

**Hollow Water, Manitoba: An Explanatory Case Study of the Area, its Community, and the
Holistic Circle Healing Program**

Honours Thesis

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Department of Justice Studies

Morgan Huber

Research Supervisor:

Dr. D. Scharie Tavcer, Department of Justice Studies

Mount Royal University

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Contents	
Introduction	4
Focus	4
Methodology.....	6
Case Study Analysis.....	6
Collection of Data.....	6
Limitations	7
Theoretical Framework.....	8
Reintegrative Shaming	8
Restorative Justice	12
Literature Review.....	14
Aboriginals and the Criminal Justice System	16
Colonization	16
Residential Schools	17
Over-representation	20
The Gladue Decision	21
Aboriginal Representation in the Correctional Services of Canada.....	23
The Case of Hollow Water, Manitoba.....	29
Qualification Criteria.....	33
Process for Admission to CHCH	34
Impact and Outcome	40
Conclusion.....	44
Discussion.....	45
References	47
Appendix A: Population Characteristics.....	53
Appendix B: Education Characteristics	55
Appendix C: Workforce Characteristics	56
Appendix D: Household and Dwelling Characteristics.....	58
Appendix E: Income Characteristics.....	60

Introduction

Hollow Water is a small reserve community in northern Manitoba, Canada. In 1984, a Community Holistic Circle Healing (CHCH) program was started in partnership with Correctional Service Canada (CSC) in order to combat such issues as sexual abuse, substance abuse, and a variety of other criminal and social problems within the community. This honours thesis will examine all aspects of the community of Hollow Water, the issues that led to the implementation of the CHCH program, the program itself and the outcomes it has led to. This honours thesis has also examined the cooperation between CSC and traditional Aboriginal methods of healing that made such a program possible.

Focus

The focus of this honours thesis revolves around the over-representation of Canada's Aboriginal population in the criminal justice system compared with the rest of the population. This honours thesis will examine some attempts to deal with this over-representation undertaken by Corrections Services Canada, in particular, the Community Holistic Circle Healing (CHCH) program at Hollow Water, Manitoba. In addition to addressing some of the causes of violent and non-violent criminal behaviour among the population of Hollow Water, this honours thesis will include an explanatory case study of the program implemented at Hollow Water from 1984 to the present in an effort to address crime. The case study will attempt to arrive at some conclusions that can be used in the future to address crime, its causes, and the many consequences of Aboriginal overrepresentation within the Canadian criminal justice system. Furthermore, this honours thesis will reflect on the successful approach undertaken at Hollow Water and make recommendations for future correctional practices.

Exploring this community and program is important in order to address issues of equality and social justice, namely over-representation, among those in contact with Canada's criminal justice system. It provides us with insight into the restorative justice approach used to holistically address the various crimes and corresponding causes and consequences that affected every person in this community. This honours thesis also addresses the importance of incorporating multi-cultural views on justice and healing into the existing and adversarial criminal justice system in an effort to reduce over-representation and improve equality with regard to Canada's Aboriginal population.

There is not an abundance of research and review of the CHCH program or similar programs and their impact on the over-representation of Aboriginals within the Canadian justice system, nor is there much written about the effects of such programs on recidivism rates of offenders who have participated in them. This thesis is significant as it contributes to the existing literature of Aboriginal justice and healing initiatives. The CHCH program at Hollow Water also represents a successful co-operation between the court system, Correctional Services Canada and the members of the Aboriginal healing community. It also represents a correctional approach whereby a reduction in the rates of incarcerated Aboriginals is possible. Recidivism rates of the offenders involved in the CHCH program are also offered in order to illustrate the success of the program.

Methodology

This honours thesis comprises a case study detailing the inner workings of the Hollow Water reserve in Manitoba and its Community Holistic Circle Healing (CHCH) program. In order to fully understand the unique aspects of human social life, it is necessary to do research that differs in design from the forms undertaken in the scientific world (Neuman & Robson, 2009, p. 40). The thesis undertook a document analysis approach involving an interpretive approach. An interpretive research approach hinges on the understanding of the way that human beings interact with their surroundings (Neuman & Robson, 2009, p. 40). This approach involves inductive reasoning and an idiographic method of explanation. This requires the researcher to provide a comprehensive portrayal of all aspects of the research topic (Neuman & Robson, 2009, p. 41).

Case Study Analysis

The case study portion of this honours thesis involved a longitudinal assessment of the Community Holistic Circle Healing program in Hollow Water, Manitoba. The approach taken was an explanatory case study entailing a full and detailed review of the inner workings of the Hollow Water community and the CHCH program. An in-depth analysis of the CHCH program and its ability to rehabilitate and reintegrate offenders was also included in an effort to evaluate the effectiveness of the program. Conclusions are drawn from the analysis of Hollow Water's CHCH program to help inform future application of such community development and healing programs.

Collection of Data

The collection of data for this honours thesis utilized a mixed methods approach. Although the data collection largely centered on literature and document analysis, quantitative

research methods were practiced in order to examine Aboriginal incarceration rates, offending behavior, sentencing and recidivism of those offenders involved in the CHCH program. Data was collected from academic literature, reports and analyses of the CHCH program by CSC, and Canadian government data pertaining to Aboriginal offending and the Hollow Water community.

Limitations

Limitations to the chosen methodology include the time allotted to complete the research project (eight months), the lack of a contact at Hollow Water and the fact that interviews were not conducted with program participants and, therefore, individual opinions towards the CHCH program and its effectiveness are not included.

Theoretical Framework

This research project is supported by John Braithwaite's theory of reintegrative shaming. With its focus on interdependency, communitarianism, and shaming with the purpose of reintegration into the community, the theory provides the basis for understanding the steps and desired outcomes of the CHCH program.

Given that the research project aimed to explore the CHCH program rather than to explain the criminal behavior that warranted such a program, the theory of reintegrative shaming is quite complementary to the project. It helps us understand how and why such a program was developed and how purposeful it fits with healing with a community. Moreover, reintegrative shaming helps explain the basic framework of the program. It acts as a supplement in the understanding of the foundational elements of the program and the reasons it was designed the way it was. The general tenets of the theory also aid in the understanding of the success of the program both with regard to the offenders involved and the community as a whole.

Reintegrative Shaming

In his book *Crime, Shame and Reintegration* (1989), John Braithwaite put forth a theory of crime that aims to explain how shame can affect crime rates within any given community (p. 102). Using measurements of shame within different types of communities, Braithwaite (1989) attempted to predict which communities will experience high crime rates, and which will experience low crime rates (p. 98). The key concepts of reintegrative shaming are: interdependency, communitarianism, shaming, reintegrative shaming, stigmatization and criminal subcultures (Braithwaite, 1989, p. 100-101).

Interdependency is described by Braithwaite as the “condition of individuals”, or their attachment and bonding with others in their community. This attachment is measured both by the degree to which an individual relies on others within the community to fulfill certain socially approved objectives, and the degree to which others within society rely on the individual to achieve those objectives (Braithwaite, 1989, p. 99-100).

Communitarianism is described as the “condition of societies” whose inhabitants rely heavily upon one another and trust in one another in order to thrive. In this type of society, dependency is not frowned upon, but rather celebrated. In such a society, the needs of the group outweigh the needs of the individual (Braithwaite, 1989, p. 100).

Shaming, arguably the most important concept within this theory, refers to the practices by which certain actions or behaviors are condemned, with the intent to make an offender feel regretful about his/her actions or behaviors. Shaming differs from traditional justice-centered notions of punishment in that it often takes place amongst the members of the community rather than in a structured or institutionalized manner. Shaming is often used to denounce the actions of an individual and to gain an understanding of why such actions were carried out in the first place (Braithwaite, 1989, p. 100).

Reintegrative shaming refers to the aforementioned shaming techniques, but with the intent of eventually reinstating the shamed individual back into the community. The goal is to condemn the act but not define the offender as bad or deviant. Reintegrative shaming is a two-step process whereby the condemned act is shamed and more socially favourable behaviors and actions are endorsed, followed by forgiveness and reintegration back into the mainstream society.

