processes. Hence, Boards must proceed carefully and may be open to abuse by litigants as a result.

#### 4.5.4 Evidence

The nature of the complaint required that two categories of questions be determined: does the material ridicule, belittle and therwise affront the dignity of women; and did the Respondents publish or control or own or distribute the material.

#### 4.5.4.1 Category A

Counsel for the Society submitted a written argument that there was no definition of what might ridicule, belittle or otherwise affront the dignity of women, and that Section 14 lays down no guidelines which might assist in determining contraventions of the *Code*. The Board did not accept these propositions. Instead, it accepted the Commission's written argument that the specific words of Section 14(1) be given their plain meaning in the context of the legislation in which they appear, and used established principles for the interpretation of human rights legislation.

*'The meaning of an ordinary word of the English language is not a question of law. The proper construction of a statute is a question of law. If the context shows that a word is used in an unusual sense the Court will determine in other words what that unusual sense is'....the Code like other human rights legislation is not penal legislation to be narrowly construed. The words in Section 14(1) "ridicule, belittle, affront," and "dignity" are to be given their plain meaning so as to effect the objects of the Code set out in Section 3, and the statutory duties of the Commission as set out in Section 25. The constitutional context in which human rights legislation should be interpreted further includes the Canadian Charter of Rights and Freedoms under Part I Schedule B of the Canada Act 1981 in general; and the objects of such relevant international human rights covenants to which Canada is a party....the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant to which Canada became a party on the 19th day of August 1976 and the convention on the Elimination of All Forms of Discrimination Against Women which was ratified by Canada with Saskatchewan's consent in 1981.<sup>37</sup>*

Counsel for the Society then submitted the argument that for the Board to find the material editions of *The Red Eye* to be in violation of Section 14(1) was a restriction upon "fair comment" and "freedom of publication," was "improper censorship" and "totally contrary to the basic rights of freedom of expression no matter how offensive, distasteful, vulgar or lacking in merit."<sup>38</sup> However, the Board's decision was that Counsel's Argument was not substantiated.

*Legislatures when enacting human rights provisions of the type embodied in S14(1) in the Code have had the difficult task of reconciling two competing social interests. One social interest is represented in the fundamental freedom of expression set out in the Constitution under Section 2(b) of the Charter of Rights and Freedoms....The Code sets out similarly worded provisions in S5....The other social interest is represented in equality rights, such as the right not to be discriminated against on the basis of criteria such as one's sex, race, national or ethnic origin, colour, religion, age, mental or physical disability. These rights are set out in S15 of the Charter....Sections 2 and 15 are on the same footing in the Charter, neither prevails over the other. In the Code we find Section 5 and anti-discrimination or equality rights in Sections 9 to 19...including Section 14. Section 14 is clearly intended to co-exist in parity with Section 5....The reconciliation of the social interest in the freedom of expression and the social interest in the enforcement of rights guaranteeing equality of treatment for all is sometimes accomplished through restrictions on the scope of the freedom of expression by legislative and judicial means. The phrase "under the law" in Section 14(2) clearly acknowledges this type of restriction in the Code....In the realm of the International Law Covenants by which Canada and Saskatchewan are bound, the competing social interests are no less evident....The Covenant approaches the reconciliation of the freedom of expression with equality rights in....Article 19....At all three levels of the law...provincial...national...and at the international..., the Board is bound by legislation which promotes both the freedom of expression and egalitarian rights such as those*

*prohibiting discrimination on the basis of sex. Such legislation in each instance places restrictions on the former to further the latter type of social interest. Statutory and common law limitations on the freedom of expression in Canada are numerous. These limitations are to be found in the law of defamation, the law of contempt of court, the law relating to election campaigns, the law relating to commercial speech and the CRTC's advertising guidelines. Restrictions contained in the Canadian Criminal Code R.S.C. 1970 C-34 relate to sedition, Sections 60-63; defamatory libel, Sections 261-280; hate propaganda, Section 281(1) and (2); and obscenity, Sections 159-164. The law relating to human rights among others,<sup>39</sup> constitutes yet another example of such legislation.*

The Board continued by discussing the value of any social interest in protecting the freedom to express racial hatred, accepting that analogies from racial discrimination, while incomplete, are nonetheless useful in determining issues of sex discrimination. Counsel for the Commission submitted that:

*'...there is no logical reason to treat matters which ridicule, belittle and affront the dignity of a protected class of persons differently from hate literature'.... [T]here is material in the editions of The Red Eye...which inter alia contains themes which:  
(a) suggests that the violent destruction of women's bodies through sexual acts is humorous; (b) suggests that women have no capacity to feel, think, analyse, debate; or in other words are less than human; (c) promotes either sexual violence against or sexual harassment of women; or (d) depicts women's bodies as objects and thereby depicts women as less than human.'*<sup>40</sup>

The Board was not hearing a particular allegation that the material exposed or tended to expose women to hatred since the Commission did not allege this. The relevance of the law relating to hate literature and the identification by Counsel for the Commission of misogynistic material in the two offending editions of *The Red Eye* nonetheless assisted the Board in two ways. Primarily, the analogy between the

law relating to racial discrimination by hate literature and sex discrimination is a very close one. Hence, tests to assist the Board in determining what is discriminatory on the grounds of race were useful to the Board with respect to sex discrimination of the kind complained of by the Commission. Secondly, the evidence of the misogynistic nature of material in these newspapers went to assist in determining the question whether or not these are the kind of publications whose merits are such that the social interest in protecting free expression of their ideas outweighs the social interest embodied in the objectives of the Code. The Board concluded they were not:

*Where material in a publication contains themes such as these the question arises—does this material not expose or tend to expose women to hatred? Another question put is—would there be any doubt that a violation of Section 14(1) existed if race rather than sex formed the nexus of the class against whom offending themes in the allegedly discriminatory material was directed?<sup>41</sup>*

Next the Board studied the newspapers in their entirety to examine the balance of the material contained in each and the context in which the material was presented. The Board employed an objective test—using reasonable persons' understandings of the words "ridicule," "belittle," and "affront the dignity of" in their plain and ordinary sense—to determine whether on the balance of probabilities, the average reader would find these newspapers indicated or intended to discriminate against women in the manner complained about. Testimony from 23 witnesses, including students at the University of Saskatchewan who were qualified by the Board because they held some representative

capacity among student organizations on campus, was heard on 11 occasions.

Half of the 8 total pages in the 1979 edition were found to contain depictions (articles, photographs, cartoons, limericks, drawings and the like) offensive to women. There were at least 2 such such depictions on each page. Six of the 8 total pages (excluding the 9 page technical supplement not complained against) in the 1981 edition contained offensive depictions, and 3 of these contained multiple depictions.

*Taken as a whole [the Board concluded] there are no articles or representations which would neutralize the objective import of the material as ridiculing, belittling, and affronting the dignity of women because of their sex....Women are consistently the objects of ridicule because of their sexuality. Women are consistently "objectified" and treated as less than human, which belittles them as equal members of the human family. The material outlined affronts the dignity of women in the foregoing ways and furthermore, does so by consistently ridiculing them by deriving humour from the violent sexual degradation and physical destruction of women. Th[ese] publication[s] nowhere recognized the inherent dignity and equal inalienable rights of women not to be subjected to hatred, ridicule, belittling and affronting articles, notices, signs and symbols which diminished their worth as a class of people.<sup>42</sup>*

#### 4.5.4.2 Category B

In this category the Board was required to determine whether or not the Respondents published the 1979 and 1981 editions of *The Red Eye* which they owned, or controlled or distributed. The Respondents

were the unincorporated body known as the Engineering Students' Society (ESS), the presidents of the ESS at the material times and at the time the complaint was filed in April 1981, and the editors of the ESS at the material times.

Counsel for the Society argued that the ESS was not a suable entity but an unincorporated association and therefore could not be construed as a "person" for the purposes of complaints under the *Code* and in particular Section 14(1). It was the Board's position that the scope of the meaning of the word "person" in the *Code* calls for an unrestricted rather than a restricted meaning of the word to be construed, a principle already adopted in its construction of words under Category A.

*If we read the Code as a whole and construe the word "person" in the context of the entire act the conclusion that "person" includes "unincorporated associations" is further strengthened. The interpretation Section 2 of the Code uses the word "includes" in Section 2(m) as does the Interpretation Act in Section 19. The word "includes" has the effect of extending rather than restricting the normal meaning of the words in question....A restricted construction of the word "person" in the terms of the objects of the Code, the intent of the legislature and in the circumstances with reference to which it is used which excluded "unincorporated associations" from liability under the Code would lead to both inconsistency and absurdity. It might prevent unincorporated bodies such as racist organizations being complained against under the Code. It can hardly have been the legislature's intent to exclude one species of "unincorporated associations" from the operation of the Human Rights Code but to include all other forms of organization including "unincorporated associations" falling within the genus.<sup>43</sup>*

No evidence was presented which would have contradicted the allegation that the ESS and the Respondents (with the exception of the president at the time the complaint was filed in April 1981) were responsible for the publication and distribution of the 1979 and 1981 editions of *The Red Eye*. Argument by Counsel for the Society that the ESS lacked the ability to exercise control over the publication was not substantiated. The Board therefore concluded that having found the 1979 and 1981 editions violated Section 14(1) of the *Code* by ridiculing, belittling and affronting the dignity of women because of their sex, that on all evidence the ESS and the Respondents violated the *Code* in the manner complained of by the Commission.

## ENDNOTES

1. Ron Schriml, *Training for Corrections Workers*. (Regina, Sask.: Prairie Justice Research Consortium, University of Regina, 1981.)
2. Ibid., p.19.
3. Ibid., p.49.
4. Ibid., pp.49-50.
5. Ibid., pp.16-17, 10.
6. Ibid., p.20.
7. Ibid., pp.50-51.
8. Ibid., p.37.
9. Ibid., p.38.
10. Ibid., p.34.
11. Morris Morton and Bob Harrison, *Report on Private Investigators, Contract Security Guards, In-House Security Personnel and the Security Hardware Industry* (Prince Albert, Sask.: Prairie Justice Research Consortium, University of Regina, 1981).
12. Ibid., p.4.
13. Ibid., pp.12-13.
14. Ibid., p.8.
15. Ibid., p.15.
16. Ibid., p.16.
17. John Hylton, *Reintegrating the Offender: Assessing the Impact of Community Corrections*, (Washington D.C.: University Press of America, 1981).
18. Ibid., p.2.
19. Ibid., pp.69-70.
20. Ibid., pp.116-117.
21. Ibid., pp.236, 192.

22. Ibid., p.224.
23. Ibid., pp.226-227.
24. Ibid., p.261.
25. See, for example: Pat Armstrong and Hugh Armstrong, *The Double Ghetto* (Totonto: McClelland & Steward, 1979); and Paul Phillips and Erin Phillips, *Women and Work: Inequality in the Labour Market* (Toronto: James Lorimer & Co., 1983).
26. See, for example: Paul Anisef et al., *Is the Die Cast?: Educational and Work Destination of Ontario Youth* (n.p., Ont.: Ministry of Colleges and Universities, 1980); Dale Spender and Elizabeth Sarah, *Learning to Lose: Sexism and Education* (London: Women's Press Ltd., 1980); and John Porter, Marion Porter, and Bernard Blishen, *Stations and Callings: Making it Through the School System* (Toronto: Methuen, 1982).
27. Jim Harding, "Making Education Relevant to the Issues of Survival," in *Reading, Writing, and Riches: Education and the Socio-Economic Order in North America*, eds. Randle W. Nelsen and David A Nock (n.p., Ont.: Between the Lines, 1978), pp.276,275.
28. Gloria Geller, "Aspirations of Female High School Students," unpublished (Regina, Sask.: Prairie Justice Research, 1984). See also: Gloria Geller, "Role Aspirations and Life-Style Orientations of High School Women" (Masters thesis, University of Toronto, 1973).
29. Students were asked to write diaries about their hopes for their own futures from the present through to old age.
30. Keith Couse, Gloria Geller, Jim Harding, Paul Havemann, Rae Matonovich, and Ron Schriml. *The False Promises of Criminology and the Promise of Justice* (Regina, Sask.: Prairie Justice Research Consortium, University of Regina, 1983), pp.29-34.
31. Paul Havemann, Keith Couse, Lori Foster, and Rae Matonovich, *Law and Order for Canada's Indigenous People: A Review of Recent Research Literature Relating to the Operation of the Criminal Justice System and Canada's Indigenous People* (Regina, Sask.: Priarie Justice Research, University of Regina, 1984), p.xxvii.
32. Geller (1984), p.5.
33. See, for example: Margrit Eichler, *Families in Canada Today* (Toronto: Gage Publishing Ltd., 1983); and Phillips and Phillips (1983).

34. Canada, Saskatchewan, *Board of Inquiry Decision Under the Saskatchewan Human Rights Code*, in the Matter of *The Saskatchewan Human Rights Code, R.S.S. 1978, Chapter S-24.1 and Amendments Thereto*, and in the Matter of Section 14(1) of *The Saskatchewan Human Rights Code, R.S.S. 1978, Chapter S-24.1 and Amendments Thereto*, and in the Matter of a Complaint on the 14th day of April 1981 by the Saskatchewan Human Rights Commission Against the Engineering Students' Society, University of Saskatchewan et al., Mr. Paul Havemann, chairperson, 1984.
35. *Ibid.*, p.72.
36. *Ibid.*, pp.8-10.
37. *Ibid.*, pp.16,18.
38. *Ibid.*, p.19.
39. *Ibid.*, pp.19,21-24.
40. *Ibid.*, p.28.
41. *Ibid.*, p.29.
42. *Ibid.*, p.43.
43. *Ibid.*, pp.56-57.

## CHAPTER 5: JUSTICE RESEARCH ABOUT INDIGENOUS PEOPLE

5.1 Introduction: Problems, Methods and Scope of Findings

The overriding objective of our justice research about Indigenous people over the last three years has been an assessment of the need for a reconceptualization of research problems and policy interventions in this area. Our past research has confirmed (e.g., in statistical, historical, and legal ways) the growing recognition that a crisis situation exists regarding Indigenous people and the criminal justice system. Our summary and evaluation of the existing Canadian research on Indigenous people and the criminal justice system, *Law and Order for Canada's Indigenous People*,<sup>1</sup> however, showed that the "problem" has tended to be approached primarily in terms of the characteristics of Indigenous people themselves, secondarily in terms of the interaction of Indigenous people with the criminal justice system, and only incidentally in terms of the interface of the criminal justice and the larger society and its history. As we concluded in that report:

*Much of the available research literature is unsatisfactory in a general sense because it looks at the interface between the Indigenous offender and the criminal justice system in terms of the individual and/or group characteristics of these offenders and not in terms of the criminal justice processes themselves. Relationships of dependency and powerlessness are ignored in favour of focusing on areas where it is presumed Indigenous people have poorly adapted to the dominant culture. Even where some attention is given to those dominant group members who are prejudiced and discriminate, the specific emphasis remains on the differential characteristics of the Indigenous individual or group—a more sophisticated version of "blaming the victim." Given these assumptions it is not surprising that proposed solutions are couched in integrationist and assimilationist terms, and that reform policies tend to advocate the indigenization of criminal justice personnel and programs, in whole or*

*in part, and/or the cross-cultural education of non-Indigenous personnel to sensitize them to the special differences and needs of Indigenous offenders. Thus, the literature in this area is noteworthy for the absence of comparative (i.e., Indigenous/non-Indigenous), contextual, multidisciplinary studies which would integrate the analytical framework of exploitation (i.e., the social, economic and over-involvement data) into a discussion of Indigenous people as an underclass in Canada (i.e., the historical role of capitalism and the state in creating the contradictions of underdevelopment).<sup>2</sup>*

Furthermore, in that review study we argued that theories about development and underdevelopment need to be placed at the center of research about Indigenous people and the criminal justice system.

Because of this major finding we saw nothing to be gained in gathering more information to show the parameters of the "problem" as conceptualized in the dominant way. Rather, we decided that other realities, especially those on the interface of the criminal justice system and the larger society within which Indigenous people live, largely as a poor stratum, needed to be brought into the picture. Once this reconceptualization of the "problem" is accepted a new set of research and policy questions will follow. While we will use whatever methods are most efficacious in this future research, we have undertaken only exploratory data collection at this point. Our main concern has been to self-critically reconsider the problems to be explored.

#### 5.1.1 The Need to Reconsider Methods

We have found that this critical reconceptualization of problems

has also challenged us to reconsider the kinds of methods being used in this area. As we have moved from criminocentric definitions which tend to focus on the alleged characteristics of Indigenous people and their interactions with the police, courts and correctional systems, we have been challenged to move towards what the SSHRC Task Force on Native Issues has called community-based research.<sup>3</sup> This is so because it is within the everyday community that the interface of problems which end up in the criminal justice system and the overriding problems of development and underdevelopment facing Indigenous people are most readily seen.

Several of our projects over the last few years shows this methodological reorientation. Our work with the Saskatchewan Task Force on Juvenile Justice (TFJJ), summarized in section 5.5, shows the move away from academic-controlled definitions, data collection and interpretations to more community-based and inter-/intra-professional research. Collaborative research with the Faculty of Social Work on the North, particularly on resource exploitation and socio-health matters, some of which is discussed under section 5.7, has included increasing consultation and workshops with such groups as the Saskatchewan Association of Northern Local Governments (SANLG) which represents the large majority of Indigenous communities in northern Saskatchewan. And finally, our co-sponsorship with the Social Administration Research Unit (SARU), University of Regina, of a Workshop on Participatory Research was our initial attempt to bring people in the university and community groups together to discuss the problems and developments in community-based research. (The format for this workshop was very

similar to that used in the conference sponsored by the SSHRC Task Force on Natives Issues). Three of the four case studies included in this first workshop dealt with research about Indigenous people: one case study dealt with the Task Force on Juvenile Justice, one with research on development problems in the northern community of Pinehouse, and one dealt with a Canada-wide review of Indian Social Work Education and the work of Indigenous women to change the child protection and family service policies and programs in Saskatchewan

#### 5.1.2 Setting the Context for Our Findings

Although these activities can be considered more facilitative than direct research projects, they have directly affected the kinds of research we have undertaken and will continue to undertake. Before we outline the findings and recommendations of our recent research in this area it is necessary to briefly summarize the findings of our literature review on *Law and Order for Canada's Indigenous People*. This was a contracted project with the Ministry of the Solicitor General and therefore cannot count as our Special Report under the contributory agreement. The scope of the project, however, went far beyond the relatively small (in monetary terms) initial contract, and the work had a far-reaching impact not only on our meagre resources but on our overall research program. In retrospect it can be said to be a crucial turning point, both in terms of decisions about our priorities for future research as well as in terms of our approaches to this research.

The objectives of the contract research project were: (1) to review and (2) to synthesize the Canadian-based research on Indigenous

people and criminal justice issues and, furthermore, (3) to discuss the implications of this for policy and for (4) further research in this area. This Special Report follows directly from the findings of that review by beginning to look at the kinds of research and policy questions that were advanced in that study.

A few cases in point will illustrate this. Chapter two of *Law and Order for Canada's Indigenous People* discusses problems in the law enforcement system affecting Indigenous people and the need for police to exercise positive discretionary practices. Our own involvement in the inquiry into the Regina Police Canine Unit (discussed in Chapter six) was an attempt to take our own and other research findings regarding the policing of Indigenous people directly into the policy context.

In addition to this application of our research to policy advocacy, we have begun to build on the recommendation in *Law and Order for Canada's Indigenous People* that there be research on the implications for a reallocation of expenditures from crime control to such things as due process and community development for involvement of Indigenous people in the criminal justice system. Some of our research on provincial government policy between 1971 and 1982 directly bear on this.<sup>4</sup>

Chapter three of that report concludes that programs to help alleviate the critical criminal justice problems facing many Indigenous people, designed by and for Indigenous people, continue to be lacking in Canada. Some of our completed and ongoing research reported below (e.g., on probation and the family court) is an attempt to explore these gaps and contradictions in services and programs in more depth.

In the spirit of the findings in *Law and Order for Canada's Indigenous People*, this research is being approached not in terms of a "technical fix" perspective but in terms of the need to link research to social reform. The move to more community-based research is, we believe, part of this reform.

Chapter four of that report addresses the problem of the overrepresentation of Indigenous people in the criminal justice system. Rather than continuing to count the numbers of Indigenous people in Canadian jails, we recommended research in such areas as the differing conditions facing Indigenous people in northern, rural and urban areas. Some of our ongoing research, reported below, on such things as the impact of the Young Offenders Act and the impact of industrial projects, has had a special focus on northern conditions. In the case of our work with the TFJJ we have tried "*to document and assess the adequacy of facilities and services for Indigenous youth*"<sup>5</sup> as called for in the *Law and Order* report. Also as recommended in that report we have continued with our research on alcohol and other drugs in the context of development and underdevelopment, as well as the legal process, in an attempt to deepen the research and policy understanding of the links between drug abuse, socio-economic conditions, and crime.

And, because of the constant findings that the greatest overrepresentation in the criminal justice system is among Indigenous females we have consciously built sex as well as ethnic comparisons into our preliminary research and have made general research on the "female offender" one of our main future focuses.

Finally, as a case in point of how our Special Report tries to

build on the findings and recommendations in *Law and Order for Canada's Indigenous People*, we have embarked on research into community-based alternatives to incarceration for Indigenous people, broadening our scope beyond Canada and North America to include global experiences and findings.

## 5.2 The Limits of Criminological Research about Indigenous People

A central part of our focus on Indigenous people and justice was an extensive collaborative paper on criminology and social justice given at the American Society of Criminology Conference in 1982 and the Learned Societies Conference in 1983.

*This paper [was] an attempt by those working in the School of Human Justice to analyse and explain the coming of criminology to Canada; to expose to scrutiny the medical and systems models intrinsic to state-sponsored criminology; and to subject positivist and critical criminology to a logical, ideological and feminist critique....[O]n the basis of this analysis and critique we argue[d] that because criminology was conceived to facilitate social control, it is ill-equipped to assist in the struggle for social justice. In turn it is argued that the overt use of social justice as an organizing concept can begin to liberate us from a crime-centred analysis of the state, law, patriarchy, and capitalism.<sup>6</sup>*

The re-evaluation of criminology has a special relationship to Indigenous peoples because of their central place in both the state and social control systems, and because of the depth of their claims and need for social and economic justice and change. The overall thesis of the paper has several general implications for research and policy approaches in this area.

