

## **Research Report**

### **Crime Prevention among Indigenous Peoples: An Exploration of Opaskwayak Restorative Justice**

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#### **Abstract:**

This report deals with the Opaskwayak Cree Nation's Restorative Justice Program as a response to the disproportionate rates of Aboriginal youth incarcerated in the justice system. It provides a rationale and the methodology of the study. It provides discussion on the notion of decolonization of Aboriginal justice and its connections to Aboriginal ways of knowing, which are central to the ideas and practices of the Opaskwayak Justice Program. The study shows how the program fosters crime prevention. It does this in a number of ways, but most importantly it helps victims and communities heal from crime.

#### **Rationale**

Opaskwayak is an example of a growing number of Aboriginal communities that are gradually decolonizing their inherent justice traditions. And we do not hold it up here to speak for all Aboriginal justice programs. However, because Aboriginal justice systems have been systematically subjugated through Western social, political, economic and cultural imperialism, decolonization of Aboriginal justice and crime prevention is a daunting task. Aboriginal crime prevention has its origins in a cultural context, and while that context has eroded through colonialism, nonetheless Aboriginal ways of knowing still exists (Michell, 2011; Antsanen & Hansen, 2012; Ross, 1996; Green, 1998). Aboriginal restorative justice, therefore, has its philosophical basis in Aboriginal traditional teachings, culture, and community involvement and this development is reflected in the Opaskwayak justice initiative that is largely related to the concepts of repairing harm, reconciliation of relationships, and healing.

#### **Synopsis of Relevant Literature**

Aboriginal justice programs are generally grounded in the ideology of cultural appropriateness, community involvement, moves away from retribution and punishment, and of course, fuels a healing journey. Waziyatawin and Yellowbird (2005: 5) explain that decolonization is "the

intelligent, calculated, and active resistance to the forces of colonialism that perpetuate the subjugation and/or exploitation of our minds, bodies, and lands, and it is engaged for the ultimate purpose of overturning the colonial structure and realizing Indigenous liberation.” However in order to do so, one should examine the epistemological structures of Indigenous ancestors. As Walter Lightning (1992) who documented Elder Louis Sunchild’s views on decolonizing Aboriginal emotions and thinking structures in his article *Compassionate Mind*. Sunchild expressed that “great care should be given to the head and the heart” (Lightning, 1992: 235), which speaks of holism and the significance of the harmony between the mental and emotional human realms and this unity reflects a “large-scale connectedness” (1992: 239). Similarly, Smith (1999: 155), a prominent Maori author on Indigenous decolonization methodologies, wrote that “[r]estorative justice in Canada, for example, applies the concepts of the ‘healing circle’ and victim restoration which are based on indigenous processes ... and as such ... “[r]estorative programs are based on a model of healing rather than punishing.” Therefore, decolonization of traditional knowledge and cultural values is central to justice in northern Aboriginal communities. However, it is necessary to understand the colonization of Aboriginal culture in order to decolonize Aboriginal justice systems. In other words, the decolonization of traditional knowledge is necessary for the development of Aboriginal justice in the north. And furthermore it is important to identify and restore traditional knowledge and Aboriginal values to enhance the healing potential of Aboriginal victims of crime, offenders and communities.

Research shows that Aboriginal justice systems have benefitted many communities as it delivers a wide range of conflict resolution and healing enhancing benefits (Deer, 2009; Ross, 1996; Green 1998; CFNMP, 2004; AJI, 1999; Hansen & Calihoo 2014). And, this study suggests that Aboriginal inclusion causes a decrease in recidivism. In fact, participants expressed that recidivism levels decreased in offenders who undergone the Opaskwayak justice process. Participants expressed that repairing harm and apologizing to victims is a major factor that can lower recidivism levels in the community. A chance to repair harm and apologize can particularly affect both victims and offenders in terms of healing from crime. Thankfully, repairing harm and apology can be stimulated through the community justice process.

Aboriginal restorative justice programs are most well-known for their healing capacities for a number of reasons; perhaps most importantly it improves communication among victims, offenders and community members. In fact, Aboriginal justice initiatives play a key role in dialogue mobilization. Healing circles increase knowledge of the conflict and improves our understanding of the root cause of the conflict. Aboriginal justice is a matter of understanding what happened, why, and what the community can do to prevent it from happening again. From a justice standpoint, healing offenders and victims decreases the reproduction of crime and recidivism via developing a personal and collective understanding of the impact of the crime. Offering support for victims and offenders is an essential component for those who have diverse needs. If conflict resolution is hampered by reluctance to participate in the Opaskwayak justice program, the potential to heal from crime will undoubtedly suffer. However, the Aboriginal ethic of non –interference compels the community not to force anyone into the justice process. No community member can dictate the justice path.