Braithwaite's theory stresses a reliance on reintegrative shaming rather than stigmatization. Shame and stigmatization differ because the shame period only lasts for a certain period of time and, during the period of shame, the offender is not completely shunned from the community but rather made to feel loved and valued throughout the process (Braithwaite, 1989, p. 101). Shaming is a loving and respectful way of addressing deviant behavior. Attaching a stigma to the offender and his/her deviant behavior is a "disrespectful" form of shaming that often increases the likelihood of further deviant behavior (Braithwaite, 2000, p. 282).

Stigmatization refers to the same notions of shame, but in this case, there is no attempt at reintegration back into the community after the shaming period has been carried out. The offender does not return as a functioning member of society, but rather, the notion of deviance becomes embedded and often consumes the offender leading to a continuation of the deviant lifestyle (Braithwaite, 1989, p. 101).

Criminal subcultures are the result of stigmatization and the coming together of individuals who have been cast out of their societies due to deviant or condemned behavior. These criminal subcultures sustain criminal lifestyles and provide a place where such behavior is the norm (Braithwaite, 1989, p. 101).

According to Braithwaite, shame is more effective at deterring future criminal behavior because the gravity of social punishment outweighs that of traditional punitive measures implemented by the criminal justice system. In other words, individuals care more about how they are regarded in their own social circles and by those that matter to them rather than how they are viewed in the eyes of the law or by members of the court and correctional systems (Braithwaite, 2000, p. 287).

Communitarianism and interdependency are the basis of this theory of reintegrative shaming. If both concepts are not present at the same time in the same place, then reintegrative shaming cannot be successful. A society cannot be communitarian if interdependency does not thrive within the population of that community: “thus, a communitarian society combines a dense network of individual interdependencies with strong cultural commitments to mutuality of obligation” (Braithwaite, 1989, p. 85). Although Aboriginal justice practices existed long before Braithwaite’s theory, this theoretical foundation appears to be the basis of the ceremonies and correctional practices at Hollow Water.

Interdependency and communitarianism are achieved by CHCH as each participant in the program relies on other participants and community members to support them throughout the process. The entire community undergoes the healing process in one way or another which strengthens the bonds and interconnectedness of the community as a whole (Native Counselling Services of Alberta, 2001, p. 14).

Where CHCH is concerned, the offender meets with his or her victims and members of the community in an effort to understand the full effects of his or her actions. The actions of the offender are shamed but the process does not aim to attack the integrity of the individual or to isolate the offender from the community by means of stigmatization. The CHCH process is one of development and healing with the priority of restoring the community’s overall health and balance. The needs of all individuals involved in the CHCH process are addressed in an effort to restore harmony to the community and reintegrate those who have done wrong (Native Counselling Services of Alberta, 2001, pp. 20-26).

Restorative Justice

Restorative justice is a practice of justice that rests, not on the principles of denunciation, deterrence and retribution, but on the principles of reparation to both the victim(s) of the crime and the community within which the offence occurred, responsibility, acknowledgement of harm done, and rehabilitation (Roach & Rudin, 2000, p. 363). In simpler terms, “restorative justice aims to restore the well-being of victims, offenders and communities damaged by crime, and to prevent further offending” (Liebmann, 2007, p. 25). The main principles of restorative justice are as follows: accountability, communication, reparation, rehabilitation, reintegration, and support for the victim(s) (Liebmann, 2007, p. 26).

Accountability revolves around the offender taking responsibility for his or her actions and acknowledging that those actions were wrong. Simply serving time in a correctional facility or being sentenced by other punitive means does not force the offender to think about the harm they have caused. Restorative justice practices, however, encourage the offender to take responsibility for his or her actions and to take steps toward making things right (Liebmann, 2007, p. 26).

Communication and interaction with the victim(s) and community is another important facet of restorative justice. By uniting the victim(s) and offender, both sides have an opportunity to better understand the situation and come to terms with the harm that has been caused. The coming together of victim(s) and offender is often not feasible in traditional criminal justice system proceedings, but, can be extremely beneficial to all involved parties (Liebmann, 2007, p. 26).

In order for an offender to fully take responsibility for his or her actions, an attempt must be made to repair the harm done to the victim(s). While this step includes an apology to all harmed parties, it often involves some form of action on the part of the offender and the community to reverse the damage. The necessary reparations are decided upon through communication between the involved parties rather than through a judge in a courtroom (Liebmann, 2007, p. 26-27).

One of the bonuses of the restorative justice approach is that the offender actually gains an understanding of just how his or her actions have impacted the victim(s) and community. This realization can have a profound effect on the rehabilitation of the offender. It must also be noted though, that there are sometimes outside circumstances surrounding offending behavior such as substance abuse, which must be simultaneously dealt with within the community and the community must have access to the means to achieve a solution for these circumstances (Liebmann, 2007, p. 27).

Reintegration is another crucial aspect of restorative justice. Whether a prison sentence is involved or not, the offender needs to be reintegrated into society in order to become a functioning member of that society again. It is also important that the victim(s) is made to feel as though they too fit into their community, rather than being stigmatized by the offence committed against them (Liebmann, 2007, p. 27).

Throughout the entire process support and healing for the victim are emphasized. When an offender is dealt with in a punitive manner, the needs and concerns of the victim are often pushed aside and not addressed. The overarching aim of restorative justice approach is to include the victim in every aspect of the restoration process (Liebmann, 2007, p. 26).

Literature Review

The relationship between the Canadian criminal justice system and Canada's Aboriginal population is one of much contention and debate. Throughout Canada, both where offending and victimization are concerned, Aboriginals are vastly over-represented within these categories. Contact with the criminal justice and correctional systems are disproportionate when compared to non-Aboriginals in these categories. With respect to victimization, the 2004 General Social Survey found that Aboriginal people were three times more likely to be victims of violent crime than non-Aboriginal people and 40 percent of Aboriginal people had reported being a victim of crime compared with 28 percent of non-Aboriginal people (Scrim, 2010, p. 15).

Problems began with the colonization of Canada's Aboriginal people and those consequences have continued to grow over the decades impacting generations. With the attempts made by the Canadian government at forced assimilation and cultural genocide through provisions laid out in the *Indian Act* and methods such as residential schools, Aboriginal populations have suffered immensely. The *Indian Act* defined who was an Aboriginal, the cultural practices that Aboriginal populations were and were not permitted to perform, who Aboriginal people could marry while still keeping their status and where Aboriginal people were permitted to go (i.e. on and off reserve). The residential school system was implemented with the purpose of committing cultural genocide by taking Aboriginal children away from their families and communities, forbidding them to speak their native languages or participate in cultural practices, and indoctrinating them with Catholic and Christian belief systems. This created a generation of children who were not parented and who, in turn, did not know how to parent their own children (Kubik, Bourassa & Hampton, 2009, pp, 21-22). Residential school survivors often

turned to drug and alcohol abuse in an effort to deal with residual feelings of shame, anger and guilt. This destructive behavior has trickled down to future generations.

That being said, there are several policies, programs and initiatives in place within Canada's criminal justice and correctional systems that aim to incorporate traditional Aboriginal practices of justice and healing in an effort to address this over-representation. One such program developed by CSC is the In Search of your Warrior (ISOYW) program.

ISOYW is an intensive program designed for Aboriginal men who have a history of violent behavior or who have been convicted of violent offences in Canada (LaBoucane-Benson, 2009, p. 159). The program takes a holistic approach to healing and focuses on an understanding of what caused the violent behavior to develop within the offender (LaBoucane-Benson, 2009, p. 169). Offenders who partake in the program participate in a series of sessions and traditional ceremonies over a period of time ranging from six to 13 weeks (Trevethan, Moore & Allegri, 2005, p.5). The ISOYW program is delivered in a number of federal correctional facilities across Canada (Trevethan, Moore & Allegri, 2005, p. 5).

The ISOYW program has been fairly successful in reintegrating Aboriginal offenders into their communities upon their release from prison (Trevethan, Moore, & Allegri, 2005, p. 29). That being said, it is important to recognize that the ISOYW program is often delivered once an offender has been convicted of an offence and is sent to prison. The drawback to these types of programs is that they focus on healing after an individual has already come into contact with the criminal justice system. Rather than being preventative in nature, correctional programs that take place in correctional institutions can only attempt to heal the offender after he or she has already landed in prison.