### 5.2.1 Socio-Legal and Social Justice Research

Rather than working within a common criminological orientation to research which tends to uncritically accept the formal "rights" of the legal system, we advocate a socio-legal orientation which looks at the actual (i.e., administrative) workings of the criminal justice system.<sup>7</sup> According to this approach, formal "rights" can actually be analyzed as part of the ideology that complements the administration of injustice in the case of some Indigenous or other people at risk of ending up in the criminal justice system. This reorientation of problem-definition has implications for research in such areas as the policing of Indigenous people. For example, as we argued in our major collaborative paper:

*While it is likely the new Charter of Rights in Canada will bring more test cases on due process into public discourse, it is also unlikely that the Charter alone will greatly influence policing practices such as those involving people of Indian ancestry which have been found to blatantly contradict the rhetoric of due process.<sup>8</sup>*

In contrast to a widespread criminological orientation, a social justice orientation explores the implications of the political convergence of various groupings on the workings of the criminal justice system. Some writers actually advocate an alliance of various groupings, including Indigenous peoples, as a means to shift the policy emphasis in society from social control to social change. Ratner and McMullan, for example, have argued that:

*'A broad left organization must be sought out in which links are forged between academics, feminists, native, and prisoners' rights groups, radical lawyers and social workers, and civil liberties associations.<sup>9</sup>*

We do not support the call for a "radical" or "critical criminology" in Canada, partly because of its failings in the United States and Great Britain and partly because in our paper we reject the disciplinary and professional notion of "criminology" no matter what its politics. However, there is clearly a need for matters of social change to be explicitly addressed in socio-legal and social justice studies of the criminal justice system.

The reorientation of problem-definition around social justice is also a way to relate research much more directly to the growing demands of Indigenous people for legal justice, economic justice, and aboriginal rights. We believe that this is a more positive, reconstructive emphasis for both research and policy than criminocentric (and interrelated ethnocentric) research.

#### 5.2.2 Implications for Policy Research and Curriculum

This reorientation from a widespread criminological orientation to socio-legal and social justice studies also has profound implications for the stimulation of multidisciplinary policy-related research. The lack of such research in Canada was one of the main findings of *Law and Order for Canada's Indigenous People*. Our collaborative paper on criminology and social justice concluded that such a multidisciplinary scope had to address questions about justice including those:

*...about patriarchy and the war-economy, about growth and ecological sustainability, about colonialism and aboriginal rights, and about the centralized state and human rights....*<sup>10</sup>

This multidisciplinary approach should focus on historical, structural, and ideological interrelationships—for example, the implications of present approaches to economic growth, say in the mineral resources and energy sectors of the economy—for aboriginal rights, and for the involvement of Indigenous peoples in the criminal justice system.

Finally, it was concluded that this reorientation has profound implications for curriculum development and the education of research and policy personpower. The multidisciplinary approach—based on socio-legal and social justice studies—challenges the widespread educational dichotomy between economic development and the human services. Social and environmental impact research has and will probably continue to show the detrimental implications of a lack of integrated social, economic and ecological planning for various publics. Indigenous people, who presently comprise about 40% of the Saskatchewan Social Services clientele and who represent about 60% of those incarcerated in provincial jails, are at particular risk from these impacts.

New courses or the restructuring of existing courses in our certificate and degree program to be more cognizant of these interrelationships between Indigenous people and the socio-economic and criminal justice systems was one of the outcomes of this collaborative project. Our program now has five courses in this area:

- (a) "Justice for Indigenous People" which comparatively examines the regimen of rules concerning land, mobility and life-style of Indigenous people throughout colonial history.
- (b) "Justice and the Planning Process" which looks at

development and underdevelopment, and urban and rural planning issues (including land-banking, land speculation and the housing market). All these issues have special, critical implications for Indigenous people.

- (c) "Alcohol, Drugs and the Legal Process" which explores both the criminalization and medicalization of drugs in Canada. The interrelations between social and economic stratification, underdevelopment, and drug abuse and drug-related offenses are all explored, with special attention to the over-representation of Indigenous people in the criminal justice system which is partly due to alcohol-related offenses.
- (d) "Social Justice, Peace and Development" which looks at links between global inequities, the war economy, and the implications of this for development patterns, including the underdevelopment of regions largely inhabited by Indigenous peoples here and abroad.
- (e) "Women and Social Justice" which takes both a national and an international approach to the question of social justice for women, including such specific areas as Indigenous women, women in old age, the Canadian constitution, sexual exploitation of women, women and dependency, Third World women, and women and social change.

### 5.3 Socio-Legal Services for Indigenous People

#### 5.3.1 The Native Counsel Project

One consequence of colonization which has had considerable social impact on Canada's Indigenous peoples is urban poverty. The Native Counsel Project which began operating in March 1978 represented a particular response to the urban poverty suffered by Indigenous people. It was developed by the Regina Community Legal Services Society and funded by the federal Department of Justice under its scheme to stimulate innovative projects in the delivery of legal

services. Our research was both a summation and retrospective analysis of the relationships among the assumptions, ideology, and actual outcomes of the Project.

As a legal resource for organizations and groups, the Project attempted to combine both a service and a representative function. It was mandated to

*...perform broadly defined representative functions, ...the promotion and development of political and economic resources within the 'poverty community'... as well as to provide a service function through criminal and civil litigation.*<sup>11</sup>

There was, however, a clear commitment that the representative function, "*providing representation to individuals and groups in cases which have broad institutional implications and widespread ramifications,*"<sup>12</sup> would be the main emphasis. This was reflected in the objectives which were adopted:

- 'a) to provide a legal resource team to Native organizations to assist them to meet their objectives*
- b) to improve the situation of Native people in the Regina area through the services of the program*
- c) community*
- d) agencies education'*<sup>13</sup>

While the focus on representation, and on organizing and community involvement (rather than service in the form of individual case-handling) was consciously written into the case-selection criteria, the service function was not to be overlooked. In fact, what happened was that the Project

*...ended up mainly handling the cases of Indian juveniles and adults in conflict with the criminal law. It may have been inevitable that this dominates the experience of Indian people in the city.*<sup>14</sup>

In its first two years of operation 62.5% of the overall workload were individual cases and 15.9% were community cases. None of these were referred out. That the Project was performing a substantially individual, case-handling function is reflected in the fact that its largest single activity was the representation of individual Indigenous juveniles before the Regina juvenile court (32.09% of the individual client files opened). Most of the referrals and the Project caseload emanated from relationships developed with Native women, the Friendship Centre, an inmate support group, and alcohol and drug program groups. In this sense the services of the Project reached those most in need of a legal resource.

*The establishment organizations, such as the Federation of Saskatchewan Indians and the Association of Metis and Non-Status Indians, did not perceive the Native Counsel Project to be a particularly relevant resource....Their orientation...was economic [land claims and aboriginal rights] rather than community or social development....The establishment organizations are heavily male dominated whereas these [other] organizations tend to cross the gender lines and to reflect those groups most adversely affected by urban poverty—ex-inmates, aged longtime residents, women and children—who must all experience it from a dependent posture.<sup>15</sup>*

The Native Counsel Project was not developed by communities of Indigenous people and even though its objectives were articulated in terms of effecting social change through a representative function it seemed that this was secondary to the objective of securing more resource people to handle Indigenous clients, thereby alleviating the stress on the Legal Services Clinic. A further problem associated with the lack of local community involvement at the initiation stage is the risk of appearing to be obtaining resources at the expense of Indian

peoples' organizations. In addition,

*the Native Counsel Project was inadequately staffed to realize its substantially non-legal objectives.... The program promoters might have been well advised to have collaborated with a non-sectarian Indian-ancestry organization, e.g., the Friendship Centre or Native Women group, to develop a community action team with access to legal expertise from the Legal Services Clinic or funds to hire legal staff when required.*<sup>16</sup>

Further, the research did not look at the number of people indirectly affected by the programs, the quality of the services provided, the optimal workload of the staff, or the relative importance of the cases dealt with in relation to categories of problems facing the urban Indigenous poor. These are all areas which should be addressed in developing a program to meet the needs of the impoverished.

The Project had neither the expertise, the time, nor the personnel to fulfill its agency education function. Much the same can be said for its law reform objective which would have involved extensive research and lobbying and would have required both community work and research expertise. It would seem that something along the lines of a public interest law firm specializing in urban issues affecting Indigenous people would be a timely innovation. As has been suggested, it could focus on eligibility questions for provincial services in the areas of health care, child welfare, housing, and education. Such an agency could fill the gap between front-line legal services, such as those offered through the legal aid scheme, and the land claims and aboriginal rights work of the Native Law Centre in Saskatoon.

In the quest for appropriate innovations to secure social justice for the Indigenous peoples of Canada, no lobby exists for a federally or independently funded Indigenous peoples legal service like that in Australia which functions in both urban and rural situations. Such a national legal service would have to serve the interests of all Indigenous peoples and would also have to adapt to local needs where community mobilization may be the vital prelude to securing rights. All of these points suggest there is clearly an appropriate role for a legal resource team, given the character of Indigenous peoples' urban experience, provided that legal service and community service work receive parity of esteem and funding. There is little likelihood that any purely legal service will do anything more than atomize the competing claims of Indigenous people to a further degree than existing governmental "divide and rule" strategies have already.

The 1982-1983 MacPherson inquiry into Saskatchewan's legal aid system questions the public's right to use state legal representation and demonstrates how little importance is attached to fundamental rights to due process.<sup>17</sup> Jennie Abell also argues that there has been an erosion of the fundamental thrust of the 1973 Carter report which presented a strong statement about the nature of poverty and the responsibility of the state for the delivery of legal services.<sup>18</sup>

### 5.3.2 Limits to the Indigenization of Services

Some of our research on justice and Indigenous people explores the social costs of colonization by looking at the process of indigenization taking place in certain aspects of the criminal justice system.

In "The Indigenization of Social Control in Canada"<sup>19</sup> we have argued that, given the high level of involvement of Indigenous people in the Canadian criminal justice system, the

*'...process of colonization in Canada has been characterized by pacification through subjugation and assimilation.' This perhaps explains the comparatively widespread process of indigenization and the very small degree of autonomy granted Indigenous people....*

*Indigenous people in Canada have experienced both the destruction of their autonomous political and social control systems as well as much more recently the co-optation of Indigenous people and organizations to manage the apparatus of the colonial regime. 'Both models of imposed social control can be highly disruptive of Indigenous society'....Co-optation of Indigenous people and their social control systems may or may not procure the level or form of pacification desired by the colonizer. It may sometimes provide leverage to a colonized people to enable them to mitigate the full impact of colonization and preserve some identity and autonomy....'Indigenization as an aspect of co-optation may alternatively reinforce the power of patriarchal and reactionary groups within the Indigenous society. The contemporary anti-reform position of male dominated, quasi-autonomous Indian organizations with respect to Indian women's rights may be a current example.'*<sup>20</sup>

As was the case with delivering legal services to the Indigenous poor, the central problem here is how to provide Indigenous people with criminal justice services which take account of their status (including rural/urban differences), which are relevant to local community issues, which incorporate the diverse needs of Indigenous groups (e.g., a feminist analysis), and which are constitutionally feasible. Instead, solutions to the disproportionate involvement of Indigenous people within the criminal justice system are commonly couched in terms of the delivery of cross-cultural education for non-Indigenous decision-makers, public legal education for Indigenous people, affirmative

recruitment of Indigenous people into the police, bar, bench and correctional system, and the indigenization of certain services such as law enforcement.

The particular focus on policing used in this piece of research bears out the findings in our report *Law and Order for Canada's Indigenous People* and shows that there are limits to the indigenization of services:

*Assumptions about the indigenization of policing take two forms. One consists of either the creation of special status police officers within existing police forces (Option 3(b)) or affirmative hiring practices to attract Indigenous people to regular policing; while the second consists of the devolution of law enforcement functions to agencies autonomously controlled and staffed by Indigenous peoples (Option 3(a)). Both forms of indigenization assume there will be less discriminatory policing through the more sensitive, culturally-conscious exercise of police discretion. Research has yet to reveal whether the indigenization of policing, and the formal justice measures it implies, improve the quality of life, are simply cheaper, or widen the net of the criminal justice system to the detriment of the original goal....For example, there has been some criticism that the literature does not adequately address the question of how the fact that Native special constables generally come from the more affluent, better educated sector of band populations affects special constable policing. There have also been more substantial criticisms that the autonomous policing literature may reveal a disenchantment with option 3(b) which emerges when independent researchers allow Indigenous peoples to express their real concerns. Most studies done by or for Indigenous organizations approve of autonomous policing while those done by or for government agencies appear to prefer policing by special constables. Finally, there is a lack of research which would examine both whether or not assumptions about policing in urban areas or in off-reserve rural areas are applicable to on-reserve policing, and what alternative methods of law enforcement are available for the significant number of Indigenous peoples who have migrated to urban areas.<sup>21</sup>*

Clearly central control undermines the autonomy of local institutions and leads to role confusion for Indigenous people enforcing the laws of the colonizer. We would argue further that even quasi-autonomously controlled and delivered services are only really appropriate when Indigenous people can also make the rules which are to be enforced, and when Indigenous agencies are created to advocate on behalf of Indigenous people to offer informal justice. For instance, the current Legal Aid system, Native Courtworker services, and Indigenous child welfare services may be an appropriate context.

#### 5.4 Lack of Socio-Legal Services for Indigenous People

In addition to limits in the way research questions are conceived (which shape the method of data collection, the way in which findings are presented, and the solutions proposed), a more serious problem with the criminological research about Indigenous people has to do with what questions are never addressed. This is the case for our research on probation and the family court and for our study of educational discrimination against women (in Chapter four) where we found that the issue of services to Indigenous people in these contexts has consistently been overlooked.

##### 5.4.1 Probation

Our review of probation literature<sup>22</sup> for the period 1971-1981 sought to identify general trends, patterns and directions apparent in North American probation and probation services. It also explored specific questions of concern to Saskatchewan's Division of Corrections

around the utilization of personpower resources, offender classification systems, program trends, and the effectiveness of various levels and types of intervention.

Of the five program trends reviewed (restitution programs, incarceration with probation, volunteers, specialized programs, and community/residential treatment programs), most have been initiated for the juvenile offender and most deal with minor offences. Examples of probation programs specifically for Indigenous offenders or other racial minorities were strikingly absent from the literature.

*A Corrections Proposal for Saskatchewan* (1975) clearly acknowledged the ideological conflict between the rehabilitative and control functions of corrections. It suggested that probation had been previously assigned a restrictive, supervisory role and that the role should be broadened to provide services in accord with offender needs. As well, probation services concentrating upon the special needs of Indigenous people were to be expanded (although no specific attention was given to female offenders).

*The data presented [(1971-1972)] ...reflect[s] the overwhelming fact that persons of Indian or Metis origin—less than 10 percent of the provincial population—account for well over half of the admissions to provincial correctional centres and of the time served therein....High incarceration rates for these groups stresses the need for rapid development of preventive programing which is specifically oriented to the social, economic and cultural qualities of Indian or Metis persons....High Indian and Metis incarceration rates are not only a "criminal justice problem," but also part of a broader socio-economic problem of concern to both federal and provincial governments. If increased demands for correctional programing by this group are to be alleviated, co-ordination of federal and provincial programing in this area is urgently required.<sup>23</sup>*

Probation, then, was to be organized to assure liaison with the community and with community volunteers, and to provide more court services. The "Probation Review" of 1976 states that it was to become the "beginning point of corrections," by implication at least, a court-related service, not just an alternative to incarceration.<sup>24</sup>

Some writers have suggested that probation has become a dumping ground responsible for both new court dispositions as well as community-based corrections. Probation is now linked with institutional programs, victim services, community service orders and prison sentences in addition to its traditional court-related and probation supervisory responsibilities. But there is considerable confusion about services objectives within probation organizations and no overall service emphasis has developed. While probation is still perceived as a social and a legal process, there have been greater demands in the late 1970's and early 1980's for more accountability and cost efficiency in services, greater use of community resources and, hence, greater stress on administrative processes as opposed to an emphasis on individualized services.

Both the crisis of demand on probation services and the lack of proof that traditional services are effective have moved probation managements to lower their expectations of what probation might accomplish, and to reconsider what kinds of probationers can best utilize existing services and how existing and community resources might be organized and applied to the tasks of probation. Considerable efforts have gone into the assignment of caseloads by level of risk. There is also a movement from individual to systems management with a concentra-

tion not on one-to-one helping relationships but towards the development of specialized services for probationers who have had these special needs identified.

But there is a further gap in information which makes predictions about the future difficult; that is, the lack of adequate data on who gets probation in Saskatchewan and who does not (e.g., in terms of the gender and ethnicity of offenders, and court location) and, by implication, who is given probation as sanction and/or a service who may not require it at all. It is difficult to suggest a future focus without a more thorough profile of offenders' personal and social needs. In short, the service should consider the development of data collection which would provide an informed picture of what kinds of offenders, with what kinds of needs, may best utilize probation, as well as a feedback mechanism to judicial decision-makers about the outcome of their decisions to use probation. The service should also consider identifying the probation disposition as a more carefully selected one; that is, identifying when probation is inappropriately used as a sanction and what the limits of the service are to absorb more offenders who are placed in prison.

In addition, probation departments will have to determine the limits of their services, given an expanding mandate, and whether some services are not better obtained from outside sources. The limits as a court service should be clear if available resources are not to be rationed to the disadvantage of some offenders (i.e., Indigenous people). This was especially the case in our study of *Law and Order for Canada's Indigenous People* where we found:

*...there is evidence of inappropriate assessment criteria for eligibility and evidence that the use of these programs is disproportionately less frequent for [such] offenders.<sup>25</sup>*

#### 5.4.2 Unified Family Court Evaluation

The Unified Family Court (UFC) Project objectives did not specifically refer to Indigenous people. However,

*...the numbers of Indigenous people who passed through the Project...especially its counselling service...were not even proportional to the[ir] numbers in the city. [Further, it is clear that they] are proportionately overrepresented in adult and juvenile courts. Their children are frequently apprehended and made wards of the province. Social and family dislocation for this group is more acute than any other segment of the Saskatchewan population.<sup>26</sup>*

Given the obvious need Indigenous people have for a wide range of services, including family and child services, the definition of the Project's policy and program issues needs to change.

Our evaluation of the Unified Family Court Project began at the same time the Court opened—December 1978. The UFC concept offers a client-centered, socio-legal service by a multidisciplinary team to families experiencing breakdown. It has comprehensive jurisdiction over family matters and accommodates both a social and an adjudicatory function. This is a socio-legal approach as opposed to a criminological one.

The Saskatoon Court has capitalized on the unification principle by allowing for the combining of multiple actions into a single originating motion. This has the effect of enabling both the lawyers and the court to understand the family as a total entity, thus reducing

the temptation to examine only a single issue or take an excessively partisan approach. The potential for combining multiple actions into one originating motion is widely used by lawyers and is considered extremely beneficial for clients since it de-emphasizes the adversary approach and reduces the expense of litigation.

In the court the counselling service is envisaged as offering practical help and alternative mechanisms for resolving family conflict. These non-judicial alternatives include not merely counselling but also conciliation, education, and investigation and may, and often are, used in combination with adjudicatory mechanisms. The counselling team discovered that the educational aspect of their services was particularly satisfactory to clients. A regular Divorce/Separation seminar series for litigants, their families and friends demystified the legal and emotional processes of family breakdown. Mutual support groups for adults and children were also sponsored by the counselling service. Counselling in many cases has also assisted clients to adopt a conciliatory approach to their differences over the best interests of the children. In the event that the issue of custody remained unsolved, the process of investigation and separation counselling has been found to reduce the vast majority of custody conflicts.

Overall, the counselling service has made a significant contribution to the realization of specific Project objectives:

*'To develop a court where the legal, social work, and other professions and groups work together in the resolution of family problems.*

*To inform the public and professional groups of the purposes of the Unified Family Court project and the services that it provides.*

*To provide ready access to confidential counselling to family members who need help in resolving their problems before legal proceedings, during legal proceedings and during the period of adjustment which follows legal proceedings.*

*To provide practical and humane help to those whose families are in the process of breaking down or have broken down.*

*To recognize the importance of the family and to enforce the duties and rights of its members to each other and to society, whether they live together or not.*

*To ensure that the rights, needs, and feelings of children are properly recognized and protected in the resolution of family problems.*

*To save time, effort, and money for the clients and the courts by consolidating legal issues and avoiding unnecessary trials.*

*To develop appropriate and effective policies, procedures, and administrative structures for the Unified Family Court and to collect data necessary for the management and evaluation of the project.<sup>127</sup>*

Underlying these objectives is the mutual understanding of a shared mission—to provide a compassionate, helping, fair, client-centered service. A crucial lesson from the Saskatoon experience is that the different professions and staff of various government departments can work together to go beyond the rhetoric of formal co-operation to a collaborative enterprise offering multidisciplinary, socio-legal services.

There is little doubt concerning the Project's success in implementing the unified family court concept. However, some aspects of the Project need improvement and some questions about its operation still remain unanswered—notably, how it could be made a relevant resource to Indigenous people, and what other services could be provided to help families in crisis, both by unified family courts and other

agencies. In addition to making a number of suggestions which would improve the functioning of the Unified Family Court, our research has made other recommendations which would take into account the development of appropriate programs to respond to the needs of Indigenous peoples and which would increase their utilization of the courts services.

The first of these has to do with the unanticipated merger of the Saskatchewan District Court and Court of Queen's Bench which resulted in the removal of juvenile delinquency cases from the UFC's jurisdiction.

*This situation proved anomalous since the Unified Family Court concept envisages that the best place for juvenile delinquency cases should be in a court with expertise in family matters.<sup>28</sup>*

Lawyers and human service workers perceived that adolescents and children in need of protection were not adequately represented at the Unified Family Court. It is clear that these criticisms did not relate to those children involved in custody disputes but rather to children being dealt with under the Juvenile Delinquents Act or Family Service Act. The majority of these are Indigenous children. Counselling and legal representation for children and their parents were not envisaged as a service function even when the Court had jurisdiction with respect to both matters. At present, the Regional Office of Social Services serves these clients. The Saskatoon bar and social agencies in our survey viewed the suggestion of a child advocate agency as a solution to this problem with modest enthusiasm. It seems that these children and their families are not adequately served by the present legal or social

services agencies, probably for want of resources. Currently then, services for families with children needing protection or advocacy are either lacking or are provided by independent community advocacy groups operating on meagre resources such as the Peyakowak "Taking Control" project in the case of Indigenous people.

The new Young Offenders Act and the proposed Youth Court have further implications for the UFC. If jurisdiction does return to the Unified Family Court, counselling services to these groups should be made available and legal aid will be an automatic right for young offenders, many of whom are Indigenous people.

Our research found that almost one-third of the court's clients came from outside Saskatoon until a workload crisis forced the project to restrict access to Saskatoon residents. There is no doubt that similar needs for counselling in family breakdown exist elsewhere in the province and a counselling service such as Saskatoon's would fill this void. The evaluation did not document the use of the court by Indigenous people but, based both on observation and the responses of project personnel, few Indigenous people utilized the court's services. Part of the problem may be the referral process. Client referrals, self-referrals, and lawyer referrals account for most of the intake in Saskatoon's counselling service. Clearly methods need to be devised to ensure more referrals of Indigenous people, perhaps by educationalists aimed at Indigenous target groups/organizations. Some effort should also be put into integrating cross-cultural themes in the waiting room of the Project's venue.

