



# ACCESS TO JUSTICE IN INDIGENOUS COMMUNITIES: AN INTERCULTURAL STRATEGY TO IMPROVE ACCESS TO JUSTICE

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## REFLECTIONS FROM A MASKWACIS COMMUNITY MEMBER

“When I think of justice, I think about the need to forgive ourselves for the things we have done. Looking back over our lives, we have to see where we came from, how much we have lost, and how far we have to go. It is so easy for us to blame each other, to blame the government, to blame systems. Justice is not about blame, and blaming is no way to live. Isn’t it time that we work together to repair the damage that has been done and leave these dark days behind us?

“We hang out here, in this picture of the past, and we live in crisis, in sickness, in disease. We have lost our way of life, our traditions, our language. You ask me what justice means, and to me, justice is the strength to pick yourself up, forgive yourself and others and move forward with your life. But how do we do that? What is it going to take? We aren’t going back to the bow and arrow, to the horse and carriage. Why are we digging up old bones and poisoning ourselves with bitterness and anger? Living in the past is not justice, it is a sickness that imprisons us and keeps us from healing.

“We have had our lives, traditions and culture stripped from us but we have to make our people understand that blame hurts us all. When I work with justice projects and see the efforts being made all around us, I want to encourage my family and my people to join in the effort, but so often it is easier to sit in our numbness, in our brokenness. These are choices that were chosen for us generations ago and we still live in this spiral. So what does justice look like and how do we move towards change?

“Let us turn to our Elders, to our teachers. Let us bring our language into our homes and teach our children the ways of the Creator. We must reclaim our own sense of justice and responsibility and hold each other accountable. Projects like this come and go; we need to build ourselves up in our communities so that we can improve our lives. No one else is going to do that but us.

“What I want to make clear is that these deep-seeded wounds are not going to heal overnight. We are not going to change the way the justice system works for our people in one project. But our people, we have to start working with our partners and with the justice system and educate ourselves because in the end, we are what will shake up the system and make change. We can’t expect it to happen by itself and get frustrated when change doesn’t take place. What we can do is honour Native law and the traditional knowledge we still have here in our people. We will bring our language

back and give our children the heritage that is theirs by right. That is justice: bringing traditional knowledge and language and personal responsibility back to the people.

*“We need to work together, across professional and personal lines, and we need to start being self-sufficient. What we have done here, this is a start. Working with justice and sharing our voice, that is where change begins. So, let’s share with each other and stand with each other. That’s what I think justice is.”*

## 1.0 INTRODUCTION

In 2015, the Canadian Research Institute for Law and the Family partnered with Calgary Legal Guidance (CLG) to develop a project that would build intercultural partnerships in two Indigenous communities in order to build agency capacity that would increase access to justice. The project was funded in large part by the Human Rights and Education Multiculturalism Fund, with in-kind funding provided by the Institute through the Alberta Law Foundation, CLG and our community partners. Our community partners included Vanessa Omeasso of the Restorative Justice program in Maskwacis and Dr. Laura Kiepal of the Peace River Region Women's Shelter in Peace River. In addition to agency partners and community members, we have also worked with Elders from these communities who have advised on the strategy.

The project goal was to improve access to the justice system for all people, particularly in communities where there are barriers such as transportation and a lack of legal education. Over the last year, we conducted stakeholder meetings with community members, justice staff and social agency staff, and compiled information about the work already being undertaken in the communities that have been working with us.

Our project sought to meet five primary outcomes:

1. establish intercultural partnerships that meet the diverse and unique needs of Indigenous communities;
2. foster agency relationships in order to deliver the project strategy, developed by the community and elder consultations;
3. support strategic partnerships to meet future research and project needs, identified throughout the consultations and focus groups;
4. increase access to and utilization of existing legal services in Indigenous communities; and
5. generate a method of practice for working inclusively within Indigenous communities.

## 1.1 Principles

The most important part of this project were the relationships that we established with our community partners. In order to honour these partnerships and the contributions of community members, we operated under the principles of Ownership, Control, Access, and Possession (OCAP) that were laid out by the National Steering Committee of the *First Nations and Inuit Regional Longitudinal Health Survey* (The First Nations Information Governance Centre, 2014). The four principles form a set of guidelines for managing research projects and information control (Schnarch, 2004). Ownership refers to ownership of information and that communities and groups own the information in the same way as an individual would own their own information. Control means that communities control research projects from start to finish and have decision-making authority over all aspects of the project. Access gives authority to Indigenous communities to decide how the information is shared and used. Finally, possession refers to the physical maintenance and control of data so that ownership can be protected.

The OCAP principles guided our research process and we worked to make the research process transparent and to ensure that the scope of the project was meeting the needs of the communities (Hermes, 1998; Kovach, 2015; Schnarch, 2004). Consequently, the vision of the project changed as our community partners identified emerging priorities. When we developed the project, we discussed the elements of OCAP and ultimately decided that the information gathered would be shared with stakeholders and the public in a public report and the information collected could be used by any of the research partners to support projects and other initiatives in the future. These structures allowed us to operate from a position of trust that is reflected throughout this report and in the relationships we developed as a result of this project.

## 1.2 Ethics

The Canadian Research Institute for Law and the Family undertook an ethics review prior to conducting this project that considered issues of vulnerability, access and privacy. Due to the size of the communities we were working with, it was possible that focus group and interview participants may be identified, either by attending public community consultations or other public forums. We also relied on personal referrals to conduct community interviews and the Elders' Circle, meaning that we received the names and contact information of people through informal networks.

Another concern was ensuring anonymity in the final reports. As discussed in our methods section, we did not record the names or contact information for interviews and the transcripts removed all names and other identifying information that may have been shared. It was also important for us to provide honorariums to Elders who worked with us and participated in our project and our ethics application reviewed the way participants would be chosen and compensated.

Interview participants were given a written consent form to review and the researcher also provided a verbal explanation of the consent form. Participants were informed about the purpose of the project and how the information they shared with us would be used. Each individual was advised that they could choose not to answer any questions and could end the interview at any time; they were also advised that the interview would be audio recorded and transcribed. No identifying information was gathered on the form and all identifying information was removed from the transcripts. All interview participants agreed to the terms in the consent form and agreed that the information they shared in the interview could be used in whole or part in the public report. All identifying information has been removed and the names of interview participants were not shared with anyone outside of the research team.

### **1.3 Methods**

We used a participatory methodology for this project, meaning that we worked collaboratively with community partners during the grant writing and planning stages. The research team was comprised of both Indigenous and non-Indigenous partners from Peace River, Maskwacis and Calgary, Alberta (Bartlett, Marshall, & Marshall, 2012; Kovach, 2015; Struthers, 2001). The research team originally developed three data collection strategies: 1) focus groups with local legal professionals, service workers and police; 2) group consultations with community members; and 3) surveys to gather information about local legal resources, how community members want to receive legal services and what experiences they have had with the justice system.

The focus groups were hosted in Peace River and Maskwacis and each session had approximately 10 to 12 participants representing social service agencies, legal professionals, social advocates, parole and police. The focus groups were facilitated by three of the research team members and lasted approximately three hours. The focus groups resulted in a large set of notes about the complex challenges service providers face in remote communities, particularly the lack of human and financial resources to meet the increasing need for services. The focus group findings are explored in Chapter

3. In addition to the formal focus groups, the primary researcher met with professionals for one-on-one conversations in Peace River in May and maintained ongoing contact with professionals in Maskwacis.

A total of three community consultations were scheduled throughout the project, two in Maskwacis and one in Peace River. Despite working with local partners to advertise and arrange transportation to the meetings, very few community members attended. Rather than work harder, our partners suggested we work differently, so we went back to the drawing board and discussed our goals of a community consultation. We knew we wanted to incorporate the voice of community members into our initiatives and that our project had to be built within the community, not on top of the community. Finally, we needed to understand the challenges of accessing legal services from the people we were hoping to help. The research team decided that one-on-one interviews with community members was the best strategy to collect this information. Eight interviews were conducted with community members in Maskwacis, Alberta.

The surveys that were developed for the project included questions about how individuals want to receive legal information, how much people know about the legal and justice system, and if respondents were aware of legal resources within their community. The survey was electronic and was distributed through the social media and email lists belonging to our community partners. Although the survey was advertised during our focus groups, interviews, and consultations and was live for more than 70 days, we did not receive an adequate number of responses to conduct a meaningful analysis. The information we gathered through the other data collection methods answered the questions from the survey and are explored in this report.

### **1.3.1 Analysis**

We undertook a qualitative analysis for all written and gathered data from this project. The focus group data and notes from staff meetings were analyzed by the researcher and grouped into themes. The interview data were analyzed using NVivo, an electronic qualitative analysis software. The data were coded using thematic content analysis of the transcripts from the interviews. Thematic content analysis was used to identify patterns within the responses and the results from the analysis are shared in Chapter 4.

Direct quotes from the interviews and Elders' Circle transcripts are used throughout this report in order to present the first-person voices of the community

members who worked with us throughout the project. Interview quotations are cited as Int(letter) to correspond with the interview transcripts. Quotations from the Elders' Circle are denoted with EC. Focus group quotations are taken directly from the researchers' notes and denoted with MKFG or PRFG, depending on the community the focus group was held in.

#### **1.4 Organization of the Report**

In Chapter 2 of this report, we discuss our findings and activities. In Chapter 3, we report on the focus group findings. Chapter 4 is a summary of the interview findings. In Chapter 5, we explore the information shared during the Elders' Circle hosted in Maskwacis. Chapter 6 presents the outcomes of the project, including a framework for intercultural partnerships. Finally, Chapter 7 concludes this report with recommendations for next steps and reflections from the project.

## 2.0 ACTIVITIES

### 2.1 Community Visits

We spent the majority of our time doing community visits, working with community partners and identifying opportunities to improve access to justice and service utilization. During these visits, we scheduled community meetings and events; despite planning and advertising, it was difficult to reach people in the community. We hosted three separate community consultations in Maskwacis to talk with people about how they experienced justice in their community but no one showed up. After the third consultation that did not attract community members, we sat with our community partners to identify the issues.

First of all, our partners told us that community engagement is exceptionally difficult in Maskwacis. One partner told us that people are “talked out and nothing changes no matter how much we talk about our problems.” Another community partner said that “people here are in survival mode. They don’t have time to go to another meeting.” It was at this stage that we zoomed out of the project focus and started thinking about the real reason we were doing this work: to improve access to justice for community members. The outcomes focus had overwhelmed the focus on improving the situation for community members and we ultimately had to consider what the best options were moving forward.

In July 2016, the research team met with an Elder from Ermineskin who advised us to start talking to people informally and to build relationships. She affirmed what we had already heard from our partners and reminded us that the wounds of distrust ran deep throughout the community and we were, regardless of our community partners, strangers in the community. The following month, two of the Calgary-area research members made a community visit simply to meet with people as we found them. In this way, we began developing personal relationships with the staff at Hawk Radio, some staff from Samson Band, and community members who would ultimately make significant contributions to our project.

Our community visits to Peace River were productive and we were successfully able to meet with professionals on both visits. We also had six community members join us for a community consultation. One of the challenges of arranging community meetings in Peace River was the distance; Maskwacis was only a two-hour drive from Calgary and meetings could be scheduled with fairly little notice. Peace River was more

than 750 kilometers from Calgary and required a chartered flight. Although we developed the project with the expectation that our community partners would allow us to work in remote areas, we learned that it was important to be able to be responsive to community partner and member availability. Consequently, the two community visits we scheduled in Peace River served as staff consultations and informal interviews.

By limiting the use of formalized community events and taking the time to meet with community members naturally, we were able to negotiate access to information and knowledge that would have been lost to us otherwise. As we review in the focus group, interview and Elders' Circle findings, community visits were the foundation of this project and required approximately a third of our project resources.

## **2.2 Band Meetings**

There are four Bands in Maskwacis: Ermineskin, Louis Bull, Montana and Samson. Each Band is a part of Treaty 6 and operates independently, which means that each nation has their own Band Council and governance. Our research team consisted of a representative from the Restorative Justice department in Ermineskin who had worked with people in each of the Bands but she emphasized that we needed to establish relationships with each Band individually. We subsequently began networking to identify the correct partners.