The Community Holistic Circle Healing (CHCH) Program at Hollow Water, Manitoba is an example of a community based correctional program that reaches all members of the community. Given that it is important to view the CHCH through both an historical and an analytical lens, this study will begin with an historical overview of Canada's relationship with the Aboriginal population. This case study will include an analysis of the CHCH Program at Hollow Water and its outcomes and effects in an effort to better understand why it is necessary for the Canadian correctional system to work together with Aboriginal communities and to summarize best practices.

Aboriginals and the Criminal Justice System

In Canada, Aboriginal people account for approximately three percent of the overall population but make up nearly twenty percent of provincially and federally incarcerated inmates (O'Grady, 2011, p. 159). Manitoba has a total population of just over 1.1 million people and a population of status Aboriginals of just over 110 000 (see Appendix A: Population Characteristics). Moreover, Aboriginal people comprise more than half (59%) of Manitoba's incarcerated population (Menzies, 2009, p. 299). Furthermore, it should be noted that less than one percent of the judges and lawyers within the Canadian criminal justice system are of Aboriginal descent (King & Winterdyk, 2010, p. 57).

Colonization

The *Indian Act* of 1867 defined an Indian as any man of Aboriginal decent belonging to a certain band. It was through this definition and the various subsequent Acts concerning Aboriginals that Canada systematically disempowered and criminalized its Aboriginal people (Kubik, Bourassa & Hampton, 2009, pp 21-22). Many laws were passed, including those under the *Indian Act*, in an effort to control and subjugate Canada's Aboriginal populations. This

regulatory discrimination included laws that made it illegal for a resident of a reserve to leave that reserve without permission from the Indian Agent in charge, that prohibited Aboriginal people from making any attempt to file a law suit against the Canadian government in order to enforce any type of right, that did not permit status Indians to vote in federal elections up until 1960 and laws that outlawed many traditional Aboriginal ceremonies (Ross, 2014, pp. 79-80).

As McKaskill (1983) states,

Colonialism involves a relationship which leaves one side dependent on the other to define the world. At the individual level, colonialism involves a situation in which one individual is forced to relate to another on terms unilaterally defined by the other. (as cited in Menzies, 2009, p. 296)

Colonialism has had an immense impact on how Aboriginal people have come to be viewed and dealt with within present day Canadian society. Poverty, unemployment, under education and substance abuse all stem from colonialist practices that fully intended to create a society where Aboriginal people had no place and no power. The current state of Canadian Aboriginal life is not some sort of new phenomenon, but rather, can be directly linked back to colonialism (Menzies, 2009, p. 296). It was through the assimilation attempts of early colonizers that the lives of Canada's Aboriginal people came to be fixed in a system of social inequality and the over-representation of Aboriginal people in every aspect of our justice system is a blatant example of the repercussions of such policies (Menzies, 2009, p. 299).

Residential Schools

One of the ways that the Canadian government attempted to push its assimilationist agenda onto the Aboriginal population was through the use of programs and policies that were

designed to undermine the work of traditional Aboriginal institutions, delete their language, force their conversion to Catholic and Christian religions, and indoctrinate Aboriginal people to ensure complete assimilation (Menzies, 2009, p. 299). One such program was the notorious residential school system (Menzies, 2009, p. 301). The forceful removal of Aboriginal children from the care of their parents in an attempt at cultural assimilation created long reaching issues that are still being dealt with generations later (Corrado, Kuehn, & Margaritescu, 2014, p. 43). These issues are often considered symptoms of Post-Traumatic Stress Disorder and include: drug and alcohol abuse, withdrawal and the refusal to talk about the abuse suffered at residential schools, depression, high rates of suicide and self-harm, lack of coping skills, shame and anger (Ross, 2014, p. 117).

The forced cultural immersion and abuse that took place in these schools coupled with the loss of family, language, culture and traditions have created a legacy of pain, brokenness and dysfunctional communities (Ross, 2014, pp. 95-96). The aftereffects of the residential school did not only impact those who attended the schools, but continue to shape every aspect of Aboriginal life today (Bracken, Deane, & Morrisette, 2009, p. 67). As Wesley-Esquimaux and Smolewski (2004) put it,

The historical trauma that affected Aboriginal people in North America did not stop with the epidemics. It did not stop with the invaders taking away Aboriginal lands. It did not stop with the missionaries taking away Aboriginal belief systems. Another type of cultural genocide was attempted from the 1880s to 1950s—the period known as the residential school era. Much has already been written about this new brutal form of colonial control. To summarize briefly: First Nation children were removed from their families and sent to schools operated by missionaries and later by the Government of

Canada. The forceful removal of children from their families was, at that time, a lawful governmental practice intended to destroy Aboriginal social and cultural identity. (as cited in Bracken et al., 2009, p. 67)

The children then returned home as adults but no longer fit in. They could no longer speak the languages of their communities or Elders. Those individuals who experienced residential schools were not parented and when they began to have their own children, they did not know how to parent them (Ross, 2014, p. 160). Substance abuse was often used by residential school survivors as a means to deal with feelings of shame, anger, and pain stemming from their experiences in the residential schools. Substance abuse was also used to combat feelings of loneliness and isolation in those individuals who returned to their communities but no longer felt as though they fit in or belonged there (Ross, 2014, pp. 148-149).

Wesley-Esquimaux and Smolewski (2004) also point out that the effects and consequences of residential schools are important factors in the systemic inequality and discrimination Aboriginal people face in Canadian society today because they have become engrained in the social and cultural context of Aboriginal life (as cited in Bracken et al., 2009, p. 68). Residential schools were places of bodily, spiritual and cultural abuse and the Canadian government has yet to fully recognize the far reaching effects of such thorough abuse. Until Canada's social and political institutions begin to realize and acknowledge the long-term effects of residential schools, Aboriginal people will continue to be marginalized and re-victimized (Roach, 2014, p. 571).

Over-representation

It is noteworthy that the western provinces (British Columbia, Alberta, Saskatchewan, Manitoba and Ontario) have a much higher over-representation rate in their provincial institutions than do the eastern provinces (Quebec, Nova Scotia, Newfoundland and Prince Edward Island). The highest rate of over-representation in the west is found in Saskatchewan with an Aboriginal incarceration rate that is ten times the rate that would be projected based on the provincial Aboriginal population. Nova Scotia and New Brunswick weigh in with around two percent higher than expected Aboriginal incarceration rates, while Quebec and Prince Edward Island have proportional numbers of Aboriginals in their institutions when compared to their respective provincial populations (LaPrairie, 2002, pp. 185-186). In the west, the majority of offences committed by Aboriginal people happened away from a reserve, while in the east, the majority of offences were committed on a reserve (LaPrairie, 2002, p. 187)

Since 1967, a multitude of reports have been commissioned by various Canadian governments to address the issue of Aboriginal over-representation in the justice system (Monture-Okanee, 1995). The 1999 Supreme Court of Canada case *R v. Gladue* was instrumental in addressing and providing for possible solutions to the issue of Aboriginal over-representation in the Canadian justice system to reduce the numbers of incarcerated individuals (April & Magrinelli Orsi, 2013, p. 1). In *Gladue*, the Supreme Court of Canada recognized this over-representation and attributed it to a number of societal factors. These factors include substance abuse, low income, unemployment and low levels of education. Given that sentencing judges have the responsibility to issue sentences in a correctional facility, and that these methods of sentencing (i.e. incarceration) have proven not effective in addressing the needs and causes of Aboriginal offending, the Supreme Court of Canada underscored the importance of incorporating

community and other sanctions that also contribute to the principles of sentencing: denunciation; deterrence; and reintegration (Roach & Rudin, 2000, p. 358-359).

The Gladue Decision

In its landmark 1999 decision, the Supreme Court of Canada rendered an interpretation of s. 718.2(e) of the Criminal Code of Canada. As s. 718.2(e) states,

“all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders” (Martin’s Annual Criminal Code, 2012).

The Supreme Court recognized that the over-representation of Aboriginal people within the Canadian justice system is a direct result of systemic discrimination and inequality (Welsh & Ogloff, 2008, p. 494). In the interpretation, emphasis was placed on the remedial and restorative aims of s. 718 (Roach & Rudin, 2000, p. 358). Further, it was made clear that the circumstances of *all* Aboriginal offenders were to be considered at the time of sentencing, not just those of Aboriginals residing on reserves (Roach & Rudin, 2000, p. 356). Prior to *Gladue*, judicial and political analysis of Bill C-41 was not focused on the changes made to s. 718 of the Criminal Code of Canada with regard to sentencing. The *Gladue* decision brought to light the importance of these changes (Roach & Rudin, 2000, p. 362).

