

Corrections in the Yukon and the
Corrections Act Consultation

Progress Report

Executive Summary

July 16, 2008



Summary

1. Do you support the creation of a Citizen Advisory Committee (CAC) through the *Corrections Act*?

There was general support for the creation of a CAC, however some of that support was described as conditional, for the following reasons: the advisory nature of the committee; the need for a meaningful mandate, powers and responsibilities and clear terms of reference; the need to be representative of Yukon's demographics; the need for First Nations representation, community and/or regional representation; and representation from a cross-section of community members and sectors.

The following issues were raised when discussing the creation of a CAC for Yukon:

- **mandate, responsibility and accountability** (e.g. the need for independence, the need for CAC suggestions and recommendations to be heard and acted upon, clear Terms of Reference, yearly review of activities and reporting to the public),
- **the merits of creating community and regional CACs** (that would link to a Yukon-wide CAC),
- **community capacity and interest** (some doubted that there would be enough interested people available to form community and regional CACs), and
- **representation, appointment and commitment** (the need for representation from First Nations, rural communities, women, etc., and an independent process for selecting members, and compensation).

A few participants expressed some uncertainty or lack of support for the following reasons: insufficient information on potential structure, mandate, role activities of a CAC, interest in knowing how CACs function elsewhere, and concern that a CAC would become another filter in the decision-making process.

2. If so, what type of skills, knowledge and experience would be an asset to this committee?

Overall, the responses show that the primary considerations that would be particularly important when considering membership on the CAC are:

- diversity and balance (e.g. a good cross-section of people from all walks of life, ordinary people with an interest in the issues, people who do not have an agenda, etc.),
- a large Yukon First Nations representation,
- a large rural representation,
- community connection (i.e. people who are connected to and respected within their community and have knowledge and experience in community issues), and
- non-government organization representation).

The majority of responses also show that a range of skills, knowledge and experience would be an asset on the CAC. Suggestions focused on:

- background in the correctional system, legal system, law enforcement and courts,
- background in the social justice, social services, and mental health fields,
- various technical skills and experience of potential benefit to a CAC (e.g. public relations, policy, advocacy, etc. gained through experience not just theoretical knowledge),
- various skills and knowledge gained through different walks of life,
- community connection, knowledge and involvement,

- people with a variety of life experiences, who are role models, have credibility in the community, an interest in the issues, etc.,
- people who have been victims of crime,
- people who have been inmates and who have turned their lives around, and
- people who are known for their ability to care and understand the healing approach.

3. How would the CAC interact with the public (e.g. public meetings, by appointment, media coverage, newsletters)?

Overall, the communication tools suggested include: website, email, newspaper, radio, newsletters, and teleconferencing (Telehealth). Some of the forums suggested were:

- public meetings,
- meetings with individuals by appointment,
- other meetings: Chiefs and Councils, Mayors and Councils, community justice committees, justice, health and social service providers; and interagency committees,
- workshops, discussion groups and other small group formats, and
- through community, regional and Yukon First Nation government contacts (particularly if a network of committees at the community, regional and territory-wide level is formed).

Participants clearly stated that communication tools and forums will need to be tailored to the community, and that what is effective in one community may not necessarily be effective in another community.

4. What provisions should the *Corrections Act* include for the management of offenders' healing and rehabilitation in the community?

The comments made in discussion of this question were grouped into the following categories:

- **the focus, intent and impact of *Corrections Act* provisions** (e.g. suggestion that healing and rehabilitation should be the focus of the *Act* and reflected in residential and non-residential programs; and concern that the *Act* can, at most manage the assistance and resources available to a person, but cannot manage the healing of the person, as that is a matter of choice and free will),
- **community capacity, funding, services, and resources** (e.g. concerns about limitations, turnover, lack of funding, and the need for resources for alternative programming in the communities to meet the expectations arising from the *Gladue* decision),
- **services and resources in communities** (e.g. need for support in communities for offenders returning to communities, need to bring programs into communities or regional centres, need for First Nations approaches to healing and wellness etc.),
- **First Nations cultures, approaches, perspectives and involvement** (e.g. involvement of Elders, First Nation service providers, holistic approaches, culturally relevant and sensitive services and programs, on-the-land programs, and an in-house expert who has a First Nations background and understanding of the issues),
- **programs and services** (e.g. drug and alcohol services and an aftercare model that can be delivered in the community, sponsorship programs and support groups, circle groups,

mental health services, support for offenders with FASD, life skills training, and access to counselling),