Our first step was to observe the Hub-style meetings that were developed in Ermineskin and Samson. The Hub Model is a risk-driven case management strategy that was evaluated in Prince Albert, Saskatchewan (Nilson, 2014). The model involves bringing together social service, police and education professionals to address high-risk cases in the community. In both Samson and Ermineskin, the Hub primarily focuses on family and youth issues. Vanessa Omeasso was responsible for developing a similar model in both Ermineskin and Samson Band. The purpose of our visit to the Hub meetings was to simply observe the process and how it worked in practice.

The Hub meetings provided insight into the informal partnerships and networks that had been established between professionals in the community. There were also representatives from Wetaskiwin at the table, a community approximately 15 kilometers north. We were struck by the practicality of this type of case-management system for a small community: even when anonymized, service providers recognize that their clients are accessing multiple agencies and resources, meaning that the service

providers are more than likely overlapping one another. If they were going to be efficient it was important for them to work together. Despite this understanding and informal partnerships around the Hub table, these staff members expressed that it was incredibly challenging to formalize partnerships between agencies rather than individuals. Consequently, our initial plan to formalize partnerships changed about one-third of the way through our project.

Ermineskin and Samson Bands had the most significant presence in our project and that was due in large part to their resources. Both Ermineskin and Samson Bands have significant resources and fully staffed Band Offices with lawyers, social service advocates and other staff to support their communities. Louis Bull and Montana Bands were the poorest of the Bands and had very little in the way of resources, including schools, transportation and basic utilities. Despite efforts to meet with Louis Bull, we were not able to make connections with their Band Administration. However, we were able to meet with Montana Band to discuss some of the challenges they face as a Band.

We met the Director of the Montana Integrated Services Department (MISD) in January 2016. The meeting was small and relatively informal, although we sat with them for an entire afternoon discussing the issues that Montana Band is facing and opportunities for improvement. The unique characteristic of MISD is that all community services are located in one building, which allows for a seamless continuum of access to services for community members. Despite the umbrella-style of management, the Director repeatedly informed us that it was challenging to get people “on the same page.” There was little consensus in the community as how to address at-risk youth, the lack of educational programming for high-school students, and the increasing rates of youth gang violence. The issue about at-risk youth was not isolated to Montana Band; gang violence was repeatedly discussed in each of the Bands we met with.

Overall, Band staff were accessible and we were able to develop relationships with Ermineskin and Samson Band. While we continued to include Montana Band in our communications and attempted to schedule a Band-specific focus group with the MISD staff, we were not able to maintain that partnership.

### **2.3 Interviews**

As previously discussed in the methodology, we developed an interview strategy to hear the voices from the communities we were working with. We used

informal staff interviews in Peace River in May 2016. We met with five different staff and discussed the unique challenges facing Peace River, the most pressing of which was the lack of access to enough legal resources. While there were legal resources present in the community, such as Native Counselling Services of Alberta and local lawyers, the need for resources far exceeded the available services. Further, Grand Prairie is the closest large town and is approximately 200 kilometers southwest of Peace River; that means that communities like Cadotte Lake and the Wood Cree First Nation, which depend on Peace River to provide services, have limited access to the already limited resources available in Peace River. After our staff interviews in May, our partners in Peace River and the research team found that the needs of the community could not be met within the scope of this project.

The community of Maskwacis had different needs than Peace River, particularly the lack of resources available. During our community visits we had established informal connections with community members, which led us to consider conducting one-on-one interviews. The interviews were made possible by referrals from our partners and via word-of-mouth referrals from participants; in more than one case, people who were being interviewed referred us to other people who would be interested in talking about their experiences with the justice system and the challenges they had faced. We conducted eight on-on-one interviews in late-January 2017 and then came back to the community to conduct a Know Your Rights presentation.

## **2.4 Know Your Rights**

Knowing your rights and responsibilities is an important component of being able to interact with justice authorities and access legal resources as needed. One of the key issues that we identified during this project was that people did not know what their rights were when they interacted with police and consequently the court system. As our focus groups and staff consultations wrapped up in July 2016, we began to develop a resource plan to deliver an identification clinic, a summary legal advice clinic, and presentations about knowing your rights. We called this strategy the Know Your Rights strategy and partnered with community professionals to advertise and recruit participants.

Our initial step was to engage with the local radio station to inquire about the possibility of an on-air interview with Margaret Keelaghan, Senior Managing Counsel with Calgary Legal Guidance. Margaret spent much of her time during this project developing a Know Your Rights presentation and working with her staff to develop a

framework that could be used in future know your rights interviews, workshops and presentations. Hawk Radio interviewed Margaret Keelaghan in late October 2016 and then shared the live stream on their channel again in November.

The plan was to deliver a full ID clinic and summary legal advice clinic in November as a follow-up to the well-received Know Your Rights interview. As we went through the planning process with our community partners, we realized that providing a one-time legal clinic would only be a stop-gap measure and would not adequately meet the long-term needs of the community. Subsequently, we decided to host a Know Your Rights presentation in February 2017 and develop a model of practice that local lawyers could use to develop local legal clinics in the future. Calgary Legal Guidance has offered to provide long-term guidance and support should local lawyers decide to establish local legal clinics.

Our final activity in the Know Your Rights strategy was a community-wide presentation hosted by Ermineskin External Affairs and Calgary Legal Guidance. The presentation was conducted by Margaret Keelaghan, Rachel Shepherd and Jessica Buffalo and approximately 35 people attended. The presentation was focused on interactions with police, as that has been identified as one of the biggest issues facing the community of Maskwacis, discussed in Chapters 4 and 5. After the meeting, many of the attendees came up and spoke with Margaret Keelaghan and the CLG team and we were told that these workshops should be held more regularly so that more people in the community could begin to educate themselves about their rights and responsibilities.

## **2.5 Elders**

After we conducted the Know Your Rights presentation, we were approached by the Samson Band Restorative Justice office to discuss opportunities to develop similar presentations with local lawyers. As we discussed the possibility of creating a presentation framework, the importance of Elder knowledge repeatedly surfaced as a priority for legal rights education. Sam Green, an Elder from Samson Band, suggested that we bring a few Elders together for a circle so that they could share their wisdom with their community. The Elders we had worked with throughout our project had all shared that their involvement in their communities was dwindling and they had all expressed an interest in working with us to develop a strategy to share their wisdom. We created an Elders' Circle and hosted it at the Samson Band Office. We gathered four

Elders together and spent approximately four hours learning from their experiences. The findings from the Circle are explained in Chapter 5.

## 3.0 FOCUS GROUPS

“A tree provides shade to all; it does not discriminate.”  
- knowledge shared during the Cadotte Lake Social Service Fair

### 3.1 Maskwacis Focus Group

We hosted two formal focus groups for social service, legal and justice professionals in Peace River and Maskwacis. The purpose of these meetings was to gauge the involvement of professionals in their communities and understand the perspectives and experiences of service workers. The results reported here are a summary of the stories, perceptions and experiences shared by the focus group participants. This section is not intended to be representative of all professionals working in these communities and should not be considered as such. It is also important to note that the stories shared in both focus groups were similar; however, each group is presented separately to give voice to each community.

Our first focus group was held in Maskwacis in January 2016. Ten professionals from Maskwacis participated in the conversation and included representatives from probation, RCMP, Victims' Services, court support workers, and child welfare. Many of these representatives served the community as a whole. The most common legal issues that the group identified were child welfare and criminal problems, including substance-related charges and traffic issues. Ultimately, the focus group identified four challenges for the project to focus on: 1) youth in the court system; 2) lack of formalized partnerships between agencies; 3) legal rights literacy; and 4) making the court system accessible.

The topic of at-risk youth permeated the entire conversation between the focus group participants. Youth in the community were getting in trouble for medium- to high-risk activities including gang violence, assaults, robberies and drug possession. When youth became court-involved, it was difficult to provide the youth with adequate support or representation. Service providers also reported that there were often too many agencies involved in single cases, which creates a significant resource strain in the already-limited resources in the community. Another issue for youth was the method for them to receive legal services. Youth preferred to receive legal information and support from their youth workers rather than going to lawyers and they wanted to receive legal help through their established networks. The trust that youth had in their youth workers did not extend to legal professionals who were strangers to them, thus

compromising these youths' confidence in obtaining legal counsel. When youth did obtain counsel or Legal Aid, one worker told us that:

It's a cycle for these youth. They have a Legal Aid Alberta lawyer at their first appearance, but the lawyer will usually just provide their card to the parent or adult or youth and expect that the client will contact them, they just drop it on the youth without guidance. And in our community we have a high turnover of phone numbers, so it seems like lawyers will call once and not hear back from their clients. Then the lawyer will ask to get off the record because they haven't heard from their clients. The youth are the ones who hurt here, because the people who are supposed to help them are just as caught up in the system as they are. (MKFG)

When asked if the group had formal or informal partnerships with other agencies in the community, they unanimously informed us that their work depended on the informal partnerships they maintained. The challenge was that formalizing those partnerships was beyond the control of the staff. Many of the people who joined us were representatives from large organizations, mostly government, and formalizing partnership agreements between agencies has been incredibly difficult to do. Consequently, community partnerships "fall apart" when people leave the community or change agencies. Despite the universal desire for formalized partnerships that are agency-based rather than individual, staff agreed that formalized partnerships would require complex interagency partnerships and potential practice changes that would have to be undertaken in a different capacity than this project. We make recommendations based on the focus group findings in Chapter 7.

When asked about how often clients express concerns about legal issues, all participants said that they talk with clients about legal problems every day. One of the compounding issues facing the community is the issue of literacy, both legal and language literacy. One participant said:

People are embarrassed to share that they can't read and they won't speak up when they are asked to read something. Then they consent to things that they don't understand rather than ask for help or disclose illiteracy. So, they can't read but they also don't understand what's being told to them, like in the court or by police. (MKFG)

The issue of language literacy was beyond the scope of this project but the concern about legal literacy was reiterated throughout the project and prompted the

development of the Know Your Rights strategy. One participant talked about the issue of allocating valuable resources to people who are legally literate and can advocate for themselves, which perpetuates the vulnerability of people who do not have that same level of competency. This concern echoed the concerns of Peace River, a community in which the limited legal resources are seemingly built on the first-come, first-serve mentality. For Peace River, clients in domestic or family disputes have to race to retain legal assistance before their partner does so that they can obtain legal services. The partner who does not get to the resource first was left to identify other options that were, most often, more than 150 kilometers away.

Finally, participants expressed frustration with the physical inaccessibility of the court. Transportation to and from court was consistently brought up, particularly by Victims' Services and RCMP. One participant told us about the cyclical nature of legal involvement for community members by describing how people might get to the court to defend themselves or pay their fines:

People lose their licenses because they aren't paying their maintenance and then they drive without licenses to go to court to avoid a breach for not showing. This results in getting another ticket or a charge for driving without a license. And the cycle just continues. There is no way out.  
(MKFG)

RCMP told the group that they have offered to drive people to the court if they need transportation; however, this is another stop-gap measure that does not adequately resolve the problem of not being able to physically get to the court house. Victims' Services and court workers also said that they were taking their clients to the court house or would recommend that clients find a friend or family member to take them.

A mobile court house has been a community priority for the last few years and the participants in the focus group all agreed that a community court had been approved at least a few years prior. Regardless, at the time of the focus group no such court house was built. Other solutions for the transportation issue were establishing a subsidized bus service between Wetaskiwin, Ponoka and Maskwacis, working with the courts to provide video- or tele-conference options from the Band offices, or restoring traditional justice measures such as sentencing and healing circles.

Each of the challenges that the participants discussed belie the systemic discrimination and racism that have severely undermined community members' ability to navigate the justice system. Participants ended the session by stating that the justice system and processes in place do not serve the community or support improved outcomes for families dealing with increasing youth violence and decreasing literacy rates. The system has strained the relationships between RCMP and the community as well, evidenced in Chapter 4.