In other words, the Supreme Court of Canada recognized that something had to be done in order to restore the state of Aboriginal people and communities in Canada. The negative effects of colonization on Canada’s Aboriginal population were recognized, as was the greater propensity for criminal behavior caused by these negative effects. The changes made to s. 718 of the Criminal Code of Canada allowed for judicial decisions to be made on a specific, case-by-

case basis while also attempting to ensure greater emphasis would be placed on non-carceral, restorative justice practices rather than carceral sentences based in punishment and retribution.

In its decision, the Supreme Court reasoned that, in some cases, a sentence served in the community has the possibility of being even more trying for the offender than a custodial sentence given the aspects of shame, acknowledgement and personal responsibility and accountability that are present in a restorative justice based approach to sentencing (Roach & Rudin, 2000, p. 234-235).

Although the number of Aboriginal people housed in correctional institutions decreased after the introduction of Bill C-41 and the Supreme Court's decision of *Gladue*, the number of offenders dealt with by means non-carceral sentences increased more than the decrease in use of incarceration (Renwick, 2008, p. 230). The 1999 Supreme Court decision of *Gladue* seemed like a promising move toward better equality within the Canadian justice system but, almost fifteen years later, Canada has yet to see significant reduction with regard to Aboriginal over-representation in the justice system (Rudin, 2013, p. 354).

Aboriginal Representation in the Correctional Services of Canada

Up until the 1960s, the population of Aboriginal inmates in federal corrections was actually underrepresented compared to their numbers in society, at least in federal facilities (Office of the Correctional Investigator, 2012, p.11). Since the problem of Aboriginal over-representation began to arise in the 1970s, several initiatives and practices have been adopted in an attempt to curb recidivism and further Aboriginal encounters with the criminal justice system (Office of the Correctional Investigator, 2012 p. 11).

During the 1975 National Conference on Native Peoples and the Criminal Justice System in Edmonton, Alberta it became clear that, among other things, it was explicitly necessary for Aboriginal communities to be more involved in the correctional process of Aboriginal offenders (Office of the Correctional Investigator, 2012, p. 12). In 1988, the Task Force on Aboriginal Peoples in Federal Corrections agreed that legislation needed to be enacted to ensure Aboriginal people more control over corrections (Office of the Correctional Investigator, 2012, p. 12). In 1991, the Aboriginal Justice Inquiry of Manitoba asserted that the foundational principles of the criminal justice system did not apply to Aboriginal values or culture and concluded that Aboriginal communities be allowed to supervise Aboriginal offenders within an Aboriginal-centered justice system. The Law Reform Commission of Canada agreed, denouncing the homogeneity assumed between offenders by the current Canadian justice system and recommending an Aboriginal controlled justice system that conforms to Aboriginal values and beliefs with correctional programs and facilities set up in their own communities (Office of the Correctional Investigator, 2012, p. 12). Finally, in its 1995 report, the Royal Commission on Aboriginal People found that “the justice system has failed Aboriginal peoples” and reinforced

the idea that programs and facilities that cater to Aboriginal values and needs are a necessity for the Canadian justice system (Office of the Correctional Investigator, 2012, p. 12).

The *Corrections and Conditional Release Act* (CCRA) was enacted in 1992 with the intent of:

contributing to the maintenance of a just, peaceful and safe society by: (a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and, (b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community. The principles guiding the CCRA during the period covered by this investigation include: (a) the protection of society be the paramount consideration in the corrections process; (b) the Correctional Service of Canada use the least restrictive measures consistent with the protection of the public, staff members and offenders; and (c) correctional policies, programs and practices respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and Aboriginal peoples, as well as to the needs of other groups of offenders with special requirements”.

(Office of the Correctional Investigator, 2012, p. 8)

In other words, while public safety is imperative in correctional practices, the needs of both society and offenders are to be considered when deciding upon the most effective correctional method. The unique needs of Aboriginal offenders and communities are to be taken into account by correctional authorities. Rehabilitation and reintegration should be emphasized in a culturally relevant way.

There are some sections of the CCRA that specifically address the treatment of Aboriginal offenders under correctional care. Section 81 gives Aboriginal communities the ability to be involved in an offender's correctional care during any time that they wish to do so (Office of the Correctional Investigator, 2012, p. 9). It reads as follows:

81. (1) The Minister, or a person authorized by the Minister, may enter into an agreement with an aboriginal community for the provision of correctional services to aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.

(2) Notwithstanding subsection (1), an agreement entered into under that subsection may provide for the provision of correctional services to a non-aboriginal offender.

(3) In accordance with any agreement entered into under subsection (1), the Commissioner may transfer an offender to the care and custody of an aboriginal community, with the consent of the offender and of the aboriginal community.

According to Mann (2009), the reasons as to why Canada's Aboriginal population is more likely to come into contact with the justice and correctional systems can be related to a variety of factors. These factors include physical and sexual abuse, drug and alcohol abuse, poverty, and longstanding social and relational problems stemming from experiences in the residential school system (p. 4). It is also important to note that Canada's Aboriginal population has a higher rate of growth than non-Aboriginal populations and is, on average, much younger than the rest of the Canadian population (Mann, 2009, p. 5). Due to these factors, Aboriginal over-representation in the correctional system is getting higher rather than lower (Mann, 2009, p.

6). This will undoubtedly have far-reaching impacts that CSC will have to tackle in the coming years.

Differences between Aboriginal offenders and non-Aboriginal offenders include family background, cultural differences and geographical differences. Aboriginal people from northern or more remote areas of Canada often have a more trying time in a correctional institution than do Aboriginal offenders from urban areas (LaPrairie, 1996, p.36). A high rate of (28%) Aboriginal offenders are incarcerated for some type of sex offence (LaPrairie, 1996, p. 40).

Programming received by Aboriginal offenders while in the custody of CSC is more likely to be effective if the programs involve a higher degree of community support and interaction. This is due, in part, to the increased stability and acceptance that the offender feels after release (LaPrairie, 1996, p. 75).

A holistic correctional method is necessary in order to understand and correct Aboriginal offending. These methods must focus on healing in a culturally meaningful way if the over-representation of Aboriginal people in the Canadian correctional system is to be resolved (Mann, 2009, p. 6). Healing programs and initiatives headed by Aboriginal communities began to gain popularity around the 1980s (Solicitor General Canada & the Aboriginal Healing Foundation, 2002, p. 4). Healing takes place both at the level of the individual and the community and can be described as a restoration process where the individuals and communities gradually move toward wholeness and well-being (Solicitor General Canada & the Aboriginal Healing Foundation, 2002, p. 44).

Community development utilizes the existing strengths of all members of the community in question in the process of healing and change (Community Development, 1994, p. 7). Three

central premises are present in community development; the community learns together how to grow and change in the ways it deems necessary for the success of the community, the community relies on what it knows about the past and the present in order to inform future changes, and, most importantly, the awareness that the entire community must be involved in the process (Community Development, 1994, p. 8). It is imperative that government stakeholders in the criminal justice system engage in a partnership with the community. This partnership must involve an element of support and the willingness to participate in, and learn from the community and its particular process (Community Development, 1994, p. 9).

The CHCH program at Hollow Water is an example of a community-based healing model and was undertaken as a joint initiative between CSC and the local community. The program is funded by both the Government of Canada and the Government of Manitoba (Correctional Service Canada, 2001, p. 25). The CHCH was conceived and developed, in part, because the Canadian criminal justice system recognized the community-based process as more culturally relevant and better suited to meet the needs of Aboriginal offenders (Community Development, 1994, p. 14).

Although many promising programs and initiatives have been adopted by CSC in an attempt to deal with Aboriginal offenders' recidivism and reduce their over-representation within the justice and correctional systems, significant positive effects are yet to be seen (Mann, 2009, p. 12). That is to say that the over-representation of Aboriginal populations within the Canadian criminal justice and correctional systems have yet to be successfully resolved.