### **Methodology:**

This study utilized qualitative methods and, more specifically, open-ended interviewing, case study, and narrative. The three participants are members of the Opaskwayak Cree Nation and

wanted to be acknowledged for their contributions to the study. Elder Irene Young is a respected female elder in the Opaskwayak community and she volunteers her time to deal with justice in the community. Similarly, Sherwin Moore and Clinton Whitehead volunteer their time to deal with justice matters and are also respected members in the community, but they are still young men. Creswell advises that qualitative research is suitable when the major research question asks “how” (1998, 17). This study is concerned with ‘how’ can the Opaskwayak Justice Program prevent crime? To elaborate, participants were asked the following open-ended interview questions:

*Is there a relationship between restorative justice and crime prevention?*

*What insights does the Opaskwayak Restorative justice committee offer in terms of crime prevention?*

*Does Aboriginal restorative justice programming decrease recidivism?*

*Is spirituality significant to Aboriginal justice?*

*How do you define Opaskwayak justice?*

These kinds of questions suggest this inquiry is suitable for a qualitative examination. Creswell (1998, 15) advises a qualitative inquiry entail that “the researcher builds a complex, holistic picture, analyzes words, reports detailed views of informants, and conducts the study in a natural setting.” The traditions that are utilized in this research include narrative, ethnography, and case study.

### **Results/Findings:**

The Opaskwayak Restorative Justice Committee serves the Opaskwayak Cree Nation and is made up of band members of the Opaskwayak Cree Nation. The committee deals primarily with minor offences and focuses on the youth; but to a lesser extent it also deals with adult offenders. We draw on the testimonies of Irene Young, a Swampy Cree Elder; Sherwin Moore and Clinton whitehead all respected members in the Opaskwayak community and they serve on the Opaskwayak justice program. A theme that emerged out of the interviews with participants was the correlation between crime prevention and Opaskwayak’s restorative justice program. When asked the question: In your view, is there are relationship between restorative justice and crime prevention among Aboriginal peoples?

*In Opaskwayak Cree Nation we are having lots of success in keeping First Nations out of jail; and we are getting lots of requests from the penitentiary and jail system and through the courts as they are referring lots of cases to us. The cases we do handle have almost 90% success rate in our restorative justice program—Irene*

Simply, then the passage suggests that the Opaskwayak justice program is successful. The response also indicates that the criminal justice system has turned to the Aboriginal community,

which suggests that the prevailing justice system does not know what to do when faced with Aboriginal crime. Similarly, in response to the same question Irene states:

*Certainly there has been for centuries and actually we go back to the teachings of our forefathers and- of course the wisdom of the people is one of things that always been there... there are lots of factors that go into restorative justice; meaning we restore the balance--Irene.*

This response is another indication that the Opaskwayak justice Committee is guided by traditional teachings and can have extremely beneficial effects on the victim and offender when done properly. In response to the question, Can you tell me about how this relationship relate to meeting the needs of the victim?

*The victim is more open to forgiving the offender and the victim finds it a lot easier than going through the court system. They are less stressful, less intimidating because they are dealing with their own First Nation instead of going through the court system in town. So they do find it lot easier for victims to deal with... the offender has to realize that they must do an apology letter to victim, which the victim is glad to see. When they do receive letters from offenders, victims are a lot more forgiving and open to the process of restorative justice –Clinton.*

In addition to its effects of promoting feelings of comfort to the victims of crime, Opaskwayak justice and the strategies that it utilizes can further encourage offenders to make reparations to the victim, which can have extremely beneficial effects on comforting victims when combined with heartfelt apology. Sherwin states:

*It involves the victim to confront the perpetrators in terms of healing setting things right with the spiritual, mental, physical, emotional aspects of people –Sherwin*

The response suggests holism. The significance of the old people in the justice process is also apparent in the way the justice committee interacts with the victims and offenders. The matter is significant.