### **3.2 Peace River Focus Group**

The Peace River focus group was hosted in March 2016 and included 11 staff from the community, including local lawyers, child welfare, education, health and social service agencies. While some of the concerns were similar to the Maskwacis focus group, the community of Peace River had unique challenges to accessing legal resources and services. The participants identified three areas of concern for the community: 1) youth involvement with the justice system; 2) family disputes and subsequent domestic violence; and 3) insufficient formal supports to navigate the system.

The most common legal issues were family and criminal, including "everything from traffic violations to felonies." Similar to Maskwacis, the youth in Peace River were being charged with more serious crimes such as assaults and robbery as well as minor offences such as shoplifting, driving without licenses and mischief. Many of the youth who are involved with the court system have Fetal Alcohol Spectrum Disorder (FASD), which is a type of birth defect caused by mothers who drink alcohol while they are pregnant. FASD can cause long-term or permanent physical, emotional and psychological challenges that can have severe impacts on a person's ability to understand rules and conditions given to them. Consequently, most of the youth that the focus group participants had witnessed in the court system were unable to manage the outcomes of their sentences.

Youth involved in the justice system is one consequence of children being removed from their families due to complaints of violence or RCMP referrals to Child and Family Services. The cycle of fear of losing children caused mothers to remain in unsafe situations and potentially expose their children to violence. Alternatively, children in the care of CFSA were also likely to experience or witness violence in their placements. One participant said:

When a domestic [dispute] is called and RCMP shows up, they might remove both parents and then call CFSA to make a referral. If the children are removed and the mother can't meet the visitation schedule due to work or anything else, then the mother has a choice: lose contact with your children or lose your housing. So this makes women stay in bad situations because why would they want to report? Why would they want to admit fault in the court system? They want to avoid it at all costs, even if that means ignoring warrants. (PRFG)

Participants unanimously voiced the concern that domestic violence against Indigenous women is treated differently than for non-Indigenous women. Despite histories of unilateral violence, dual-arrests were becoming more common in the community, resulting in the above-mentioned cycle repeating itself. Some staff argued that police are not trained to support community members but to enforce safety and laws; women in the community had stopped making complaints to the police in order to avoid being arrested themselves.

Doing more with less has been the task of social service agencies for decades. Peace River agencies have found that they have become responsible to try to fill the cracks that have damaged the justice system. Service providers reported that they often went far outside of their employment scope to assist clients, such as driving them to and from court appointments, phoning Legal Aid Alberta and local lawyers to get legal help, or clarifying legal instructions for their clients. While these actions are well-intended, it is important to consider the unintended consequences of working outside of one's scope or expertise. For example, if a social service worker misinterpreted the legal paper work that their client wanted them to explain, the client could inadvertently violate an order to disregard the information. Another risk of working outside of the scope of work is the lack of consistency in assessments or standards of practice. Lack of consistency has the potential to derail the informal partnerships that have been developed in Peace River, similar to those established in Maskwacis.

Navigating the justice system is incredibly challenging for individuals subjugated to systemic oppression, racism and lack of resources. Legal rights education was severely lacking in the education system and some providers said that their clients just pled guilty to their charges because "I might as well just say I did it and be done with it." An Elder in Maskwacis said, "People plead guilty because they ARE guilty - they have done something at some point in time and they just figure 'I got away with something before, I guess now I should pay for it.'"

When asked about what resources were needed to improve access to legal resources and supports in Peace River, participants unanimously called for a long-term, multi-phase project that would facilitate formalized partnerships between Peace River agencies and larger municipalities. Participants said that technology could help but certainly was no solution; many individuals in Peace River and surrounding areas did not have access to reliable internet service. Accordingly, technology should be a part of a legal services strategy but the primary component should be manpower (O'Donnell et al., 2009; Walmark, Gibson, Kakekaspan, O'Donnell, & Beaton, 2012).

### **3.2.1 Peace River Community Consultation**

Six community members attended the Peace River community consultation, four of whom travelled from surrounding communities, the farthest being 80 kilometers' northeast. When asked what words came to mind when they thought about the legal system, participants used the following words: broken; revolving door; confusing; traumatizing; and, discriminatory. When asked what positive words they would use to describe the justice system, only one person said, "Law and order, I guess. I don't have anything positive to say about the justice system and victims though."

Community members expressed a desire for more community forums to talk with RCMP and justice officials about the challenges they face with the justice system. One person said that they felt like the justice system was deaf to the needs of the people who are involved in the system. Another member said that the punishments handed down are disproportionate to the crimes being committed, and another said that fines are simply a waste of money because they are going into a system that is a complete failure. Finally, one member said, "Going to jail and child services are the new residential schools for this generation. We aren't raising our own, we are being put away and our children are being taken from us. That is not justice, not of any kind."

Similar to the staff focus group, participants in the consultation spoke about the prevalence of FASD and the lack of social and medical supports available to people (Palmater, 2011; Schomerus, Matschinger, & Angermeyer, 2014). Alcohol and drug abuse underpin the prevalence of addiction in the community, which could be contributing to the over-representation of Indigenous people in the court system. Mental health, poverty racism and poor education are all failed components of the justice system. Finally, members reflected on the fundamental power imbalance characteristic of the colonial justice system applied to Indigenous communities.

The community consultation and focus groups provided insight and background information into important issues related to gaps in legal services and population vulnerabilities within these communities. Two key themes have emerged from our conversations with service providers and service users. Firstly, service providers from both communities have shared that there is a lack of legal services available within the community. Existing service providers attempt to fill these gaps but this work often falls outside of scope of current funding structures or skillsets. Service providers shared that they do not have the time to apply for funding for positions or services outside of their current roles.

Secondly, service providers shared that their clients lack an understanding of the legal system, that there is a lack of transportation preventing their clients from getting to court, and that their clients receive little to no assistance from Legal Aid in Alberta for a variety of reasons, including income eligibility and the types of case their clients are involved in. Conversations and interviews with community members reinforce this information and indicate that there is a severe lack of legal resources available within the community.

The concept of “authority” has also been prevalent in many conversations the research team has had with community members and service providers. Due to the historical and ongoing systemic discrimination and oppression of Indigenous peoples in Canada, individuals in perceived or real positions of authority are not often viewed as trustworthy by community members (Kirmayer, Gone, & Moses, 2014). Resulting fearfulness and distrust in systems such as the legal system appear to be additional barriers for community members accessing the legal system.

## 4.0 INTERVIEWS

We conducted interviews with eight community members; each of these individuals represented different professional and personal identities. Most identified as life-long community members and active participants in community programs, whereas a few were new to the community. Some worked as professionals in law enforcement, social services, commercial ventures, and contractors. It is important to note that these interviews are not representative of the community as a whole and should not be construed as generalizable assertions. Upon analysis of the transcripts, the stories and experiences we heard were categorized into four organizing themes: 1) system failure; 2) normalized racism; 3) issues within the community; and 4) policing challenges.

### 4.1 A Call for Traditional Justice

Restorative justice and Indigenous policing strategies were recommended as a means to begin bridging the divide between the justice system and Indigenous people, particularly in light of the distrust and fractured relationships between the community and police (Jones, Mills, Ruddell, & Quinn, 2016; Ruddell & Lithopoulos, 2011). This theme is broken down into three areas: 1) restorative justice; 2) tribal policing; and, 3) increased Elder involvement in the community.

#### 4.1.1 Restorative Justice

All participants referenced the potential for restorative justice measures to improve outcomes for at-risk youth and other offenders with relatively minor charges or issues, such as addictions, vandalism, and mischief (Corntassel, 2009; Hall, 2007). Youth offenders are also at risk of not understanding the consequences of their crimes or fully comprehending the language used during sentencing. Consequently, youth who are involved in the justice system may not fully understand why they are being punished and are potentially prone to recidivism (Snow & Sanger, 2011).

I guess it would help out majorly if we had our own justice system here on the reserve, and that is how it was a long time ago.... You had your council and ... if somebody did wrong within the village or the tribe, like I am talking about back in the teepee days, they had their own system, they followed through and boom, it was resolved. (Int E)

If we had our own court system that you would appear before a group of Elders who have that knowledge, the wisdom, the understanding and then they determine what is it that you need to do. First of all, what is the consequence of your action? How do you heal? Say you hurt someone, and how do you make amends with that person? None of that happens in a court system, it is just like you go to jail, you stay there for that long and then you come out and you repeat it again because you haven't changed the thought pattern of the individual. So, I know in our community if it were to look like that the Elders would say, "Well you need to make amends to the people that you hurt. What can you do? Can we have a talking circle - a healing circle - and bring them together?" and then attending sweats, you know, which would be mandatory for them. (Int A)

There was also a keen understanding that returning to traditional ways of justice and knowing may not be a panacea for the challenges facing the community and the justice system (Szmania & Mangis, 2005).

I can say we can't go back. We can try but not in my lifetime! I won't see it in my lifetime to make any transition. It is going to get worse before it gets better. (Int H)

So they try to go though, you know, with these kids, things like the HUB program and they will try to direct them to an Elder's program or a healing circle or something like that or something through restorative justice, but again ... they don't get much out of it because they are right back in the gang as soon as they are out the door, you know. "Right. I dealt with it, I have done it and it is one more notch in the belt." (Int C)

The whole community can't go back because you can't influence the whole community to go back to that by forcing them to do things. You can't! You can't force your children to because you are well educated and you are in university and you keep telling them, "You need to learn this. You need to learn that." Another thing too is they cannot be fragmented in your knowledge. You can't have a piece of this and this and that and there is no foundation to it, there is no substance to it, there is no linearity that is attached to it completely. It is just you got pieces here and pieces there, you know? (Int H)

We can do an inner circle where we can get rid of that stuff and we can deal with it, but it is all up to the individuals if they can bring it to our table, right? (Int H)

#### 4.1.2 Tribal Policing

Community members repeatedly brought up tribal police as a solution to the distrust and fractious relationships they have with policing in Maskwacis (Cao, 2014; Lithopoulos & Ruddell, 2011; Luna-Firebaugh, 2007).

If we had our own tribal police I think a lot of things ... it would solve [them] because we would have our own people in there. (Int B)

... I think we need our own tribal police. We need our own people, our own First Nations people working for our own First Nations people. That is what I meant by ... at least have the decency to finish that ceremony before you are dragging them out of that sweat lodge! That is just like us ... like if it was the other way around and it was a Native cop dragging a white person out of church, oh, it would be on national news! But no, it is a white cop dragging a Native person out of a sweat lodge. Those are sacred. That is just another form of oppression and colonization and all that other crap we have been facing for the past five hundred years. (Int B)

I don't know, the last couple years there are so many stories out there that are just coming out on social media and coming to the light. The federal government has to change something – instead of RCMPs it should be Native police. It would make a big difference. (Int C)

Well first of all we need our own tribal police. We need our own people to enforce these laws because with that racism [there] is a major issue. Major issue. I could have a mansion with all the luxuries and everything but my skin is brown and I am still going to get treated like crap. (Int B)

There is a couple – there is a couple here – but I feel that if we had ... if we had our own ... I just keep going back to if we have our own people, if we have our own system, if we have our own building, you know? It would accommodate all these needs. (Int D)

### 4.1.3 Elder Involvement

Elders are an integral part of the community, both for their knowledge and their wisdom to guide families and youth towards healing (Ball, 2004; Smylie, Kaplan-Myrth, & McShane, 2009).