Access to programs is one of the largest hindrances facing the Aboriginal population under correctional care. Many programs have been designed and implemented as a coordinated

effort between CSC and Aboriginal communities, however, such programs must be made available throughout the nation before significant improvement is observed (Mann, 2009, p. 14).

The Case of Hollow Water, Manitoba

The Hollow Water reserve lies roughly 190 kilometers north of Winnipeg, Manitoba and occupies 4000 hectares of land. Given its prairie location, much of the infrastructure of the reserve stems from fishing, hunting, trapping, logging, construction and harvesting. It is an Ojibwe speaking area with a registered population of just over 1700 people and an on reserve population of just over 1000 residents (See Appendix A: Population Characteristics). Hollow Water's population is very young, with low education and low employment rates (See Appendix A: Population Characteristics; Appendix B: Education Characteristics; and Appendix C: Workforce Characteristics). The area of Manitoba that Hollow Water lies in is a predominantly Aboriginal area with three neighbouring Metis communities: Manigotogan, Aghaming and Seymourville (Bushie, 1999, para. 1).

The residences at Hollow Water are largely old, being built before 2001, and rundown. Many require major repairs. The median household income at Hollow Water is just over \$36,000 with an average personal income of just over \$21,000 (See Appendix D: Household and Dwelling Characteristics; and Appendix E: Income Characteristics).

The Community Holistic Circle Healing program at Hollow Water was conceived by a resource team of volunteers, political leaders and service providers from any agencies operating in the area after an investigation into the issues facing Hollow Water's young people undertaken in 1984 (Solicitor General Canada & the Aboriginal Healing Foundation, 2002, p. 27). CHCH is mainly used to address sexual offending, however, offenders who committed other types of crime have also been participants in the process. These other types of crime include assault, theft, break and enter, gross indecency and second degree murder (Native Counselling Services of Alberta, 2001, pp. 137-140).

The main societal issues addressed by CHCH include crime, substance abuse and suicide. In order to understand the causes of these issues, the family histories of the young people were examined (Ross, 1993, p. 243). The resource team was comprised to work on healing and development within the community of Hollow Water and its surrounding communities (Bushie, 1999, para. 2).

The resource group was formed on the basis that it would fulfill two fundamental roles within the community. The first role of the resource group is to provide support and guidance to those individuals who desire to embark on a journey of healing. The resource group includes many community members who are in the process of undergoing their own healing journeys and their main role is to assist other community members to do the same. The aim of this first role is to ensure Hollow Water and its surrounding communities are safe and healthy for future generations (Bushie, 1999, para. 2).

The second role the resource group is to fulfill is the implementation of the program across all facets of the community. This includes healthcare, politics, the education system, the economic realm and spiritual and religious areas. If the program is integrated into every area of daily life in the community, a long term development process can begin to take hold (Bushie, 1999, para. 2).

During the mid-1980s, there were many, many societal issues the community was facing; alcohol and drug abuse was rampant as alcoholism was widely used as a mechanism to deal with anger, pain and problematic behavioral issues. Unemployment was high and it seemed to be agreed upon that children needed to be educated in their own culture in order to help alleviate some of the criminal and social problems they were facing. Even though many members of the

resource group had been personally affected by sexual abuse, it was not talked about openly within the community. The first disclosure of sexual abuse came in 1986, two years after the resources team was formed (Bushie, 1999, para. 3).

In order for the community of Hollow Water to succeed in economic and political realms, it was recognized that there was a lot of personal healing needed within the community. The resource group then began to communicate with other groups in North America dealing with similar issues. From there, a training program was set up, referred to as S.A.F.E. (Self-Awareness for Everyone). This program was modelled after the New Directions training from Alkali Lake. The newly implemented program led to a large number of abuse disclosures from members of the community (Bushie, 1999, para. 4).

These disclosures highlighted the difference between how the criminal justice system deals with offenders and what the community needed in order to heal. The goal was to negotiate a relationship with all agencies involved in dealing with sexual abuse including: child protection workers, police, the courts, judges, mental health workers, victims, victims' families, offenders, offenders' family and other community members (Bushie, 1999, para. 6). This newly formed cooperation would develop a method of how to proceed with dealing with disclosures by the courts in an effort to aid in the healing process. A basic system was created and later refined: Community Holistic Circle Healing (Bushie, 1999, para. 7).

CHCH is based on the Seven Sacred Teachings of the Anishnabe culture. This is what the whole process is centered around. These Teachings include the following elements which were retrieved from the Native Counselling Services of Alberta (2001):

Courage - To face responsibility of one's actions; to seek forgiveness; to say "I'm sorry".

Knowledge - Before one becomes an Elder with wisdom, one must have knowledge. One must understand the Creation Story, what it means to be Anishnabe and the full meaning of the Seven Sacred Teachings. It is through spiritual knowledge and purity of spirit that our ancestors "knew" what would be happening to our youth today. It is necessary to know what knowledge must be given to enable the Aboriginal person to be proud of his/her identity/heritage.

Respect - We do not gossip about others; when an Elder or community member dies, and children are home from school, they show respect by supporting the family in need. It is not a free day off. People are different. Respect their differences. There isn't only one way of doing things. Honor your Elders. Speak with gratitude about them. Respect Mother Earth who gives freely of her land and is saddened when cigarette butts, pop cans, paper is strewn on her soil. Respect your wife/husband/family.

Honesty - To know that honesty frees one, lightens the burden. Be honest with yourself, your family, and your people. Do not tell lies to protect yourself. Sometimes it requires great bravery to be honest. Focus on the bravery, on honesty.

Humility - Know that you are a sacred part of creation, and that creation is vast. You are a magnificent part of the whole. Respect and love your wonderful creation, your gifts, but be humble. Don't let your ego rule. Attempt to achieve egolessness. You will become pure and spiritual as a result.

Love - When you express love, you draw in all the good in your life. Your energy is clearer. To know love is to release your desires to the love of the Creator. If you see love

in others, and do not judge, you will have peace. For you will have a deeper understanding of the people with whom you interact; you will see them through love, and will credit them with being who they are at this particular point in time.

Truth - Truth is to know all of the above, and to be at peace. (p. 26)

CHCH has a deep spiritual core which sets it apart from mainstream justice and corrections initiatives. Unlike traditional justice practices, CHCH involves the victim, offender, and the families of both along with other members of the community. The aim is to restore peace and balance to the community as a whole.

These Teachings all refer to the need for accountability, apology and respect for one's self and everything and everyone surrounding the individual in the healing process. The Teachings underline the importance of embracing cultural differences and traditions in an effort to better understand one's self and their community members. The importance of spirituality and the ability to understand circumstances and situations from the perspectives of others are also paramount to the Teachings. It is the practice of these seven Teachings that forms the basis for the CHCH program and allows for its successful restoration of health and balance to the community upon completion of the process.

Qualification Criteria

After an offender must admit to the crimes he or she has committed and be willing and eager to go through the program rather than the adversarial justice system in order to be considered for CHCH. Once accepted into the program, the offender must embrace the healing process and charges laid against him or her. The offender must also plead guilty to the criminal charges at the earliest opportunity possible (Ross, 1993, p. 244). The support team then asks the

courts to defer sentencing for a minimum of four months in order to ensure the sincerity of the offender's wishes to be involved in the healing process through the 3 steps outlined below (Bushie, 1999, para. 10). Probation orders for offenders involved in the CHCH program include mandatory conditions that are personalized to the offender and an agreement to cooperate fully with the healing process (Ross, 1993, p. 244-245). It is important to note that the victims are involved throughout all stages of the process either through liaison with a member of the resource team or through participation in the healing circles (Ross, 1993, p. 245). Ultimately, this is the beginning of a long process of healing (it may take anywhere from 2-5 years), the goal of which is to conclude the program when reconciliation and restitution are reached (Bushie, 1999, para. 10).

Process for Admission to CHCH

Step 1: An intervention team (CHCH members, child & family services, band constable) is implemented to conduct an investigation into the situation and the circumstances surrounding it. A record is then made of the victim's account of the abuse. Throughout this step, the victim's safety and wellbeing is ensured through the presence of reliable and trustworthy community members and members of the resource team (Bushie, 1999, para. 7).