There seems substantial support for having the Unified Family Court provide a variety of enforcement-related services. The Project's human service practitioners perceived custody and access orders to be relatively effectively enforced while maintenance orders were not. Schmeiser and Macknak's 1981 study of maintenance order enforcement, undertaken for the Court,

*...recommends the extension of debt counselling and conciliation services in the Court, legal services, collection, a tracing service, and automatic enforcement initiated through a designated officer of the Court.*<sup>29</sup>

A minor substudy on family assaults was conducted and it indicated that family violence and, in particular, violence against women is an additional area of the court's actual and potential activity. Shelters or refuges, police discretion, sentencing practices, and counselling services for victims and assailants are matters requiring further study and funding.

While the court de-emphasizes the adversarial approach, fault-based rules must be eliminated before the unified family court concept is fully realized and before lawyers and their clients will respond appropriately. Client satisfaction will not improve unless the legal profession takes family law and family concerns seriously and, to a substantial degree, the Saskatoon Family Law Bar has done so. The School of Human Justice also perceived the need to develop classes around family relationships and family law. A class on "Divorce and Separation" was initiated in the winter of 1982 to complement an existing offering on "Family Law and Family Policy." These classes focus on

the implications of divorce and separation in familial, psycho-social, legal and policy contexts.

The Prairie Justice Research Consortium has recently prepared a funding request containing research findings in the area of the law, the family, and the socialization of children. Our focus is a comprehensive, systematic, multidisciplinary examination of the professional belief systems and underlying paradigms employed by practitioners working in the field. In our opinion, the conscious or unconscious operation of such belief systems and paradigms profoundly affects the concept, administration, and the distribution of justice within the framework of family policy and family law.

The incongruence produced by the mismatching of beliefs, assumptions, and goals has damaging effects on the clients of the system—the children and their families. The isolation, definition, and examination of such belief systems is therefore crucial to the future elimination of such incongruities in the operation of family policy and family law.

This project will examine these belief systems and underlying paradigms as they function in the areas of child custody, youth non-conformity, and child protection. Particular emphasis will be given to policy and program issues around Indigenous youth, child welfare and families. Research to date has indicated an extraordinary lack of literature—specifically Canadian literature—on this subject, thus indicating a need for the investigation which our project will undertake. An empirical survey of professional belief systems, administered to practitioners in the relevant professional groups, will follow from this study.

### 5.5 Perceptions of Impact of the Y.O.A. on Indigenous Youth

A highly innovative part of our research about Indigenous people and justice came from our involvement in the Saskatchewan non-governmental Task Force on Juvenile Justice (TFJJ). This project, which combines research facilitation and direct research, was initiated at the Saskatchewan Criminology and Corrections Association Conference on the Young Offenders Act (Y.O.A.) held in Saskatoon November 24-26, 1982.\*

Since its formation in January 1983 the TFJJ has had 19 organizations participate in meetings or educationals (see appendix 1). Of particular interest for this Special Report is the involvement of Indigenous organizations. The Indigenous groups which have been steadily informed about and/or participated in the work of the TFJJ were: Regina Native Courtworkers, Sun Star House, Saskatchewan and Prince Albert Native Coordinating Council, Family Services Project, Prince Albert Native Courtworkers, and Regina Native Women's Association.

The terms of reference agreed upon for the TFJJ were:

1. *to assemble information and develop proposals and strategies to attempt to influence implementation of the Young Offenders Act in Saskatchewan;*
2. *to address the particular problems and issues facing native youth and young women in the criminal justice system;*
3. *to coordinate information and discussion around broad concerns about youth, the law, and human rights, including an education function aimed at youth about the YOA; and*

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\* This professional organization, with which PJRC maintains liaison, has since been renamed the Saskatchewan Criminal Justice Association.

4. *to provide a forum for interprofessional discussions among non-governmental associations and organizations around general policy matters affecting the quality of human service work with youth in Saskatchewan.*

#### 5.5.1 Participatory Research Methods

The TFJJ has tried to follow a participatory research approach whereby the participants are directly involved in establishing the research objectives, in information-gathering, and in the interpretation and application of findings. Methodological and ideological problems and issues in so-called participatory research are discussed elsewhere (Hall, 1976; Karsam and Mustafa, 1982; SSHRC, 1983; Harding, 1984).

As a first step in the research activity of the TFJJ, participants at the early meetings identified eight sets of research questions:

1. What impact will the Y.O.A. have upon rural and Northern Saskatchewan?
2. What actions are taken by store security guards (private police) when they are in contact with youth in the community? How often do private police not bring delinquent youth to the attention of the police?
3. At the community level, what information is available concerning the victims of juvenile offences?
4. What community services are presently available to native youth and young women? What services should be provided these youth in the community?
5. How aware are teachers, youth, and community members of the Y.O.A. and its implications?
6. What are the community feelings or perceptions concerning the Y.O.A. and possible implications for the community?
7. Are there any differences in the treatment of males and females with respect to status offences?

8. How large or extensive is the group of youth "at risk" or those presently not reaching the formal court system?

On the basis of these broad research questions PJRC designed a lengthy questionnaire (see appendix 2) to be used in a pilot study involving the participants of the TFJJ themselves. This initial questionnaire was developed to assess the opinions and perceptions of Task Force participants regarding the specified research questions about juvenile justice issues in Saskatchewan. A major concern in the design of the questionnaire was, of course, the then forthcoming implementation of the Y.O.A. The findings of the questionnaire were intended to provide the Task Force with a sense of common juvenile justice problems and practices in Saskatchewan communities and to offer some indication of possible future activities and directions for the Task Force. Potentially, the findings could be used in discussions with government or as a basis for further expanded research on juvenile justice issues.

Before examining the results of the pilot study, the limitations of the data need to be noted. All of the questions were answered in terms of the perceptions of the respondents, most of whom were Task Force participants. This means that all the findings need to be prefaced with the remarks, "In the estimation of Task Force respondents" or "in the opinion of Task Force respondents." Such a qualification does not lead to the discounting of respondents' opinions. At this stage of the research, however, the findings are not based upon generalizable information or statistical analysis. They do indicate some general patterns, confirm some assumptions, and demonstrate a lack of knowledge in some areas.

The questionnaire was initially distributed to a limited number of people (33). This is a strategic group who are directly associated with juvenile justice issues and programs in Saskatchewan. Nineteen (57.6%) of those receiving questionnaires returned them.

The problems of interpreting results based on such small numbers are further complicated by the unevenness of responses from various communities. The data is definitely biased in favour of Saskatoon and Prince Albert, the communities with the majority of respondents. In addition, some respondents replied as individuals while others pooled ideas and answered the questionnaire on behalf of an organization. The pilot study showed that some questions were awkwardly worded, resulting in different responses to the same question. As well, many of the questions asked for detailed estimations which a majority of respondents most clearly did not feel qualified to provide. This finding is itself important for planning further research.

Despite the many shortcomings of the instrument used and the qualifications which must be made about the findings, the questionnaire did produce some useful and interesting information. If the Task Force agrees, the findings of the questionnaire could be utilized as a basis for further research in juvenile justice. At this time no such decision has been made.

#### 5.5.2 General Pilot Study Findings

From the data provided by the pilot questionnaire it is possible to draw some conclusions about the eight original research questions

proposed by the Task Force:

1. *What impact will the Y.O.A. have upon rural and northern Saskatchewan?*

Since there was only one questionnaire returned from a northern community it is not possible to reach any conclusions about northern perspectives and the impact of the Y.O.A. there. Based on this single response, it seems that there is not the same range of recreational activities or services available to youth residing in the north. Funding also seems to be a problem. Many of the concerns expressed by the northern respondent are similar to those of the other respondents. The trend with respect to youth placed in custodial care seems to be that youth residing in the smaller rural centres or northern communities are sent to facilities in Regina or Saskatoon.

2. *What actions are taken by store security guards (private police) when they are in contact with youth in the community? How often do private police not bring youth to the attention of the police?*

In the larger urban centres of Regina, Prince Albert, and Saskatoon it seems that private police do have considerable and varied contact with youth in the community. Most commonly, respondents reported that store or shopping mall security guards are involved with juvenile shoplifters. However, this private police contact with youth was not limited to shoplifting violations but included a diverse range of contacts. Since such a small percentage of respondents (4/19 or 21.0%) estimated how often private police do not turn youth over to the regular police forces, it is not possible to determine the effect of private police discretion upon Saskatoon youth. Judging from the responses explaining why private police do not turn youth over to the police, it seems likely that private police do have a significant discretionary role with respect to youth. The Task Force's knowledge of the extent of the discretionary role is limited; consequently, further research in the area is needed to determine the extent of private police discretion.

3. *At the community level, what information is available concerning the victims of juvenile offences?*

In Saskatoon it seems that restitution is offered through the John Howard Juvenile Mediation Diversion program, a victim survey is being conducted, and counselling is available for assaulted victims. In Regina such programs are available but, in most cases, respondents reported that they are ineffective, insufficient, and inefficient. In Prince Albert there has been some experimentation with a program enforced by Social Services which screens youth prior to decisions about charging. In the northern community of La Loche there is no funding or staff for these kinds of services. These services exist in the southern towns of Leader and Weyburn.

4. *What community services are presently available to native youth and young women? What services should be provided these youth in the community?*

It seems that recreational offerings available for youth in Saskatchewan communities may not be accessible to these groups because of the cost or because youth, in particular females, may not find the offerings appealing. Consequently, respondents often replied that free, appealing recreational activities should be available for Saskatchewan youth. Diversion programs in Saskatchewan communities are apparently accessible to native and female youth residing in communities offering such services. Other suggestions for programs that should be available to youth include: educational legal services, self-help groups, liaison persons in schools, alcohol/drug/sniffing abuse programs, life-skills programs, and family service workers.

5. *How aware are teachers, youth, and community members of the Y.O.A. and its implications?*

In the estimation of the respondents all three groups—teachers, youth, and community members—are not at all well informed about the Y.O.A. and forthcoming changes. Respondents felt the best way to inform youth about the Y.O.A. and its implications for them would be through schools and the media.

6. *What are community feelings or perceptions concerning the Y.O.A. and possible implications for the community?*

In the view of Task Force respondents, there are many problems associated with the forthcoming implementation of the Y.O.A. Some of the concerns expressed were:

1. Legal aid services will not be adequate to serve the mandatory legal representation rights for youth under the Y.O.A.
2. The demand for custodial care will increase.
3. The inclusion of 16 and 17 year olds under the Y.O.A. will result in the over-taxing of existing community facilities and services for youth.
4. Funding will probably not be available for the alternative measures provisions of the Act. It is already difficult to obtain funding for youth diversion programs and other youth services.
5. The very recipients of the legislation (youth) are grossly uninformed about forthcoming Y.O.A. changes.

7. *Are there differences in the treatment of males and females with respect to status offences?*

The only indication provided by the pilot study with respect to this question is that respondents are uncertain of differences in the treatment of males and females in relation to the laying of charges or dispositions received. About one-third of the respondents (5/13 or 38.5%) replied that gender is a factor in sexual immorality delinquencies. Further research would be needed to confirm assumptions that there are different patterns of treatment for male and female youth in the Saskatchewan juvenile justice system.

8. *How large or extensive is the group of youth "at risk" or those not presently reaching the formal court system?*

Even though a significant number of questions were designed to determine the extent of discretion used with the under 16 age group, the questionnaire produced no conclusive results. It is clear that the regular police forces, private police, schools, and sometimes recreational centres do employ positive discretion and do handle law violations by youth in an informal or non-legal manner. Knowledge of the extent of such practices is, however, not available among Task Force respondents. In reply to the question asking for a ranking of reasons why youth under 16 who allegedly violate laws are not brought to court, police policy; i.e., discretion, was ranked number 1. If police discretion is such an important factor in explaining why youth are not brought to court, then it is possible that the "due process rights" for youth forthcoming upon implementation of the Young Offenders Act may in fact lead police officers to defer their positive discretionary powers. In order to satisfactorily answer questions about the group of youth "at risk" further research in the following areas would be required:

1. How do police officers view the due process rights in the Young Offenders Act? Will this change affect the extent of discretion used by police officers and/or private police?
2. Are records kept of the numbers of youth under 16 who come to the attention of the police, but are not brought to court and why they are not brought to court?
3. Are there patterns or similar circumstances when discretion is employed with respect to youth who allegedly violate laws?

### 5.5.3 Pilot Study Findings about Indigenous People

One of the main objectives of the TFJJ was to begin to gather information about Indigenous youth and to attempt to bring Indigenous and non-Indigenous organizations together for information-sharing. Some of the findings from the pilot study may be directly relevant to such groups.

Almost two-thirds (11/17 or 64.7%) of the respondents indicated uncertainty about whether or not Indigenous youth receive the same or similar dispositions as non-Indigenous youth when found delinquent for the same or similar reasons. Other comments suggest that non-Indigenous female youth are less likely to be released because of being perceived as not having social support systems. Furthermore, a significant percentage of respondents (5/13 or 33.5%) thought that "sex" was a consideration when youth are found delinquent for reasons of sexual immorality. Such a trend would apply to both Indigenous and non-Indigenous female youth. These responses suggest the need for clarification about the impact of gender and ethnicity with respect to the processing of youth in the juvenile justice system.

Comments from respondents also suggest that for a variety of reasons Indigenous youth are more likely than non-Indigenous youth to be charged and brought to court. Reasons given for differences were:

1. Indigenous males are less often given the benefit of positive discretion.
2. Non-Indigenous males are less often charged with status offences ("sowing their wild oats").
3. Indigenous females are doubly disadvantaged since they are both female and Indigenous.

4. Community would report offence sooner if the offender is Indigenous.
5. Non-Indigenous females are charged less often. When charged, it is usually for status or delinquency offences and then they are usually removed from home.

The majority of respondents (13/17 or 76.5%) reported that the same or similar diversion programs are available to Indigenous youth in Saskatchewan and it seems that all communities surveyed have or have had some sort of diversion program for youth under sixteen. The survey, however, didn't attempt to evaluate the accessibility or effectiveness of these diversion programs. Correspondingly, it needs to be noted that 50% (9/18) of the respondents did not know if non-legal or informal community measures taken by the police, recreational centres, and schools were employed in the same manner with Indigenous youth. One Saskatoon respondent commented that Indigenous youth are confronted with the following situation:

*[There is] no question that discretion is used in favour of White, middle-class kids when [Saskatoon] police officers are used, the Saskatoon youth squad is excellent.*

Participants at Task Force meetings often expressed concerns about Indigenous youth residing in northern Saskatchewan. It seems that when youth residing in northern Saskatchewan are given custodial sentences they are forced to leave their community and travel long distances, often with concomitantly high expenses. Such a situation was viewed by Task Force participants as particularly problematic for Indigenous youth, their families, and the government. This was another area identified by the Task Force as needing further research, especially with respect to the impact of the Y.O.A. upon northern Indigenous

youth.

General areas needing further investigation and study on the basis of the Saskatchewan TFJJ pilot study are:

1. Extent of positive discretionary measures utilized with respect to Indigenous male and female youth,
2. Types of offences for which Indigenous male and female youth are charged as compared with non-Indigenous youth,
3. Extent of recreational opportunities for Indigenous youth with respect to accessibility and costs,
4. Types of dispositions received by Indigenous male and female youth as compared with non-Indigenous youth,
5. The availability of legal aid or legal counsel to Indigenous youth in light of due process implications of the Y.O.A.
6. The need for and range of educational programs which would benefit Indigenous youth, and
7. An examination of the types of alternative measures available for Indigenous youth, and the likelihood of community control of these measures.

#### 5.5.4 Ongoing Activities

The TFJJ continues to meet and to decentralize. Saskatoon participants have initiated their own meetings, educationals, and research. Regina participants are now beginning to do the same thing. The preliminary results of the TFJJ pilot study were presented at the Participatory Research Workshop held in Saskatoon in February. The Workshop included reports from PJRC, Elizabeth Fry, and the Saskatchewan Native Courtworkers. Direct consultation about research on female and male Indigenous youth and the Y.O.A. is now occurring among these organizations. As well, PJRC has made research on juvenile justice one of its priorities for the coming years.

This project also encouraged the School of Human Justice to launch a course which relates to the mandate of the TFJJ. In the spring/summer sessions of 1983 the School offered a new class, "Issues in Juvenile Justice." This selected topic provided a multidisciplinary focus on current issues in the field of juvenile justice. In particular, the course examined the social, policy and legal implications of the Y.O.A. Sociological, historical, and feminist insights informed a critique of public and official attitudes to young people and their treatment and/or punishment. This course was team-taught in the form of a workshop to a total of 75 students in Regina, Saskatoon and Prince Albert. It paralleled and strengthened the work of the TFJJ, and illustrates the regional role of PJRC and the School in providing knowledge and resources on seminal issues.

## 5.6 Pharmaceutical and Other Drugs and Indigenous People

Prairie Justice Research Consortium's research on pharmaceutical drugs, presented on the CBC *Ideas* radio series during March 1983 under the title "Pharmaceutical Control,"<sup>30</sup> also has some implications for research and policy about Indigenous people and justice. This series was presented and summarized under three headings:

### 5.6.1 Summary of Findings

#### 5.6.1.1 Medicalizing Underdevelopment

This program looked at the global structure of the pharmaceutical industry, its impact on developing countries, and their quest for safe, essential, and inexpensive drugs. It revealed the double standards and the bribery used by companies in marketing their prod-

ducts in the Third World—a situation which gives rise to a drug disaster even greater than that of thalidomide. It explored the problems facing countries who have tried local control and production of essential drugs, focussing on Bangladesh, the most recent country to ban widespread non-essential drugs. It concluded with a discussion on the growing pressure for an international drug marketing code.

#### 5.6.1.2 Criminalizing Non-Pharmaceutical Drugs

This program focussed on the history of Canada's drug laws to see whether another double standard exists favouring pharmaceutical control in the system of law-making and law enforcement. It traced present Canadian laws from the opium wars in China to the Canadian Narcotic Control and Food and Drug Acts. It examined the origins and effects of the criminalization of cannabis and compared this to the much laxer laws that control mood-modifying pharmaceutical products. The failure of prohibition, past and present, and the use of pharmaceutical drugs into an illicit market indicate the dept of today's crisis in drug control policies. This program stressed the need to reassess how we understand drug problems, particularly drug dependency.<sup>31</sup>

#### 5.6.1.3 Prescribing Social Control

The final program investigated yet another double standard— one which discriminates against women and further underlies pharmaceutical controls in our society. It critically examined the way the pharmaceutical industry's marketing strategy for mood-modifying and hormone drug products has focussed on problems and complaints arising

from women's secondary status in our society. It considered the feminist analysis of the origins and outcomes of the medical-pharmaceutical system, discussed the role this system plays in the social control of women, and concluded by exploring the growing movement for alternatives to pharmaceutical drugs.

#### 5.6.2 Implications for Indigenous People

As in our direct research on Indigenous people and the criminal justice system, this project found issues of development and underdevelopment to be directly related to questions about pharmaceutical drugs. It is people in the so-called underdeveloped and developing countries who face the greatest risks from the lack of social and/or legal control of the proliferation of pharmaceutical drugs. The dumping of hazardous drugs banned elsewhere is an extreme example of this.

This project also found that Indigenous people in Saskatchewan faced particularly serious problems involving pharmaceutical drugs. For example, a coroner's report on the twenty-two reported overdose deaths in Saskatchewan in 1977 and 1978 involving the prescription analgesic propoxyphene (Darvon) showed that thirteen or 59% were Indigenous people.<sup>32</sup>

The growing problem of overprescribing or inappropriate prescribing is now acknowledged by medical officials themselves. In his address to the 75th annual meeting of the Saskatchewan College of Physicians and Surgeons, the President stated:

*There are quite a few physicians in this province who appear to have forgotten what they were taught in medical school about prescribing. This does not refer to the choice between one antibiotic and another, or the mechanics of writing a legible prescription. It refers to the prescribing of medications for improper reasons—without examination and diagnosis. This has come to our attention repeatedly in the past year and appears to be a growing problem. An example is the proven fact that one physician in this province prescribed more than 27,000 Talwin Compound tablets within the space of none mouths—and these are only the ones that we have found out about. Another allegedly prescribes Demerol in multidose vials, to be taken home and self-administered by the patient.*

*This situation is a disgrace to our profession. At the very least, it is brought about by carelessness, but I suspect it is not infrequently due to greed for the easy buck.*

*We have had examples of several deaths in one area of the province involved with alcohol and drugs, the combination, and on investigation we found a number of the people who had died had prescriptions for their drugs from the same physician....The deaths I spoke about earlier were in Native people in one area of the province. Some, we don't know, very often we're going by name rather than knowing the person, and you have to try and decide whether this is a Native or other—but there have been a large number of Native people involved.<sup>33</sup>*

The analogy between problems facing Canada's Indigenous people and those facing developing countries clearly requires further exploration. One individual in "Pharmaceutical Control" argued that:

*The improper and excessive prescribing of Darvon, Talwin, and other drugs to people of Indian ancestry suggests that pharmaceutical drugs are being used to manage the problems of the Third World in Canada as well as abroad. As in developing countries, these drugs totally fail to resolve the underlying issues of social, cultural, and economic dependency which indigenous people face.<sup>34</sup>*

As we noted in Section 5.2, the School of Human Justice has established a class on "Alcohol, Drugs and the Legal Process" which explores the criminalization and medicalization of drugs in Canada and the global links between underdevelopment, drug abuse, and drug-related offenses, with specific attention to how these affect Indigenous people. There is also some Canadian research on the role of alcohol in socio-health and legal problems facing Indigenous people. No systematic research, however, has been undertaken on the absolute or relative risks facing Indigenous people from pharmaceutical drugs. Because the socio-economic problems facing Indigenous people may be being medicalized, and because of the risks from the interaction of alcohol and some pharmaceutical drugs, such research seems vital.

This research, and lack of research, has several implications. We suggest as a minimum that: (1) the federal Bureau of Dangerous Drugs review and reformulate its information-gathering system to allow profiling of the overprescribing or inappropriate prescribing to Indigenous people; (2) that pharmacies in areas of high Indigenous populations be encouraged by the Bureau to make a special effort to monitor and report on hazardous prescribing practices; and (3) that the role of the federal Medical Services Branch, Department of Indian and Northern Affairs, in prescribing to Indigenous people be critically reviewed.

### 5.7 The Public Inquiry Process and Indigenous People

As we stated earlier, a new set of problems emerge once the

need to study the interface and relationships between underdevelopment and the criminal justice system is acknowledged. In view of the controversial nature of development and underdevelopment theory, it is essential for this research to be comparative and self-critical about its assumptions about the nature and impact of economic development and the structures of the larger society.<sup>35</sup> Some people, for example, assume and argue that a particular industrial project will bring benefits to an Indigenous community in such a way that the social problems contributing to crime and incarceration will be lowered. However, it is necessary for the research to investigate and to be open to discover that a quite opposite process may be operating whereby social and criminal justice problems may be aggravated by a project and the socio-economic realities it shapes.