An Elder is one that is humble, can take any problem on without you know, losing sight of what ... you know, they have to take care of themselves, Mother Earth and, you know, the culture. That is all ... they don't take money for anything, but if it is a gift it is good. An Elder is so hard to describe ... I mean it is easy to describe but hard to find those people because a lot of them, like, they take money they are not supposed to, and that is against our protocol for First Nations. I think their excuse is that society has changed throughout the years, but still it doesn't matter if it has changed, we still have to be ... to go back to our roots of who we are from the early 1800s and 1700s, if we go back five thousand years or whatever. In order for them to be ... you know, to be an Elder it is just they take their tobacco, you take whatever you have and you help individuals, or kids or whatever, right? Take care of them and try to give a better insight into who they are. It is kind of difficult ... well it is not difficult, it is kind of tough right now to put it all into words because you can't say so much in a short time. I could be here all day today and tomorrow explaining to you about this, but reality is you need Elders that are supposed to be Elders. (Int A)

First of all, there is so much that they have to do to go to those circles. ... there are protocols you got to go by, and that is the biggest thing in our culture is protocol. You know, you don't do protocol it don't mean nothing, so all these standards have to be put in place before they can bring those individuals in to smudge, pray, to learn and listen to the Elders. So, a lot of them are losing their language and they don't understand, and that is why there is a big problem too with the Elders and the kids because they don't understand each other. There are the ones that don't fall through the cracks, there are the ones that fall on the right, righteous path and they listen to the culture, they follow the culture and good things happen to them. But you fall off that road, you know, it is ... you can't be saved, no matter how hard you try, you know? (Int D)

We need to use our Elders – the teachings of the Elders, the talking circles. I still believe we need a court system because you ... Natural Law even says and states that you have to be accountable for your actions or those consequences to your actions. (Int A)

However, some communities have turned away from Elders and forgone the traditional knowledge they hold. In turn, some Elders have chosen not to participate in their community (Habjan, Prince, & Kelley, 2012).

I find that the struggle with the system that we have in place is not being recognized; it is not being recognized by the, I guess, the judicial system. What we propose to do is we need to ... work with Natural Law, circle sentencing and accountability for the people, with the people, without incarceration. So, this is what is our goal, but we haven't really accomplished anything. We have done conflict resolution with some of the community members regarding housing, regarding lands, regarding lease money, so all in all we have done quite a bit. Through all of that it created animosity among families due to the fact that decisions were made by the ... Elders that were appointed to sit on the conflict resolution. (Int H)

## 4.2 System Failure

When asked about the justice system within their community, respondents expressed concern that the system had failed to adequately meet the unique needs of the community. Many expressed feeling like the 'system' was set up to keep Indigenous people in prison and to perpetuate the racism, poverty and oppression that is a daily reality for people living in Maskwacis (Cunneen, 2014; Perry, 2009).

There is no justice system here on the reserve; there is no justice system whatsoever for First Nations. It doesn't work for us, it works against us, so I don't believe in the justice system and I don't believe in that word "justice." (Int A)

Honestly, I don't believe that jail is the answer to someone, you know, who may have traffic tickets .... I guess not knowing or being educated in certain things, or having the ability to pay their fines and then they end up

in jail and it can be a mother with six, eight kids, unemployed, not being able to pay their fines. (Int A)

They make it look good on paper – on documents – but in reality, stuff is still happening, and the justice system, the court system and everything just works against our own people. What I want to do for the community, and what I suggest is for members to know their rights so they know what to do. But then ... there is another issue to that because okay, we know our rights but what do we do when the cops don't honour our rights? (Int B)

#### **4.2.1 Set Up to Fail**

Transportation is a serious concern in Maskwacis, particularly because many of the court cases are heard in either Ponoka or Wetaskiwin, both about 25 kilometers away.

... a large proportion of the population does not have a vehicle, there is no public transit to get to Wetaskiwin every day – or get back – and you see them hitchhiking at the lights here, and the lights in Wetaskiwin trying to get back. (Int C)

Transportation to courts, not knowing that they are even on a warrant, like, or they didn't get the ticket in the mail, they didn't get the ticket period, and then all of a sudden, boom, they got all these warrants and it is as if they murdered someone they are the major bad guy, you know? I know that they brought the probation officer here, but that is only once a week, you know? (Int A)

It is a vicious cycle, it really is. I want to do whatever I can to change that. I think we are kind of doing our part here with our program, but we need more monies put towards employment programs. (Int A)

Another issue is government change and turnover within the community, which often results in projects and initiatives being put on hold while the political climate works itself out.

Things tend to stop whenever there is a government change here, they go with a different focus, and I think now with an election year that you see a

lot of that stuff grinds to a halt and people are gearing up for an election rather than moving forward with things like that. I am sure some of the people in Justice who were fighting for that hard, I think have been removed from their jobs. (Int C)

People want to work but the government has set up First Nations to be beggars and rely on welfare rather than put that money towards employment. If our government system does that our own government here has perpetuated it because where are the jobs that were promised when everybody ran for council? Nothing. There are no new jobs here. We are still where we were. So, unemployment is huge, and with unemployment comes that factor that you can't feed your family. (Int A)

There is a lot of times people don't even bother going to court because they don't have the mechanisms to get there, for one thing. They may not have the document that was given to them, they may have signed it without understanding it, and no transportation to get where they need to go, so things just pile up, pile up, pile up and then someday they get randomly stopped and there are all these court dates that were missed and they end up in jail .... (Int A)

#### **4.2.2 Perception and Accountability**

Perception is often reality, regardless of the factual truth of the situation. If there is a broad misunderstanding or perception of the truth in the community, then it is likely that it will be pervasive and potentially damaging to relationships between justice and individuals.

*Respondent:* Yeah. They will just give them a verbal warning and they will probably say to let them kill each other!

*Interviewer:* Have you ever heard them say that?

*Respondent:* No, but you know the way it goes, that it seems like it is what they want. (Int G)

*Interviewer:* Do you perceive that there is trust between community members and law enforcement?

*Respondent:* Pretend.

*Interviewer:* There is pretend trust?

*Respondent:* They look fine, but then when they are gone they backstab big-time. Those guys are damn good around here. They put up a front to kind of make these cops go away. (Int D)

*Interviewer:* So when you think ... when you wonder about what RCMP thinks of you and other community members, what do you think RCMP thinks of you?

*Respondent:* Just another Indian.

*Interviewer:* And how do you respond to that?

*Respondent:* They are not doing their work. (Int E)

I think that is our perception out here, come the end of the month, paydays, whatever, family allowance, you have ... like where we have a high volume of traffic you have the sheriffs targeting people in our community. (Int A)

Then they turn around and make it sound like, "Oh Samson ... Maskwacis is a bad place to live," you know? But it is all these other people coming in making us all look bad, you know? I went to Red Deer and they had a place called Little Hobbema, and all those people there are alcoholics, drug addicts, whatever, you name it that is what they do. They go and camp there and they are not even from Maskwacis; they just assume that since they are Natives that is where all Natives go. That is little Hobbema.

Accountability and transparency are important components of establishing and maintaining trust in a community. Some community members spoke to the issue of leadership being accountable to the community and for members to be accountable to each other.

I don't even know what our band lawyer even actually does, so more education in that regard. What is their purpose? What is their role? It is not even just all the criminal stuff, it is in regards to employee concerns, like workplace bullying, like who deals with that? Who do employees go to when there is harassment or anything like that? Because we don't have a process in place right now for it. We have an ombudsman, but it is not even clearly defined who he can handle. I know employees have gone to him and then other staff members would say, "No, he only looks after nation issues, not employment issues," and then I am like, "Well who looks after employment issues?" Nobody. (Int A)

They want us to honour all these laws and obey the laws, yet they don't even follow through with their own laws and ... they don't even obey their own rules. (Int B)

Now it is like, now what? Who is going to listen? Who is going to do something about this? I want something done. I want to be heard. I don't want my kids growing up having that fear or targeted by the police. (Int B)

### **4.2.3 Know Your Rights**

When asked about how to improve the relationship between community members and the justice system, a few respondents suggested that the relationship should start with a basic understanding of legal and human rights.

I think a lot of it is people not knowing their rights, and so rather, say, than fighting a traffic ticket in court or, you know, any other charges that are laid because the people aren't aware of what their rights are, they don't fight the tickets when they know they are innocent. It is just kind of the way it has been for so long. (Int A)

Another thing too is to have Cree speakers, you know? We sure ... honour you guys' English because we speak it, but there is no Cree speakers, you know, to translate and stuff like that. That would help. That would be a good help. (Int B)

I think it needs to start in the schools, especially with what we are talking about - social media, cyber-bullying - and how that can lead to suicides which is a huge problem in our community as well. Start in the schools and a lot of time the youth have conversation and bring it home to their parents and they start talking about it, kind of educating both ways. Yeah, we really need to set up something, probably even at our Friendship Centre where they have the soup kitchen once a week. (Int A)

What I want to do for the community, and what I suggest is for members to know their rights so they know what to do. But then ... there is another issue to that because okay, we know our rights but what do we do when the cops don't honour our rights? (Int A)

Nobody knows their rights. They are told this and that, and then again when they go to court they say, "I didn't know about this. I didn't know about this," and still ... there is not enough information. (Int D)

Like, if people were aware of their rights as a homeowner, or as a parent and guardian, or as an employee, or as a community member, or a Canadian citizen, or a treaty status Indian, I think ... people would be more aware and they would know, "Okay!" You know? Everybody knows right from wrong, and if you kill someone, of course you are going to go to jail and whatever, right? You don't do stuff like that! But ... the way the system has been working, like I said, it works against us, not for us. (Int B)

Well, you know the parents have to teach their children to go to school ... if they want to learn about law then take up law - I took it up myself when I was at school. You need to be informed of your rights, you know? You need to know that people can't just come in here and start stepping on ... telling you what to do and stuff like that. There is so many laws - laws for everything - plus we have our Natural Law too, and that is another thing and Elder needs to be respected for too because that says it all right there. But the parents, they have to ... like I say, they have to take the initiative to keep their kids in school. If they want them to stay out of trouble they will take care of them and go to watch them play in their sports, or ballet, or music or whatever they need to get into to support that, and that way those kids won't see the light of day of this corrupt - not corrupt - but criminal world that is society today. (Int D)

When asked about the best methods to increase knowledge of legal and human rights in the community, respondents suggested hosting workshops, presentations, and partnering with the Band offices.

I would say setting up a ... maybe a one day workshop, conference-style, where you just have whatever resources that are in the community, you know? Maybe they have a booth set up, you know, a private area where people can talk about some of the issues that are going on or whatever. It has got to be done in lay terms. A lot of times we have workshops, conferences or whatever and people are up front talking away and talking away and forgetting about who their audience is. Even we are going

through this with our election law. It is so loaded with big, legal terminology that the common man doesn't even understand it, and then they want us to do a referendum or a vote on it? Like you can't; you need to be in layman's terms so the people understand and they know what their basic rights are, who to talk to, phone numbers, maybe magnets to put on their fridge with important numbers on there of who they need, recommendations for good lawyers, because we have lawyers that just scam people like crazy. (Int A)

### 4.3 Normalized Racism

Normalized racism was discussed in regards to interactions with other community members as well as with the justice system and law enforcement (Jones et al., 2016; Lithopoulos & Ruddell, 2011). Some individuals noted that racism is the predominant reason that it was so challenging to access legal resources and services; the perception of community members is that they are seen as "drunken Indians," which in turn perpetuates the oppression of maintaining silence (Schomerus et al., 2014).

The amount of racism that goes on in this world, and a lot of it comes on the reserve. Ah, that is the bottom line, racism. (Int D)

I don't like it that we have to stay silent and scared; we shouldn't have to live that way. We shouldn't even have to say, "I am used to it." We shouldn't have to say, "I am ten-ten but these cops freaked me out." (Int B)

I really believe that racism is a major issue in the justice system because if you are ... not white, your cases get handled differently. Even the approach for resources and support, and help is different compared to a white person. ... we are not sub-humans just because we are First Nations; we have the same equal rights as any other Canadian citizen and it is just not right that we are treated this way. Like there is those stereotypes and labels put on us that we are just some dumb drunken Indian, or some pill-head, ... there are just these labels that are put on First Nations and it is just not fair because it is different. (Int B)

I think they need more people that have more compassion ... that are not so racist, you know, because ... both towns that we are in-between, it

seems like they are starting to be more competitive about who can be more racist towards the Natives, right? (Int G)

Every time I went to court every white person in there that I seen got a lesser sentence even though they had the same charges as a Native. It was almost always all Natives. Always. See? See all that racism that goes on over there. They don't see, say the outside world, Edmonton, Calgary, anywhere, they don't see the racism that goes on like, between Ponoka and Wetaskiwin, and Maskwacis. They don't see the racism. (Int G)

We are not bad people, these people that have addictions, these people that have criminal records and stuff, like obviously some kind of trauma happened to them for them to be that way, yet they got that label as soon as they mess up or the way you are treated. (Int B)

The justice system was perceived to be racist towards Indigenous people. The justice system was referred to as "colonial" and "oppressive" (Kellen, Powers, & Birnbaum, 2017).