Step 2: Once the facts of the abuse have been determined, the offender is confronted and charged. Both the law and community intervention are used in an effort to encourage the offender to take responsibility for his or her abusive behaviour and the offender is consulted to determine if he or she desires to participate in the CHCH process. If the offender wishes to take part in the healing process, he or she must plead guilty to the charges laid, at which point, he or she is sentenced to probation. The conditions of the probation include mandatory and full cooperation with the CHCH process. If the offender refuses to plead guilty to the charges, or if

the offender does not wish to participate in the CHCH process, he or she will be dealt with by means of the traditional court and correctional systems (Bushie, 1999, para. 8).

Step 3: After the offender has expressed a desire to complete the CHCH process, an assessment is completed to ensure the sincerity of the offender's desire. The assessment lasts a minimum of four months during which the offender must show that he or she understands the impact and consequences of the offending behaviour. This is determined through the use of four circles (Bushie, 1999, para. 9).

In the first circle the offender must recount his or her abusive behaviour. This stage often takes quite some time to complete as it can be difficult for the offender to offer specific detail regarding the offence. During this stage, the offender is required to meet on a weekly basis with a sexual abuse counsellor and, at times, a psychologist (Bushie, 1999, para. 10).

The second, third and fourth circles also requires the offender to admit to the abuse that has been committed. The second circle includes the offender's nuclear family, the third circle includes the offender's extended family, and the fourth circle includes and members of the community who wish to be present. If the offender successfully completes all of these circles, his or her commitment to the CHCH process is deemed sincere and the rest of the process is carried out (Bushie, 1999, para. 11).

The complete CHCH healing process includes a total of thirteen steps retrieved from the Native Counselling Services of Alberta (2001):

- 1) Disclosure
- 2) Protecting the Victim/Child
- 3) Confronting the Victimizer
- 4) Assisting the Spouse
- 5) Assisting the Family/ies/the Community
- 6) Meeting of assessment team/RCMP/Crown
- 7) Victimizer must Admit and Accept Responsibility
- 8) Preparation of the Victimizer
- 9) Preparation of the Victim(s)
- 10) Preparation of All the Families
- 11) The Special Gathering
- 12) The Healing Contract is Implemented
- 13) The Cleansing Ceremony (pp. 91-101)

Each of these 13 steps adapts to the specific circumstances of the case in question and evolves through the process of learning undertaken by the CHCH staff. Each case of abuse is distinct in its own way and the steps of the CHCH must be flexible enough to meet the needs of everyone involved. This includes the offenders, victims, the families of both the offender and the victim and the staff involved with the CHCH (Native Counselling Services of Alberta, 2001, p. 91).

Disclosures occur when the resource team becomes aware of abuse that has occurred. Abuse disclosures take place as the result of a member of the community coming forward to alert the resource team of abuse. Anyone from the community can make disclosures, including the victim or the offender. After disclosure occurs, all individuals involved with the abuse are contacted in

order to gain insight into the details surrounding the abuse and a strategy is devised as to how to most effectively commence with the healing process. This is the stage where the police are first contacted.

Throughout the process the safety of the victim (whether child or adult) is the priority. The second step involves assuring that the victim has the support that he or she needs to move forward in the healing process. This includes ensuring that the victim has a safe place to stay where he or she will be safe. Child and Family Services is involved in this step in an effort to assure the victim's needs are being met.

The third step involves informing the offender of the disclosure if he or she is not already aware and ensuring that the offender understands what will happen throughout the rest of the healing process. While it is imperative that the offender receive support throughout this step to minimize the risk of the offender becoming harmful to him or herself or to others, it is also important that the offender be made aware of the severity of the situation. The roles of the court system as well as the community throughout the rest of the healing process are explained to the offender. Further, any needs that the offender may have are outlined in this step (mental health, substance abuse, etc.).

The fourth step mimics the third, but with the offender's spouse. The spouse is informed of all that has happened since the disclosure and is made aware of the steps and agencies involved in the healing process. The step provides the spouse of the offender with a support network offender that will be available to answer and address any question or concerns he or she may have.

The fifth step is similar to the third and fourth steps, but includes the families of the victim and the offender as well as the community as a whole. The victim and offender are almost always both members of the Hollow Water community. It is also common for the victim and offender to be from the same family (immediate or extended) and so, this step provides all individuals who have been affected by the abuse and subsequent disclosure to begin the healing process together.

The sixth step involves a conversation between the resource team, the police and the Crown. After all of the information that has been gathered through conversations with the offender, the victim, their families and the community has been discussed, the course of action to resolve the abuse situation is decided upon. This step determines whether the offender will be dealt with through the court system or through the CHCH program. The resource team, police and Crown then draft a Healing Contract that will be presented to the offender (Native Counselling Services of Alberta, 2001, p. 95).

The seventh step involves the offender taking responsibility for his or her actions. The offender must admit to what he or she has done and hold him or herself accountable for the abusive actions. If the offender wishes to proceed with the CHCH program, this is the step where he or she must agree to certain conditions that are outlined in the Healing Contract previously agreed upon by the resource team, the police and the Crown.

The eighth step involves a meeting between the offender, the victim, their families and members of the resource team. All involved parties will be given an explanation of what has happened and what will happen as the healing process moves forward. This includes a discussion of the requirements of the offender throughout the healing process.

The ninth step is similar to the eighth step, but with the victim. The victim must indicate what she or he is willing to do to aid in the healing process.

The 10th step mimics the eighth and ninth steps, but includes any family members of the victim or offender who have been selected to take place in the healing process.

The Special Gathering occurs in step 11. This is the most arduous step of the process. The Special Gathering takes place in the form of a circle with the offender, the victim, and members from both of their families present. The details regarding the abuse are outlined, and the offender must publicly admit his or her guilt and take responsibility for his or her actions. All other individuals present at the ceremony have the opportunity to speak in the circle should they so desire. The Healing Contract that was drafted in step 6 is presented to the circle as they must agree with and support its conditions if the healing process is to be successful. The Healing Contract contains elements of punishment, as well as treatment for the offender and conditions to minimize the possibility of continued abuse (Native Counselling Services of Alberta, 2001, p. 100).

During step 12, the offender carries out and completes the Healing Contract. If the offender breaks any of the conditions of his or her Healing Contract during this step, the CHCH program will be discontinued and the offender will be dealt with through the traditional court system.

The final step of the process occurs at the cleansing ceremony. It often takes years to move through all of the steps included in the CHCH program, and step 13 takes place in the form of a community wide celebration. The community comes together to celebrate the completion of the CHCH program for the offender.

Impact and Outcome

The CHCH process at Hollow Water has been extremely beneficial in a number of ways. The process allows for entire communities to heal and provides extended support for offenders, victims and their families. The CHCH process is more cost effective than the adversarial system while keeping offenders out of prison and further reducing costs that would be incurred by incarcerating the offenders. Furthermore, offenders who participate in the CHCH process have an extremely low rate of recidivism, speaking to the holistic and healing effects of a community based correctional program. All of these points are addressed below.

A total of 107 offenders went through the CHCH process from its commencement in 1984 through to 2001 (Native Counselling Services of Alberta, 2001, p. 25). Moreover, up to 500 victims, family members and other community members were directly involved with the healing process between those years, and the healing brought about by this process has spread throughout the whole community (Native Counselling Services of Alberta, 2001 p 77). CHCH has led to a reduction of violence within Hollow Water and the creation of a more safe community, a strong support system within the community that encourages healing and balance and successful reintegration of those who have completed the CHCH process (Native Counselling Services of Alberta, 2001, pp. 63-64).

It is quite difficult to accurately compare the costs incurred by processing offenders through CHCH with the costs that would be incurred if those offenders were processed through the adversarial justice system. This is partly due to the fact that a dollar value cannot be attached to healing, rehabilitation or the rebuilding of an entire community (Native Counselling Services of Alberta, 2001, p. 67). Assumptions have to be made in order to effectively compare mainstream justice sentences with CHCH. Firstly, it is to be assumed that the CHCH participant

would have been found guilty at trial and his or her sentence would similar to that of the national average for the offence committed. Secondly, it is to be assumed that the offender would spend two thirds of his or her sentence in prison (Native Counselling Services of Alberta, 2001, p. 71).