In our research<sup>36</sup> we were not initially attempting to actually determine the order or nature of impacts of economic development on the involvement of Indigenous people in the criminal justice system although some of our earlier work on alcohol-related arrests suggests that an inverse relationship may exist.<sup>37</sup> Rather, we wanted to first explore the access of Indigenous peoples to the public inquiry and policy processes which debated and recommended on the kinds of economic development which would occur in the north.

Secondly, we wanted to study the makeup and frequency of views presented and the questions and aspirations expressed by both Indigenous and non-Indigenous participants, including those associated and

not associated with the project under question. Because of the historical and existing importance of land-based renewable resources to northern Indigenous people, we were particularly concerned with both perceptions about environmental impacts and actual environmental impacts, and the way these impacts affect Indigenous communities.

Thirdly, we wanted to see whether and, if so, how these views of Indigenous northerners were reflected in the recommendations of the inquiry and the kinds of economic development that occurred. Finally, we wished to retrospectively evaluate the widely varied and contradictory predictions regarding costs and benefits to northern communities made by Indigenous and non-Indigenous peoples during the inquiries.

#### 5.7.1 An Inventory of One Uranium Mining Inquiry

After much deliberation and preliminary research we decided to initiate this research by studying uranium mining. This is not only the most prevalent but also the most controversial form of economic development being undertaken in northern Saskatchewan at this time. Two major provincial uranium inquiries have already been held, producing over 20,000 pages of transcripts. One of the terms of reference of these inquiries has been the socio-economic impact on the north. In some circles, including the boards of inquiry themselves, the expansion of this industry has been seen as the way to create a new economic base in the north and to begin to reverse the severe problems resulting from unemployment, alcohol-related disabilities, and incarceration among northern Indigenous people. However, this

belief has not been investigated in the inquiry so much as it has been asserted.

Initially we concentrated on the first inquiry, the Cluff Lake Board of Inquiry (CLBI), held in 1977-1978. The structure and process of this inquiry itself bears on the question of how accessible public policy process is to Indigenous people. The CLBI had three kinds of presentations—formal hearings, written briefs and local hearings. The formal hearings were started first and were held in southern cities (Regina and Saskatoon). They consisted of scientific and technical presentations and contributed the largest amount of material (10,786 pages of transcripts) to this board of inquiry.

Only two of the 141 participants in these formal (scientific and technical) hearings were Indigenous northerners. Two other participants from the south were also Indigenous people. The written briefs began to be submitted mid-way through the formal hearings. Only three of the thirty-two briefs presented came from northern Indigenous people.

Indigenous people were also an overall minority among those making oral presentations at local hearings. Out of 336 people who spoke at these hearings held throughout the south and north, 118 were Indigenous people. Northern people were, however, a majority (726/1271 or 57%) of those attending these local hearings. But it is not possible to say exactly how many of these were Indigenous as opposed to non-Indigenous northerners.

It was at the local hearings held in the north that northern Indigenous people had their main say. The vast majority (435/726 or

TABLE I

## PROFILE OF COMMUNITIES AND PARTICIPANTS AT NORTHERN LOCAL HEARINGS OF CLBI

Location	Approximate Dist. From Cluff Lake	Approximate Attendance	Approximate Population (1976)	Number of People who Spoke				Briefs Affiliation
				# White Male	# Native Male	# White Female	# Native Female	
La Loche***	160 km.	110	2,000	1	13	1	1	Concerned Northern Native Community (vote 20 for, 90 against).
Green Lake***	460 km.	20	849	4	4	3	0	
Jans Bay***	390 km.	16	162	1	7	0	0	Video presentation by R. Hill
Beuval***	360 km.	30	778	3	8	0	0	
Ile a la Cross***	310 km.	40	1,100	3	10	0	2	
Dillion***	260 km.	15	227		8	0	1	
Buffalo Narrows****	270 km.	30	1,050	0	5	0	2	Buffalo Narrows Local Community Authority (pro) with consultation moratorium.
Michael Village***	250 km.	25	116	0	5	0	6	
+Uranium City****	100 km.	230	2,028	17	5	5	4	Uranium City, Chamber of Commerce, Municipal Corporation of Uranium City and District.
Fond de Lac***	130 km.	10	452	1	5	0	0	
Stony Rapids***	150 km.	15	564	0	6	0	0	
Wollaston Lake***	300 km.	75	479	1	7	0	2	
Patunak***	280 km.	55	648	1	9	0	0	
+La Ronge****	400 km.	55	1,714	4	5	1	0	Northern Municipal Council

+Majority non-Indigenous    \*\*\*Northern (majority indigenous)    \*\*\*\*Northern (large white population)

60%) of those attending the fourteen northern local hearings were from the twelve Indigenous communities listed in Table I. And the majority (118/165 or 72%) of those who spoke at the northern local hearings were judged to be Indigenous northerners on the basis of the transcripts. (Two northern Indigenous men and one southern Indigenous woman spoke at the southern local hearings.)

The transcripts from the twelve northern Indigenous communities and two northern non-Indigenous towns were read to determine the ethnic and sexual composition of those who spoke. The results showed the following breakdown:

Indigenous male	99
Non-Indigenous male	37
Indigenous female	19
Non-Indigenous female	<u>10</u>
Total	165

Indigenous males spoke at all fourteen local hearings although they were concentrated in the west-side Indigenous communities on the road to the Cluff Lake mine site under scrutiny. In contrast, non-Indigenous men did not speak at five of the local hearings and more than half of those that did (19/35 or 54%) spoke in only one town—Uranium City—a town built totally around uranium mining in 1952 and closed down in December 1982.

Indigenous women and non-Indigenous women did not speak at seven of the fourteen local hearings. Both groups were fairly widely distributed across the other communities although Uranium City had the most Indigenous women who spoke anywhere.

### 5.7.2 Implications for Further Research On Inquiries

This inventory of participants is presently being extended to a second uranium inquiry, the Key Lake Board of Inquiry (KLBI), held in 1980. Once this is done a full-scale contextual, structural, and content analysis of the inquiries will be undertaken. The content analysis will allow comparisons and clusters of themes, recommendations and predictions among the various participants; for example, between northern Indigenous women and non-Indigenous, out-of-province men.

On the basis of the initial findings about the structure, process and participation in this inquiry, it seems necessary to reconsider how such inquiries influencing northern developmental issues are established and undertaken. Unlike the Berger Inquiry on the Mackenzie Pipeline, information (e.g., the Indigenous languages) and access to the public forums, especially the crucial scientific and technical hearings, was greatly lacking for Indigenous people. In addition, the cross-cultural realities and language differences of northern Indigenous people and urban technically-trained people did not seem to be given adequate consideration. Nor did considerations of northern development and social impact receive primary attention in the inquiry. These criticisms and recommendations do not apply only to forums and decision-making systems influencing the interface of socio-economic and criminal justice problems affecting Indigenous people. They apply directly to the criminal justice system itself. We have attempted to come to grips with some of these issues in our classes on "Justice for Indigenous People" and "Social Justice, Peace

and Development" (see section 5.2).

#### 5.8 Justice Alternatives for Indigenous People

The critique of criminology would remain purely academic, in the worst sense of the term, without incorporating studies and research about alternatives. In order to broaden the scope of our justice research on Indigenous people we have therefore expanded it to include a global search for innovations in criminal and social justice practices. A main objective of our Corrections Alternatives<sup>38</sup> study is to examine informal justice models which may be cultivated as alternatives to correctional programs, especially incarceration. In particular, those models attempting to reduce the number of Indigenous people and other minorities incarcerated are of prime interest. The creation of our specialized library collection on *Justice and Indigenous People* under a \$40,000 SSHRC grant has provided us with original sources of material to initiate this research. In addition, the international focus of our alternatives research complements and expands the findings of our literature review, *Law and Order for Canada's Indigenous People*, which concentrated on Canadian research.

Our exploratory, somewhat futuristic alternatives research also furthers the "paradigm" analysis of criminal justice policies and programs as discussed in *The False Promises of Criminology*, especially with respect to the prison system. The prison alternatives research starts from the recognizably debatable assumption that common approaches to reform in the criminal justice system, e.g., prison reform, have failed to escape the dominant paradigm.<sup>39</sup> As a consequence, reform has proven

to be cyclical and ineffective even in terms of its own stated objectives.

This study draws upon the work of writers who explicitly allege that we are experiencing a general paradigm shift (Baines, 1978; Capra, 1982; Ferguson, 1980; Naislutt, 1982) and from the growing body of "sidestream" literature on alternatives. Moreover, our prison alternatives research is an interdisciplinary approach involving the areas of legal anthropology, sociology, law, and criminology. It is our expectation that such an approach will facilitate an understanding of emerging paradigms. In turn, our objective is to consider emerging trends in order to advocate viable alternative justice models particularly for Indigenous people in Saskatchewan. We feel there is a further possible application of our research for the Young Offenders Act with its emphasis upon alternative measures and "informal justice."

In the spirit of utilizing "sidestream" analyses, the review will extend beyond the parameters of traditional academic writing to include popular literature such as science fiction literature. Where possible the literature review has and will continue to draw upon anthropological studies of tribal, pre-industrial conflict resolution while looking for analogies and applications from other communities. At this exploratory state the research can best be conceptualized in terms of the following matrix which crosses historical time with sources of material:

<u>Pre-Industrial</u>	<u>Industrial</u>	<u>Post-Industrial</u>
Tribal literature	Anarcho-Communitarian literature	Futures/science fiction literature

### 5.8.1 Preliminary Findings from the Literature Reviewed

The study of tribal conflict resolution has thus far focussed on the Pemon Indians of Venezuela and Indigenous Papua New Guineans, both of which are acephalous, stateless societies. The merit in examining stateless tribal societies lies in learning how informal social control mechanisms operate in what are essentially decentralized societies. With the Pemon Indians, for example, the use of negotiation to define a wrong as well as to resolve a dispute contrasts with our tendency to legislate and regulate through imposed sanctions. Most importantly, kinship networks and the tendency to disperse conflicts are fundamental features of Pemon society which continuously act to extend autonomy.

An analysis of traditional Papua New Guinea society, on the other hand, indicates that inducement rather than compulsion acts as a system of social control.<sup>40</sup> This country is of special interest because both the pre- and post-colonial studies of dispute settlement that have been conducted link the existence or role of economic development in shaping and transforming conflict resolution processes. As well, in the early 1970's Papua New Guinea implemented a Village Courts Act which was intended to allow for the enforcement of customary, traditional law. Studies of the Act will be of comparative value with respect to discussions around tribal courts and Indigenous self-government in Canada.

Before the findings from this research on informal tribal forms of conflict resolution can be evaluated in terms of their applicability to Indigenous people in Canada, there will have to be a more critical study of the global interface of statist and tribal societies. This is

where our alternatives research and our ongoing research on development, underdevelopment and criminal justice systems interrelate. Such an analysis will better enable us to consider their applicability to Canadian society in general which faces a near crises situation with respect to criminal justice structures, ideology, policies and programs.

The continuation of this research on tribal conflict resolution, using the legal anthropological literature, may prove beneficial to us and others searching for alternative paradigms by helping to overcome the common ethnocentric limits we all face to problem-definition and the range of solutions being seriously considered. We plan to look directly at innovations in Indigenous approaches to conflict resolution and criminal justice practices in New Zealand and Australia. These findings, it is hoped, will bear directly on present discussions in Canada regarding Indian and Metis self-government and alternatives to incarceration.

We have also begun to look at criminal justice policies in some decolonized societies as a means to explore historical and political issues. The Peoples Courts of Cuba (which appear to provide communities and citizens an active role in defining and resolving disputes) may prove to be one example of an emerging synthesis between statist and tribal or formal and informal systems where the state plays more of a facilitative than directly compulsory role in conflict resolution.<sup>41</sup> Cuban courts are also a possible example of the success and failings of a decentralized justice model.

Literature from or about writers in subcultures which have attempted to counter the influences of mass industrial society has also been useful in this search for an alternative paradigm. While the applicability of experiences from total alternative communities to larger societies is open to question, some writers are proposing "partial communities" (a wide range of cooperatives, collectives, and neighbourhood associations) as a means of replacing coercive practices with forms of direct action, mutual aid and self-management.<sup>42</sup> This growing tendency within industrial societies potentially spans everything from prison abolition organizations to groups like the green parties trying to harmonize the systems of production, consumption and social control with ecological sustainability.

#### 5.8.2 Further Directions for Research and Alternatives

This research has not yet fully explored writings in science fiction fantasy and futuristic scenarios. Preliminary study in these areas, however, suggests a convergence with the aforementioned directions. The replacement of institutions with communities is, for example, one theme found in some science fiction.<sup>43</sup> Furthermore, this tendency is already apparent in some alternative programs which directly deal with criminal justice problems.<sup>44</sup> We are also beginning to study direct action groups such as the Unitarian Universalist Service Committee in California<sup>45</sup> which is organizing coalitions to stop prison construction and to develop community alternatives to prison. As well, we are looking at the relevance of an interprofessional group called "Innovate Housing"—also based

in California—which is advancing the ideals of voluntary simplicity, "small is beautiful," resource-sharing and cross-generation extended families.

Our research on alternatives will also begin to examine the nature and applicability of feminist critiques and alternatives for the search for a new paradigm of conflict resolution. We are presently considering research on violence against women, prostitution, pornography, and the female offender to incorporate feminist concerns into our overall research program.

## ENDNOTES

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39. Ibid., p.3.

40. Ibid., pp.10-11.

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## CHAPTER 6: PUBLIC POLICY ADVOCACY REGARDING JUSTICE FOR INDIGENOUS PEOPLE

### 6.1 The Need to Emphasize Dissemination

During the last two years (1982-1984) of the three-year period under review all Research Associates were involved in the submission of briefs to one or more public reviews, hearings or committees at the municipal, provincial, and federal levels of government. This reflected our growing concern about the need to enhance the dissemination of our multi-disciplinary perspectives and research findings, and our decision to engage in more policy advocacy activities involving criminal and social justice issues. This, in turn, related our critique of criminology as an adequate basis for such policy-related research.

Briefs<sup>\*</sup> were submitted to the following bodies:

- 1) Review of the City of Regina Police Canine Unit, November 22, 1982;
- 2) Brief to the Public Hearings Regarding the Mental Health Act, and the Law Reform Commission's Proposals for a Compulsory Mental Health Care Act and a Personal Guardianship Act, March 28, 1983;
- 3) Brief submitted to the Special Committee of the Senate on the Canadian Security Intelligence Service, September, 1983;
- 4) Brief submitted to the Saskatchewan Minister of Social Service's Advisory Council on Child Protection, November 9, 1983.<sup>1</sup>

All of these submissions bear on our special topic area—Indigenous people and justice—and will, therefore, be briefly outlined as part of the requirement for our Special Report. They all deal with issues and

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\* These briefs will be combined in a forthcoming PJRC Occasional Paper.

problems generic to our research and teaching activities including municipal policing, provincial mental healthcare, and federal security legislation. In each case our briefs stress issues of rights, needs, and due process whether regarding arrest practices, psychiatric committal, child apprehension or national security practices.

It is noteworthy that all of these issues and jurisdictions do bear on our special topic area—Indigenous people and justice. Our application of research findings and multi-disciplinary perspectives and our specific recommendations in these seemingly but deceptively diverse areas of public policy will therefore help to establish the broad interrelated conceptual focus required for policy-related research in this area. This may prove to be more important for stimulating research in this area than doing another narrowly conceived, more traditional research project.

#### 6.2 Public Controversy about Regina's Police Dog Unit

PJRC has had a long-standing commitment to research and policy issues pertaining to policing. This interest has included projects on police job satisfaction, on legal services to Regina's Indigenous people, on private policing, on the past NDP government's approach to police policy, and participation by Research Associates in a symposium on police accountability.<sup>2</sup>

As a continuation of our concerns about police accountability, PJRC Research Associates presented at the City of Regina Review of the Canine Unit held November 22, 1983. Our brief addressed three major

questions: i) the contextual and ii) the process problems with the review, and iii) the neglect of the basic issue about the complaint process.

We argued that the controversy over the existence and use of police dogs in Regina had to be placed in the larger context of Indigenous people and the criminal justice system. In particular we referred to the evidence of the use of negative discretion in Regina in charges of public drunkenness against Indigenous people (particularly Treaty Indians)<sup>3</sup> and the continued and projected over-representation of Indigenous people (especially females) in Regina and other Saskatchewan correctional centres.<sup>4</sup> Referring to the findings of our 1979 research on policing in Regina which indicated negative stereotyping of Indigenous people by some police, we asked the Review to consider whether the use of police dogs reflected those negative attitudes, including the apparent lack of acceptance among some police and among some people in Regina of the right of Indigenous people to live in this city.

Regarding the Review itself, we noted the limitations resulting from the reviewers not having the powers of a public inquiry, how the one-day public sitting of the Review had only been announced five working days before it occurred, how difficult it had proven to be to obtain the terms of reference of the review (which were not publicized), how the actual terms of reference did not even question the rationale for introducing police dogs in Regina, how the Review was not being held in a neutral location which would encourage wide participation

from Indigenous people, and how a court reporter was not, apparently, going to be available in all circumstances of the Review.

Finally, our brief stated that there was a much more basic issue—the need for a more independent citizen complaints process regarding the police and policing—which the Review needed to address. Concurring with the 1976 Marin Commission,<sup>5</sup> and disagreeing with the widespread support for self-policing among police groups in Saskatchewan, we argued that such an independent complaints process was required to recognize and protect the interests of all those concerned and affected by policing.

*The police are the only group in society who can legitimately exercise force on other citizens. The legitimate use of force can become violence when exercised arbitrarily. As an aspiring profession, the police should not be allowed to rely on professionalism alone to control abuses in their powers.*<sup>6</sup>

#### 6.2.1 Recommendations about the Canine Unit

On the basis of this brief we made three recommendations:

- 1) *That in addition to this review there be an open public inquiry into a cluster of criminal justice issues of paramount importance to Indigenous people and the whole city of Regina.*
- 2) *That the Review obtain answers to the following questions:*

*How frequently is the Canine Unit on alert? What formal and informal guidelines exist for the exercise of the discretion to use the police dogs? For what purposes are dogs actually used? For what purposes ought dogs to be used under the City Police guidelines, if any? Are dogs used differently now compared with their use before the introduction of zone policing? Are dogs used in different zones of the city differently, e.g., North compared with*

*South end zones? Upon whom are dogs used in terms of ethnicity and age of citizens involved with the Canine Unit? What is the ratio of situations involving dogs compared with those in which dogs are not employed? Is the Regina Canine Unit deployed differently compared with those of other cities of similar size? Do all cities of similar size have Canine Units; how do they police otherwise if not? Are there more or fewer complaints of police brutality in cities with or without Canine Units?<sup>7</sup>*

- 3) *That the Review frame of reference should be expanded to address itself to the difficult but critical task of developing a citizen complaints procedure in Regina which is not intimidating to those who wish to complain, especially citizens whose social and economic situations do not make it easy to complain.<sup>8</sup>*

#### 6.2.2 General Response to the Review of the Canine Unit<sup>9</sup>

Our brief and the complementary actions of many others in Regina did appear to influence the Review. The reviewers report of March 1983, however, did not go far enough in linking the plight of Native people in the criminal justice system and the plight of the police officers often charged with almost single-handedly coping with the socio-economic dislocation experienced by Indigenous people.

The migration of Canada's Indigenous people to urban areas is primarily a post-war phenomenon. It is one for which the federal, provincial and municipal governments have all failed to prepare. Furthermore, few provinces have as yet been able to develop a satisfactory partnership with the federal government and Indigenous peoples concerning their respective responsibilities for housing, education, health, income maintenance, employment or even child welfare.

There are two immediately identifiable consequences of this situation. First, there is an absence of appropriate policies and programs to facilitate Indigenous people remaining on reserves or in rural areas through job-creation and the development of economic opportunities which will enhance self-determination. For example, inappropriate land use and local government regulations which will likely further aggravate the situation are currently being pursued in northern Saskatchewan. It is also important to note that among Indigenous people most of those incarcerated in Saskatchewan are Treaty Indians who are the "wards" of the federal government. Yet provincial and municipal authorities are not bringing pressure to bear on the federal authorities and provincial departments responsible for policy and program implementation in such areas as land entitlement, land claims, land use, economic development and self-determination.

The second immediately identifiable consequence of the migration of Indigenous peoples to urban municipalities is that access to jobs, housing, education, healthcare, and child welfare services are seldom found to be of the quality or quantity everyone in Canada should have a right to expect. Instead, the municipality must pay the costs to render some semblance of order out of this chaotic situation. In Regina this manifests itself in a 20 million dollar budget for policing—by comparison almost two-thirds of the base-budget for the University of Regina, one of only two universities in the province.

Policing can seldom go beyond tertiary prevention by means of deterrence. Police work is stressful. Although often disagreeing with

the means used, we are entirely sympathetic to the police officers' plight in attempting to control a situation which clearly requires more than "band-aid" solutions. For example, low income people in the city are concentrated into areas of the inner city where slum landlords often exploit Indigenous people. Yet the Departments of Indian Affairs and Social Services are often complicit in this since they make no demands on landlords concerning the quality of the housing they lease at great expense to both their clients and the taxpayer.

Police work in the city is often coterminous with these areas. Land usage, housing, community programs, recreational space and facilities are typically not geared to remedy this situation. The city of Regina has not yet delivered on a long-promised recreation facility for Indigenous people and has, at the same time, largely failed to develop more integrated programs. Urban sprawl, involving the creation of a mostly non-native suburbia which must be serviced by the city, is also having the effect of depriving the inner city of a residential tax base. The effects are disastrous for all citizens especially those who live in the service vacuum at the centre of this "doughnut." Police services should not be used to herd and keep under control the low-income people who make their homes there. Police officers, like-wise, should not have to suffer the stress created by the inevitable consequences of the dominant society's avarice and neglect.

Planning for housing, employment, service delivery and overall social development must be multi-layers. We believe all relevant levels of government and Indigenous organizations need to take some

responsibility for this and all could have something to offer in the solution. The renewed talks about Indian self-government could be placed in the context of the overall needs and rights of urban and rural Indigenous people. This could set the stage for a unified approach to change.

### 6.2.3 The Need for a Canine Unit

We also had responses to several specific recommendations made by the Review:

1. *that the Regina Board of Police Commissioners decide, as a matter of public policy, whether or not police dogs will be used in Regina, and*
2. *that if the Regina Board of Police Commissioners confirms the use of police dogs in the city, that they make policy regarding their use as (a) a means of detection, or as (b) a means of force, or both.*

The Review found that the use of dogs in Canada is most common west of the Lakehead,<sup>10</sup> precisely in those urban areas in which the urban migration of Indigenous people has occurred. The use of dogs also began when this migration was on the rise.