A lot of stories I have heard throughout the years regarding our First Nations people here in Maskwacis in regards to the justice and legal system around our area. It is targeting First Nations. The court systems are just filled with nothing but First Nations and there should be our own justice circle here in Maskwacis, and that is just my own opinion. (Int G)

Some respondents spoke about their suspicion and racism towards non-Indigenous people, particularly those in positions of perceived authority (Perry, 2009).

I don't really care too much for white people. Their opinion ... it all depends, you know, there are some white people that I know that are very, very, very nice, they are very helpful, like our pastor - well not even really my church - but he helps us out a lot, he will give us bread, his wife shows my daughter how to do arts and craft, and bakes for her, and sends home things with her. My psychologist always gives me gifts and I tell her, "I got to give you something back," and she always say, "Oh no, me just talking to you, you help me get a paycheque ..." and ... but there are other times too, say we go shopping you can tell who is really racist. They will say things like, "Oh, I don't want to serve those Natives," or, "You are not welcome in this store." Like why? We all have money. (Int E)

Internalized racism has created schisms between families as well, affecting the well-being of families within the community (Cunneen, 2014).

Internal racism comes from families – family members – other members within the community and it also stems from ... what do you call it? The social system. The social system or the apprehension system, you know, like Child Welfare and stuff. That internal racism comes from there because a lot of people their children have been taken away, or some of them are not being helped by the social services system, ... so in the reserve here where we live, it seems like only immediate family or somebody that is relayed gets taken care of properly, ... that is where it comes from. (Int H)

I am not a prejudiced man, but you know, even inside our reserves there is eternal racism going on, so this was a powerful influence from way back. So yeah, the internal racism is now here and we are fighting amongst each other for our lands, our homes, and before that we didn't even own anything! Everybody owned collectively everything. All Native people owned land – they didn't own it, it was loaned to us. This land was loaned to us by our Creator and we live on Mother Earth, and this is for everybody, but the European changed that. (EC)

#### **4.4 Community Issues**

Each interviewee brought up issues within the community that they had witnessed, dealt with or heard about. This section is separated into three categories: 1) family well-being and at-risk youth; 2) violence; and, 3) addictions.

##### **4.4.1 Family Well-being and At-risk Youth**

Parenting under the influence of intergenerational trauma poses a grave concern for community members who have witnessed increased rates of gang violence, substance use and criminal activity in youth. Youth are growing up without traditional knowledge and parents have stopped teaching respect.

I think it is a lot to do with respect nowadays. There is a lack of respect in every generation, even down to the little kids. You have to teach your

children – grandchildren, whatever – respect right from the time they are small and that is what we were told. Now if we come into a gallery here, like say there is a line dance here you will see there are Elders standing up and there are kids sitting around ... we had to get up, we had to sit on the floor and let the Elders sit down. There is a lack of respect. But why is there a lack of respect? Because the parents don't teach, the grandparents don't teach. Why didn't they teach? Because nobody taught them respect. So it is generational, you know, that whatever we are taught we should be passing on, but nowadays the world is moving so fast you don't even want to take the time to do that. (EC)

I don't know when it will ever come back together to an understanding because some of our parents ... let's go back to the residential school. Our parents, the way they were beaten in school they lived with it, so they beat their children. So their children became addicted. So their children raised addicted children. So all those things ... it is a constant thing. (Int H)

Well you start right at home, right? Right at your place, at home. Not in the community. Everything has got to start at home and then go out there. Like they always say, it takes, you know, a community to raise a child, but no, it takes a parent, not the community – why would you want a community to raise your child? You might as well give them to the system, right? (Int H)

Well most of the time ... there are a few parents that are good and there are a few parents that are involved with the same thing and they ... you know, it is hard to pinpoint who does it, but it is the kids who are the ones the gangs are recruiting – the young kids – because there is nobody at home to take care of them and they have no place to go. (Int D)

Housing issues compound the challenges that families face, creating unstable living conditions and breeding familial violence. Another dire issue facing community members is the issue of poverty, exacerbated by chronic unemployment (Palmater, 2011).

The most common issues in the Maskwacis community are housing issues and overcrowding homes. There are some homes in Ermineskin and Samson that have 26 people living in a home, which causes, you know, ... inter-familial violent crime and people lash out at each other and it results

in very severe person crimes. Other than that, of course, drug and alcohol addiction is one I am sure you hear all the time. (Int A)

And that is the sad case of a lot of people around here, especially when they have to go to court or they have to go check in with the officer, and blah, blah, blah, and that is really hard and see, like, nobody takes that into consideration on the provincial and federal level. They don't realize that poverty is a major issue! You go to every reserve and it is like a Third World country! We are lacking everything, you know? So, if we had these resources – more resources available – and with our own people helping our own people, yeah, there could be a change. You know, I have that hope – I always have that hope. (Int B)

So, when you don't have unemployment you have people relying on the food bank and they can only access that once a month, and ... it does lead to crime, I believe, whether other people see that or not. We need to get out people working, I think, at all costs. It would change a whole lot in our community, but unemployment is huge and out of that comes the drug dealing as well because you have people dealing drugs to buy stuff for their kids, food for their homes. (Int A)

Some people identified that there were not enough safe places for youth, including physical and cyber spaces (Brownlee et al., 2014; Dunlop, 2016). Further, community members called for parents to set the example of success and productivity for their children.

Lack of activity for people is a huge thing, like even lack of internet or Wi-Fi is big for kids because you see in our neighbouring communities where this generation of children are sitting in their bedrooms on iPads and stuff like that, and these children here have limited access to stuff like that, and they a lot of times have to go to a friend's house that is lucky enough to have it, or go into one of the other buildings that has it. (Int F)

These kids need like, they need to be put in camps, and cultural circles. They need ... buildings here for the kids to go to, instead of sending them out to residential and whatever, boarding schools, they need to have it here. They need to have buildings built for kids that don't have homes,

where they can go. Leaders talk about it all the time but they don't back up their words. It is frustrating. (Int E)

They need to take care of the kids. They can't send them off to fight wars and stuff like that because they will come back worse. They need to be educated with proper Elders. We were just discussing the DARE program, for example, and how it is not at all suited for this community. We were talking about actually cancelling it in one of the schools along with one of the principals just asking if they could give it up and bring in another program called the Aboriginal Shield, which we support a hundred percent doing. Again, it needs to be taught by an Aboriginal member and those are in short supply. (Int C)

So, when mums and dads are working and the children see that mum and dad are going to work then they in turn know that is the expectation, that you go to school, mum and dad go to work, we come home at the end of the day, and then when you graduate you will be in the workforce too. That is the way it should work. (Int A)

#### **4.4.2 Violence**

Gang violence was a consistent theme throughout the interviews. Youth in Maskwacis are increasingly at-risk for gang involvement.

*Interviewer:* Why do you think kids are joining gangs?

*Respondent:* Because their families are drinking and nothing to do. There is no ... there is hardly any kind of ... they should offer some stuff. Even the schools should offer the kids more stuff to do, like take them on field trips and stuff. I don't know if they do that; I haven't been to a school for a while. (Int E)

There is no recognition in the home, or love in the home from any of the parents or any of the other adult relatives. They get recognition for everything they do, including getting arrested, from the gang. That is a major issue, but again there is nothing else for them to do at night. (Int C)

That is where they fit in. That is the only place they fit in. They don't think they belong in the family because that is where they are trying to be

taught not to do this and that, but in a gang they can do whatever they want. (Int G)

It is all drugs – it is all drug related – and that is the only trigger that puts these young kids ... they have no other families, they have only themselves to rely on and that is the only way they can make money. (Int D)

The violence is not isolated to a single Band; gang violence is an ongoing and consistent challenge for the community.

Yeah, and there are four bands in this community; there is Samson, Montana, Ermineskin and Bull's reserve, and all of them they have a small ... these younger generations, they have little gangs – I don't know why, what they are trying to prove, but they got little gangs – I don't know what to prove, but they are trying to make a name for themselves somehow. (Int F)

Well most of the gang violence ... they say there are a lot of shootings. A lot of shootings but a lot of them aren't reported. If it is maybe a small child or a young woman that gets killed then there is an outcry in the media, but there is a lot of shootings in the town sites daily. Seriously. (Int D).

The exposure to crime in the community is severe compared to other areas. Domestic and family violence are often fueled by substance use and gang violence is increasingly common.

*Respondent:* That is about the main one, domestic violence.

*Interviewer:* Do you think the domestic violence happens with the drinking and drugs?

*Respondent:* Yes.

*Interviewer:* Do you think it happens when there is not drinking involved?

*Respondent:* No. (Int G)

Our exposure to violent crime compared to all our neighbouring detachments is staggeringly high for our members here. Our crime severity index is over eight hundred, where the average detachment in Alberta is one fifty, one sixty, so I mean we are seeing pretty violent

things. We had a machete attack here a couple of weeks ago with three victims where, you know, a 16-year-old had basically hacked a person's arm off, you know, so about this much was hanging there, posted it on Facebook with photos of the attack and the victim on the floor. (Int C)

#### 4.4.3 Addiction

Drug and alcohol problems plague the community of Maskwacis and were referred to as the root causes of many of the community issues (Schomerus et al., 2014).

We are not bad people, these people that have addictions, these people that have criminal records and stuff, like obviously some kind of trauma happened to them for them to be that way, yet they got that label as soon as they mess up or the way you are treated. (Int B)

*Interviewer:* So when you look at your community, and you mentioned gang violence, what other issues do you see?

*Respondent:* All that violence comes from drinking.

*Interviewer:* So drinking is kind of the root?

*Respondent:* Yeah, back then, but now I think it is mainly from drugs now.

*Interviewer:* Why do you think there has been a shift from drinking to drugs?

*Respondent:* It seems like drugs are more ... I don't know, you get more high on drugs and they are easier to get than alcohol. (Int. F)

The justice system's response to addiction was also criticized for ignoring the very real effects that addictions have on people (Kellen et al., 2017).

Another thing is what a judge will do for a person who has an addictions problem – drugs, alcohol or whatever – one of the conditions is to stay away from alcohol. Okay, if a person has that addiction you can't just say to do it, it sets them up again to get put in jail. And because I understand the addictions and how difficult it is to, no matter what, until that person is ready to deal with that addiction, no judge, no Pope, no one can tell that person how to change that; that person has to do it on their own and they have to feel it on their own and they have to be ready to make that change and jail does not do that because in there they do not have programming to help an addicted person to make that change. It is punishment, you know? They are being punished for something the government had

created back with the residential schools because the effects of the residential school ... people needed to kill the pain of their children being taken away by force and that is what they turned to, and so it became generational that ... this is how you handle things. (Int A)

This is how native people have related to it, especially the people who have been in the system. So, there is [really] no other alternative but to go to alcohol, drugs, and other harsh drugs and be a drug dealer, or even if they came up from a history of their grandpa, their mother and parents living a traditional lifestyle they can still fall into that because there is that peer pressure. ... also, not only peer pressure, it is just a destiny that each and every one of us have, you know? (Int H)

Do you know what? What are we doing here? We are digging up bones, right? I mean look at the residential school system. That is what happened, they dug up all the bones and a lot of our people are dying because of that. It is a curse. It is curse. Sure, it is good money ... I just lost my nephew... he just got his money – his residential money – and he was playing with it. He was addicted, so from that former addiction he gave, you know, he gave up his spirit. And today ... he is going to be buried by Monday. That goes to show you the unhealthy community we live in. There is no justice within our community with our Chief and Council, with our social workers, with the system, you know? (Int H)

## 4.5 Policing

Policing in First Nations communities is a challenge for both residents and officers, identified in our interviews within the community and literature to date (Jones, Ruddell, Nestor, Quinn, & Phillips, 2014). As expressed by Jones et al. (2016) and the Yukon Government (2014), there must be an open and accessible line of communication between community members and law enforcement in order to heal the relationship between police and Indigenous communities. This theme is divided into three sections: 1) the role of police; 2) relationships between police and the community; and, 3) the perception of being a “training ground.”