According to the Native Counselling Services of Alberta (2001), pre-incarceration costs are conservatively estimated to be \$19, 500 per offender. Pre-incarceration costs include costs relating to the investigation into the offence, costs relating to remand and costs relating to court dates and trials (p. 72). Taking into account the gender and age (adult or youth) of the 107 offenders dealt with by CHCH between 1984 and 2000, a conservative estimate of the cost to the government that would have been incurred had the offenders been sentenced to prison would be well in excess of seven million dollars (Native Counselling Services of Alberta, 2001, pp. 76-77). These figures do not take into account wages or money spent on victim services. Every year, Hollow Water receives funding in the amount of approximately \$120, 000 for CHCH from both the federal and provincial governments. When other funding contributions are included, the total amount received per year is around \$300, 000 (Native Counselling Services of Alberta, 2001, p. 78). Clearly, the financial cost to run a program such as CHCH is significantly lower than the cost to punish offenders through the traditional justice system.

CHCH boasts an extremely low recidivism rate. Of the 107 individuals admitted to CHCH between 1987 and 2001, only two offenders recidivated (Native Counselling Services of Alberta, 2001, p. 23). This is the lowest recorded rate of recidivism of any correctional program or initiative under CSC (Native Counselling Services of Alberta, 2001, p. 23). The overwhelming success of the program is largely accredited to its holistic, non-labelling and non-stigmatic approach to healing and the involvement of the entire family and community of both the offender and the victim (Native Counselling Services of Alberta, 2001, pp. 23-24).

According to the Native Counselling Services of Alberta (2001), the state of the general population of Hollow Water has improved as well. At the time their research was conducted, education rates of the residents of Hollow Water had increased, high school dropout rates had decreased and some individuals who had previously dropped out of high school had returned in order to finish their diplomas (p. 38). Three child development programs were also implemented at Hollow Water; P.E.E.R., Head Start and Day Care. P.E.E.R. is a program for mothers of babies and toddlers that teaches parenting skills and makes mothers aware of the community resources available to them. Head Start is a program that teaches parents (mainly stay-at-home moms) of young children the language, culture and traditions of the Anishnabe people. The parents can then pass on their new found knowledge to their children as they grow up. Day Care is a program developed to help working mothers with children under five years old access supervision for their children. The children attend daily and are taught culturally relevant lessons (Native Counselling Services of Alberta, 2001, pp. 40-41).

The prevalence of alcohol abuse amongst the residents of Hollow Water decreased markedly in the first 10 years after the introduction of CHCH. Many of the middle aged and older adults at Hollow Water reported a complete discontinuance of alcohol as a coping mechanism (Native Counselling Services of Alberta, 2001, p. 46). That being said, rates of drug use among the younger population of Hollow Water were, at best, not changing at all (Native Counselling Services of Alberta, 2001, p. 46).

Although the facts presented above speak to the benefits of CHCH, there are some criticisms of such programs. These criticisms come from both individuals within the Hollow Water community and individuals within society at large. One criticism argues that CHCH is too focused on the offender and the victim may feel as if they have no choice but to agree to the

CHCH process. Another holds that the traditional values at the core of CHCH are not values that the entire community shares or agrees with. Furthermore, arguments have been made that government funding received by CHCH could be better utilized elsewhere (Native Counselling Services of Alberta, 2001, p. 1). There are shortfalls of every system, however, and the success of CHCH and the need to reduce Aboriginal over-representation in Canadian correctional institutions supports the continued use of CHCH and other holistically based correctional methods.

Conclusion

Overall, the CHCH program at Hollow Water has been largely successful. The community as a whole has seen substantial growth and healing. Shaming offenders with the intent of reintegration and healing has turned them into successful, contributing members of the community and promoted healing throughout the community. With its foundations in the practice of restorative justice, the CHCH program has led to rehabilitation of the community as a whole. Furthermore, restoration for the harm caused by sexual abuse has been made.

The CHCH program at Hollow Water represents an Aboriginal led initiative in an attempt to alleviate some of the issues facing Canada's Aboriginal population both with regards to overrepresentation within the justice system and societal and criminogenic factors that influence that overrepresentation. With its holistic focus on healing and Aboriginal values and needs the opportunity arises for entire communities to heal. The overwhelming success of the CHCH offers evidence supporting a shift to a justice and correctional system more focused on restoration and healing rather than punishment and stigmatization of offenders. The benefits of correctional programs such as CHCH are self-evident. In order to combat the issues surrounding Aboriginal overrepresentation within the Canadian criminal justice system, CHCH must be embraced and similar programs established throughout the country.

CHCH has shown that correctional programs focused on healing and the needs of both Aboriginal offenders and communities have the capacity to be much, much more effective than traditional punitive measures. The evidence laid out in the case study is clear; these programs are more cost effective than prison, they lead to significantly lower recidivism rates when compared with offenders who serve prison time, and they provide the opportunity for entire communities to embrace each other and heal together.

Discussion

This thesis has shown the immense positive impacts of a restorative justice centered, holistic approach to corrections. Through the case study of CHCH and Hollow Water, the benefits of a holistic, community based approach to corrections have been illustrated. Had there have been more time to complete the project, analyses of other community based, holistic healing programs could have been included in an effort to more fully address the need for such initiatives within the Canadian justice and correctional systems.

The methodology used for the completion of this thesis could have been more supplemental to the project as a whole had there have been direct contact with staff or participants of the CHCH program at Hollow Water. With the opportunity to interview staff and participants of the CHCH program, a more complete picture could have been painted with regard to the far-reaching impact of such a program. That being said, there is a wealth of existing literature regarding community based healing initiatives in place of traditional, punitive methods of healing.

Areas for further research or longitudinal study include the effect of the CHCH program on educational attainment, workforce participation, poverty levels and the prevalence of substance abuse. With the continued use of the program, the general success of Hollow Water in all sectors of the community will serve as an example as to why such programs should be implemented and utilized more frequently. Furthermore, a study into the prevalence of destructive behavior such as substance abuse at Hollow Water could speak to the usefulness of such a program in realms other than punishment and crime reduction.

Braithwaite's theory of reintegrative shaming has shown that shaming is much more beneficial to both society and the offender than punishment, incarceration and stigmatization. No one benefits from such measures. If healing circles were to be implemented by CSC and utilized instead of traditional measures of punishment, the state of Aboriginals within the justice system and Canadian society could be greatly impacted for the better.

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Appendix A: Population Characteristics

Aboriginal Affairs and Northern Development Canada. 2015a. Hollow Water number 23.

Population Characteristics (table). Ottawa, Ontario. <http://fnp-ppn.aandc>

[-aadnc.gc.ca/fnp/Main/Search/FNPopulation.aspx?BAND_NUMBER=263&lang=eng](http://aadnc.gc.ca/fnp/Main/Search/FNPopulation.aspx?BAND_NUMBER=263&lang=eng)

(accessed April 20, 2015).

	263	MANITOBA
Population in 2011	680	1,174,345
Population in 2006	620	1,133,515
2006 to 2011 pop change (%)	9.7	3.6

	2011			2006		
	Total	Male	Female	Total	Male	Female
Total All persons	680	340	340	620	315	305
Registered Indian	655	330	330	595	300	295
Not a registered Indian	25	10	10	20	15	10
Age characteristics						
Total All persons	680	340	340	620	315	305
Age 0-19	360	190	170	305	160	150
Age 20-64	295	140	155	290	150	145
Age 65 and over	25	10	10	20	10	10
Median Age	18.7	18.1	19.5	20.6	20.5	20.8

Province: MANITOBA						
	2011			2006		
	Total	Male	Female	Total	Male	Female
Total All persons	1,174,345	579,970	594,380	1,133,515	556,925	576,590
Registered Indian	110,800	53,115	57,685	101,810	49,095	52,720
Not a registered Indian	1,063,545	526,855	536,695	1,031,705	507,830	523,870
Age characteristics						
Total All persons	1,174,345	579,970	594,380	1,133,515	556,925	576,590
Age 0-19	312,345	160,205	152,130	308,455	158,380	150,075
Age 20-64	704,500	347,855	356,645	673,250	331,955	341,295

Age 65 and over	157,510	71,905	85,605	151,810	66,585	85,225
Median Age	37.9	37.0	38.9	37.8	36.8	38.8

Appendix B: Education Characteristics

Aboriginal Affairs and Northern Development Canada. 2015b. Hollow Water number 23.

