

7.0 Native Counselling Services of Alberta

Preamble

Native Counselling Services of Alberta (N.C.S.A.) provide a broad range of programs throughout the criminal justice and social service systems. The Task Force has concerned itself with those programs provided by Native Counselling Services that relate to the criminal justice system. The agency offers perhaps the most successful assistance to Aboriginal subjects of the criminal justice system, and to the administrators of that system.

systems, both federal and provincial, the Indian and Metis communities and individuals and the Indian and Metis Leadership Organizations and Associations.

The courts generally hold the N.C.S.A. in high regard. However, according to the Brief submitted by the Metis Nation of Alberta, the Aboriginal people in Alberta do not share that view:

An overwhelming number of workshop participants were unhappy with Native Counselling Services of Alberta."¹

The agency is often viewed as having been conscripted by "the system". The Alberta Federation of Metis Settlement Associations stated:

It is important that the courtworker does not project an image of kinship with the police, judges or prosecutors. The main reason for this is almost all native offenders have a distrust for the above-mentioned officials arising from their circumstances. If the native courtworkers associate too closely with representatives of the justice system, then this distrust might be transferred over to them.²

Findings and Recommendations

Term of Reference:

Native Counselling Services of Alberta 7(a)

To examine the effectiveness of the working relationships between Native Counselling Services of Alberta and the police community, the courts, the correctional

There is a perception that the agency is not accountable to the Aboriginal community but rather to its funding source, the government.

Both political Metis and Indian organizations have a seat on the Board of Native Counselling Services of Alberta. The other five Board members are selected by the Board and the Executive Director of Native Counselling Services, none are elected or serve a set term. A commonly heard comment by workshop participants was, "who is N.C.S.A. accountable to?" The answer is, the agency is accountable to the above individuals as well as to its funders. There is little or no accountability to its clientele.³

A widely-held view exists among Aboriginal people that Native Counselling Services is an organization run by Metis which employs Metis people primarily and serves Metis to the exclusion of Indian people.

The agency's ground-breaking efforts make it the "Elder" service in Alberta. Many of its pioneering initiatives have made it easier for other service providers to provide the same, expanded, or parallel services in various communities. Native Counselling Services is to be commended for working with other agencies as well as with administrators of the criminal justice system to make that system more understandable, acceptable and fair to all concerned.

In some instances, the agency's very success has had a negative impact on some Aboriginal communities. Established organizations tend to look towards Native Counselling Services as the voice of Aboriginal people. This is not necessarily so. In fact, this tendency has sometimes meant that other legitimate Aboriginal groups and communities have not been

able to obtain funding to organize their own local committees as a voice for their community concerns. Native Counselling Services has tended to overshadow other legitimate groups whose views should be heard. The Lesser Slave Lake Indian Regional Council commented:

There is no Chief and Council input on their Board of Directors, as a result of which they lack that essential element of accountability to the public they serve. They operate separate from the Bands and thus there is a lack of communication. Many perceive Native Counselling Services as a self-perpetuating bureaucracy that has outlived the needs of its public. The Regional Council resents the fact that Native Counselling Services is assumed to be the Authority and spokesperson for Indians in the Criminal Justice System context.⁴

Native Counselling Services identified to us a very serious over-extension on their part. Apparently, the agency has stretched its funding to the limit in providing programming required in the community and not provided by any other source. This situation may account, in part, for the decrease in confidence expressed by the Aboriginal community in general.

In its Brief to the Task Force, Native Counselling Services addressed criticisms levelled against the agency at the time of the Kirby Commission. One persistent concern seems to be that Native Counselling Services often provides counsellors who are not from the community where the service is required and who do not speak the language of the Aboriginal people in that area. While it is acknowledged that Native Counselling Services staff should not be used as interpreters, it is also clear that staff members would be more effective in serving their clientele if they were able to speak the relevant Aboriginal language.

The Sunchild Band, for example, made the following observation:

There is an N.C.S.A. office and worker located in Rocky Mountain House. This worker, however, is not native and comes from unrelated background. When there is a need an interpreter has to be used and when interpreters are used there is always something lost in the translation process. Mention has been made about the judicial system falling within the context of the whiteman's society and laws and now we have a Native Counselling Agency with a non-native staff member serving the community. Perhaps N.C.S.A. has to look at their hiring and staffing procedures and revamp it to serve the native community to its fullest extent.⁵

In its Brief, Native Counselling Services stressed the importance of its role of educator and trainer. The Task Force commends these initiatives. It is our view that community involvement must be encouraged and assisted when a community wishes to take over programs currently provided by Native Counselling Services. This could mean that Native Counselling Services could become an umbrella organization for community-based services in different parts of the province.