- **education, training and jobs** (e.g. short term employment readiness training, training and partnerships with the community and Yukon College to provide programs and jobs, wage subsidies to encourage employment in the private sector for job training, and job placement if an offender stays clean and sober),
- **transition planning:** (e.g. involvement of correctional service staff, community workers, First Nation health, social and justices services, and the community in planning for an inmate's return to the community; and the need to involve and prepare the victim and community for the inmate's return, early development of achievable offender release and transition plans that fit the individual offender, and a transition worker/system),
- **transition and treatment facilities and a structured land camp:** (e.g. First Nations, Elders and community groups need to be involved in reintegration, and examples of facilities suggested included: a halfway house, a facility for women, a structured camp, a First Nation specific treatment centre, a place with those with FASD for whom the community is too small to provide the supports that they need),
- **aftercare:** (e.g. support systems, sponsor systems, buddy systems and mentorship are some of the support tools that could be accessed while an offender is in the correctional centre; the support tools could be linked to the community so that they accessed in the community when the offender is released) Some of the needs common on an offender's return to the community include: programs and services for specific issues (e.g. alcohol and drugs; mental health, etc.) counselling, education, training or employment, housing; home visits and support and contact from Elders, resource workers, and community members.
- **services for victims:** (e.g. victims programs and practical assistance, victim assistance volunteers in communities, the need to know what is happening throughout the process, the need for victim awareness of and preparation for an offender's return to the community, and education for the community to address the acceptance of the offender's return to the community).

5. Should a new *Corrections Act* include provisions to allow the Yukon government to enter into service and program delivery agreements with First Nations?

Overall, there was clear support for this. There was some qualified support based on capacity, definition of services, how funding should be provided (i.e. to each First Nation or through a broad-based program for all), and development of culturally appropriate set of standards. In considering the delivery aspect, comments were made about the need for cohesive program development, delivery and monitoring, how to address liability, the need for training service providers, etc.

6. How should the *Corrections Act* provide for corrections oversight?

Several mechanisms were proposed:

Inspector or investigator or other neutral third party: an independent entity, neutral, objective and who works at arms length from the correctional system.

Ombudsman or an ombudsman and other party: someone who is impartial, works at arms length from the correctional system, can investigate, make recommendations and bring issues to attention. Other variations included the following:

- an ombudsman who could work with a correctional inspector or with a committee, such as the Citizen Advisory Committee, and
- an independent appeal process, possibly through the ombudsman.

Oversight Committee: an independent body that will ensure that complaints are heard and followed-up, and has the advantage of having two to three people reviewing a situation, rather than one person. Suggested members included people of good standing in the community who have a background in the system, First Nations people, and at least one Elder.

Other mechanisms: Some of the other mechanisms that were suggested for providing oversight included the following:

- the Citizen Advisory Committee,
- the Citizen Advisory Committee working with the superintendent, and
- an inspector from another jurisdiction.

Discussion about the process used for oversight, observations and suggestions focused on the following needs:

- training and familiarization with WCC to committee members,
- clear parameters, a timely process for receiving and hearing complaints, and an appeal process,
- inclusion of the right of an inmate for advocacy in the process,
- clarity on policies and decisions and what can and cannot be overturned by the committee, and
- clear institution rules that are made known to inmates and staff.

Some other observations:

- no matter how oversight is approached, the superintendent still needs to be able to do his or her job,
- there is a need for training programs that help staff develop an understanding of offenders' issues and cultures, could help in the prevention of some problems, and
- there needs to be a way of tracking complaints.

7. How should visitation and connection with community be carried out when offenders are residing at the Whitehorse Correctional Centre?

Visits by family and community members to the Correctional Centre

Visitation process: Overall, the need for restrictions and strict rules to control contraband was acknowledged and participants were clear that there needs to be opportunity for frequent visitation. Special visits were suggested in the case where an inmate is facing a transfer south, and when a family visitor travels into Whitehorse. Some suggestions: alternative mechanisms for visiting in the case of an emergency, terminal illness, on short notice, or to a helpful contact (e.g. support person). There were also some suggestions that conjugal visits be considered.

Visitation by family: Overall, participants supported allowing as much visitation as possible.

Visitation by rural families: The cost of travelling to and staying in Whitehorse is a financial burden for some families. Families will combine a visit to a family member in WCC with other appointments, and for this reason, there is a need for flexibility, particularly for rural families, in clearances for visitation.

Visitation by Elders: Bring Elders into the correctional centre to visit inmates and to provide healing ceremonies and sweats at the correctional centre and possibly off site. One suggestion was to provide a residence on site for visiting Elders and family members.

Visitation by community: Look at ways of accommodating collective community visits (e.g. visits by community groups, Chief and Council, Elders and other community members to participate in cultural celebrations, socials and activities, etc.).

Visitation by mentors: The importance of developing mentors while in the correctional centre was identified (e.g. community members, support workers, former inmates who have turned their lives around). Mentors could be a key source of encouragement and support in the transition to the community.

Visitation area at WCC: The following needs were identified: an area for family visits that is child friendly, unobtrusive, comfortable, and includes cultural components; a common room for a casual chat and coffee - a place that is less regimented, perhaps a place where an inmate can make coffee and an area for visitation that is not overcrowded.