Education Characteristics (table). Ottawa, Ontario. <http://fnp-ppn.aandc-aadnc.gc.ca>

[/fnp/Main/Search/FNEducation.aspx?BAND_NUMBER=263&lang=eng](http://fnp/Main/Search/FNEducation.aspx?BAND_NUMBER=263&lang=eng) (accessed April 21, 2015).

Education characteristics	2011			2006		
	Total	Male	Female	Total	Male	Female
Highest Degree or Certificate						
Population 15 years and over	415	200	210	380	185	190
No degree, certificate or diploma	240	125	120	245	125	125
High school diploma or equivalent only	90	40	45	45	20	20
Trades/apprenticeship or other non-university certificate	60	25	30	60	40	25
University certificate below bachelor level	10	0	0	10	0	10
University degree (bachelor level or higher)	20	0	15	20	0	15

MANITOBA	2011			2006		
	Total	Male	Female	Total	Male	Female
Population 15 years and over	946,940	463,125	483,825	908,450	441,335	467,120
No degree, certificate or diploma	237,610	123,235	114,380	267,745	135,755	131,990
High school diploma or equivalent only	262,495	126,425	136,070	242,200	113,440	128,760
Trades/apprenticeship or other non-university certificate	239,735	119,070	120,665	225,295	112,250	113,045
University certificate below bachelor level	38,600	16,780	21,820	36,740	15,615	21,120
University degree (bachelor level or higher)	168,500	77,610	90,885	136,465	64,265	72,200

Appendix C: Workforce Characteristics

Aboriginal Affairs and Northern Development Canada. 2015c. Hollow Water number 23.

Workforce Characteristics (table). Ottawa, Ontario. http://fnp-ppn.aandc-aadnc.gc.ca/fnp/Main/Search/FNWorkforce.aspx?BAND_NUMBER=263&lang=eng (accessed April 21, 2015).

Workforce Characteristics	2011			2006		
	Total	Male	Female	Total	Male	Female
Labour Force Indicators						
Participation rate	47.6	47.5	47.6	52.0	59.5	43.6
Employment rate	39.0	37.5	42.9	37.3	40.5	33.3
Unemployment rate	17.9	21.1	10.0	28.2	31.8	17.6
Industry						
Population 15 years and over	410	200	210	380	190	195
Agriculture, resource based	35	30	0	30	25	0
Manufacturing, construction	15	15	0	25	20	10
Wholesale, retail	10	0	0	10	10	10
Finance, real estate	0	0	0	0	0	0
Health, education	55	0	50	55	15	45
Business services	0	0	0	15	10	10
Transportation, warehousing	0	0	0	0	10	0
Other services	95	45	50	55	30	25
Occupation						
Population 15 years and over	410	200	210	380	190	195
Management	25	10	20	Not available	Not available	Not available
Natural sciences, health	20	0	10	Not available	Not available	Not available
Social sciences, gov't	70	15	55	Not available	Not available	Not available
Sales and service	30	0	20	Not available	Not available	Not available
Trades and related	45	35	10	Not available	Not available	Not available
Primary industry	35	30	0	Not available	Not available	Not available
Other Occupations	0	0	0	Not available	Not available	Not available

MANITOBA	2011			2006		
	Total	Male	Female	Total	Male	Female
Labour Force Indicators						
Participation rate	67.3	72.2	62.6	67.3	72.8	62.0
Employment rate	63.1	67.6	58.8	63.6	68.8	58.7
Unemployment rate	6.2	6.4	6.0	5.5	5.5	5.4
Industry						
Population 15 years and over	946,945	463,120	483,820	908,450	441,330	467,120
Agriculture, resource based	35,435	26,800	8,640	44,105	31,860	12,240
Manufacturing, construction	102,665	83,330	19,340	102,340	79,735	22,605
Wholesale, retail	99,020	51,515	47,500	96,605	50,535	46,060
Finance, real estate	36,785	14,500	22,275	33,940	13,310	20,630
Health, education	147,575	35,860	111,720	134,390	32,435	101,955
Business services	53,795	30,070	23,720	53,380	28,420	24,955
Transportation, warehousing	35,705	28,140	7,570	37,080	29,140	7,940
Other services	170,835	84,455	86,385	157,045	77,020	80,025
Occupation						
Population 15 years and over	946,945	463,120	483,820	908,450	441,330	467,120
Management	179,160	77,160	102,000	Not available	Not available	Not available
Natural sciences, health	84,990	38,265	46,730	Not available	Not available	Not available
Social sciences, gov't	89,735	29,875	59,865	Not available	Not available	Not available
Sales and service	159,280	66,945	92,335	Not available	Not available	Not available
Trades and related	101,685	96,430	5,255	Not available	Not available	Not available
Primary industry	20,410	16,090	4,325	Not available	Not available	Not available
Other Occupations	46,525	29,890	16,645	Not available	Not available	Not available

Appendix D: Household and Dwelling Characteristics

Aboriginal Affairs and Northern Development Canada. 2015d. Hollow Water number 23.

Household and Dwelling Characteristics (table). Ottawa, Ontario. http://fnp-ppn.aandc-aadnc.gc.ca/fnp/Main/Search/FNHousehold.aspx?BAND_NUMBER=263&lang=eng (accessed April 21, 2015).

Household and dwelling characteristics	2011	2006
Household type		
Total - All private households	155	155
One family households	110	110
Couple family households	75	75
Female lone parent households	30	25
Male lone parent households	10	15
Multi-family households	15	20
Non-family households	25	25
Median household income (\$)	36,066	29,056
Selected Occupied Private Dwelling Characteristics		
Total number of Dwellings	155	155
Dwellings constructed more than 10 years ago	115	120
Dwellings constructed within the past 10 years	40	35
Dwellings requiring minor repairs only	60	35
Dwellings requiring major repairs	65	105

MANITOBA	2011	2006
Household type		
Total - All private households	465,800	448,780
One family households	308,270	297,370
Couple family households	260,655	250,785
Female lone parent households	37,810	38,075
Male lone parent households	9,805	8,515
Multi-family households	9,315	7,450
Non-family households	148,215	143,960
Median household income (\$)	57,299	47,875

Selected Occupied Private Dwelling Characteristics		
Total number of Dwellings	465,800	448,780
Dwellings constructed more than 10 years ago	416,875	407,240
Dwellings constructed within the past 10 years	48,925	41,535
Dwellings requiring minor repairs only	134,330	135,220
Dwellings requiring major repairs	49,695	46,040

Appendix E: Income Characteristics

Aboriginal Affairs and Northern Development Canada. 2015e. Hollow Water number 23. *Income*

Characteristics (table). Ottawa, Ontario. <http://fnp-ppn.aandc-aadnc.gc.ca/fnp/Main>

[/Search/FNIncome.aspx?BAND_NUMBER=263&lang=eng](#) (accessed April 21, 2015).

Income characteristics	2011			2006		
	Total	Male	Female	Total	Male	Female
Persons 15 years of age and over with income	360	170	185	365	180	185
Avg. total income (all persons with income (\$))	21,005	21,823	20,250	14,978	14,272	15,683
All persons with earnings (counts)	195	100	90	220	125	100
Avg. earnings (all persons with earnings (\$))	29,026	30,941	26,935	18,077	16,274	20,358
Composition of total income (100%)	100	97	97	99	100	100
Earnings - % of income	75	83	67	72	79	70
Government transfer - % of income	25	15	35	25	20	29
Other money - % of income	2	3	1	2	3	1

MANITOBA	2011			2006		
	Total	Male	Female	Total	Male	Female
Persons 15 years of age and over with income	901,035	441,490	459,550	865,400	421,490	443,910
Avg. total income (all persons with income (\$))	36,696	42,867	30,768	31,321	37,317	25,627
All persons with earnings (counts)	663,020	344,940	318,085	650,410	337,715	312,695
Avg. earnings (all persons with earnings (\$))	37,579	43,197	31,486	31,318	36,837	25,356
Composition of total income (100%)	100	100	100	100	100	100
Earnings - % of income	75	79	71	75	79	70
Government transfer - % of income	13	9	17	13	9	18
Other money - % of income	12	12	12	12	12	13