### 4.5.1 Role of Police

Community members acknowledged that police “aren’t all bad”; however, there were repeated concerns about safety and security with a predominately non-Indigenous police force. Confusion about the role of police is also a concern in the community. Further, some people argued that the police need to be held accountable to the community that they are policing rather than the internal bureaucracy (Cao, 2014; Million, 2000; The Yukon Government, 2014).

Yes, there are good cops out there, there are ones that have a heart and a mind and go by that “to serve and protect,” but the majority of the ones here don’t, you know? (Int B)

Nobody feels safe around here with these cops. Even if this person is ten-ten, never had a criminal record, had a good driving record, has their licence, sober, clean, all that stuff, they still have that paranoia of the cops because of how we are treated here, compared to if it was a white person, you know? ... it just keeps on happening .... (Int B)

... they pick up people who are intoxicated, they beat them in the jail, they get away with ... I don’t know, probably murder – I am not even sure – but there are so many cases that are unsolved. They say it is a drunken person and the media believes the story. (Int D)

You wonder why there is retaliation and people who just don’t like the cops and it is because of reasons like this, because of the injustice that is here. It is not right, you know? I have kids that are going to be growing up and I don’t want my kids to have these ill feelings. I want them to feel safe and I want them to know that if they do need help with a situation that they can call the cops without worrying about being beat up, or called down, or worse, killed, you know what I mean? I know that may sound extreme, but that is the reality of how it is on the reserve. It is not right. We are not the only ones too; this happens all across the country and this happens all across the world and it is not right. (Int B)

Something needs to be done to help our people. I had the chance to talk to our National Chief and I told him straight out with the Missing and Murdered Indigenous Women Inquiry, I said, “You should investigate the RCMP,” but everyone is so scared to step up, you know? ... these are

supposed to be our lawmakers, the ones who are supposed to go out and serve and protect the people, to main order, yet it is so corrupt itself, it is not right. (Int B)

#### 4.5.2 Relationships Between Police and Community

Relationships between community members and police were strained, according to community members. Confidence in the police was reported to be very low, with some respondents saying that “they don’t do their jobs; they just leave us to figure it out.” This type of relationship is not uncommon in First Nations communities that are policed by external police services (Cao, 2014; Jones et al., 2014). Conversely, one community member told us that he just “makes an effort to get to know them, then they don’t bother me and they know I don’t cause trouble.”

The one thing I have noticed in the time I have been here it is extremely important to select the right people who are capable of working in these communities and I think we have been able to transfer out people who just don’t do well and take in the right people. I think it has given us a lot more success where we dropped our public complaints and stuff by over eighty percent. There are certain personalities that can work in this environment and there are ones who just can’t and they can’t take the stress and you know, they lash out or make poor decisions. (Int C)

*Respondent:* They are not doing their work.

*Interviewer:* What is their work?

*Respondent:* To keep the community ... maybe drug free? There is a lot of drugs going around here, and you know, even little kids – 10-year-olds – are running for whoever the drug lords are. It seems like when they ... when they get caught and stuff like that, they still keep doing it! There is no end to it. (Int E)

They are not doing their job right, and they are just right there. When something happens here ... there is, about once a week, a shooting and you can hear it from here. I always time them and they are not there for about half an hour. They let the ambulance go there first.... (Int D)

An important point there where the relationship up here is really important where they need to trust you. Guys in the Community

Response Unit have been here the longest, for the most part, and so people will call the detachment just to talk to them because they have that trust. A lot of people in the different band offices will call [names they know], so a name to remember when someone asks them something about this building, it is always, "Call him!" (Int C)

### 4.5.3 Training Ground

Community members expressed concern about how policing is conducted in their community and feeling as if Maskwacis is a "training ground." To that point, the local detachment does not house their staff in the community, which means that the police mandated to serve and protect Maskwacis are disconnected from the pulse of the community (Jones et al., 2014; Million, 2000).

We get a lot of new recruits here in our community. It has been called the "training ground." I don't think it is just Maskwacis; I think it is any First Nations. I think it is Sarcee as well – or Tsuu T'ina – and up north it would be like, Assumption and some of the other communities there – Saddle Lake – I think it is a lot of First Nations. (Int A)

In Maskwacis, the way everything is handled around here and the way all the cops are, they are all rookies, like these are the training grounds for the rookies! This is where they come and they send the ones that are aggressive and that have no problem whipping out their gun to a 2-year-old, or to an 80-year-old, or to a teenager, or to a mum that is breastfeeding her baby, you know? (Int B)

Well, we get all the rookies [RCMP officers]. We don't get the cops that have been working for 40 years or something like that. And once they mess up and before any investigation can be done it is like they get transferred out right away. (Int A)

So yeah, are we a training ground? Absolutely, we are a training ground. We are lucky that we are able to get the smarter ones that are the more skilled recruits who are catching on much faster, but again, things like interviewing and you know, the most important skill that a police officer ever learns ... people don't give us a lot of statements here, ... this community they expect a different thing from police. (Int C)

...it is a huge disconnect, it is a huge issue, ... for our detachment to be able to overcome that, because we don't have the option that even Ponoka does down to the south to say, "Hey, we are having a busy night, we are going to call somebody out to help us," like we have to wait two hours for someone to get here - to get shaved, showered and in the car and drive from Edmonton to here. (Int C)

## 5.0 ELDERS' CIRCLE

The Elders' Circle was hosted by Samson Band in March 2017. One of the community Elders who had consulted with the research team suggested that local Elders should have a collective voice regarding the state of justice in Maskwacis. Four Elders attended the event and one community member who was going through training to become an Elder joined the group about half way through the meeting. The meeting lasted approximately five hours.

In the second half of the session, the Elders reflected on the next steps required to bridge their knowledge and the community. One of the fundamental issues that they addressed during the Circle was the increased isolation of Elders from the community, as well as the lack of true Elder leadership. The group decided that there is much more work to be done within the community before change can occur. While they had initially desired to transcribe the Circle and give it back to the community, the participants ultimately decided that the information that the community needed was more comprehensive than they originally anticipated. Ultimately, the Elders agreed to make a recommendation for a long-term project, explained in Chapter 6.

The group discussed four topics in depth: 1) traditional justice measures; 2) youth development and language illiteracy; 3) how knowledge is created and shared; and, 4) next steps to actualize systematic changes within the justice system. Next steps are explored in more detail in Chapter 6.

### 5.1 The Way of the Willow

The colonial justice system does not only diverge from traditional justice, it eradicates the fundamental tenants of Native Law, as described by the Elders who participated in the Circle. The Elders' spoke about the way of the willow, which was used by parents to teach children that their actions would have consequences, like the snap of the willow after breaking rules or expectations (Kirmayer et al., 2014).

The willow worked. The willow was the law back in the day. Then, of course, the Canadian law came along and started changing this and that, it was brutality. How about the way they treated the people in the cells? What I saw, what I experienced was police brutality. That is not justice. That is not law, you know? And those people ... that were treated like that

never wanted to pursue or wanted to do anything about it for some reason, I don't know why.

We had our laws. When we talk about the justice system, everything that we used traditionally, culturally, ceremonially, had governing laws. Everything. Everything, all those. They even had songs, which still exist today. Not too long ago here we were driving down the road and one of my boys asked, you know, a very serious question, "So is there such a thing - such a ceremony - for this thing right here? This tree? A flower? Or the roots there?" He asked me a question and I said, "Yes. They all have laws."

That is the same thing with your justice system, you know? Ours is totally different from our justice system because of the fact that we use the "Creator" or "humanity" or whatever. Okay, so he murders a person and we don't judge him by that. He murdered a person. Sure, okay? But in our system, we look at, "Okay, what happened?" You know? Sure, you guys do that too, but you only look for the severity of what he did. Ours is to find out, "Okay, what led up to these circumstances? Is there is something in his background?" You know? Whatever we decide. And then we say, "Okay, this is what should happen to him. This is what needs to be corrected in order for him to come back into the community, to become a participating member rather than being ostracized," you know what I mean?

## **5.2 Youth Development and the Need for Language Literacy**

The loss of language literacy, both oral and written, was an important issue for the Elders we met with, particularly as language is a significant component of learning and education (Agbo, 2004). The intention of language was also discussed as it relates to teaching and learning (Iseke & Moore, 2011).

When you talk about the language you are teaching in school, it is a four-part language and the way you speak that language identifies what you mean. You can speak one word and you express it in a tone, and somebody will grasp it right now, but the person who doesn't speak the language will be like, "Huh? What are you saying?" Those are the things that you have to understand. This is a real tough issue. (EC)

I think it has to start from the home itself, but also, okay, it is not taught in the homes, so where do we go from here? So, it has to go to the school – or for me anyways. It has got to start in the home, but if we can get it into the schools right from the time they start, you know? We can teach them respect and it is going to progress out of that, I think. I don't know what everybody else thinks, but that is what I see. (EC)

It has to be started at home. If they don't know Cree or the culture they can't teach it to their kids. The next option is school, which is really difficult - in school. You take a look at the system of Cree teaching in the community and have you seen anyone who comes out of the school who talks Cree? No! So nobody has looked at that and evaluated it. What is it we are doing wrong? How come our kids ... if you put them through a process, at least they should be saying sentences or something! They can't understand or talk Cree! (EC)

Even how you talk to them nowadays in the English language, it is very harsh. If my grandmother was talking to me right now and telling me, "You should be doing this, this, this and that, because this is the consequence and this is what I could do to you if you don't listen," you know, it is not ... like it is now, the way they talk to them. It is almost like ... how would say it? You are almost saying, "If you don't do this I am going to beat you up," and there is a harsher consequence. (EC)

When you teach Cree ... all right, when you teach English and Cree, English has no spirit. The language of English is totally foreign, it has no spirit, and it is a combination of languages put together, right? Everybody knows that, it is a combination of languages who are primarily German, Latin and Roman, right? A combination of words. You can trace a word in English as to where it came from, right? It is the language of the world now. Well, Cree is a language of the spirit. You need it to teach the soul and the spirit, and that is how you learn Cree. And that is when we talk about holistic, right? Holistic encompasses everything; it encompasses not only the body, the mind, the eyes, but more importantly the spirit and the environment that you are in. (EC)

Technology and the predominant use of English-only education curriculums have expedited the loss of traditional language literacy, exacerbating generational

divides between parents and children, and further isolating Elders from the younger generations.