Use of technology: If families cannot visit an inmate for various reasons, or where an inmate or family member is ill, consider how systems such as Telehealth or video conferencing could enable connection with family and community.

Visitation rights, privileges and responsibilities: Overall, it was suggested that visitation is important and should be encouraged. It was also acknowledged that safety is critical. Different points of view were expressed on the issue of whether the right to visitation should be guaranteed in the *Act*.

Visits to the Community

Temporary Absences: Visits to the community were considered important for such reasons as participation in programs or to obtain services that cannot be accessed at the correctional centre, to complete intake for a program or service that will be needed after release, to attend potlatches and funerals and general assemblies. It was generally considered that Temporary Absences should be granted on a case-by-case basis. Considerations should include safety, standards, victim and community concerns; the type of offence committed; and the reason for the Temporary Absence. The community or community workers need to be involved in planning visits. Planning should start well in advance of the visit.

Attendance at funerals, potlatches and other ceremonies: In many discussions, the issue of offender attendance at funerals was a matter of particular concern. It was stressed that attendance at a funeral in shackles or handcuffs can be very stressful for the inmate and the family. It was also acknowledged that safety and security are valid considerations. In considering all of these needs and requirements, participants,

particularly Elders, offered a range of advice which has been summarized and is presented below:

- recognize traditional practices,
- consider the individual and security risk needs when deciding who should attend a funeral under high security and who should attend a funeral with shackles or handcuffs,
- do not shackle or handcuff inmates attending a funeral. A pre-determined community sponsor could take the individual during the funeral and the WCC chaplain could also attend with the inmate to provide additional support and work with the inmate through the service,
- consider using ankle bracelets instead of shackles or handcuffs, and
- consider the possibility of having someone in the community, or a social worker, take responsibility for the inmate if there were staffing issues at the facility that would prevent an inmate attending a funeral. In that way, participation could occur because safety and security are assured. This approach would depend on such considerations as the nature of offence, the reasons for incarceration and the inmate's security classification.

Use of technology: When an inmate cannot visit the home community or attend a funeral or family is unable to travel to visit, consider how technology such as Telehealth or video conferencing could be used to make some connection possible.

Planning and preparing for a visit or return to the community: Some suggestions included:

- start the planning early and involve the victim, offender and a team of professionals in planning the visit, to determine concerns, available resources, and what arrangements can be made,
- use the Temporary Absence to complete the initial intake for a program or service that can be taken in the community after release from the correctional centre,
- use the Temporary Absence to attend AA or other support group,
- use the Temporary Absence as an earned privileged,
- determine whether the community is comfortable having the offender return and work with the First Nation, community resources, etc. to make this determination; consider a host community if the offender's home community will not be appropriate, and
- develop a link and better communications between the First Nations and the correctional system regarding Unescorted Temporary Absences and Escorted Temporary Absences.

8. How should probation services be carried out in Yukon?

Probation officers based in communities: the need for community-based probation officers was frequently identified. Some of the reasons included the large number of breaches, the need to conduct checks, the need for the probation officer to become more familiar with the offender situation and needs, community issues, resources, etc., the need to provide more monitoring to high risk offenders, and the need to provide support to an offender.

Several options were suggested to supplement the current approach to probation service delivery and they included:

- deputy probation officers who live in communities and work with probation officers,
- assistant probation officers in communities who work with probation officers,
- transition officers who works with the probation officers,

- probation officers training local community members,
- a team that includes Probation Services and Family and Children Services working together in communities,
- trained and supported volunteers who provide certain services, and
- wellness coordinators working with probation officers.

First Nation delivery or involvement in delivering probation services: Several suggestions were made that focused on First Nation delivery or involvement in delivering probation services, and included:

- First Nations could provide, or have the potential to provide, probation and other programs and services,
- this could be achieved with consideration for First Nation programs and services already in place, and with as many First Nation officers as possible,
- there should be stronger links to the First Nation and service providers, and
- there should be development and integration of new First Nation based programs and services that will compliment the release plans.

Development of an offender plan and connection with community: In considering the process of developing a plan for a person on probation, participants made the following observations and suggestions:

- there needs to be a plan in place when an offender is on probation; a support system needs to be built for the offender, and agencies need to work collaboratively,
- the probation officer needs to work closely with the community, RCMP, mayor and council, etc., and be seen in the community more frequently, not only or primarily during circuit court, and
- the community needs to be aware of an offender's probation conditions. Neglecting this can set up an offender for failure, particularly as there is often little to do in the community [or lack of resources] and probation conditions may be easily breached.