We would recommend that the Board of Police Commissioners discontinue the use of police dogs almost totally. This gesture towards good ethnic relations would have a major symbolic value. It would illustrate the rejection of a dehumanizing, short-cut to policing. Zone policing, involving walking the beat and frequently getting out of cruisers, would be further improvements.

In our view dogs should be confined to very limited usage, i.e.,

self-defense when arms are involved.\* When used for searching, leash control should be the general rule. Officers would not be paired with dogs developing the "partner" relationship—a two-officer, one-dog team would be preferable on the beat.<sup>11</sup> Police officers might be paired with Indigenous volunteers to act as ombudspeople. This option, as an alternative to the indigenization of the police through affirmative action, might be both a better ethical solution as well as a more practical political one. Affirmative recruitment will not likely have much success until overall ethnic relations improve.

The issue of dog use is one where the social interest in harmonious ethnic relations requires high ethical policing standards. Surely harmonious ethnic relations and the minimum use of force must prevail even if balanced against short-term efficiency.

#### 6.2.4 The Issues of Police Training and Education

We also responded to the issues of training, education and stress. Basic stressors are created by management practices and related confusion about roles, relationships, the causes of problems, and how to deal with them. The latter can be addressed to some degree through basic training and continuing education. The Review points out the short period of time given to basic training with dogs.<sup>12</sup> We

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\*It is noteworthy that in a situation in 1984 for which the Canine Unit was supposed to be used—where a man was armed—it was not available and the man, who proved to be unemployed and suicidal, ended up being killed by a policeman. During this same period the police dogs were still being used to chase youth suspected of such things as breaking and entry.

are of the opinion that the Regina Police College curriculum is crammed into too short a period of time (6 weeks) and that insufficient incentives and opportunities are given to members of the Regina Police force to continue with their education. Education can be both a mental health break and it can develop "broad-gauge" police personnel. Furthermore, education demystifies roles and relationships involving police and the problems with which they deal. It can thereby reduce the stress and negative attitudes developed to rationalize emotional reactions to stressful situations.

#### 6.2.5 The Need for an Independent Complaints Process

We concur with the general thrust of recommendations #11 to #29 pertaining to monitoring police complaints. Some specifics require further comment. For example, regarding recommendation #16 "*...that the Regina Board of Police Commissioners establish a permanent office in Regina City Hall*" we believe the Board should hire a permanent half-time Executive Secretary. The office should be staffed by a secretary/receptionist on a full-time basis. The Board should have sufficient resources to initiate its own research projects.<sup>13</sup>

While we agree that a half-time Executive Secretary and full-time secretary/receptionist should be provided to better link the Regina Police Commission with the community, it might be wiser to locate the office off city premises completely. Such a unit could also provide

a secretariat for the advisory committees as suggested in recommendation #18 of the Review. Liaison between the "Race" Relations Unit and Crime Prevention and Juvenile Units should be institutionalized with input from non-police groups such as those represented on advisory committees.

We would also like to emphasize our support for recommendations #19 to 22. It seems likely that more staff will be required by the proposed Board of Police Commissioners' Secretariat if recommendations #23 to 25 are implemented. A full-time Executive Officer reporting to City Council as a whole, like the ombudsperson, might be the ultimate goal for this office.

Informal mediation services, however, should not always be viewed as a panacea. Mediation implies that the parties have equal power. This is blatantly not the case in police-citizen interaction. Citizen advocacy might be a more genuine service.

Complaints should go to the Chief and Police Commission simultaneously. We do not, however, accept that either the Regina Police Commission or the Chief of Police are sufficiently independent or impartial to perform the task of handling complaints adequately.

The present arrangement defies natural justice. No one should be a judge in his/her own cause. The police chief has line authority over the actions of his officers and therefore has overall responsibility within the police force. The Regina Police Commission employs the police and is accountable to the public for the expenditure of some 20 million dollars for the delivery of police services. The

Commissioners' reputations and their prospects for re-election should rest upon their stewardship of this money. Unfortunately, there is little incentive here to admit the money has not been well spent or the service appropriately administered.

An independent body modelled on the Saskatchewan Human Rights Commission or Ombudsperson's office should therefore be established to handle complaints. This would protect both the police and the public. Justice must not only be done; it must be seen to be done. The present procedure does not guarantee this. Even enlarging the membership mandate and budget of the Saskatchewan Police Commission would be the first step in remedying this deplorable gap in the means to protect peoples' rights in this province. It needs to be restated that litigation by the citizen against official bureaucracies is hardly an accessible or useful option for most people, especially low-income groups such as most Indigenous people.

We found the Review's preoccupation with the administration of the Canine Unit a weakness since it begged the ethical question, "Should dogs be used at all?" Likewise, it is weak in analyzing the deficiencies of the existing complaints mechanism. We believe we have adequately shown the dangers of relying on the "police command" to monitor and deal with complaints.

The Review, however, raised a question of immediate significance: "*Why did the police command not take action?*"<sup>14</sup> Surely this matter was central to the Review. Why were the reviewers unable to obtain the data to answer it themselves? Regarding this matter of access to information,

we strongly support recommendation #21 since we believe this report should be immediately forthcoming to the public.

The Review demonstrates consciousness of the fact that the well-trained dog is merely an instrument of his/her handler. The police service has been at pains in the media to underscore the quality of the dogs' training. Injuries to citizens caused by well-trained dogs are the fault of handlers who may be negligent or deliberately failing to use dogs appropriately. Unfortunately, this logical conclusion is glossed over by the Review. It is there by implication only.

We would urge the Regina Police Commission give this implicit conclusion serious consideration. If dogs are there they will be used. We suggest the temptation to abuse them be removed.

In the past we declined to conduct a study for the Regina City Police concerning the recruitment of Indigenous people. In the fall of 1980 we communicated our view that a study of this issue was misdirected. A study into alternative mechanisms to improve ethnic relations and especially police relations with minorities in urban areas was our recommended direction of study. The City Police officials and their external advisors have not yet even responded to this recommendation. Since that time we have conducted a literature review under contract with the Solicitor General of Canada on *Law and Order for Canada's Indigenous People*. The chapter reviewing the Canadian research on policing in our view confirms that indigenizing policing is not

necessarily the best solution to the problem of the biased exercise of discretion by white police with respect to Indigenous people.<sup>15</sup> Despite the foregoing we would support recommendations #32 to 35 which deal with public relations and prevention, all of which are entirely consistent with the perspectives on the police issue we believe will be most fruitful.

This issue is too interwoven with structural realities to disappear in the foreseeable future. Since the Canine Review there has already been a further complaint and a Saskatchewan Police Commission investigation regarding the use of police dogs in Regina.<sup>16</sup> As we are not privy to the Cowley/Merasty Report which was ultimately done on affirmative action we cannot comment on its recommendation or on recommendation #30 in the Review which relates to these issues.

### 6.3 Saskatchewan Mental Healthcare Reform: Rights, Accountability and Alternatives

In the last three years Prairie Justice Research has become more interested and involved in justice issues concerning health and healthcare. Such issues, increasingly referred to as "socio-health" and sometimes as "socio-legal," are more directly concerned with patients' rights in the healthcare system. In such cases as alcohol-related crimes they also address the ways that health and socio-economic issues directly interrelate with the criminal justice system.

Particular questions arise because of Saskatchewan's unique heritage in healthcare policy and programs. The commitment to reforms in healthcare in the 1950's and 1960's which were internationally

recognized has not been pursued in the 1970's and 1980's. The deinstitutionalization of mental hospitals in the 1960's, for example, was not followed by adequate community support systems for people facing a new set of needs and requiring the affirmation of a new set of rights. The Mental Health Association in Saskatchewan has referred to these citizens as "*the forgotten constituents.*"<sup>17</sup> Furthermore, although the costs of government healthcare insurance continues to rise, the population faces more industrial- and environmental-linked diseases which require fundamental preventive approaches to health, approaches which ultimately have to consider the "rights" of species besides ourselves to sustainable, healthy habitats. This in turn demands a more unified, consistent set of policies across such traditionally separate areas of government as energy, agriculture, health and environment.

Our growing interest in these issues of health and justice is shown in such projects as our collaborative work with the Faculty of Social Work, University of Regina, to facilitate community-based research on the socio-health impacts of such things as uranium mining in the north of the province;<sup>18</sup> our research and dissemination activities regarding pharmaceutical drug problems in Canada;<sup>19</sup> ongoing research on alcohol-related disabilities, underdevelopment and the criminal justice system;<sup>20</sup> and our participation in an inter-professional seminar on Law Reform and Mental Patient's Rights.<sup>21</sup>

It was on the basis of this concern about establishing relevant research and policy links between justice and health that we participated in the deliberations in Saskatchewan about reforming the mental

health legislation and programs. These public hearings, sponsored by the Mental Health Association of Saskatchewan, focussed on the Saskatchewan Law Reform Commission's reports and draft legislation on compulsory mental healthcare and the issue of personal guardianship. As with our brief on Regina's use of police dogs, we tried to approach the issue of the reform of Saskatchewan's mental health legislation in a holistic manner. Our brief to the public hearings therefore dealt with: (i) jurisprudential, (ii) multi-disciplinary/conceptual, and (iii) program issues.

#### 6.3.1 Overview of the Issues Raised in the Brief

In our brief we expressed concern about the narrow legalistic approach taken to law and social policy in the proposed legislation and, in particular, the fact that the rights of patients were not approached in terms of broad social, legal or human rights. We pointed out that:

*...mental disorder can no longer be seen as simply a clinically identifiable form of individual pathology. Rather it reflects the impact of larger forces of social inequality, dislocation and dysfunctional social institutions upon the individual. Hence, the disproportionate involvement of people of Indian ancestry and women in the ambit of the Mental Health Care System. 22*

We argued this more holistic approach would require an alternative to the notion of mental disorder, the interrelated 19th century rooted capacity test, and the emphasis on custodial care of the "mentally disordered person" seemingly taken for granted in the draft legislation under discussion.

We were therefore critical of the narrow approach taken to "consent."

*It is our contention that both in-patients and out-patients, the voluntary and the involuntary, seldom give informed consent. The patient-doctor relationship is characterized by unequal power and the patient is the weaker party. He or she either wants or does not want what the doctor can prescribe. This relationship is essentially extortionate—consent is seldom freely given on an informed basis. Yet the medical manager of the "asylum" in which the patient is placed has authority to consent in the patient's stead. We believe this decision needs to be made in a forum in which the patient has support, advocacy and access to alternative expert opinions and available, alternative treatment.<sup>23</sup>*

We also expressed concern with the seeming reliance on the courts as a means to usurp the individual's right to consent to commitment and treatment. This adversarial and fault-finding environment does not seem to be the means to redress the imbalance of power against the allegedly mentally disordered person. At the same time we applauded the concept of alternatives to institutional compulsory treatment, as outlined in the proposed guardianship legislation, believing it to be going in a direction more complementary to the holistic approach.

We also addressed the more fundamental conceptual issues that lie beneath these legalistic and jurisprudential matters. It is important to recognize that different interest groups are likely to emphasize different definitions of the problem and advocate different solutions—and the law reform process must carefully scrutinize the underlying models. Rather than framing the problem in terms of an institutional (medical or legal) panacea, or applying the assumptions of this approach

to a deinstitutional approach (e.g., the chemical "straight-jacket"), we argued for a more unified approach to community support which might be more preventive. Specifically we argued:

*...the need for more access to adequate support or resources—such as employment, housing, and fellowship—so that voluntary or involuntary commitment is less likely or unnecessary; the fact that coercion may be operating even in the case of so-called voluntary committal; [due to] the lack of information and power to understand and refuse treatment even when a voluntary patient [and] the lack of appeal procedures when one is involuntarily committed, [there must be a] right to consent to treatment even when one is involuntarily committed... [There is also a] need for informed consent about treatment even when an out-patient, and access to alternative healthcare which does not depend upon medication and psychiatric labelling.<sup>24</sup>*

This more holistic and unified approach to issues of rights and care, we believe, is more compatible with therapeutic processes themselves. Our support for the right of the involuntary patient to consent to treatment is not based on some abstract theory or ideology of rights, but is based on the knowledge that self-determination enhances the helping relationship and contributes to healing.

In our brief we noted that the draft legislation under consideration was conceptually confusing regarding these non-medical issues which directly affect mental healthcare. Although the Law Reform report acknowledged that involuntary commitment involves non-medical matters, it was stated at the outset that these would not be examined. The draft legislation, however, could not avoid making proposals which slipped back into medical ideology.

As an alternative conception we proposed a social (rather than a narrowly legal) rights model. This social rights model raises some important questions about Indigenous people and the dominant society:

*We believe it is impossible to address the issue of patients' rights without looking directly, on a social scale, at the non-medical and the medical issues. For example, there is a need to look at the question of social as well as legal rights. This is shown most blatantly by the present position of Indian people in Saskatchewan in the psychiatric system. The Working Group for the Task Force on Mental Health Services reported in 1980 that Indian people are more likely to be psychiatric in-patients, and are more likely to be in-patients and out-patients for alcohol and addiction diagnosis. Furthermore, their rate of both psychiatric in-patient and out-patient diagnosis is rising faster than the rest of the population*

*There is a stark similarity between this psychiatric profile and the profile of Indian (and Metis and non-Status Indians) in the Saskatchewan penal system. There they are also incarcerated more, are more likely to be incarcerated for alcohol-related offences, and their rate of incarceration is also accelerating.*

*The parallel between the psychiatric and penal systems suggests there is a need to look critically at the adequacy of both the criminal and psychiatric labels which are used to describe and purport to explain the position of Indian people in these institutions. The LRC has tried to stay out of the issue of the adequacy of medical diagnosis and labels. It is, however, not possible to do this if one wants to gain a complete perspective on the issue of patients' rights for concrete groups like Indian people, or women, or children. 25*

This social rights model has a direct implication for research and policy on crime as well as on socio-health matters:

*The 1977 World Health Organization report Alcohol Related Disabilities has actually recommended that the term "alcoholism" be replaced by "alcohol-related disabilities," one form of which is an alcohol-dependent syndrome. The psychiatric and medical term "alcoholism" is increasingly being seen more as a*

*label than as a diagnosis. Yet we continually see it used and abused as a means to "explain" the wide range of problems facing people of Indian ancestry. Its use continues to obscure the fundamental historical and policy issues regarding the lack of collective and individual self-determination of aboriginal people in Canada.<sup>26</sup>*

In our brief we expressed concern that the report and draft legislation under discussion clung to a definition of mental illness/disorder which predated the social, behavioral, and ecological sciences. They also lacked insights into the phenomenology of institutions. The dominance of psychiatric and legalistic perspectives could have some unfortunate, unintended consequences:

*Calling a disturbance of behavior or feelings or thoughts or language "mental illness" shows how inclusive, and hence inadequate, is the legalistic model. Furthermore, the cultural and ideological bias is shown by the all-inclusive definition of "impaired ability" which includes such wide-ranging notions as failure "to react appropriately" or "efficiently to the environment." Many people will be pushed into this elusive category by the present economic and ecological crisis.<sup>27</sup>*

The report and draft legislation also failed to provide the necessary interprofessional/multidisciplinary foundation for policy or program development. Such a foundation, we argued, must acknowledge both patients' needs and rights. In order to do this it has to take a much more inclusive view of emotional well-being since

*...we live in a society which fails to recognize our humanity—we are taught to suppress our feelings and we lose touch with our emotions. We are very likely to often not even be able to recognize in ourselves or in others the problems we're having in coping with our lives. To what degree do we recognize the emotional states of children in schools, workers on the job, native peoples who have been colonized, housewives in the home, elderly people facing poverty*

*or loss, separation or dislocation? Many of those who enter psychiatric hospitals are men who failed to compete successfully in our competitive, "masculine" world. Women who have difficulties dealing with the isolated world of the housewife are often tranquillized, occasionally their breakdowns are labelled "neurotic" and they are placed in psychiatric units of general hospitals. In some cases these women become addicted to the drugs doctors prescribe for them.<sup>28</sup>*

Because of this we argued that the delivery system for the mentally unwell has to be de-medicalized and de-professionalized:\*

*...doctors, psychiatrists, lawyers, judges, and psychologists, are not necessarily the best persons to decide who is or is not emotionally stable or competent, in part because the people about whom these decisions are made are likely to have had very different life experiences than those judging them, and the criteria for judgment may be irrelevant to these experiences and situations....An advocacy system which can draw upon a range of community resources including ex-patients, native groups, women's groups, alcoholics anonymous members, ethnic groups, and youth groups should be utilized.<sup>29</sup>*

Such an approach, we believe, would need to be both community-based and community-controlled and would have to ensure the rights and self-determination of client patients.

*Basic personal rights must be respected within the service system including recourse to appeal and grievance procedures, confidentiality of records, and access to medical files....The key to this community-based and controlled system is choice, alternatives and options. Services must be voluntary since needs vary, and people and the support required differ. Naturally, we all experience crisis situations in our lives and have periods in which we are not capable of*

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\* Human Service programs based on interprofessional co-operation (and multidisciplinary conceptions) would have to overcome the elitism and territoriality that often comes with specialized professionalism.

*functioning and caring for ourselves or others. We need humane, safe, caring, supportive environments where we can go voluntarily for the duration of the crisis.*<sup>30</sup>

### 6.3.2 Recommendations on Mental Healthcare Reform

We made the following recommendations to the public hearings on mental healthcare:

- 1) *That in conjunction with such self-help bodies as By Ourselves, the Saskatchewan Mental Health Association, and other organizations, a Patients' Charter of Rights be developed.*<sup>31</sup>
- 2) *That an adequately staffed office of Patients' Ombuds[person] or Commissioner be established. A Commission could have representation from legal, medical and self-help patient groups. This office should have the duties and the powers of the Official Representative under the proposed CMHC Act, S23, GA S17, but numerous other dimensions of patients' rights should be enforced through an Ombuds[person] /Commissioner's office. These could be the investigation of complaints and advocacy in decision-making situations, such as admission, committal, treatment case conferences, review, and discharge. Such an advocate could monitor the quality of out-patient services, housing, healthcare and income support as one means of counter-balancing deinstitutionalization without adequate alternative provision.*<sup>32</sup>
- 3) *The Patients' Ombuds[person] or some similar body or representatives of the Saskatchewan Mental Health Association, By Ourselves, or similar groups ought to be involved in the treatment decision in some relevant way. Those receiving treatment, after all, have experience that providers do not have.*<sup>33</sup>
- 4) *That funds be made available for community crisis centres in various parts of Saskatchewan.*  
*Training stipends and subsidies should be made available to enable ex-patients to enter vocational training and education programs. Funds should be made available for sheltered businesses run by*

*community boards and for client-run businesses and co-operatives. Funds for social and recreational activities should be considered a necessity. Income maintenance allowances for former patients should be provided to meet these needs.*

*A range of housing programs should be developed. Funding for ex-patients should be available for supportive community-based alternative housing—from high support crisis services, and long-term transition housing through to medium and low-support group residences, and co-op housing. Saskatchewan Housing should recognize the need to make available a supply of suitable housing to be used by alternative housing programs.*

*Residents of all institutions and residential programs should be given adequate discretionary income. Funds should be made available to self-help groups to operate at various levels within the community. We repeat our concern about the government's cutting of the By Ourselves drop-in centre grant. If anything, this service should be enlarged, especially at a time of government restraint.*

*Objectives and criteria for evaluation of psychiatric hospitals and general hospital psychiatric units should be subject to public review and input. Patient advocates should be assigned to public psychiatric institutions and to psychiatric units of general hospitals who can investigate and, if necessary, act on patients' complaints. And finally, we believe a co-ordinated planning mechanism is required in each community to bring together concerned consumers, citizens, and service providers to discuss policy and develop a comprehensive plan for local development of alternative helping networks.<sup>34</sup>*

### 6.3.3 Response to the Report of the Public Hearings

In October 1983 the Committee of Inquiry issued "A Discussion Paper Towards a New Mental Health Care Delivery Act."<sup>35</sup> In it they summarized the Law Reform proposals, undertook a historical review of the mental healthcare system in Saskatchewan, outlined the proposals which came from the public hearings, and made tentative general recommendations.

This paper stressed three things from our brief: (i) a more social approach to protect the rights of the "mentally disordered," (ii) a need to demedicalize mental healthcare, and (iii) changing the social system that oppresses groups at greater risk of requiring mental healthcare.

As of the writing of this report the Mental Health Association of Saskatchewan had not yet finalized and released its report on the reform of mental healthcare legislation in the province. An analysis of their recommendations and the implications of this for our future activities cannot, therefore, be included in this three-year review. It is expected that the provincial government will proceed to make some changes in this area in the winter 1984 sitting of the legislature.

#### 6.4 Multidisciplinary Perspectives on the Canadian Security Intelligence

In our research and teaching in the area of criminal justice and socio-legal and social justice studies we are constantly challenged to address issues pertaining to the relations between the individual and society and the individual and the state; issues often subsumed as problems of freedom and authority or liberation and oppression. In order to look at these we must pay constant attention to problems and theories about such matters as socialization, stratification, patriarchy, consensus and conflict, the corporate economy, rights, and the nature of the state.

The introduction of Bill C-157 proposing a new Canadian Security Intelligence Service challenged Prairie Justice Research, along with many other groups and organizations, to quickly apply our multidisciplinary knowledge base and perspectives to the federal policy-making process. In the restricted time available to respond we chose to address three issues: (i) the broad mandate of the proposed agency, (ii) the scope of intrusive acts that would be authorized by this agency, and (iii) the apparent lack of accountability of the proposed agency.