*We utilize circle to give an opportunity to the victim to say how they felt. For instance, theft under whatever, if the victim is a store usually what you see due to shoplifting is price increase. Not only one victim here, we have the community as whole...For vandalism the victim explains how they felt and what should the required restitution. They want individual to pay back the costs of the window... it goes back to the teaching of respecting other people's property. Respect can go along so many different teachings—Irene.*

Indeed, by engaging the victim, the circle takes on attributes that are healing. However, it is important to note that Irene suggest that the harm of one community members affects us all. In

terms of shoplifting, for example, prices for the whole community can become inflated when shoplifting escalates out of control. Although transportation costs help to explain why prices in the north are high in comparison to urban areas, shoplifting is another contributing factor. In terms of meeting the needs of the offender, responses are as follows:

*First time offenders find it easier to deal with situation and are more open to receiving treatment from other processes that we set up for them. They are more willing to cooperate with the restorative justice program instead of court system, because the court system they believe doesn't work for them. So restorative justice is their second option they seem to find it easier and more open minded to the restorative justice program that we have here in OCN—Clinton*

To be clear, the abbreviation OCN represents the Opaskwayak Cree Nation. Clinton's response suggests that offenders find it more meaningful than the mainstream way of doing justice. Another way of putting it, Aboriginal communities want to have a say in how justice is dealt with in their communities.

*Enenen Pimatisewin meaning following and understanding the teachings of our forefathers try to retaining, I am very proud apart of the circle, it is an honor indeed and a privilege---Irene*

There is one thing to keep in mind when the elders speak of justice is that they often speak of simply living life in a good way. The Cree word *Pimatisewin* translates as the good life and the circle represents the notion of justice as healing. The desired result is to live life in a good way. When asked, what insights can you offer in terms of promoting crime prevention in Opaskwayak Clinton replies?

*Let see I think it I think it would be more getting it into to community, especially in the school, and the home getting at a early age-for the kids to learn process of healing themselves-try to make them aware to understand that there are consequences of wrong doing-but there is also good consequences when you do things right there are benefits at the end of the road, when things are done but not only with them but the whole community as well, with the learning process and life is not fair have to we have make if fair for ourselves once we make it will be fair for the community and back home –Clinton*

Clinton suggests that educating the students in the school on restorative justice and traditional teachings can help promote crime in Opaskwayak. Therefore, it is crucial that Aboriginal youth and children take up the cause of our ancestors and learn the inherent values that promote justice as healing. In his response Sherwin states:

*Crime prevention have to look at needs community focus more on other programs work in other communities such as the neighborhood watch program-ex focus more on the community ---Sherwin*

Sherwin suggests that community programs play a key role in crime prevention, and that other programs are also very important to crime prevention. Such as the neighborhood watch program. Similarly, Irene responds:

*Again we need the community, the networking process working with the RCMP because we have our own detachment here, and in getting to know them you will be able to recognize one another. The RCMP has always been like an authority figure, it has always been just like INAC. We still have that even when I in court I have to ground myself—the impacts—the treaties everything comes into play, promoting programs has a ripple effect. For instance, doing a circle...As far as promoting crime preventions with the youth basically I get them to be involved—Irene*

Irene points out the people in the community are interconnected and that it's absolutely essential to network Opaskwayak's justice program at the community level. She also expressed that it is necessary to get the youth involved in community activities in order to build their social inclusion, and to decrease crime and thus enhance community wellbeing.

## **Conclusions**

The participants in this study expressed the importance of restorative justice in their perception of traditional justice. More specifically, it was found that:

- There was a realization that *Omushkegowuk* people have experienced injustices due to residential and public schools and colonization in general.
- Justice could be achieved without revenge or punishment.
- The teaching of appropriate behavior rather than just punishing is crucial to the justice process. Without teaching one the impact of their behavior and suggesting ways to repair harm, it seems less likely that we would prevent further incidences from happening.
- Justice is a matter of healing.
- There was the understanding that the Opaskwayak Justice program is meaningful and beneficial.
- The criminal justice system is currently working with the Opaskwayak justice program in an attempt to improve justice practices in the north and for society at large.

## **Knowledge Mobilization Activities,**

The data for this research was published in the following manuscripts and was presented at the conference entitled, Research at Quality of Life: Towards Sustainable Community Futures Conference May 15-16, 2014). Presented by Darlene Lanceley & John G. Hansen.

## **Books and Chapters in Books**

Hansen, J.G; Lanceley, D. & Antsanen, R. (2014). Responding to Crime in the North the Opaskwayak Way. In H.J. Michell & C.G. Wheaton (Eds). KITASKINO: Key Issues, Challenges and Visions for Northern Aboriginal Communities in Canada. JCharlton Publishing Ltd: Vernon, B.C, Canada, pp. 107-127.

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