Probation conditions, breaches, monitoring, enforcement, reporting and aftercare:

Some of the observations and concerns were:

- adherence to a probation order cannot be guaranteed as required. There needs to be an obligation by authorities to provide programs. Limited resources are also a factor in communities. How can programs and services be offered in a small place?
- conditions need to be realistic, integrated with resources, and individualized,
- there needs to be a more comprehensive reintegration program, including in-depth explanations regarding expectations, restrictions, and conditions of release,
- probation officers should have more resources to work with the probation conditions (there may be a requirement to take treatment, but the community doesn't have the treatment program or funding to send an individual to treatment),
- offenders need to be monitored, for example, if the check-in is by telephone, the probation officer is not aware that they are drinking and violating conditions,
- consider other ways of reporting to a probation officer, particularly if there is no probation officer in the community (e.g. Telehealth, teleconference, automated call-in system), and
- there is no aftercare for probation.

Training and accountability: the observations made included the need for training for probation offices, the need for training and support to prevent burnout, the need for oversight, and case management training for workers in communities.

Approaches to probation: A variety of approaches to probation or considerations in delivering probation were raised and included the need for:

- comprehensive assessments,
- restorative justice approaches,
- healing-oriented probation programming,
- motivational interviewing,
- phased-in approaches, and
- and mentorship possibilities.

It was also noted that the frequency of probation services, if provided from outside of the community, needs to be increased. Consider satellite offices for probation services in communities. In this case, the probation officer could spend 3 to 4 days in a community.

9. Could probation services be delivered, or delivered in part, by an alternative service provider in Yukon?

Overall, the majority of the replies were "yes", although in most cases, the response has been a qualified "yes". Some of the reasons were:

- the need for proper training, experience, standards, funding, criteria to ensure accountability, and monitoring by government,
- the need to limit the number of clients,
- the need to determine the viability of this approach and whether it benefited the offender,
- the need for the service provider would need to be impartial,
- an alternate service provider could help with cost effectiveness and capacity building, but it requires support and resources. Perhaps it could be a first point of contact,
- alternative service providers could be used for working with some clients; there would still need to be a probation officer with whom the organization could consult,
- communities are short on resources so they have to be shared; create a network, and
- provide a mix with what's being currently offered.

Some of the reasons given for responding "no" to this question are summarize below:

- it is a statutory legislative function and there is sensitive information involved and privacy issues involved such as background and screening,
- the service should be delivered by professionals. There needs to be a standard of formal training otherwise it could create more work for the community without meaning to,
- this puts an NGO in the difficult position of having to police their clients,
- it is inherently impossible in a small First Nations community, and
- more support for programs is better than another quasi-police person in the community.

Other options for providing services were identified and they included:

- partnerships (e.g. Yukon government, First Nations, and municipal governments),
- community justice committees,
- First Nations could provide probation for non-serious offences and jointly with government on more serious offences,
- supported volunteers focused on rehabilitation and healing who take on the commitment to be the "companion" to someone on probation, and
- private home placements, or a specialized boarding home.

10. Who should be on an Inmate Discipline Committee?

In response to this question to date, it was suggested representation should be drawn from a range of sectors and experiences including the following:

Correctional system: e.g. reporting officer, case manager, WCC staff member, superintendent; probation officer, Department of Justice representative, persons with experience in the correctional system, and former service providers, now detached from the system.

Experts: psychologists, counsellors, medical personnel, mental health workers, those with expertise in FASD, and those with skills and experience in mediation, law, and criminology.

First Nations: Elders, Chief, First Nation community members interested in helping those in conflict, and persons with knowledge of Yukon First Nations culture, history, values and self-government.

Diverse areas: A number of comments reflected a concern regarding the need for this committee to be an independent body and/or operate fairly, transparently and without bias. The diversity of membership suggested included:

- a mixture of people from inside and outside the correctional centre,
- a committee that is reflective of society; community members,
- people who are independent, neutral and open minded,
- Citizen Advisory Committee member(s),
- a priest, chaplain, or spiritual advisor,
- former inmates and/or inmate representative,
- an advocate (for example, Elizabeth Fry or John Howard societies),
- a person closest to the inmate, possibly a family member,
- a union representative, and
- someone from another jurisdiction when a large issue is before the committee.

In considering the process for hearing inmate discipline issues, the observations and suggestions included:

- determine what type of complaints the committee will hear,
- committee members need to be available to hear complaints and decisions must be made quickly so that punishment can be assigned quickly,
- timelines for hearing complaints and making decisions would depend on the seriousness of the issue and timelines would be needed when an inmate is serving a short sentence,
- there should be an appeal process,
- an inmate may want to have an advocate present,
- the process must be confidential,
- create a system that seeks the root cause of a problem, to find a fair solution/punishment and allows a good decision that all the parties involved can accept, and
- there should be education and awareness for committee members not familiar with the correctional system and culture.

11. What are the skills, knowledge and experience that would be an asset to this committee?

Diverse skills, knowledge and experience: a cross section of skills, knowledge of community issues, a good reputation with the community, people who are objective, independent, respected within the correctional centre and community, people who are able to communicate and work well in a circle format; people who have been the victim of a crime, and people who have been inmates and who have turned their lives around.

First Nations representation: First Nation knowledge, skills and experience, Elders, and people with knowledge of Yukon First Nations culture, history, and values.