#### 6.4.1 Comparison with Values of McDonald Commission

The method selected to scrutinize the proposed legislation was comparative. As time permitted and where it was feasible comparisons were made between the powers of the proposed agency and the powers under the Criminal Code, particularly in light of the findings of the McDonald Royal Commission. The values assumed in our brief were those referred to by McDonald as the *"three essential requirements of democracy: responsible government, the rule of law and freedom of legitimate political dissent."*<sup>36</sup>

Our brief to the Special Committee of the Senate which reviewed the legislation to create this new security agency noted that the McDonald Commission:

*...found evidence of surreptitious entries, electronic surveillance, mail check operations, access to confidential government information, counter measures to disrupt political groups, physical surveillance, undercover operatives, general surveillance of university campuses and surveillance of legitimate political parties.*<sup>37</sup>

As McDonald pointed out, these actions violated *"the rule of law, inflicted damage on Canadian citizens and involved secret attempts to manipulate political events and the news media."*<sup>38</sup> Our submission also noted that:

*In the fact of these findings and recommendations Bill C-157 comes as a real shock. It is amazing to see that the new Bill enlarges the mandate for the security force, broadens the powers of operatives with respect to intrusive acts and makes the Force less accountable. It is as though the drafters of the Bill decided to curtail unlawful activity by simply redefining the meaning of "lawful" to include much of the conduct criticized by the McDonald Royal Commission.*<sup>39</sup>

#### 6.4.2 Criticisms of the Broad Mandate and Powers

The discrepancy between the McDonald Commission's orientation after investigating the RCMP and the proposed new security agency results in part from the latter's broad and vague mandate. For example, the notion of *"foreign-influenced activities"* in Bill C-157 contrasts sharply with McDonald's term *"by or on behalf of any foreign power."* We believe that this former orientation reflects a failure to analyze global/international events or conflicts in even a rudimentary way. Although it alludes to *"remaining informed about the political, economic and social environment,"* the legislation and proposed security agency rests more on stereotypes of subversion than upon credible knowledge about social justice, national independence, and global security. Because of this stereotypic approach it fails to consider whether there have been or could be circumstances where actions by a *"state associated with Canada"* (e.g., the U.S.) could be viewed as *"detrimental to the interests of Canada."* Because of its vague and

broad mandate, one which tends to perpetuate political ideology instead of a multidisciplinary knowledge-base for policy, the proposed agency would end up with no distinction in the investigative powers pertaining to particular authorized activities.

We considered not only the mandate but the intrusive acts that would be authorized by the proposed security agency far too broad.

*...the powers set out in Section 22 of the Act seem to give the service powers carte blanche to break the law. The service has been given powers to—use wire tap, bugs, surreptitious entries (despite the Charter of Rights "protection from unreasonable search and seizure"), gain access to confidential information kept in government (census forms, income tax files, medical files) and open first class mail. There are less stringent judicial safeguards against unnecessary use of these intrusive techniques than those currently restricting police forces.<sup>40</sup>*

The McDonald Commission's handling of these matters was quite different; for example, it supported complete confidentiality in census returns.

#### 6.4.3 The Importance of Political Accountability

Our brief also expressed concern "as to why the service would be allowed to investigate political groups which are not engaged in any criminal activity."<sup>40</sup> We are concerned, for example, that such an agency could be used against Indigenous organizations advocating political and economic reforms which are required to overcome the severe problems they face and which greatly underlie their overrepresentation in the criminal justice system.

The broad, intrusive powers of the proposed security agency, including its far greater access to warrants than recommended by

McDonald or permitted under the Criminal Code, raise questions about its lack of accountability. The proposed Review Committee's oath of secrecy, for example, would jeopardize its supposed function as a "watch dog." McDonald's recommendation that a committee of M.P.'s and senators oversee the intelligence agency is much more compatible with responsible government. The Director of the proposed agency's power to vet reports before they go to the Solicitor General and Parliament would make a mockery of ministerial responsibility.

As with our brief on the use of police dogs in Regina or in our research on private policing, we consider these issues of democratic government and public accountability to be too vital to be downplayed or swept aside in some quest for a law and order panacea to problems which have much deeper roots in matters of development and underdevelopment and social justice. As we argued in our brief, *"internal discipline has not worked well with police forces, and there seems to be no reason why it should work well with a security service."*<sup>42</sup> It is ironic that although some of our research findings have been viewed as "radical"—however that term is being used—we often find ourselves on the front-line defending rights that are commonly referred to as being in the liberal, pluralist heritage.

#### 6.4.4 Changes in the Original Legislation

The nature of the proposed security agency has been reformulated, partly due to the kinds of questions and criticisms raised in briefs received from across the country. Although some improvements were made in the June 21, 1984 legislation many of the old concerns

remain, principally with regard to the agency's broad mandate and the surveillance activities authorized.

The domestic powers of surveillance are still needlessly wide given the existing provisions of the Criminal Code (e.g., electronic surveillance). At issue also is the definition of what amounts to a foreign threat and the question as to whether stronger powers are required to deal with foreign threats. Certainly, however, a loosely worded section like "*activities...in support of...acts of violence... for the purpose of achieving a political objective within Canada or a foreign state*" remains problematic. This could be construed as including otherwise lawful activities (e.g., fundraising) which might not necessarily fall within the purview of the exemption for "*lawful advocacy, protest or dissent.*"

#### 6.5 Child Protection and Welfare in Saskatchewan

During the latter part of the Saskatchewan New Democratic Party's period of government (1971-1982) public controversy grew over family service and child apprehension policies and practices particularly those involving Indigenous people. This controversy intensified with the election of the Progressive Conservative government and in its second year the Minister of Social Services appointed an Advisory Council on Child Protection.

The introduction to our brief to this Council explains our reasons for being interested in its work:

*Since 1976 the School and PJRC have been actively involved in research and education relevant to the Advisory Council's concerns. Our student body is*

*inter-professional, it consists of people working full-time in fields of law enforcement, adult and juvenile corrections, social work, health, education, the non-government sector and legal aid. Our full-time faculty group is multi-disciplinary; all have had relevant academic training and practical experience. Our teaching capability is augmented by professionals in many appropriate fields, e.g., law, medicine, social services, urban planning and policing who teach part time.*

*Our research interests have involved program evaluations, policy analyses and empirical investigations in such fields as: policing and racism; the admission of Indigenous people to provincial correctional centres; the delivery of legal services to Indigenous people in urban areas; family policy and family courts; drugs, alcohol and the legal process; juvenile justice; probation services; and Indigenous people and justice.*

*The School and PJRC are thus a forum in which social policy scholars and human service practitioners meet continuously to exchange ideas, check perceptions and lobby for the facts in the pursuit of the most appropriate ways to understand and alleviate social problems.<sup>43</sup>*

This brief was divided into three sections: (i) redefining the issues, (ii) critique of the Advisory Council process; and (iii) recommendations and cautions.

#### 6.5.1 Refocussing on Child Poverty and Prevention

It was our contention that in focussing on the practices of child protection the Advisory Council's concerns are:

*...mainly issues of legal and bureaucratic procedures including Department of Social Services administrative policy and management. They offer possibilities for tertiary prevention or secondary prevention at best.*

*Our major concern is that the Advisory Council is not mandated to study the issue of primary prevention. The necessity to invoke the formal child protection process arises from poverty in the vast majority of cases. Child abuse and neglect are largely the symptoms of impoverishment and powerlessness.<sup>44</sup>*

In support of our position we pointed out that:

*The segment of the population in more than 60% of child protection actions are people of Indian ancestry. It is no coincidence that these people are the most poor and powerless minority in the Canadian Welfare State. Likewise we would predict that the children of people on low incomes or welfare, lone-parents and in female-headed households are grossly over-represented among those apprehended. These groups too are impoverished and powerless.*<sup>45</sup>

We argued that *"the links between these factors and child welfare problems must be made before legislative amendments to the Family Services Act"*<sup>46</sup> are considered. It was our view that some of the most pertinent factors to investigate would be:

*...unemployment...especially among women; inadequate social assistance provision for pre-housing policies and programs; and the absence of coherent and congruent economic, health, social, recreational, educational, and land claims policies and programs. Further, the jurisdictional demarcations of responsibility in all these areas which exist between the federal and provincial governments is an especially harmful factor. In addition, systematic racism and sexism in the delivery of policing, legal, judicial, social services and in employment and housing exacerbate the impact of these factors on women, single parents, people of Indian ancestry and their children in particular.*<sup>47</sup>

For example, in the appendix to our brief (herein shown as Table I) we included pertinent information on the housing crisis in Regina. This showed that as of May 1983 there were 1,694 families wanting to gain access to 944 low income public housing family units.<sup>48</sup>

Table I

SUBDIVIDED HOUSING IN REGINA 1983

<u>AGENCY</u>	<u>OWNED</u>	<u>LEASED</u>	<u>OPERA- TING</u>	<u>APPLICA- TIONS</u>
Saskatchewan Housing	278		130	77
Regina Housing Authority	417		417	304
Gabriel Housing	110		110	250
Namarind	127	40	175	600
Regina Low Income Housing	12	100	112	463
Total	944	140	944	1,694

*A brief review of Regina Low Income Housing's application list reveals that approximately 65% were single parents. 80% of the total number of families had incomes below \$1,000, the range being from as low as \$300 to a high of \$1,500. The low income families were primarily dependent on UIC, Social Assistance and educational funding.*

*In terms of present accommodation 40% were doubling up with relatives and other families, 51% were living in substandard housing and 61% were paying rent beyond their means (i.e., money that should have been allotted for food was going to rent). Thus many families had more than one pressing reason why they required subsidized housing.*

*The effect of this situation on these families and others in similar circumstances is to increase economic and social tensions in people who already face difficulty obtaining adequate income to support their families. Thus lack of adequate housing becomes just one more lack...in situations where the feeling of hopelessness can be very high.<sup>49</sup>*

It is because of such findings that we believe the role of the housing crisis in child poverty and child protection cases needs to be investigated to put these issues in a causal context.

We also stressed the need to investigate the role of the breakdown of interdepartmental and interagency communication in child protection injustices:

*It seems to us that an inquiry into the relationships between the education, public health, neighborhoods, police and social work entities in the communities in which tragedies have occurred would be more relevant. Furthermore, the interface between those entities in the jurisdiction of the Minister of Justice urgently need examination.*<sup>50</sup>

*A more profound and far ranging study of the causal factors, the bureaucratic and the programmatic interrelationships impinging upon child welfare is required in order to identify the issues which require immediate reform in the child welfare system.*<sup>51</sup>

#### 6.5.2 Critique of the Advisory Council Process

In previous correspondence between the School and the Minister of Social Services we had stated that we did not consider this Advisory Council as a substitute for an inquiry. In our brief we asked why there shouldn't be a Public Inquiry or even a Royal Commission. It was our view that a 16-member Advisory Council was not only cumbersome and potentially intimidating, but that it would be severely limited by its lack of power to subpoena witnesses.

In view of the nature of the client and target groups for child protection practices we were particularly concerned that there was

*...no adequate publicity encouraging people of Indian ancestry to participate in in-camera sessions...[And though a special attempt was being made to contact providers of services] no such offer of services was apparently being made to recipients, especially people of Indian ancestry. Surely fairness demands that they should have such opportunities.*<sup>52</sup>

In our brief we also stated that the time constraints (from September to December 1983) were *"wholly inadequate and inappropriate to the gravity of the issues under scrutiny."*<sup>53</sup> Communities such as Prince Albert where hearings were being held first would be most adversely affected. Low income, non-governmental agencies and individuals will also have been further disadvantaged by these time constraints. Because of this we suggested that the Advisory Council carefully consider *"the meaning of the absence of data from particular groups."*<sup>54</sup>

Our third critique of the Advisory Council process had to do with its terms of reference and the confusion arising from them. The apparent terms of reference included: (1) to act in an advisory capacity to the Minister, (2) to consider departmental discussion papers concerning protection and adoption, (3) consider public input, (4) make recommendations, and (5) to respond to draft legislation. Yet the Minister had indicated that the Advisory Council would address a whole series of additional questions pertaining to Departmental practices and family intervention and to the Family Services Act as a whole. To add to the potential confusion, the Minister issued a list of twenty specific questions for the Advisory Council to consider. These prescribed questions could further steer the Advisory Council towards particular definitions of the problem, questions which in our judgment would not likely help to establish the causal context or to address issues of primary prevention. In particular we remarked that, *"It is notable that no particular emphasis on the concerns of people of Indian ances-*

try is placed in any of these documents"<sup>55</sup> that address the terms of reference of the Advisory Council.

Finally, we expressed concern about the actual composition of the Advisory Council. The criteria for selection of the Advisory Council members were unarticulated. Client and target groups, particularly people of Indian ancestry, were inadequately represented. Although we shared the Council's goals of (i) obtaining representation from key sectors, (ii) permitting all sectors to make recommendations, and (iii) promoting interaction between key sectors, we wondered why there was not an attempt to do this in the very membership of the Council. We noted that even if a particularly important group—Peyakowak\*—had accepted a seat on the Council (it refused), this key sector would still have been largely underrepresented in terms of both ethnicity and gender.

In conclusion we stated:

*...the Advisory Council process is a very good pilot study of the much larger issues we have raised. We trust that it has been a catalyst for further questioning of assumptions about the causes and extent of child abuse, neglect and the need for protection. We strongly urge that the Advisory Council be the start and not the culmination of an in-depth Inquiry into these issues with adequate time, resources and powers to do its work.*<sup>56</sup>

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\*Peyakowak (meaning "we are alone" in Cree) is a native women's group which was instrumental in bringing more attention to injustices in child apprehensions of native children in Regina.

### 6.5.3 Recommendations and Cautions

Our recommendations followed directly from our critiques of the context and the process of the Advisory Council. First we recommended redefining the issue so that a preventive perspective was possible. This involved:

- i) The study of child poverty, its causes, extent and impact with particular references to prevention, income maintenance, housing, employment, and healthcare.*
- ii) The study of Indian child welfare rights, the legal and social services implications and models available or required for the development of an autonomous native child welfare system or for the involvement of Indigenous people in child welfare decision-making.*
- iii) A public inquiry, under the Public Inquiries Act into the past operation of the Department and other agencies involving the deaths, neglect and abuse of children which are linked to acts of omission and commission by a variety of actors including parents, foster parents and officials. Such a body would be primarily interested in patterns of maladministration and malfunction which are preventable and would promote accountability.*
- iv) A public review of proposed legislation in the light of the above to enable or implement reforms arising from the data gained from exercises stated above. This public review would involve genuine consultation with all parties affected especially*

In order to help the Advisory Council develop a more preventive perspective on child protection we urged them to obtain adequate data on the over-representation of child protection apprehensions from families in low income, welfare, and/or from single-parent (mainly female-headed) households. Furthermore, we recommended:

- i) the existing Family Services Act remain intact until the outcome of the reform exercises proposed above;*

- ii) *completely adequate funding be provided so that the preventive programs envisaged and enabled under sections 6 and 7 of the Family Services Act can become a mandatory not simply permissive part of the Department of Social Services child welfare delivery system;*
- ii) *any transfer of control over or provision of child welfare to Indigenous people which may be contemplated must likewise be accompanied by guarantees of adequate funding;*
- iv) *that Indigenous people be given the opportunity for maximum participation in decision-making within the existing system until such time as it is reformed, e.g., through Indian childcare committees;*
- v) *that all case loads be reduced radically so that childcare work can be carried out in accordance with the ethics of the social work profession—so that social workers can assist clients through preventive and advocacy work rather than working as investigators and apprehenders;*
- vi) *that where child welfare work involves a child at risk that social workers have access to supervision and collective decision-making and checking arenas.<sup>58</sup>*

We also cautioned:

*...against the 'scape-goating' of junior field work personnel....[since changing] the quality of Department of Social Services field staff discretion cannot remedy the poverty and powerlessness experienced by their clients.<sup>59</sup>*

And we reiterated that inadequate funding for those working in child protection, social assistance, and low income housing would *"impose even greater burdens on already impoverished and powerless people."*<sup>60</sup>

#### 6.5.4 Policy Research Questions to Consider

Finally, we set down a lengthy sample list of questions pertaining to the collection of data about primary and secondary/tertiary prevention which we recommended the Advisory Council consider.

#### 6.5.4.1 Primary Prevention Questions

1. *What proportion of children apprehended live on or near the National Welfare Council, National Association of Anti-Poverty Organization, and/or Statistics Canada Poverty lines?*
2. *What proportion of children apprehended have parents on Social Assistance, UIC and/or FIP?*
3. *What proportion of children have parents living in inadequate housing, and how many parents/guardians are on waiting lists for low-income housing?*
4. *Do low-income people have access to daycare or home-care facilities when, and of the nature and quality that they want?*
5. *Are earning exemptions for social assistance recipients large enough to guarantee the means to rear children?*
6. *Has consideration been given to a guaranteed means allowance based on a non-contributory scheme for lone parents to give them an income above social assistance?*
7. *What quality of healthcare, social services, recreational facilities and housing are typical of the experience of parents whose children are deemed to be at risk or in need of protection?*
8. *Are such parents benefiting from job-creation programs, and what proportion of such parents are not gainfully employed on a regular basis?*
9. *What is the impact of road building, priority for tourism and resource development in northern Saskatchewan upon child poverty, welfare needs and the quality of family life in general?*<sup>61</sup>

#### 6.5.4.2 Secondary/Tertiary Questions

1. *What proportion of child apprehensions are based upon the inappropriate projection of particular norms of family structure and kinship systems upon people of Indian ancestry or the inappropriate projection of unattainable norms of material well-being upon particular people?*

2. *The vast majority (86%) of inmates at the Pinegrove Provincial Correctional Centre are women of Indian ancestry. How do the criminal justice and social services agencies concerned ensure that their children are not placed at risk?*
3. *How many single-parent women are sentenced to jail for fine default, failure to appear and minor offences, thereby depriving their children of a parent?*
4. *If incarceration is to be deemed appropriate, apart from Pinegrove, what other facilities for women exist in this province? What provision for the care of children and financial and emotional support of surrogate caregivers is offered?*
5. *Are parents using their right to voluntarily commit their children to the Department's care?  
How often is this under threat of apprehension?  
Are parents' rights to access to their children respected by Departmental officials and foster parents?  
Are parents who voluntarily commit their children labelled or stigmatized thereby and therefore vulnerable to bias against them in subsequent dealings with the Department of Social Services and the Courts?*
6. *Are the providers and recipients of services in the form of ministerial wardship satisfied that this is the best resolution to the problems? When is the "cure" worse than the "ailment"?*
7. *Parents in child apprehension situations require court-related counselling and legal representation. In what proportion of cases are these available, e.g., from the Unified Family Court?*
8. *Are the mechanisms (e.g., Interim Review Committee) which exist to check and structure the discretion of child protection social workers publicly understood, publicized and adequate?*
9. *Are the inter- and intra-agency communication systems, case conferences and decision-making arenas (informal or institutional) working adequately or not? Are lay people, especially those of Indian ancestry, participants or not?*
10. *How frequently do children at risk come to the attention of child protection workers too late*

*for preventive measures to be offered in the home, and why?*

11. *Are medical and social work diagnosticians, judicial decision-makers and lawyers appropriately trained and selected to exercise their respective functions, particularly with respect to clients of Indian ancestry?*
12. *Even the model Saskatoon Unified Family Court was prevented for jurisdictional and bureaucratic reasons from offering its services to children and parents in protection cases. When will this situation be remedied and a province-wide system of Unified Family Court Services be provided?*
13. *The province supported the implementation of the Young Offenders Act to replace the Juvenile Delinquents Act until it realized what the dollar costs would be. How are services for the protection of adolescent children to be integrated and reconciled with the new Young Offenders Act juvenile justice system?*
14. *What housing, recreational, healthcare, educational and income maintenance provisions are available for the adolescent under 18? Does the Council recognize its mandate to address the causes, incidences and official responses to child prostitution and sexual abuse of females in this age group, and their discriminatory streaming in the juvenile justice system?*
15. *Where does the Council draw the line between youthful offenders and children in need of protection?<sup>62</sup>*

#### 6.5.5 Responses to the Matthews Report

On February 27th the Minister's Advisory Council on Child Protection submitted its final report—the Matthews Report<sup>63</sup>—to the Saskatchewan Minister of Social Services.

The report shows that in its hearings in five locations in the province ninety-nine briefs were presented. On the basis of its review of the 1973 Family Services Act the Report made one hundred and fifty-two recommendations. Although it is not possible here to

analyze the more than 100 page Report\* some general conclusions can be made. The Report tends to support the privatization of service delivery and a notion of the autonomous family and parents' rights which is no longer congruent with the nature of our society. While appeals to create a "familial society" along the lines of the Vanier Institute can help to reintegrate family, community and society roles and responsibilities, the Matthews Report tends to affirm a notion of the family which neither acknowledges child welfare or children's rights nor attempts to implement the tenets of the United Nations Declaration of the Rights of the Child which was endorsed by the province of Saskatchewan in 1979.

Finally, the Report does not acknowledge the fundamental issues we raised about Indigenous families. The need to reorient approaches to primary prevention is never accepted. Nor are the recommendations any indication that the government is willing to provide the necessary resources—both to its Department of Social Services and to community-based programs—to meet these needs. The government's plans, however, will not be fully disclosed until it releases the proposed legislation sometime in the fall of 1984. Before legislation is finalized there may be the opportunity to comment on that legislation in a public review of a government discussion paper responding to the Matthews Report.

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\* The University of Regina Social Work faculty have held a workshop to do this. Notes and comments by M. Acher, K. Collier, B. Jeffrey and M. Simpson are available from the Social Administration Research Unit (SARU).

## ENDNOTES

1. Keith Couse, Gloria Geller, Jim Harding, Paul Havemann, and Ron Schriml, "Brief Submitted to the Public Hearing for the Review of the City of Regina Police Canine Unit," mimeographed (Regina, Sask.: School of Human Justice, University of Regina, November 22, 1982);

Gloria Geller, Jim Harding, and Paul Havemann, "Brief Submitted at the Public Hearings Regarding the Mental Health Act, and the Law Reform Commission's Proposals for a Compulsory Mental Health Care Act, and a Personal Guardianship Act," mimeographed (Regina, Sask.: School of Human Justice, University of Regina, March 28, 1983);

Jennie Abell, Keith Couse, and Paul Havemann, "Bill C-157: Brief Submitted to the Special Committee of the Senate on the Canadian Security Intelligence Service," mimeographed (Regina, Sask.: School of Human Justice, University of Regina, September 1983); and

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25. *Ibid.*, pp.12-13.

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27. *Ibid.*, p.16.

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29. *Ibid.*, pp.19-20.

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36. "Brief to the Special Committee of the Senate on the Canadian Security Intelligence Service," p.1.
37. Ibid., p.2.
38. Ibid., p.4.
39. Ibid., p.5.
40. Ibid., p.8.
41. Ibid., p.9.
42. Ibid., p.3.
43. "Child Protection Public Hearings," p.1.
44. Ibid., p.4. Other things, like the anti-children ideology widespread in this society, also contribute to their neglect and abuse. Since submitting this brief we have become more aware of how the power of adults over children, reflected in such things as father-daughter incest, contributes to child abuse and neglect. This cannot be understood only or simply in terms of issues of socio-economic powerlessness and poverty.
45. Ibid.
46. Ibid., p.5.
47. Ibid.
48. Ibid., Appendix 1.
49. Ibid.
50. Ibid., p.5.
51. Ibid., p.6.
52. Ibid., p.16.
53. Ibid., p.13.
54. Ibid.
55. Ibid., p.15.
56. Ibid., p.18.

57. Ibid., pp.6-7.
58. Ibid., pp.7,9.
59. Ibid., p.8.
60. Ibid., p.9.
61. Ibid., pp.9-10.
62. Ibid., pp.10-12.
63. Minister's Advisory Council on Child Protection, *Minister's Advisory Council on Child Protection: Family Services Act (1973) Review*, Dr. Peter Matthews, chairperson (Saskatoon, Sask.: Minister's Advisory Council on Child Protection, February 1984).