The Task Force commends the recent initiatives on the Blood Reserve where functions which were previously performed by Native Counselling Services have been taken over by the community, with the assistance and cooperation of Native Counselling Services. Over time, Native Counselling Services of Alberta has developed a wide network of employees which covers most of Alberta. The organization has developed significant expertise in the provision of court worker programs, program development and delivery, and the identification and mobilization of funding sources for the

benefit of Aboriginal people. This expertise is the result of many years of diligent work on the part of the agency's administration.

Term of Reference:

Native Counselling Services of Alberta 7(b)

to identify to the extent possible methods of improving services through the N.C.S.A. or through other organizations or service delivery options.

Despite the success of N.C.S.A. programs, there is a growing sentiment that perhaps the time has come for a significant shift in direction. Native Counselling Services not only recognized the need for a shift, but also commented on it in their Brief. The nature of this shift would see N.C.S.A. become a training resource for communities rather than staying in its current role of deliverer of services to individuals.

N.C.S.A. believes that the Criminal Justice System must look to the communities to provide their own answers to these problems. Resources must then be found to help the communities implement these solutions. N.C.S.A. does not believe that these resources must always be in terms of funding, instead the community should look towards their greatest resource, their people. Through the planning and development of community based programs, and by training local residents to deliver these services, the impact on the community will be twofold. First it will allow the community to take control of the service and make provisions in the program to address the needs of the people. It will also send a clear message to the community residents that are involved in criminal activities, that the community will no longer tolerate this behavior.⁶

The source of the sentiment seems to be the desire of Aboriginal communities to assume responsibility for their own affairs. Native Counselling Services would assume a community development role in preparation for community-based service delivery. It is clear that a transition period would be required for both the agency and the communities. This represents a significant difficulty because Native Counselling Services would have to continue to provide services while shifting to the community development approach. Present funding arrangements are provided on a contractual basis for delivery of specific services. If the government concurs with and supports the community development role for the agency, alternative funding arrangements will have to be developed.

To date, Native Counselling Services has been involved primarily with the Courts and correctional institutions. Many inmates express confusion and isolation at other stages of the system which are equally important. For example, a representative of Native Counselling Services or of a similar organization could explain to an accused person held in city cells the process and relevant rights prior to or after attending a hearing before a Justice of the Peace. However, we note that there are a number of Aboriginal inmates who are kept for long periods of time in remand facilities. These inmates have no access to programming but they should, in our view, have access to the administration through persons who may understand their culture.

The Task Force Recommends:

- 7.1 That Native Counselling Services of Alberta attempt to employ local people in community service positions who speak the local Aboriginal language.**
- 7.2 That Native Counselling Services of Alberta focus on training and assisting community-based organizations which provide services in the criminal justice system.**
- 7.3 That representatives of Native Counselling Services of Alberta or Aboriginal liaison officers be provided at city cells, lock-up facilities, and remand facilities.**
- 7.4 That the government and the criminal justice system view Native Counselling Services of Alberta as only one of many potential sources of information, assistance, and service to Aboriginal people.**

References

¹Metis Association of Alberta, "Submission to the Task Force on the Criminal Justice System and Its Impact on the Indian and Metis People of Alberta," September, 1990. p142.

²Alberta Federal of Metis Settlement Associations, "Submission to the Task Force on the Criminal Justice System and Its Impact on the Indian and Metis People of Alberta," July 18, 1990. p25.

³Metis Association of Alberta, "Submission to the Task Force on the Criminal Justice System and Its Impact on the Indian and Metis People of Alberta," September, 1990. p142.

⁴Lesser Slave Lake Regional Council, "Submission to the Task Force on the Criminal Justice System and Its Impact on the Indian and Metis People of Alberta," September 10, 1990. p32.

⁵The Sunchild Band, "Submission to the Task Force on the Criminal Justice System and Its Impact on the Indian and Metis People of Alberta," 1990. p5.

⁶Native Counselling Services of Alberta, "Submission to the Task Force on the Criminal Justice System and Its Impact on the Indian and Metis People of Alberta," July 19, 1990. p52.