Expertise in the following areas: corrections, law, law enforcement, criminology, medical fields, addictions, disabilities, trauma, mental health, psychology, social work, social sciences, women's issues, victimology, cultural training and awareness, human rights, conflict resolution), correctional centre managers and counsellors, and service providers who are now detached from the correctional system.

12. What should be considered in the decision to award an inmate earned remission time?

In response to this question, the suggested criteria were grouped into the following categories:

Inmate situation, needs, efforts and progress: (e.g. the inmates' mental health and physical conditions, FASD, learning disabilities, the nature of the offence and whether the offender is a repeat offender, the environment, and credit for participation to best of the inmate's ability.)

Participation in programs, work programs, and the offender plan: (e.g. active participation in and completion of programs, participation in education and training, taking responsibility and willingness to adhere to the correctional plan, work on the release plan, and actively work towards change.)

Behaviour: (e.g. good behaviour and attitude, respect for the facility, other inmates, and staff, compliance with rules and regulations, adherence to prescribed medication, if applicable, and genuine participation in therapy.)

Overall, the comments made in discussion of the concept of earned remission focused on:

- support for the concept of earned remission,
- the need for programs to be available to inmates,
- the need to assess whether early release from the correctional centre and return into an environment with no programs or aftercare would be beneficial to the inmate,
- the possibility that an inmate would be missing out on a program if released early, and
- consideration of other ways to reward good behaviour, rather than early release.

In some discussions, questions about the earned remission concept were raised. They included: Has it proven effective elsewhere? What criteria do other jurisdictions use? Could it be introduced in the current facility with the current lack of programs? What would happen if a program or service is unavailable?

13. What provisions could be included in the *Corrections Act* that could help motivate and support an offender's healing journey?

In some groups, discussion opened with the questioning of whether and how motivation and support could actually be reflected in legislation. Some thought that healing needs to be spoken to in the *Act*, others thought it could be reflected in principles and objectives, and perhaps the *Act* could legislate that programs and services should be available and culturally appropriate.

Provisions that need to be in place in the Correctional Centre:

- assessments, integrated case management, pre-release planning and transition,
- First Nations programs, approaches and involvement,
- support, mentoring, and building relationships,
- programs concerning alcohol and drugs, trauma, anger, etc.,
- education, training, life skills, computer skills, marketable skills, vocational certification, Traditional Parenting, Healthy Moms, Healthy Babies, etc.

Program delivery:

- provide programming that is relevant to the individual and allow for flexibility in programs. Start with modules that focus on “readiness” to participate and then work up to modules on “participation”,
- ensure access to programs and bring service providers into WCC,
- ensure that female offenders and male offenders have the same access to programs,
- remove barriers to programs (e.g. requirement for 8-10 people to be available before a program is delivered; frequency of program delivery), and
- consider different approaches (e.g. program options, incentives, mandatory programs, choice in programming, a library program).

Staff training:

- encourage mutually respectful and healthy relationships between correctional officers and inmates, develop cultural sensitivity and provide training in motivational interviewing techniques and skills.

Provisions that need to be in place in the community

First Nations programs and support in the community:

- consider the First Nation model of wholistic wellness, the multiple factors behind behaviour, and develop a realistic plan with connection to the community,
- have more First Nation based programming offered in the community upon release, and
- provide on-the-land programs as an option for program delivery.

Programs, services and support:

- develop partnership programs with First Nations, NGOs and volunteers for programs and services (e.g. counselling, etc.),
- put an aftercare program in place, put supports in place (e.g. a place to live), and develop inmate awareness of support networks that can be accessed when released,
- develop a follow-up plan that includes a needs assessment,
- design a continuum of support, a multi-layered approach that includes programs, a building and psychological and social issues,
- provide one-on-one support staff for individuals who need assistance with stabilization and transition plans in the community,
- a half-way house,
- provision of services by inmates for Elders and inclusion of Elders and community in the support network, and
- mentorship of program staff, as one way to build capacity.

14. Should the *Corrections Act* include specific references for the provision of client focused programming?

Overall, there was strong support for the inclusion of specific references for the provision of client-focused programming in the *Act*. Some of the reasons were:

- it must be tailored to the individual,
- the key issues at least (e.g. FASD, drug and alcohol, etc.) can be identified in the *Act*,
- a statement could be included that provides, “programming includes but is not limited to...”
- the *Act* should enable provisions for client focused programming such as needs assessments, case management and mental health services,
- it should be access to opportunities that counts, it is quality and propriety in client focused programming rather than detail that is important, and
- it would increase service provision on behalf of the Department of Justice, would allow service provision to be more culturally sensitive and would complement any First Nation initiative which could arise from Administration of Justice Agreements.