## CHAPTER 7: POLICY AND RESEARCH RECOMMENDATIONS

### 7.1 Implications for Policy and Research

This chapter summarizes the implications of our justice research program over the past three years for policies, research, and operations. We have chosen to discuss these implications thematically rather than by other possible groupings (e.g., year, project, relationship to Indigenous themes) or justice context (e.g., criminal justice, human services) which are already provided in the inventory in Chapter Two or discussed elsewhere. We believe a thematic classification is more advantageous because it more closely parallels shifting problem-areas and models which have evolved in our last three years of research.

#### 7.1.1 The Research Process

Our research and communication activities often involve joint undertakings with other individuals and groups from the university, community and government. The majority of these have been generally positive experiences resulting in a mutual broadening of our knowledge base and research capabilities (e.g., the *Probation* project) and the establishment of mutually supportive exchanges and networks, especially with local community groups (e.g., *By Ourselves*, *Peyakowak*).

However, fully collaborative processes around the delivery of human services, as the *Corrections Workers Training Program* (1981) indicated, can become difficult unless the nature of the roles, responsibilities, and relationships between the parties involved are

specifically described and clearly understood, and unless it is recognized that there are parallel rather than necessarily coterminous goals, objectives and methods. The *Unified Family Court* (1982) project, for example, experienced few problems in this area because there was an emphasis on the interdependence rather than the dependence of the contracting parties.

Another problem in building positive working relationships can occur when the research is not undertaken in terms of the client-group's needs and concerns. For instance, even though the *Regina Native Counsel Project* (1981) objectives were articulated in terms of effecting social change through a representative function, the lack of local Indigenous community involvement at the initiation stage may have limited the applications of this research. Although we have no way of knowing, it may also have made it appear that the project was obtaining resources at the expense of Indigenous peoples' organizations. On the other hand the Saskatchewan Task Force on Juvenile Justice (1982-1984) has tried to follow a participatory research approach where Indigenous and non-Indigenous groups were brought together to be directly involved in establishing research objectives, in information-gathering, and in the interpretation and application of findings.

In the past few years PJR has begun to orient more research capabilities towards community concerns and constituencies not typically able to access research-based information. Our work with the Task Force and the Saskatchewan Association of Northern Local Governments (SANLG) (1982-1984), and our cosponsorship of a Workshop on

Participatory Research (1984) shows the move away from more academically-controlled definitions of research, data collection and interpretation to more community-based and inter-/intra-professional research. This means consulting with community-based groups around their definitions of problems/needs and giving them control of the research process. It also involves enhancing and developing local research capabilities and, where necessary, public advocacy.

#### 7.1.2 Redefining the Issues

This reorientation in research was complemented and to some extent encouraged by a theoretical reorientation. In *The False Promises* (1983) we argued against the narrow legalistic approach to law and social policy because of its fundamental indifference to the real well-being of the whole of society. Instead we recommended a social rights model; a reconceptualization of research problems and policy interventions in terms of broad social, legal and human rights. The reorientation of problem-definition away from a crime-centered analysis to a social rights model can offer a more holistic and unified approach to issues of legal, economic and political justice. It is also a way to relate research much more directly to the specific needs, wants and rights of the individual and the community. As an example, the *Alternatives* study (forthcoming) shows a strong indication that informal conflict resolution can replace adversarial and fault-finding practices with forms of direct action, mutual aid and self-management. Similarly, while the discriminatory treatment of women has been fairly

well documented in other areas (e.g., health care, employment) and there is some evidence of corresponding legislative and attitudinal changes (e.g., "affirmative action"), the *Red Eye Inquiry* (1983) has shown the need for parallel legislative changes linking misogynistic literature to hate literature.

As an organizing concept, social justice is a more positive, reconstructive basis for both research and policy than criminocentric (and interrelated ethnocentric) research. It involves taking a much more inclusive view of individual and social well-being and then refocussing or redefining the issues so a preventive perspective which utilizes adequate community support systems, alternative measures and informal justice is possible. It also demands a coordinated effort in dealing with issues. We noted in our "Brief to the Public Hearings Regarding the Mental Health Act" (1983) that concern about establishing relevant research and policy links between justice and health, for example, demands a more unified, consistent policy across such traditionally separate areas of government as energy, agriculture, health and environment.

### 7.1.3 Educating for Social Justice

The criminal justice system is too often committed to an ideology of (cost-effective) crime control which neglects questions of prevention and social justice.<sup>1</sup> On a personal level this is evident in a tendency to be preoccupied with programs intended only to train and not to educate. By extension, it is this ideology which uses

police dogs to track human beings, which attaches little importance to fundamental rights to due process, and which is insensitive to the needs of those who are processed through an assembly-line method of justice.

In contrast, the shift from criminological to socio-legal and social justice studies has profound implications for the encouragement of interprofessional/multidisciplinary foundations for policy-related research and program developments. Such an approach has to be based on cooperation and has to overcome the elitism and territoriality that often belongs with specialized professionalism.

It has to acknowledge issues of needs and rights, but it has to go beyond narrowly defined legal or institutional issues to address questions about social justice including those

*...about patriarchy and the war economy, about growth and ecological sustainability, about colonialism and aboriginal rights, and about the centralized state and human rights....<sup>2</sup>*

A multidisciplinary approach should focus on the historical, structural, and ideological interrelationships for the involvement of offenders in the criminal justice system. For instance, in *Law and Order* (1984) we argued there is a particular need for theories about development and underdevelopment to be placed at the centre of research on the implications for involvement of Indigenous people in the criminal justice system of a reallocation of expenditures from crime control to such things as due process and community development. In our "Brief to the Public Hearings Regarding the Mental Health Act" (1983) we noted that

*...the parallel between the psychiatric and penal systems suggests there is a need to look critically at the adequacy of both the criminal and psychiatric labels which are used to describe and purport to explain the position of Indian people in those institutions....and which continue to obscure the fundamental historical and policy issues regarding the lack of collective and individual self-determination of aboriginal people in Canada.<sup>3</sup>*

There is also a further need for comparative data in multidisciplinary research if a more preventive perspective is to be developed. In this way curriculum developers and research and policy staff can learn to be more self-critical about their assumptions about the nature of society and so-called criminal justice problems and the extent of solutions normally offered.

#### 7.1.4 Meeting the Needs in the Criminal Justice System

Social conditions data have repeatedly documented the obvious need for a wide range of basic services including employment and income maintenance, housing, educational programs, health care, fellowship, family and child services, recreation, and court-related counselling and legal representation. At the same time the data points out that the delivery systems servicing these needs are often uncoordinated and inefficient, ineffective, inadequate, and frequently inappropriate or unresponsive. In addition, much of our research has described the systematic racism and sexism in the delivery of these services which exacerbates the impact of unmet needs on women, single parents, Indigenous people, young and elderly people, the poor, and the mentally unwell in particular.

What is lacking is quality, comparative data (e.g., by ethnicity, sex, geographical location) on a number of indices. Both the *Probation* (1982) and *Law and Order* (1984) studies, for instance, were highly critical of the gap in information around the sentencing process which makes predictions of any sort difficult. We found inadequate data on such sentencing indicators as prison admissions and the discretionary powers of the judiciary and corrections officials, as well as differential sentencing practices and inappropriate assessment criteria for eligibility to prison and community programs.

It is also difficult to suggest a future focus without a more thorough profile of user's personal and social needs, including long- and short-term special needs. This information was available for the social integration measures used by the Community Training Residences (CTR's) in the study on *Reintegrating the Offender* (1981), but the CTR's have a tendency to medicalize "success" by defining it according to how well offender characteristics can be made to fit with program characteristics rather than basing the program on offender needs. Other research, however, provides a clearer indication of specific needs: for job creation and the development of economic opportunities which will enhance self-determination to facilitate Indigenous people remaining on reserves or in rural areas ("Brief to the Review of the City of Regina Police Canine Unit," 1982); for more employment and housing options for those deinstitutionalized from mental hospitals so that voluntary or involuntary commitment is less likely or unnecessary ("Brief to the Public Hearings Regarding the Mental Health

Act," 1983); for shared child-rearing practices, flexible work hours, and the structured introduction of technological changes in the work place so as not to place heavy burdens on women's lives ("Women's Aspirations," 1984); and for a province-wide system of counselling in family breakdown, including counselling in family violence (*Unified Family Court*, 1982).

Another area of poor quality information has to do with the impact of specific social policies and service delivery systems on users, i.e., a feed-back mechanism. Our evaluation of the *Corrections Worker Training Program* (1981), for example, indicated it would benefit the Division to look more closely at the recruitment and selection process for female and Indigenous corrections workers, as well as to undertake a longitudinal study of their work performance and job satisfaction, both because of uneven recruitment practices and because of the impact corrections workers have on offender populations. Similar links on the outcomes of policy, sentencing and servicing decisions for offenders and service-users need to be made elsewhere in the criminal justice system. For instance, there is a need for research on what kinds of referral programs could be developed which would increase Indigenous peoples' utilization of the family court's services and make it a relevant resource to them (*Unified Family Court*, 1982); on information-gathering systems which would allow profiling of the over-prescribing or inappropriate prescribing of drugs to women and Indigenous people ("Pharmaceutical Control," 1983); on the way in which discretion is exercised within the correctional system when alternative

programs are available (Task Force on Juvenile Justice, 1982-1984; *Reintegrating the Offender*, 1981; *Law and Order*, 1984); on the rationale for using police dogs in terms of controlling target populations ("Brief to the Review of the City of Regina Police Canine Unit," 1982); and on the over-representation of child protection apprehensions from families in low income, welfare, and/or single-parent (usually female-headed) households ("Brief on Child Protection," 1983).

#### 7.1.5 From the Dole to Human Services

Other obstacles to obtaining good quality data are the tendency to base decisions on large, impersonal group statistics rather than on individual needs and rights, and the absence of coordinated service delivery policies. As we noted in our "Brief to the Review of the City of Regina Police Canine Unit" (1982), planning for service delivery and overall social development must be integrated, with all relevant levels of government and community organizations taking some responsibility for the coherent provision of services in the context of needs and rights. In fact, considerable confusion exists around service objectives themselves. Our ten-year review of North American Probation (*Probation*, 1982) revealed that examples of programs specifically for Indigenous offenders or other racial minorities were striking absent from the literature. In Saskatchewan no overall service emphasis has developed despite the Department's intention in 1975 to concentrate upon the special needs of Indigenous people.

It therefore seems essential to have data on the implications of preventive measures, and accessible alternative or optional resource

systems that better fit people's needs. Questions around prevention are particularly important for those groups at greatest risk in the criminal justice system. For instance, given the disproportionate involvement of Indigenous people in drug-, alcohol- and driving-related offences, and of Indigenous people and women in the ambit of the mental health care system, what impact would occur if there were adequate community supports which did not depend upon compulsory treatment and incarceration and upon medication and psychiatric labelling (*Reintegrating the Offender*, 1981; "Brief to the Public Hearings Regarding the Mental Health Act," 1983). Similarly, what effect would an investigation of interdepartmental and interagency communications have on child protection injustices, and what effect would there be if social workers' caseloads were radically reduced so they could assist clients through preventive and advocacy work rather than as investigators and apprehenders ("Brief on Child Protection," 1983).

The current reliance by the courts on adversarial, fault-based rules does nothing to equalize the imbalance of power against the alleged offender or against those petitioning for human services. It also has the unintended and unfortunate consequence of de-emphasizing non-legal or informal community measures to conflict resolution. A much more basic way of dealing with this issue which might be more genuinely preventive is through an independent ombudsperson or citizen advocacy model. Many of our research recommendations have advised such an approach: for a child advocate agency (*Unified Family Court*, 1982;

Task Force on Juvenile Justice, 1982-1984; "Brief on Child Protection," 1983); for an independent citizens' complaints process ("Private Policing," 1981; "Brief to the Review of the City of Regina Police Canine Unit," 1982; "Brief on the Canadian Security Intelligence Service," 1982); and for a patients' advocate or ombudsperson ("Brief to the Public Hearings Regarding the Mental Health Act," 1983).

*'An Advocacy system which can draw upon a range of community resources including ex-patients, native groups, women's groups, alcoholics anonymous members, ethnic groups, and youth groups should be utilized.' [It] would need to be both community-based and community-controlled and would have to ensure [individual's] rights and self-determination.... 'Basic personal rights must be respected within the service system including recourse to appeal and grievance procedures, confidentiality of records, and access to ...files.... The key to this community-based and controlled system is choice, alternatives and options.'*<sup>4</sup>

At a minimum, then, a citizens' advocacy network would need to be involved in decision-making situations (e.g., admission, committal, treatment, review, and discharge) in some relevant way, and would have to monitor the quality of services both institutionally (e.g., legal, medical, and complaint/appeal procedures) and within the community (e.g., housing and income support) as one means of counterbalancing deinstitutionalization without adequate alternative provisions. The agency's objectives and evaluation criteria should, of course, be subject to public review and input.

Numerous other dimensions of individual's rights can be enforced through more specialized advocacy systems. The *Regina Native Counsel Project* (1981), for example, suggested that an appropriate

role exists for a public interest law firm specializing in urban issues affecting Indigenous people. This type of agency could focus on eligibility questions for provincial services in the areas of health care, child welfare, housing, and education, and it could fill the gap between front-line legal services (i.e., Saskatchewan Legal Aid) and the land claims and aboriginal rights work of the Native Law Centre in Saskatoon.

#### 7.1.6 Opening up Decision Processes

Social policies so often have unexpected and/or unwelcome results which can act directly against social rights. One reason this occurs is because the public is frequently given insufficient information about and access to public inquiry and policy processes to ensure maximal participation. A recent study by the Law Reform Commission of Canada on environmental laws has also pointed out that

*... 'particular issues or controversies may be absent ... not because they are unimportant or because no one cares, but because they can be raised within those contexts only with extreme difficulty, or because those who might raise those concerns have been consistently excluded' from the relevant decision-making forums.*<sup>5</sup>

PJR's involvement in public policy advocacy bears out this criticism. Opportunities are not provided for extensive community involvement in public hearing processes when, for example, target groups (victims?) are not adequately represented or encouraged to participate; when time constraints are wholly inadequate to the gravity of the issues under scrutiny; when the right of access to all the

information used in making decisions (e.g., terms of reference, criteria for selection of board or council members) is denied or unarticulated; when hearings are held in locales that are potentially intimidating to some participants; when the review process does not have the powers of a public inquiry (e.g., powers to subpoena witnesses); when certain individuals or groups are prevented by lack of financial resources from attending; and when the final report is difficult to obtain or is shielded from public scrutiny ("Brief to the Review of the City of Regina Police Canine Unit," 1982; "Brief on the Canadian Security Intelligence Service," 1983; "Brief to the Public Hearings Regarding the Health Act," 1983; "Brief on Child Protection," 1983; "Legal Aid Review," 1983). There is even less likelihood of consent on an informed basis and community control of social policies when there is no public debate to begin with. In studying the private policing industry ("Private Policing," 1981), for instance, we found that although the legislative restrictions governing this segment are much less stringent and much less well-defined than those pertaining to public sector police, there are no Canadian statistics on the number of private police involved in in-house security. Thus, it is almost impossible to differentiate and track this group let alone to initiate any sort of public inquiry around policies or choices.

Another reason social policies can have such harmful effects is the lack of accountability displayed by some regulatory agencies for the inquiry process itself as well as for the outcomes/impact of

their decisions. A consummate example of structure, process and participation problems was the Cluff Lake Board of Inquiry which was mandated to debate and recommend on the kinds of economic development to occur in the north (*Content Analysis of Uranium Mining*, 1984). Here, information (e.g., in Indigenous languages) and access to the public forums, especially the crucial scientific and technical hearings, was greatly lacking for Indigenous people. In addition, the cross-cultural realities and language differences of northern Indigenous people and urban technically-trained people did not seem to be given adequate consideration. Nor did considerations of alternative northern development and social impact receive primary attention in the inquiry.

The broad, intrusive powers proposed in the hearings on the federal security agency also raise questions about lack of accountability. Once again the desire for autonomy and self-direction on the part of political groups (e.g., Indigenous organizations advocating political and economic reforms) are looked on as a threat to national security or at least a nuisance, not as an intrinsic good ("Brief on the Canadian Security Intelligence Service," 1983).

It is therefore necessary to open up decision processes to allow direct participation by the public on social justice matters, including participation in those forums which provide a monitoring or feedback function. Funding should be provided to individuals and organizations advocating more effective protection of their rights. Our research on the private and public police ("Private Policing," 1981;

"Brief to the Review of the City of Regina Police Canine Unit," 1982) demonstrates that few of those abused are in a strong position to register a complaint to initiate an investigation so that litigation by the citizen against official bureaucracies is hardly an accessible or useful option for most people. This appears to be the case for those most at risk from the criminal justice and social welfare systems.

## 7.2 Future Directions for Prairie Justice Research

Among the Research Associates of Prairie Justice Research there are two people primarily educated as lawyers, two as sociologists and two as social workers. People in this core group also have strong backgrounds in criminology, psychology, adult education, women's studies and enviromental studies.

The cross-fertilization of these perspectives and strengths provides a basis for expanded multidisciplinary justice research. Rather than taking a strictly criminological perspective on problems of criminal justice we have the potential to link approaches developed in women's studies to research on the female offender; to synthesize disciplinary approaches from sociology and problems and methods from the professions of law in socio-legal studies; to address the interface of social work theory and practice and criminal justice policy and program issues; and to always link such research to fundamental problems of social justice, including both economic and ecological and local and global dimensions of development and underdevelopment.

Such research is bound to be somewhat eclectic in its exploratory stages. It takes time working together to learn something of each other's intellectual trade. One of the great strengths of a multidisciplinary justice research unit is that varied conceptions of problems can be compared and evaluated and new synthetic approaches developed. At the same time as this is occuring, people of various backgrounds can act as resources to each other, providing links to otherwise unknown literature and information which is pertinent to

projects.

There are several examples of this in Prairie Justice Research between 1981-1984. For example, the linking of approaches developed in Canadian women's studies to social justice problems and concerns has not only begun to stimulate a further reconceptualization of the relevance of various feminist analyses to the criminal justice system, but has also encouraged us to become more committed to women and justice questions throughout all research projects. Partly due to the increasing reference to structures and ideologies of development and underdevelopment, and these links to both criminal and social justice problems, this integration of women and justice issues into our research program has been attempted from an international scope, one which includes the conditions of Third World women as well as Canada's Indigenous women.

Our justice research program over the past three years then has been characterized by both a deepening knowledge base and widening of problem areas. We have become more thorough in our research on justice and Indigenous people and, at the same time, the scope of our justice research related to Indigenous people has greatly expanded. These have been shown to be complementary goals. To do justice to our special topic area we have found it necessary to have the breadth to integrate multidisciplinary perspectives with policy issues and realities.

This has involved drawing on knowledge about various disciplinary dimensions of justice and Indigenous people—including the

historical, the economic, and the political. It includes knowledge of various jurisdictions of authority—municipal, provincial, federal—and increasingly the attempts to achieve Indian self-government. It includes knowledge of various institutional and delivery systems and interrelated social problems, not only those directly related to criminal justice but also those that bear on the conditions that clearly overdetermine the criminal justice problems facing Canada's Indigenous people. This has included the move into socio-health research as well as socio-legal studies.

#### 7.2.1 Rethinking Justice Models

The need for this breadth in our research has challenged us to rethink the implicit models and theories we have been working with which have been influencing research and policy conceptions in this area. In rejecting a criminological perspective we have had to look for alternative macroscopic perspectives which provide the most parsimonious integration of the multidisciplinary knowledge base we have been developing and drawing on regarding justice and Indigenous people. This unifying perspective has not only had to account for the multidisciplinary (so-called "academic") aspects of our research, but also has had to be able to stimulate further policy-oriented research and inform policy itself.

In the last three years we have continued to build on information that stresses the socio-economic conditions facing Indigenous people and the interrelated theoretical (and political) debates about

the importance of colonialism and class structure in shaping these conditions. However, we have also been challenged to more seriously consider the historical and contemporary role of patriarchy in shaping and maintaining these conditions, and to look at the larger material systems (the eco-systems) which are continually being affected by present socio-economic structures and conditions and which will affect present and future generations in turn. Problems initially conceived of in terms of the criminal justice system have then naturally interfaced with problem of social (including sexual and environmental) justice.

#### 7.2.2 Development-Underdevelopment Studies

How best to understand these interrelationships in terms of both research and policy has remained problematic during the past three years. This will continue to challenge us intellectually, organizationally and personally in the coming years. What has emerged, however, as a tentative basis for further policy-related research, is our exploration and contribution to the intellectual and policy debate about the processes of development and underdevelopment. Rather than taking a linear, economic-determinist approach to these problems we have been attempting to relate both socio-legal and socio-health research to the overall structures and ideologies of development and underdevelopment. Part of this has involved the analysis of the limitations of dominant medically- and biologically-based concepts and models (e.g., "alcoholism") for undertaking socio-health and socio-legal research that is policy relevant.

In the coming years there will clearly be the need for us to develop research projects which concretely examine more of the ways in which structures and ideologies of development and underdevelopment intersect with policy-related issues. Our deepening research on such topics as state intervention in the family, the public inquiry process, northern development, women and the criminal justice system, juvenile justice, and alternatives to incarceration will become both more theoretically and methodologically coherent and applicable if these overall considerations are continually addressed. In order to accomplish this, more attention will need to be paid to the specifically Canadian historical context. Comparative research is to be encouraged but quality comparative research is not possible without being solidly grounded in "Canadian Studies."

### 7.2.3 Rethinking Policy Research

The critique of criminology and the move towards a multi-faceted model of development and underdevelopment for our justice research also has direct implications for understanding policy research itself. A multidisciplinary and interprofessional approach to policy-related justice research cannot adhere to a "technical-fix" approach to policy and program development. The limitations of criminologically-conceived research based on administrative and management priorities are mammoth. What often seems to be a new innovative development from such a narrow viewpoint turns out, in the larger context, to actually contribute to underdevelopment. Policy trends regarding justice and Indigenous

people continually reflect this weakness.

In policy research as elsewhere we are often the victims of our own beliefs. As well, those affected by decisions we have the authority to make are often the victims of worldviews which are taken as fact or near fact but which, from a multidisciplinary perspective, ought to be placed in a wider comparative framework. We believe that our linking of criminal and social justice problems and issues to the overriding intellectual and political debate about global, national, regional and local development and underdevelopment can help to move policy research in this desirable direction. And the fact that we are now confronting the implications of development and underdevelopment for policy-related justice research means that some of our future work will probably be about the theory and methods of policy research itself.