The saying used to be “It takes a community to raise a child” but it takes the whole world to change everything, right? Not just the community. That is why we have our struggles today, we have our communities and we call them “communities” but in traditional times it was a holistic attitude that the Native people used and it is gone, you know? It is still there, it is still here, we are still practicing it but nobody is listening to us anymore. (EC)

Anytime you institutionalize language and culture what you are doing is creating a culture that fits a particular style of instruction. So, if you look at school instruction and, I guess, for a lack of a better word, life instruction, you have to fit it in a particular model, a model that has outcomes and tests – like how you test for outcomes. Because there is no model there is no methodology of teaching Cree and culture in an institutional setting, so what they do is they create that model. That model is only familiar to institutions. Likewise with justice; justice is also an institution and a model which fits a particular reality in Western culture. So, when we talk of Western culture and their practices which they brought over to our lands, many of how they speak and how they understand, and what is real to them is totally different from what is real to us. Likewise culture and language. Thirty years since they realized that we need the same language. We need the same language. We need the same language, right? So where did they go to? They went to the institutions. Where did they go to? Place of learning. A light came on, “That is where we need to go.” Little did they realize that the model for learning did not fit the model for the Cree style of learning – it didn’t fit! Those two are so foreign to each other that now we are starting to say, “Wait a second, this is not working. Why? We can teach them a thousand hours of instruction and still they are not speakers. Why?” (EC)

They learn a language which becomes the most important thing, the English language, so they are not paying attention to the Elders, or their parents, or even their parents have lost their language and they have lost their traditional ways because of the residential school, you know? Like she said, they were beaten, you know, for doing this in school, you know? Some of them were starved out, and some of them were guinea pigged,

and the influence was cut and they were scared. They had to scare them that the Catholic – the Roman Catholic – these people had a way of controlling – there was a controlling factor – that occurred within those people’s minds so that they couldn’t practice their culture. (EC)

The Elders used to say, “Your mouth is dangerous.” You can whisper something to somebody, and by the time it comes around the other way it is going to be different, you know? So, this is where the Elders used to say, “Be careful what you say, because by the time it gets over there it is going to be different.” It could be something just as subtle as, “How are you doing?” and then by the time it gets over here it is way different, and it comes back to you like a punishment, like something that you did because there is that non-teachable thing, you know, it is a skill that we lost. We lost that skill, you know? Some of us still have that, that parenting skill, but now we are to the age where we are Elders, you know? We are grandparents now and now we have our children that can’t speak our language, they don’t follow the traditions and they would rather get the education from the ...which is okay, you can live in both, you can exist in both terms of English, teaching yourself that and traditions, you can balance out. (EC)

Disease, addiction and the effects intergenerational trauma have on Indigenous people were discussed at length, particularly when attempting to change the justice system’s response to Indigenous people.

Lots of people, a large percentage just of Samson Band, and even some older people, that have FASD. I know the people that are. So, I think we have to listen to the Elders in terms of the history and how we go there. There is a next phase, or a continuance of action towards a solution of justice. Where is that at in terms of now and where it is going to end for the people who are looking at it? (EC)

It boils down a lot to do with justice. I think now in terms of moving along you have to have an evaluation to disease, FASD, where it is at right now ... so we can move ahead in a good way. I was just talking to an individual who works in the health services – it wasn’t confidential, but his information was confidential, and he didn’t tell me, “Don’t say this ...” - but ... even on TV, if you listen on TV the social diseases that are

happening in northern Canada, it is about a hundred percent First Nations people, the syphilis and gonorrhoea and all these diseases. (EC)

### 5.3 The Circle of Knowledge

Sharing traditional knowledge with the community is a process that many of the Elders indicated is important but challenging. There are many elements to documenting, sharing and educating community members about traditional ways of knowing (Bartlett et al., 2012).

If we want to teach our community what we want, and that is part of the justice system, ... that is what the value is. That is why we are here.

Today we have no time for each other; today we have no time for our children, our grandchildren and we have no time for the future, but time is still moving, so that is a big factor here – time is still creeping along and it is not going to wait for us. Sun rises and sets, and it is going to rise tomorrow again, so it is a circle, an evolution, and it is part of life. But we, as human beings, there is a difference between that, being human and being spiritual. But what it is when I think about that holistic, you know, that holistic thought in my head about how the Native peoples used to live their lives, it was holistic. (EC)

The thing, and the major difference from what we are talking about ... the major difference of the justice system that exists right now, there is going to be changes. There is going to be changes. Right now there is going to be a major change. There is a big opposition and they don't want to, but ultimately it will change. Traditional teachings don't change. Somebody might try and change them, but if you look at the spirit of the teaching it will never change. For centuries and centuries, we are trying to run the ceremonies the way they were then. There is going to be trouble ... I told you the prophecies. People are going to try and come and change these, but there are consequences, like I talked about before, that come into effect. I have seen the people that met the consequences – severe, sometimes – but that is the teaching. Before my grandfather died he told me, "Don't change anything I taught you. Don't change. You have absolutely no right to change. Promise me that." The other two things he made me promise, the promise was he said, "Whoever you teach, make

sure they don't change the things that I taught you, because otherwise it will cave down," and that is why we retain the oral traditions to today, and very few people are hanging on rigidly to the traditional changes that aren't going to change if you believe that. They are not going to change if you follow protocol. You have to follow protocol in order to attain the teachings that you want to hold onto traditionally. They don't change. The traditions don't change – they are not supposed to.

The groups also identified what it means to be an Elder and the importance of connecting with true Elders rather than people who have assumed the position due to age or entitlement (Stiegelbauer, 1996). The group also expressed concerns about Elders not participating in the community due to financial reasons, which results in the knowledge and wisdom being held hostage within individuals.

That is how my grandparents taught me – told me – “You don't want to listen to ever Elder because there is going to be like, false gods or whatever.” To me, that is what a popcorn Elder is. Not everybody is qualified, you are an Elder and you are 55 or whatever the age is, that doesn't make you an Elder; it doesn't make you knowledgeable. You have to have been living your life right from the beginning ... when I look at an Elder and say, “Okay, is he really an Elder or somebody who just learned?” You know? “Okay so and so learned this is whatever and so and so learned this is whatever, and same thing with so and so. Okay, should I listen to them?” You have to know the people and be able to judge how they really, really, really, really lived all their lives.

You will find who the people are, who are the true knowledge keepers and who are willing to pass it on. Some of these Elders nowadays they don't even want to share their knowledge because you know why? The almighty dollar comes in and they want to get paid first. A lot of our meetings the Elders won't come to because they want money first. That is what a lot of it is. (EC)

Finally, the Elders shared their expectations about protocol (Baydala et al., 2013). There is a specific process one goes through to receive guidance from an Elder, a process by which one determines how much their issue is worth.

What do you price your life at? Okay, now if you want healing of the body, the spirit, ... how much of that would you pour your heart out to

get that satisfaction from the Creator? Are you going to look to the Creator or are you going to look to that person? No, you go to the Creator, but through him – through that person. So the value of my life is greater than ... it is great because I wanted to restore my spirit, so I offered gifts and money for that old man to live and feed himself, and for his knowledge and to heal me with his medicine. You know, he gave me a drink and doctored my whole body and to this day I hold that man way up here because you know, he helped me. (EC)

#### 5.4 The Way Towards Change

The process of change is cyclical and ways of knowing may change over time, as explored by the Elders who comprised the Circle. Part of creating change is personal and systemic accountability as well.

This all boils down to accountability, right? So, where do we begin? We can live by truths from the past, ... we don't put a foreclosure [sic] on the past, but we base the knowledge on that history to make things better for the future, that is the way I see things.

I want to find a system that works for our community because obviously, the non-Native system is not working which is why the majority of our people are in the jail system, you know? There is something wrong there.

The question leads to a prophecy of the Cree Nation, and part of that prophecy we are doing right now. There will be a time that people will try and change to the better, regardless of anything - law, justice. It is a really, really difficult process that you are looking at.

It is eternal and it is going to evolve if you do that proper ... by listening, by doing what I tell you, you know? It is going to work for you, it is going to work for us too and this isn't just going to be lip service.

## 6.0 OUTCOMES AND COMMUNITY OWNERSHIP

### 6.1 A Community Effort

Partnership is the foundation of this entire project and is a tool that was recognized in the focus groups, interviews and Elders' Circle as an integral component to the long-term strategy to improve access to justice in Indigenous communities (Schnarch, 2004; Struthers, 2001). The staff members we worked with during the project, including Band representatives and focus group participants, recommended that their organizations dedicate the resources to formalizing partnerships rather than relying on individual staff relationships. Although these organizations are substantial in size and complexity, senior management should build upon the informal relationships already established and formalize them. These formal relationships will streamline service delivery, improve referral networks and decrease the risk of clients falling through the cracks due to organizational changes or turnover.

Relationships between agencies and the community must also be addressed. RCMP staff recommended a community-based strategy to redirect youth offenders from court to healing circles and working with Elders. Probation discussed a similar strategy by which youth offenders are educated about the harm their actions have on the community, resulting in community service activities that are supervised by an Elder. The youth then receives training and education from a community Elder and learns about the consequences their actions have on others. As one Elder said during the Elder Circle, "All of our actions have consequences, and our consequences are what we have to live with." Ultimately, the responsibility is with the community to establish these initiatives and intercultural partnerships can assist when appropriate.

Ownership, as discussed as part of OCAP, goes far beyond the scope of research or projects. Ownership of community partnerships, engagement and initiatives will make future projects immensely successful. Throughout this project, we worked with our partners to develop relationships in the community that would support long-term work; however, it has been clear from the inception of this project that the ownership and determination had to come from within the community to be successful. We will continue to work informally with the community should our partners wish to include us in future endeavors.

## 6.2 Fundamentals of an Intercultural Framework

The framework for partnership that we established is predicated on communities leading the initiative. It is important for us to iterate that we did not use this method from the beginning of the project, which may have contributed to the significant resources we dedicated to ground work. For example, we developed the project independently of a community consultation and depended on select community partners to advise on the outcomes and activities we would undertake. Essentially, we went backwards: we went in with a plan, then conducted focus groups, interviews and an Elder Circle. Despite our best intentions, we learned that the community needed to be the driving force behind anything that we did. The project halted between August and October 2016 so that we could take the time to consult with the community and identify the best path forward. The framework we developed from our experiences will support future project teams to respond to invitations rather than create them, to develop relationships out of interest rather than requirement, and to remain conscientious of the community needs from whatever research or project is occurring.

Hermes (1998) argued for a situated response to conducting research with First Nations' communities, meaning that research methods must be adaptive and flexible as emergent needs come from the community. Accordingly, our research strategy evolved over time and we found that there were four core components of our multicultural strategy: 1) community invitation; 2) Elder consultation; 3) relationships; and, 4) reflexivity. Our partners at CLG and Vanessa Omeasso grounded the project strategy in these four areas and, upon reflection, we see an opportunity to strengthen each assumption in order to accomplish the community-driven outcomes of our project.

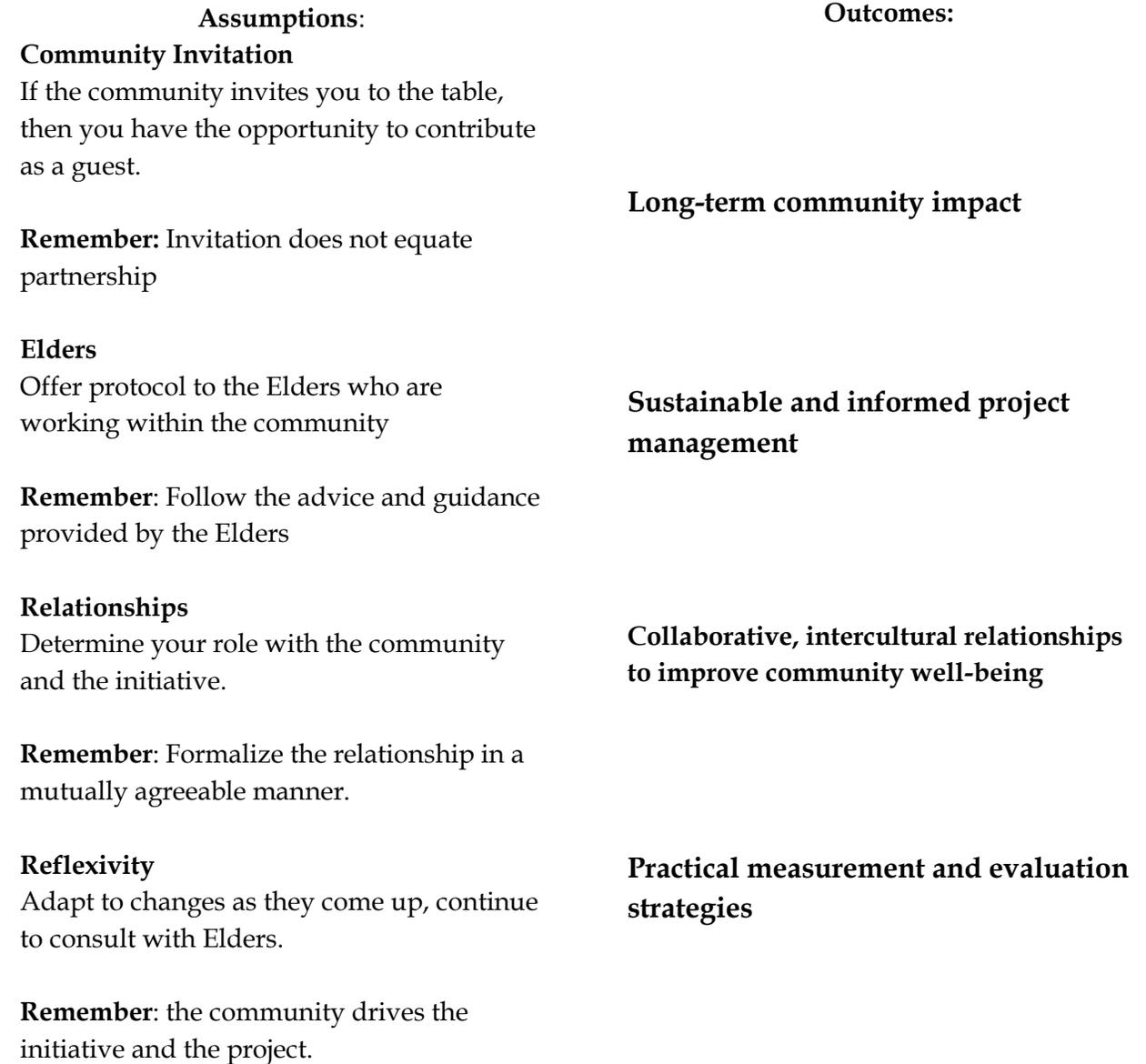
Community invitation is the core value of our framework and means that the project should be community-driven and a request for partnership is made from the community. When projects are community-owned, it is more likely that the outcomes will include long-term community impact and effective change strategies. For this project, we conceptualized the idea with our research partners, then we put the idea out to the communities we had identified. Consequently, we began our project with the mind-set of "doing for" rather than doing with. What should have been an intuitive process was overshadowed by our initial interest in creating new partnerships and strategies. We quickly learned how to participate in the community by learning from our community partners and, eventually, Elders in the community (Ball, 2004; Baydala et al., 2013; Smylie et al., 2009).