Some respondents to this question supported having more general references to the provision of client focused programming in the *Act*. Their reasons included:

- the *Act* could make general statements about programs being aimed at reducing risk and safe reintegration because programs change and research [that supports certain approaches] changes,
- there could be a high level statement in the *Act* which reflects that there be: a program model that supports a client’s healing journey, developmental programs and an assessment of the person in order to determine the program that best fits the person and
- the *Act* should provide enough information for things to happen; the policies that are put in place could be more specific.

Comments respecting programs were grouped into the following areas:

Programs and Services:

- client focused and community focused programming should be referenced because both systems are connected to develop the integrated wellness plan,
- comprehensive assessments are needed,
- develop an integrated wellness plan,
- put a multi-disciplinary support team in place for the client throughout the process,
- consider and include recommendations from FASD research and forums,
- provide mental health services and in wellness planning, consider the mental health patients kept under care of the correctional system and
- provide better access to programming and some flexibility in programming.

Transition planning and reintegration:

- focus on reintegration planning from the time an offender enters WCC,
- work with support groups and First Nation service providers and take an integrated approach,
- provide halfway houses for men and for women,
- involve Elders at the ARC or an alternative house,
- provide training, support and structure and ensure family involvement and
- provide a halfway house and involve Elders; offer support and structure for transition.

First Nations approaches, programs and involvement:

- First Nations should play a bigger role,

- bring Elders into the correctional centre,
- a First Nation counsellor should be available,
- provide on-the-land programs,
- look at providing specialized mentorship programming for the 18-30 year old young offenders, based on traditional educational and socialization practices such as skill development and responsibilities,
- consider training and orientation for correctional officers and staff service providers that specifically deals with FASD and Residential School fallout, and
- Yukon First Nations and the Council of Yukon First Nations need to build a healing centre.

15. How could offenders continue to access programming that they started while incarcerated, or under a probation order, after they have been released or completed their probation order?

In discussion of how programming could continue to be accessed, a wide range of observations and suggestions were provided.

Assessment

- a multi-dynamic assessment and delivery method is more useful than a static method,
- multi-community availability and on-line structure are important elements in the delivery model in the Yukon context, and
- the assessment needs to be an on-going process rather than a one-time intake exercise.

First Nation programs and services:

- provide access to wilderness-based therapy under First Nation control, programming dealing with the impact of Residential Schools, and invite volunteers to provide instruction on crafts and arts,
- provide networking between First Nations for service delivery and support systems,
- work with First Nation NGOs such as the Committee on Abuse in Residential Schools (CAIRS), and Skookum Jim Friendship Centre,
- allow for Elders' involvement, and pay them for their involvement,
- provide networking and support systems,
- allow education and programming opportunities at a person's own pace,
- work with the Government of Yukon to ensure that the programs are effective, and
- the Council of Yukon should have a transition worker position staffed.

Halfway House: provide transition or halfway houses with trained professionals, and provide a facility with programming that supports transition.

Integrated approaches:

- provide a multi-disciplinary team, created from the time of sentencing,
- apply an integrated approach that includes community groups, family members and service providers,
- use integrated case management and start the process in the correctional centre. Continue through probation and consistent contact with the community. The case worker can make recommendations to Chief and Council and the community probations worker. Maintain a good working relationship between First Nations and the correctional system,
- improve the process for receiving people on probation by improving communication between the correctional centre and services in the communities,
- work through a community based organization or facility to continue programming,

- link programming at the correctional centre with programming in the community.

Education and training:

- provide distance education, courses and job training,
- ensure that programs are certified and that a certificate can be issued at the completion of the program,
- consider working with the Chamber of Commerce to develop work incentives (i.e. incentives for the private sector to hire offenders),
- start courses while the individual is still in the correctional centre,
- offer training for clinical counselling for community workers and
- the community needs training on how to help make the offender healthy again.

Mentorship and support:

- involve a men's group and a women's group,
- use mentorship and support mechanisms and
- provide mentorship programming: allow former inmates to work with young offenders.

Program and service access, delivery, and location:

- funding for continuation of services is an issue. If offenders are halfway through a program when they are released, there should be some kind of financial support to finish,
- offenders could continue to access programming by making this a part of the release plan,
- a transition worker is needed to help prepare a transition plan, with a continuum of care model approach,
- consider the model used in the *Child and Family Service Act*, Using this approach, an adult offender could complete a program, develop skills and obtain a certificate,
- use short term programs and look at the present requirement for having 8-10 participants before offering a program,
- perhaps there could be level one programs (in WCC) and level two programs (in the community),
- deliver programs using Telehealth, Yukon College, internet, hotline and a support line,
- return to the correctional centre to complete programs,
- if a program cannot be provided in one community, perhaps it can be provided in another community (regional approaches) and
- the types of programs that should be provided include aftercare, drug and alcohol programs, life skills, and FASD prevention.

16. Should a new *Corrections Act* include provisions to allow the Yukon government to enter into correctional service and program delivery agreements with community organizations?