#### 7.2.4 Policy Research and Primary Prevention

In retrospect our past research activities and policy advocacy were moving towards an orientation to justice research and policy which is more compatible with fundamental (i.e., primary) prevention. In the future, therefore, we can expect to have to deal more directly with the implications of a preventive orientation for our selection of projects and methods.\*

The reorientation is already visible in the increasing shift to community-based and participatory research in some of our most

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\*We note with enthusiasm that other places are looking for links between policy-related social problems of crime, health and education from a preventive perspective.

recent projects. We believe this shift parallels a wider social and policy change occurring at this time—a change reflected in the growing concern about decentralization of power, about group and community building processes, and about the search for alternatives to institutionally-conceived definitions and solutions to criminal and social justice problems and issues.

One reflection of this shift in our research is the growing integration of our activities in the areas of (1) facilitation, (2) direct research and (3) dissemination. In the first three-year period (1978-1981) Prairie Justice Research was understandably more concerned about the regional facilitation of policy-related justice research. Direct research, especially in the area of justice and Indigenous people, began to mount near the end of the period. Research in this area and additional interrelated direct research continued to be undertaken in the second three-year period (1981-1984)\*. As these research findings have accumulated our understanding of the relevances and links in the wider society has expanded, and information sharing networks have emerged and grown. Our dissemination activities have also had to expand. The creation and expansion of our Resource Centre at the University of Regina which we hope to computerize soon is one expression of this.

Because of these developments and convergences, in the future it will be necessary to look at facilitation, direct research and dissemination as aspects of a larger methodology. Our work with such

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\*See Chapters Four and Five for details.

groups as the Saskatchewan Association of Northern Local Governments, for example, involves all of these aspects with the overriding goal being more community-based, policy-relevant justice research.

#### 7.2.5 Reorganization of Prairie Justice Research

These emerging challenges and directions have some major implications for how Prairie Justice Research is organized and for how it interrelates with the School of Human Justice within which it is housed. Our intensive three-year review involving research associates, assistants and support staff has already shown the need to develop more co-operative work styles. The scope of our research program and our relatively scarce resources demand that projects are selected using a more consensual (as opposed to hierarchical) approach. Steadily establishing more equalitarian working relations and conditions between women and men in Prairie Justice Research needs to be a shared priority if this is to be possible. More attention also needs to be placed on balancing personal and organizational goals, both as an end in itself, and as a means towards enhancing our research creativity, relevance and impact.

As part of our commitment to training and education more attention has to be given to linking research activities and findings to the overall reconsideration about models of justice and development in the School's Certificate and Bachelor programs. This involves not only linking the directions in justice research to the curriculum review of the School, but also a more concerted effort to integrate

considerations and findings from our justice research into the wider debate about the development of a human services education and faculty at the University of Regina.

And, finally, the emerging challenges and directions in Prairie Justice Research require a reconsideration of our special topic area as part of our contributions agreement with the Ministry of the Solicitor General. There have been some remarkable developments in recent years in the research interests and capacities of Indigenous organizations on the Prairies and elsewhere. We hope we have contributed to these developments. Therefore it may be time to reconsider our special focus on justice research about Indigenous people. Reflection on the last three years of our research suggests that the search for alternatives—conceived in terms of socio-legal and social justice concerns—is becoming a unifying theme for us. This emphasis and focus can be seen in a broad range of projects—everything from critical studies of female and young offenders, to the need for systemic changes to allow real alternatives to criminal justice solutions, to critical policy research on the need for more unified approaches to health, agricultural and energy policy developments. We think such a redirection in our research is necessary (although not sufficient) if both criminal and social justice problems are ever to be reversed and ultimately prevented.

The question still remains how best to proceed with the next three year program of Prairie Justice Research. Conceptualizations

in terms of alternatives to dominant research and policy problems and approaches will certainly be one strand of the program in the next period. Some ongoing projects will directly research questions of alternatives (e.g., corrections) and all will indirectly address the implications of findings for questions about policy alternatives.

However, the progression to research that problem-defined on the interface of criminal and social justice problems (e.g., *Law and Order for Canada's Indigenous People*) and which posed research problems in terms of alternatives to policy, from research problems and approaches which did not problem define in this way, came from an accumulated "storehouse" of interrelated projects from our past focussed area of research on justice and Indigenous people. And it seems advisable to learn from this progression. There is no apparent advantage to the rejection of the piecemeal empirical (e.g., "inchworm") approach to justice policy associated with the more criminocentric research, leading us to the adoption of a grand theory (e.g., "hoptoad") approach. It therefore seems advisable to begin with a more concrete topic/theme and to work systematically to accumulate research findings and policy approaches which, rather than persist with tinkering with systems, consciously look for the implications for policy alternatives.

Consequently, we have decided to propose "women and justice" as our area of focussed research for 1984-87. There are several organic links with this focus and our past activities, for example, research on the female native offender. Also, our inventory in chapter three

shows we have begun to be asked and to develop the capacity to resource policy and program issues involving societal violence against women. Furthermore, one 1984 PJRC project involves one of PJRC's Associates in helping to resource a university workshop on battered women and another involves two PJRC Associates in co-editing a special issue of *The Canadian Journal for Resources for Feminist Research* on women and the criminal justice system. These projects will provide the necessary backdrop for the more specific definition of PJRC's special project on "women and justice" in 1984-87.

## ENDNOTES

1. See, for example: Paul Havemann, "Legal Aid Review: Report Offers Simplistic Solutions," *Briarpatch* 12:4 (May 1983) 10-11; and Paul Havemann and Jim Harding, "Law and Order in Saskatchewan," *Briarpatch* 12:2 (March 1983) 14-15.
2. Keith Couse, Gloria Geller, Jim Harding, Paul Havemann, Rae Matonovich, and Ron Schriml, *The False Promises of Criminology and the Promise of Justice* (Regina, Sask.: Prairie Justice Research Consortium, School of Human Justice, University of Regina, 1983), p.62.
3. Gloria Geller, Jim Harding, and Paul Havemann, "Brief Submitted at the Public Hearings Regarding the Mental Health Act, and the Law Reform Commission's Proposals for a Compulsory Mental Health Care Act, and a Personal Guardianship Act," mimeographed (Regina, Sask.: School of Human Justice, University of Regina, March 28, 1983), pp.13-14.
4. *Ibid.*, pp.21-22.
5. "Laws on Pollution Favor Large Firms, Reform Study Finds," *Globe and Mail* (Toronto), 14 August 1984.

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Task Force Representatives have included representatives from the following organizations:

- 1) Public Legal Education Association
- 2) John Howard Society
- 3) Ranch Ehrlo
- 4) Elizabeth Fry Society
- 5) Saskatchewan Criminology and Corrections Association
- 6) Consultation Centre of the Solicitor General Ministry
- 7) Saskatchewan Teachers Federation
- 8) Sun Star House
- 9) Native Coordinating Council Family Services Project
- 10) Saskatchewan Association of Social Workers
- 11) Kilburn Hall
- 12) Saskatoon Legal Assistance Clinic
- 13) Social Services (Prince Albert)
- 14) Native Courworkers (Prince Albert)
- 15) Bosco Home
- 16) Saskatoon City Police
- 17) Mennonite Central Committee
- 18) Youth Services, University Hospital, Saskatoon
- 19) Psychiatric Nurses Association

April 10, 1983

Appendix 2

JUVENILE JUSTICE TASK FORCE QUESTIONNAIRE

Your responses to all questions will be COMPLETELY CONFIDENTIAL. There is no need to write your name on the questionnaire; however, please answer all of the questions listed directly below. The information these questions will provide is essential for analyzing the questionnaire responses. Under NO circumstances will any effort be made to determine your identity. The results of this questionnaire will be presented to Saskatchewan Juvenile Justice Task Force in a manner which it will be impossible to identify individual respondents.

COMMUNITY \_\_\_\_\_

AGENCY OR ORGANIZATION: \_\_\_\_\_

SEX: Male \_\_\_\_\_ Female \_\_\_\_\_

AGE: Under 20 \_\_\_\_\_ 46 - 50 \_\_\_\_\_  
21 - 25 \_\_\_\_\_ 51 - 55 \_\_\_\_\_  
26 - 30 \_\_\_\_\_ 56 - 60 \_\_\_\_\_  
31 - 35 \_\_\_\_\_ 61 - 65 \_\_\_\_\_  
36 - 40 \_\_\_\_\_ 65 and \_\_\_\_\_  
41 - 45 \_\_\_\_\_ over \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

Qualifications and/or background related to your work with youth in your community:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Briefly describe the nature of your work with youth: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE NOTE:

- . The term "youth", unless otherwise specified, refers to school-age children from the elementary grades to eighteen years of age (males and females).
- . It is acknowledged that not all respondents will be able to answer all questions; however, please answer as many of them as possible.
- . Please feel free to pass photocopies of the questionnaire to your co-workers or other persons involved with youth services in your community.
- . Please return questionnaires by May 2, 1983, to:
- . Please use pre-addressed envelope enclosed.

Mary Gianoli  
Prairie Justice Research Consortium  
Room 121, Campion College  
University of Regina  
Regina, Saskatchewan  
S4S 0A2

- . After May 2, 1983, questionnaire responses will be tabulated by the Prairie Justice Research Consortium and returned to Task Force participants at the June 16, 1983, meeting.



6. Compared to other youth problems in your community, how significant is the violation of laws by youth?

- very
- about average
- not at all significant
- don't know

7a. Do any of the following organizations in your community take informal or non-legal measures with respect to law violations by youth?

	Yes	No	Don't know
Schools	_____	_____	_____
Police	_____	_____	_____
Recreational Centres	_____	_____	_____
Others (Please specify below)	_____	_____	_____

7b. Please give examples of these informal or non-legal measures.

8. Are these informal or non-legal measures employed in the same or similar manner with non-native and native youth in your community?

- Yes
- No
- Don't know

If no, please explain:

9. Are these informal or non-legal measures employed in the same or similar manner with non-native and native youth in your community?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Don't know

If no, please explain:

10. In your estimation, what percentage (%) of youth in your community are aware of the forthcoming changes which will result from the Young Offenders Act (Y.O.A.) such as:

\_\_\_\_\_ % "*age of criminal responsibility*" (from 7-15 inclusive to 12-18 inclusive)

\_\_\_\_\_ % "*offences covered*" (from 'delinquency' to specific criminal offence)

\_\_\_\_\_ % "*rights of youth*" (destruction of criminal records, right to counsel at arrest and at court, right to appeal, open youth court hearings)

11. In your estimation, what percentage (%) of teachers in your community are aware of forthcoming changes which will result from the Y.O.A. such as:

\_\_\_\_\_ % "*age of criminal responsibility*" (from 7-15 inclusive to 12-18 inclusive)

\_\_\_\_\_ % "*offences covered*" (from 'delinquency' to specific criminal offence)

\_\_\_\_\_ % "*rights of youth*" (destruction of criminal records, right to counsel at arrest and at court, right to appeal, open youth court hearings)

12. In your estimation, what percentage (%) of parents in your community are aware of forthcoming changes resulting from the Y.O.A. such as:

\_\_\_\_\_ % "*age of criminal responsibility*" (from 7-15 inclusive to 12-18 inclusive)

\_\_\_\_\_ % "*parental right to be notified*"

\_\_\_\_\_ % "*offences covered*" (from 'delinquency' to specific criminal offence)

\_\_\_\_\_ % "*rights of youth*" (destruction of criminal records, right to counsel at arrest and at court, right to appeal, open youth court hearings)

13. Have the schools in your community made any efforts to inform youth of the forthcoming Y.O.A. and resulting changes for them?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Don't know

If yes, please explain:

14. In your community, what would be the most effective way to inform youth of the forthcoming Y.O.A. and resulting changes for them?

15. In your estimation, what percentage (%) of youth under 16 in your community allegedly violate:

\_\_\_\_\_ % "*municipal by-laws*," e.g., loitering in public places

\_\_\_\_\_ % "*provincial statutes*," e.g., liquor and vehicle acts

\_\_\_\_\_ % "*the criminal code*," e.g., theft, break and enter, malicious damage

\_\_\_\_\_ don't know

16. In your estimation, what percentage (%) of youth under 16 in your community who violate these laws are brought to police attention?

\_\_\_\_\_ % "*municipal by-laws*," e.g., loitering in public places

\_\_\_\_\_ % "*provincial statutes*," e.g., liquor and vehicle acts

\_\_\_\_\_ % "*the criminal code*," e.g., theft, break and enter, malicious damage

\_\_\_\_\_ don't know

17. In your estimation, what percentage (%) of youth under 16 in your community who come to the attention of police for allegedly violating laws are not brought to a juvenile court?

Non-Native:            \_\_\_\_\_ % males                                \_\_\_\_\_ % females

Native:                \_\_\_\_\_ % males                                \_\_\_\_\_ % females

Don't know:            \_\_\_\_\_

18. Rank from 1 to 5 the reasons why youth under 16 are not brought to court in your community. [1 = highest; 5 = lowest]

\_\_\_\_\_ Police policy (discretion)

\_\_\_\_\_ Social service policy (co-operation with police)

\_\_\_\_\_ No local juvenile court

\_\_\_\_\_ Diversion project

\_\_\_\_\_ Other (please specify: ) \_\_\_\_\_

\_\_\_\_\_ Don't know

19. Describe any differences with respect to the above ranking which occur with groupings of young people in your community, e.g., non-native and native males/females.

20. In your estimation, if police no longer exercised their discretionary authority, what additional percentage (%) of youth under 16 in your community would face judicial proceedings?

Non-Native:            \_\_\_\_\_ % males                                \_\_\_\_\_ % females

Native:                \_\_\_\_\_ % males                                \_\_\_\_\_ % females

Don't know:            \_\_\_\_\_

21. In what ways do private police (store security guards and others) have contact with youth in your community?

22. Estimate the percentage (%) of cases involving youth under 16 in which private police in your community employ alternatives to turning young persons over to regular police forces.

Non-Native:                    \_\_\_\_\_ % males                    \_\_\_\_\_ % females

Native:                         \_\_\_\_\_ % males                    \_\_\_\_\_ % females

Don't know:                    \_\_\_\_\_

23. Why do you think these young persons are not brought to the attention of the police?

24. What actions are taken by private police in your community against youth who are "*hanging out*" or loitering in public places such as shopping malls?

25. Has your community ever considered the development of a diversion program for youth under 16?

\_\_\_\_\_ Yes                    \_\_\_\_\_ No                    \_\_\_\_\_ Don't know

If yes, please explain the program; if no, why not?

26. Do you think diversion programs are an important service to offer the youth of your community?

\_\_\_\_\_ Yes                    \_\_\_\_\_ No                    \_\_\_\_\_ Don't know

If yes, why; if no, why not?

27. Are the same or similar diversion programs available for female youth in your community?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Don't know

If no, please explain:

28. Are the same or similar diversion programs available for native youth in your community?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Don't know

If no, please explain:

29. What are the views of people in your community about diversion programs?

30. Has your community experienced any difficulties in attempts to develop alternatives to the official handling of law violations by youth?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Don't know

If yes, please explain:

31. Have any victim restitution or victim services been developed in your community?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Don't know

If yes, please explain; if no, why not?

32. In your estimation, what existing services are of value to the youth of your community?

33. Do the youth of your community face any problems in terms of having access to these services?

34. In your estimation, what kinds of community services would best serve the interests of youth in your community?

35. Do you think that whether the young person is male or female is considered in laying charges for:

	<u>Liquor Act</u>	<u>Truancy</u>	<u>Sexual Immorality</u>	<u>Other</u> (specify below)
Yes	_____	_____	_____	_____
No	_____	_____	_____	_____
Don't know	_____	_____	_____	_____

Specify: \_\_\_\_\_

If yes, please explain with examples:

36. Do non-Native and Native youth receive the same or similar dispositions when found delinquent for the same reasons?

\_\_\_\_\_ Yes          \_\_\_\_\_ No          \_\_\_\_\_ Don't know

If no, please give examples of differences:

37. Do males and females receive the same or similar juvenile court dispositions when found delinquent for the same reasons?

\_\_\_\_\_ Yes          \_\_\_\_\_ No          \_\_\_\_\_ Don't know

If no, please give examples of differences:

38. Rank from 1 to 5 what you believe to be the most common dispositions of juvenile courts in your community for the past year. [1 = highest; 5 = lowest]

\_\_\_\_\_ Probation

\_\_\_\_\_ Committal to the care of the Minister of Social Services

\_\_\_\_\_ Fines/restitution

\_\_\_\_\_ Reprimand

\_\_\_\_\_ Other (Please specify) \_\_\_\_\_

39. Of the juvenile court dispositions above, during the past year what has been the most common disposition in your community for:

\_\_\_\_\_ Non-Native males

\_\_\_\_\_ Native males

\_\_\_\_\_ Non-Native females

\_\_\_\_\_ Native females

40. In your estimation, what are some alternative juvenile court dispositions which might be available to youth court judges, but are not presently available?
41. In your estimation, how sensitive are judges to the needs and concerns of youth appearing in juvenile courts?  
\_\_\_\_\_very sensitive \_\_\_\_\_fairly sensitive \_\_\_\_\_not at all sensitive \_\_\_\_\_don't know
42. How appropriate do you think the adversary system is for youth who allegedly violate laws?  
\_\_\_\_\_very appropriate \_\_\_\_\_appropriate \_\_\_\_\_not appropriate \_\_\_\_\_don't know
43. What impact do you think the inclusion of 16 and 17 year olds under the Y.O.A. will have upon existing juvenile services in your community?
44. Briefly describe existing facilities in your community for male and female youth committed to the care of the Minister of Social Services. If none, where are they usually sent?
45. Upon implementation of the Y.O.A., do you think the demand for custodial care will:  
\_\_\_\_\_increase \_\_\_\_\_decrease \_\_\_\_\_remain the same

46. For each of the following groups, estimate the percentage (%) of young persons charged with an offence and placed in detention, rather than being released to the community.

Non-Native:                    \_\_\_\_\_% males                    \_\_\_\_\_% females

Native:                        \_\_\_\_\_% males                    \_\_\_\_\_% females

Don't know:                    \_\_\_\_\_

47. Is legal aid presently available to youth appearing before juvenile courts in your community?

\_\_\_\_\_ Yes                    \_\_\_\_\_ No                    \_\_\_\_\_ Don't know

48. Will existing legal aid services be adequate to serve the youth of your community upon implementation of the Y.O.A.?

\_\_\_\_\_ Yes                    \_\_\_\_\_ No                    \_\_\_\_\_ Don't know

If no, why not?

49. In your estimation, what are the concerns of young males and females in your community about the present juvenile justice system and the consequences of it for them?

Males:

Females:

50. In your estimation, if young males and females were invited to participate in the planning of juvenile justice system, what would be their concerns?

Males:

Females:

51. What do you think the impact of the Y.O.A. will be in your community?

52. Please provide any additional information which you feel may be pertinent to this questionnaire.

P R A I R I E     J U S T I C E     R E S E A R C H

The following publications may be ordered by completing the attached order form and sending it to PJR. Telephone orders are also accepted. Please note the listed price includes the cost of printing, packaging and mailing. If items are out-of-print when the order is received, these can be made available upon request against a service charge. Publications may also be borrowed from the Prairie Justice Research Centre.

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tel: (306) 584-4031/4036

PUBLICATIONS

Books:

- No. 1    Reintegrating the Offender: Assessing the Impact of Community Corrections, available from University Press of America, Washington, D.C., or University of Regina Bookstore.
- No. 2    Corrections: An Historical Perspective of the Saskatchewan Experience, available from Canadian Plains Research Center, University of Regina.

Reports:

- No. 1    Admissions to Saskatchewan Provincial Correctional Centres: Projections to 1993, revised February 1980 (\$7.00).
- No. 2    Annotated Bibliography of Consortium Members' Current Research, and Published and Unpublished Materials, revised June 1981 (Free).
- No. 3    Annual Report, 1978-1979 (Free).
- No. 4    Annual Report, 1979-1980 (Free).
- No. 5    Annual Report, 1980-1981 (Free).
- No. 6    Annual Report, 1981-1982 (Free).
- No. 7    Annual Report, 1982-1983 (Free).

- No. 8 Annual Report, 1983-1984 (Free).
- No. 9 Annual Report, 1984-1985 (Free).
- No. 10 Directory of Funding Sources for Justice Researchers on the Prairies, 1981 (\$11.00).
- No. 11 A Directory of Justice Services for Persons of Indian Ancestry in Manitoba, Saskatchewan and Alberta, 1980 (\$8.00).
- No. 12 The False Promises of Criminology and the Promise of Justice, 1983 (\$6.00).
- No. 13 Job Satisfaction in the Regina Police Department, 1979 (\$12.00).
- No. 14 Law and Order for Canada's Indigenous People, 1985 (\$11.00).
- No. 15 Probation: North American Literature Review (1971-1981), 1982 (\$14.00).
- No. 16 Proceedings of the Prairie Justice Research Workshop, March 15-16, 1979, 1979 (\$6.00).
- No. 17 Public Attitudes About Crime and the Police, 1979 (\$12.00).
- No. 18 Public Attitudes About Crime and the Police in Moose Jaw, 1980 (\$7.00).
- No. 19 Recreational Opportunities for Youth, 1980 (\$4.00).
- No. 20 The Regina Native Council Project: A Legal Service for Native Organizations, Groups and Societies in the City of Regina, revised 1983 (\$7.00).
- No. 21 Summary Report on the Prairie Justice Research Consortium (April 1, 1979-October 31, 1980), 1980 (\$6.00).
- No. 22 Team Work: Saskatoon's Unified Family Court Project 1978-1981, 1982 (\$14.00).
- No. 23 Self-Study of Justice Research about Indigenous People: 1981-1984, 1985 (\$14.00).

Occasional Papers

- No. 1 A Comparison of a Final and Released Government Research Report on Prescribing to the Elderly in Saskatchewan, 1982 (\$5.00).
- No. 2 Content Analysis of Uranium Mining Transcripts in Saskatchewan, 1977-1980: A Preliminary Report on Problems and Methods, 1984 (\$5.00).
- No. 3 The Politics of Prescription Drug Research, forthcoming (\$5.00).
- No. 4 Some Anarchist Thought on the State, Justice and Crime, forthcoming (\$5.00).

O R D E R   F O R M



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Reports		Reports (Con't)		Occasional Papers	
No. 1	[ ]	No. 13	[ ]	No. 1	[ ]
No. 2	[ ]	No. 14	[ ]	No. 2	[ ]
No. 3	[ ]	No. 15	[ ]	No. 3	[ ]
No. 4	[ ]	No. 16	[ ]	No. 4	[ ]
No. 5	[ ]	No. 17	[ ]	No. 5	[ ]
No. 6	[ ]	No. 18	[ ]		
No. 7	[ ]	No. 19	[ ]		
No. 8	[ ]	No. 20	[ ]		
No. 9	[ ]	No. 21	[ ]		
No. 10	[ ]	No. 22	[ ]		
No. 11	[ ]	No. 23	[ ]		
No. 12	[ ]				

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