The second part of our framework is to engage with Elders in the community at the inception of the project (Iseke & Moore, 2011; Stiegelbauer, 1996). As we learned through our Elders' Circle, proper protocol must be given in order to receive guidance (Baydala et al., 2013). The most valuable relationships we developed during this project were those with community Elders who taught us and freely shared their knowledge. By building upon a foundation of traditional knowledge, project management is sustainable and sensitive to the relationships that are present in the research.

The third consideration for our framework is developing and nurturing relationships (Bartlett et al., 2012; Hermes, 1998). This is a multifaceted task and includes determining the role that will be played during the project, communication practices between individuals and agencies, and a formalization of partnerships between stakeholders. Unlike traditional research methods, these relationships will likely change over time and the roles may evolve to increase or decrease involvement of the partners, depending on the needs of the project (Castleden, Morgan & Lamb, 2012). In this way, collaborative and intercultural partnerships are nurtured for long-term growth.

Finally, reflexivity is necessary to adapt to the dynamic nature of community-based research. Reflexivity also allows the partners to utilize developmental evaluation strategies that will measure the outcomes of the project (Smylie et al., 2009; Struthers, 2001). In this way, community development projects in Indigenous communities can adapt traditional logic models to reflect the emergent needs of the community and composition of the research team, if necessary. For example, the outcomes of our project morphed into interpersonal outcomes rather than measurable clinics and workshops.

## 6.3 Framework for Intercultural Partnerships



## 6.4 Outcomes

Our project had five goals: 1) establish intercultural partnerships that meet the diverse and unique needs in Indigenous communities; 2) foster agency relationships to deliver seamless implementation of the project strategy, developed by the community and elder consultations; 3) support strategic partnerships to meet future research and project needs, identified throughout the consultations and focus groups; 4) increase access to and utilization of existing legal services in Indigenous communities; and 5) generate a method of practice for working inclusively within Indigenous communities. We are pleased to report that we successfully met four out of five of our project goals, explored here.

### **6.4.1 Outcome 1: Establish intercultural partnerships that meet the diverse and unique needs in Indigenous communities**

We successfully created partnerships with Ermineskin and Samson Band staff, community members and social service professionals. The partnerships in Maskwacis and Peace River proved to be invaluable. Our partners not only introduced the research team to community service providers and users in both locations but also provided practical assistance by securing meeting locations and sending out invitations to events. Our partners have provided us with insight and background information into important issues related to gaps in legal services and vulnerabilities within their communities. Further, these partnerships have a strong foundation of trust that will propel the work we have done forward into new projects.

### **6.4.2 Outcome 2: Foster agency relationships to deliver seamless implementation of the project strategy, developed by the community and elder consultations**

As discussed in Chapter 1, our project scope changed as we worked closer with community members and local professionals. Throughout the project, community members, justice representatives and social service providers have unequivocally agreed that the fundamental issue is not, necessarily, the coordination of legal services but the lack of legal services available to clients in Indigenous and remote communities. In both communities, we found that social service agencies have informal relationships with each other and the few legal resources in their communities. When asked what would help them provide comprehensive services to their clients, professionals spoke about the lack of resources in the community and the bigger issue of systemic racism

and distrust between community members and justice authorities. Consequently, we worked to increase agency participation in educating and supporting community members through knowledge and resource mobilization rather than formalized partnerships.

### **6.4.3 Outcome 3: Support strategic partnerships to meet future research and project needs, identified throughout the consultations and focus groups**

We developed strategic partnerships with local Elders and Band leaders in Maskwacis, particularly in Samson and Ermineskin Bands. Locally, we have nurtured relationships with Awo Taan Healing Lodge in Calgary and our research team has supported Calgary Legal Guidance as they develop their Indigenous Law Program. The most important partnerships that we established are those with community members in Maskwacis, especially the Elders who shared their knowledge and wisdom with us in the final stages of our project.

### **6.4.4 Outcome 4: Increase access to and utilization of existing legal services in Indigenous communities**

Two key themes have emerged from our conversations with service providers and service users. Firstly, service providers from both communities have shared that there is a lack of legal services available within the community. Existing service providers attempt to fill these gaps but this work often falls outside the scope of current funding structures or expertise. Service providers said that they do not have the time to apply for funding for positions or services outside of their current roles. Secondly, service users have shared through community consultation, surveys, and interviews that they experience systemic racism, do not know what their rights are, cannot physically get to court due to a lack of transportation, and that they do not trust the justice system to treat them fairly.

Increasing legal resources is only one part of a complex challenge. Service providers, justice authorities and community members in Indigenous communities face a multitude of complex and historical challenges that cannot be addressed by a panacea (Kirmayer et al., 2014). Although we hoped to develop legal clinics and other methods to increase access to justice in the community, we found that Samson Band has been making efforts for years to build a local or mobile court house to meet the justice needs of the community. Service providers regularly react to their clients' needs rather than anticipate or prevent them. Though we did not meet our goal to increase access to and utilization of existing legal services, we did make strides in increasing basic knowledge

of legal and human rights through workshops, radio interviews, and working with Band staff to mobilize programs to begin filling the gaps in services.

#### **6.4.5 Outcome 5: Generate a method of practice for working inclusively within Indigenous communities**

It is vital to note that we did not *generate* a way of knowing and working with Indigenous communities; rather, we attempted to generate relationships and partnerships that would support long-term strategies to improve access to justice in Indigenous communities and contribute to the emerging dialogue on the topic (Kellen et al., 2017; Schnarch, 2004; The First Nations Information Governance Centre, 2014). When asked their opinion about outsiders working with the community, one community member said, “It is sad because I have been looking all over the place and who is really going to listen? I swear you are the only one who is really trying to voice this out and develop something here and to build that awareness, you know?”

As outsiders from a colonial mindset and different community, it was challenging to find the right ways to develop and maintain relationships in the community, especially with community members. We learned from mistakes and opportunities, which resulted in a general understanding of how to work with Indigenous communities as (predominately) non-Indigenous researchers (Bartlett et al., 2012; Castleden et al., 2012).

## 7.0 FINAL THOUGHTS

The purpose of this project was to draw attention to the challenges rural and remote Indigenous communities experience when attempting to access legal services and operate within the justice system. Our project findings mirror the reports from other Canadian-based studies (Jones et al, 2016) and our framework is predicated on the extensive knowledge and work that has been undertaken by scholars in the United States and Canada (Corntassel, 2009; Hermes, 1998; Kovach, 2015; Struthers, 2001).

One of the most pressing concerns to come from our research is the fractured relationship between external police forces and Indigenous community members. This finding is not surprising as the initial point of contact with the justice system is usually a police officer, thus putting a face or authority figure to the *why* behind legal issues (Jones et al., 2016; Lithopoulos & Ruddell, 2011). Some provinces have made strides to repair these relationships through research, community consultations and collaborative restructuring of police forces. The Yukon RCMP, along with Indigenous and Department of Justice partners, recently underwent a significant restructuring process based on the “Sharing Common Ground” report completed in 2010 (Yukon Government, 2014). Jones et al. (2016) has also conducted research regarding First Nations’ perceptions of policing in Saskatchewan, resulting in community data that has been shared with the provincial RCMP for review. While efforts are being made to heal the relationship between police and Indigenous people in Canada, targeted and community-driven projects to improve access to justice must also be undertaken.

In accordance with the recommendations shared with us by Elders from Maskwacis, we forward their proposal for a long-term, multi-phase project to be undertaken in First Nations communities throughout Alberta in order to improve access to justice and community participation in justice education. The project would include five stages of inquiry: 1) responding to community invitations to participate in intercultural strategies to document traditional wisdom; 2) collecting traditional and oral knowledge through Elders’ Circles; 3) compiling the knowledge from the Circles’ into a curriculum for community education; 4) the recruitment of local Elders to lead public legal education initiatives based upon the curriculum; and, 5) collaboration with justice authorities to improve the relationships between the community and justice authorities. As one Elder shared with us:

... to get a better handle on traditional justice and what that means, what is the teaching, I think you have to look at the prophecies of the Cree

people ... because right now we are fulfilling a prophecy of the Cree people right now in the session we are doing. We are on target in terms of prophecy. So, when you look at these situations you got to look at the process – process is a dialogue that has to happen which is where we are at right now. To go in-depth is our intention. You got to step two paces back and assess that, and also assess where we are at right now because it is very difficult to take a look at what is going to happen in the future. You have to seriously go back to the day and then you will have a better tool to maybe work toward a better justice system. (EC)

The community consultations and interviews that we conducted during this project affirmed critical recommendations to improve relationships with the justice system and to subsequently begin the process of improving access to sufficient legal resources. We argue that we have laid a significant foundation on which the recommended project could build. By involving Elders and community leaders in a semi-structured knowledge mobilization strategy, the project would fulfil the desire of community members to nurture relationships with Elders and restore traditional ways of knowing to youth and future generations. One of the concerns that each person interviewed shared was the loss of traditional wisdom and the isolation of Elders from the pulse of the community. Therefore, we recommend that an Elder-led project be initiated, funded and supported by both Band and provincial administrations.

As we conclude this segment of the research and begin consultations with our partners to determine the next steps, we reflect on the wisdom shared by one of the Elders who worked closely with us as we moved through the project:

I think in the long run, you know, we need to all come together and come to terms with that we can coexist no matter who we are, no matter what language you speak, you know, whether you come from another country. We are all born of the same thing. We all come from Mother Earth. We were all molded from Mother Earth and we were given the spirit from the Creator, so why is it so hard to understand that? But also to give respect to those people and the way they have done their ceremonies and the way they have lived their lives because we all do. When you look at the teepee poles – at a teepee – they are all standing but they meet at the top – they are tied at the top – and that is the way society is. You got different cultures, different people, you all got those different poles, but over there they are tied at the top. So, when they are tied in together they are tied into one, which is God. They are governed by one governor which is God.

No matter how you live your life, what you believe and where you come from. Like I say, like say, language, traditions, you are still going to meet up there all in that spot. But yet you are going to answer to the Creator by yourself, and that is why there is individual poles.

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