Overall, there was support for including provisions in the *Act* that would allow the Government of Yukon to enter into service and program delivery agreements with community organizations. Some of that support was qualified support and some of the reasons for that have been described as:

- providing that the community organization has funding and the capacity to deliver the program,
- providing that there is supervision and that monitoring and public safety is not compromised,
- providing that the program isn't parachuted in (i.e. provide the skeleton but people at the grassroots level need to add the details),
- providing that the names of organizations are not identified in the *Act*,

- providing that the agreements meet with the standards set by the related federal and territorial legislation as well as the concepts put forth and mandated by each Yukon First Nation as part of their respective Administration of Justice Agreement negotiations, and
- providing that the community organization has the expertise.

Some other observations included:

- partnerships are vital; First Nation and community support is needed. We don't want "us" and "them",
- regulate and monitor activity and taken responsibility and liability into consideration,
- each contract should be subject to review and the review made public,
- a venue for formal complaints against such service providers should also be considered,
- the language in the *Act* needs to be clear in order for the contractor to be accountable, not untouchable, and
- too many times responsibility for program delivery is off loaded.

17. Other recommendations: what are other issues which you or your organization may wish to have in a *Corrections Act* and its regulations that have not been covered above?

In responding to this question, many participants reiterated observations, concerns or suggestions made in response to questions 1-16 however some additional issues were raised and they are identified below along with the comments that were provided:

Administration of Justice Agreements (AJA): concern about how the new *Corrections Act* would allow for the drawing down of powers under the AJAs and concern that it not limit nor compromise Administration of Justice negotiations and self-government agreements.

Consultation on the draft *Corrections Act*: the need for dialogue back and forth with respect to drafting, the need to clearly explain why something cannot be accommodated in the legislation, the need to consult when the draft is ready and to develop an action plan for implementation.

Preparation for implementation of the new *Corrections Act*: the need to develop information and provide orientation for staff, inmates, probationers, service providers, First Nations. People need to know such things as how they will be affected, how they will be involved, etc. Put a system in place so that the community is not blind-sided by the recommendations that are made through this process (consultation and implementation). Recognize that for some of these things to work there has to be a transfer of authority.

Approaches to corrections: Some of the comments that reflected views on how to approach corrections included the following:

- the whole thing needs to be client-centred, building the system around the client's strengths and needs without losing sight of victims and their families,
- the preamble to the *Act* could be very strong; what role could the *Act* have in prevention?
- there needs to be mutual accountability; this should be a 'no shame, no blame' *Act*. Acknowledge that this [corrections] is one piece of a very complicated puzzle,
- don't repeat history, like the "take the Indian out of the child" approach that was used to guide the Residential Schools,
- wholesale change won't work, we need evolution,
- everything needs to be geared toward healthy communities,

- help as much as possible, but be tough on repeat offenders,
- make the system fair to the inmate and fair to the community,
- regard the sense of community as equal to the sense of law and
- ensure offenders are looked after and educated all the way through the system.

Some other issues identified for inclusion in the *Act* included:

- automatic review of the *Act* every ten years (for example)
- respect for cultural diversity
- provision for land-based camps that include traditional knowledge, expertise, sweats, Elders, and traditional lifestyle, and
- inclusion of traditional laws and culture must be in the *Act*.
- two points of view were expressed: harm reduction should be reflected in legislation and policies (e.g. needle exchange, condoms), and it is hypocritical to provide harm reduction programming
- include a requirement for victim consultation in the *Act* prior to release for some longer sentenced crimes.
- consider not providing a guarantee for visitation privileges in the *Act*.
- provide a Statement of Intent in the new *Act*,
- provide the rationale for the statistics and qualitative reporting methods,
- provide for client access both in person and in media communication,
- provide for formal points of reporting,
- common evaluative forms,
- description of relationships and the inclusion of extended family relationships in permit and permission mechanisms,
- provision to hold repeat offenders in custody and
- provide for a quarterly or annual meeting of RCMP, probation officers and others to talk about the system as a whole and what is working and not working,
-
- provisions respecting mental health:
 - include something respecting mental health services in the new *Corrections Act*. A specific place is needed in the WCC for a mental health facility,
 - include the ability to help mental health clients rather than confinement,
 - add a clause in the *Act*: no correctional centre will hold mental health patients – can this be considered?
 - consider whether the *Corrections Act* applies to those who are at WCC because of its designation as a hospital/health facility,
 - design further provisions to accommodate mental health clients. Work in cooperation with First Nations, service providers, NGOs and respective communities and families to best benefit these clients and to explore potential for both Yukon-based and Yukon First Nation-based culturally sensitive forensic programs and services so that First Nation mental health consumers can exercise the option to remain in the Yukon and are not forced to be placed in any “Outside” mental health facilities because there is no local alternative.
- provisions respecting programs:
 - programming should be available for the remand population. How to integrate the needs of the remand population into the *Act* is an issue,
 - ensure employment and education is available to keep inmate motivated/busy after release,
 - educational, psychological and emotional support and estrangement and coping with estrangement models and accesses,

- embrasure of the Community Conferencing and Circle Court model as the norm rather than the exception,
 - case planning for inmates is very important. In the *Child and Family Services Act*, there is a good model for case planning. There is a consultation occurring in the communities with First Nations health directors,
 - flexibility in programs is important and
 - the most common request is getting help with addictions, alcohol and drug addictions. "I'm told I can't phone [an addictions counsellor to assist the inmate]. It's frustrating." The onus is put on that person to get their own help. Alcohol and Drug Services won't take them while they are up there.
- Staff training and conduct
 - regulate conduct of correctional officers off-duty and on-duty where possible, through the *Act*,
 - require mandatory drug testing for the guards at WCC,
 - provide cross cultural training, not just First Nation culture training,
 - work with Yukon First Nations and within the *Public Service Act* to develop a program for orientation of all staff. This program would focus on Yukon First Nation values, culture and heritage, as well as focus on changes made to the *Act* affecting their positions (especially in the area of human rights, First Nation content, potential First Nation based programs and services etc) and
 - corrections staff need workshops on First Nations culture and backgrounds and education on First Nation issues like Residential School Trauma, FASD and other related issues. This should be recognized in the *Act*.

Other comments on issues that could be reflected in legislation, policy or programs included the following:

Assessments: the testing of inmates for security classification – is it relevant?

Confidentiality: consider how to work with the requirements for confidentiality and the need to share information in order to help inmates.

Correctional Services

- First Nations need to be involved and have input in the actual institutional changes,
- provide services in French for inmates who speak French, and
- ensure government checks on health and safety conditions at WCC, including food.

Centre for substance abuse and co-occurring disorders: a substance abuse centre and co-occurring (substance abuse/mental health) disorders centre is needed.

Female Offenders: ensure that a woman has support if pregnant and that she can keep the child with her while in custody. Pre-natal care could be delivered in there [WCC] and a nursery, pre-school program.

First Nations cultures: involvement, Elders, land program and camp

- we want to have a land-based healing camp for inmates or people in trouble with the law. Work with community justice committee diversion projects to get people back out on the land,
- look to Elders for advice – this is a key issue,
- have several Elders' committees to prevent burnout from overload, but not too many subcommittees. Find a balance between using their knowledge and their workload. Look after the Elders while they are helping people. Include debriefing with trauma counsellors and

- in the healing field, we have to be very careful who we are going to bring in. Consult with the Elders because there are false prophets out there and they can do harm. There needs to be a form that [a traditional healer] can fill out that will be then reviewed by the community, Chief and Council. If there is something that is not right [about the individual], then you have to question it.

Internal committees: use the internal committees appropriately, including quality management improvement, an inmate care monitoring committee, a treatment team, and a milieu team for every inmate to go over client needs.

Medical services

- the Emergency Department [at the hospital] is not the best place to treat inmates because there may not be the same doctor on all the time. Have the [doctor assigned to inmates] follow-up on any emergency admissions. The health system in communities [i.e. doctors, health centres, nursing stations] does not get the information about an offender that would allow for follow-up, treatment and refill of medicines. Sharing this information would require a consensual release from the inmate, as part of the discharge planning. This would provide appropriate continuity of care for chronic conditions.
- timely access to doctor and dentist [for inmates at WCC],
- provide for mandatory testing if considered medically necessary,
- conduct small scale drug testing in the correctional centre, and
- test for crack cocaine effects.

Parole Board: set up a parole board to make parole decisions.

Remand: speed up the process for those in remand.

Staff – training, conduct, support and other issues: provide support and training for Aboriginal and non aboriginal corrections officers, ensure corrections officers have the proper credentials to work at WCC, provide for cultural sensitivity training at WCC, and provide on-the-land training.

Spiritual services and support: include spiritual support models and access, provide for consistent spiritual support and building of relationships with inmates through chaplain services and clergy visitation, and reinstate the chaplaincy position at WCC; this reinforces the spiritual dimension.

Transition worker: provide a First Nation transition worker, return the CYFN liaison worker, and have an inmate liaison worker.

Victims: Don't forget about the victims' issues and needs. There has to be an effort [by the offender] in understanding, the impact to the victim, the harm and effects on the victim and victim's family. The Justice and Corrections system ignores the victim and forgets that in our culture, the victim is looked after first, not the offender. This speaks to our values, principles as a First Nation culture.

Victim support workers: every community needs support workers for victims. Set up the training now at the Yukon College i.e. a two-year course.

Work programs: consider work programs for offenders.

18. Please offer your suggestions for the name of the new *Corrections Act*.

There were few suggestions in response to this question. The suggestions provided were the following:

- Corrections Act,
- Yukon Corrections Act,
- the Community Healing and Criminal Justice Act,
- Community Re-integration Act,
- maybe a Tlingit word for “making it right;” and
- broaden the title to: Community Corrections Act.