

**THE HONOURABLE CAROLINE WAWZONEK  
MINISTER OF JUSTICE**

**Indigenization of Prison Populations**

Mr. Speaker, I have a Return to Written Question asked by Member for Monfwi on February 6, 2020 regarding the Indigenization of Prison Populations.

- 1. In the past ten years, what programs and initiatives has the territorial government launched to keep Indigenous people out of jail, and what do the evaluations of those various programs and initiatives conclude about effectiveness of each.**

The GNWT has supported diversion for youth and adults since 1994, including the implementation of the NWT *Youth Justice Act*, solidifying our commitment to diversion as a fundamental part of providing an alternative to custody for NWT residents who have committed certain types of offenses. The Department of Justice Community Justice Program provides funding for restorative justice programming at the community level, as well as the facilitation of formal diversion of matters from the traditional justice system.

Community Justice Coordinators and volunteer committees work together in communities to provide these services from their unique local perspective. Committees consist of volunteers who represent the community and assist the Coordinators with formal diversions, community service, and local crime prevention initiatives. The Community Justice Program is focused on collaboration and inclusivity, culturally relevant and responsive to specific communities as the programs are delivered by sponsoring agencies in those communities. These efforts were included in a 2011 review of the Community Justice initiative. NWT Community Justice Review: Together We're Better "Looking Ahead" was tabled in the Legislative Assembly on May 19, 2011.

For eligible offenders whose cases do go to court and who take responsibility for their actions by pleading guilty, the NWT Wellness Court and the Domestic Violence Treatment Options or DVTO Court provide alternatives to conventional court that focus on the offender rather than the offence. Wellness Court applies a model that seeks to address underlying issues of drug and alcohol addiction, mental health and cognitive challenges. Social program departments and agencies support the Wellness Court, and are participating as necessary to implement the case plans of Wellness Court clients. The DVTO Court is an option for low to medium risk offenders who agree to attend an

eight-module program. Successful completion of either court program is a mitigating factor in sentencing. The Department of Justice is preparing to complete an evaluation of specialized court programs in the 2020-2021 fiscal year.

**2. What proportion of territorial prison staff are Indigenous, broken down by employment category, especially management, program delivery and guards**

Across all NWT correctional facilities, 58% of Corrections managers consisting of all levels of wardens and supervisors are Indigenous Aboriginal. Similarly, Indigenous Aboriginal employees also constitute the majority of all employees at both the South Mackenzie Correctional Centre, where 20 out of 34 or 59% of employees are Indigenous Aboriginal and the Fort Smith Correctional Complex where 19 out of 37 or 51% of employees are Indigenous Aboriginal.

At the North Slave Correctional Complex or NSCC in Yellowknife the proportion of Indigenous Aboriginal employees is lower at 18% - but equal to that of Indigenous non-Aboriginal employees. NSCC is the largest correctional facility and the higher numbers of staff there affects the overall proportions of Indigenous Aboriginal Corrections Officers at 23% and program delivery staff, at 37%, which includes case managers, instructors, traditional counsellors and psychologists across NWT corrections.

All NWT correctional facilities integrate Indigenous culture and traditions with input from Elders, Traditional Liaison Officers and the participation of other Indigenous staff.

**3. What proportion of territorial prison staff is dedicated full time to counselling, vocational training and educational upgrading for inmates, and what share of the total correctional system appropriation is allocated for those purposes.**

It is difficult to quantify the proportion of staff in NWT correctional facilities that are dedicated full time to counseling, vocational training and educational upgrading for inmates because such duties are inherent in the work of all frontline corrections staff through the practice of direct supervision of inmates in a living unit. Direct supervision ensures staff visibility and constructively interact with offenders toward a safe working and living environment for all. It involves consideration of factors that affect an offender's behavior and interactions, including mental health concerns, and the recording and sharing of such factors with specialized staff. Direct supervision by corrections staff supports offenders to engage in pro-social and responsible behavior.

All correctional officers and staff receive mental health first aid and conflict resolution training by certified instructors. Case managers support offenders in their learning journey in the correctional facility, helping to select appropriate programming and to build a supportive network toward rehabilitation and community reintegration.

The breakdown of specific positions by facility is as follows:

- At the North Slave Correctional Complex dedicated positions are two psychologists, four case managers, one traditional counsellor, two institutional teachers in the Adult Unit, and one institutional teacher in the Youth Unit;
- At the South Mackenzie Correctional Centre or SMCC dedicated positions are: one psychologist, five traditional counsellor positions of whom one is focussed on addictions counselling, and one case manager. Services of a Literacy Teacher are provided on contract. The SMCC is transitioning to a therapeutic community to offer even more holistic supports to eligible offenders; and,
- At the Fort Smith Correctional Complex dedicated positions are: one counsellor and one institutional teacher.

In addition, several dedicated program delivery officers in correctional facilities and in community corrections deliver programming to address the needs of offenders such as violence prevention and building healthy relationships.

**4. What has our correctional system done to enhance access to screening, diagnosis and treatment of offenders suffering Fetal Alcohol Spectrum Disorder, and similarly, what non-traditional approaches have our courts adopted for dealing with such offenders**

The Department of Justice is well aware that many people who come into contact with the criminal justice system suffer from Fetal Alcohol Spectrum Disorder or FASD or cognitive disabilities brought about through adverse life experiences. These individuals require supports appropriate to their needs and circumstances.

The Department of Justice has taken an approach beyond just FASD to look at the needs of people who may live with FASD and other cognitive challenges affecting daily functioning. This removes the burden of having to secure a diagnosis under the fetal alcohol spectrum or another medically identified condition. In 2011, Justice established a Functional Assessment committee tasked with identifying tools that determine the level of functioning of offenders related to social skills, daily living skills and basic indicators for mental capacity. This led to the piloting and implementation of mental health screening tools for men and women that are now used in all NWT correctional facilities.

In corrections, the specific needs of each inmate are identified on admission to custody or community corrections. These needs are reviewed throughout the period during which the individual is under the supervision of NWT Corrections. This includes the option to refer inmates to the new Territorial Adult FASD Diagnosis and Support Program established in January 2020 by the Department of Health and Social Services. However, an FASD or other medical diagnosis is not required for an offender with complex needs to access adapted services and supports in NWT Corrections.

NWT Corrections uses an inclusive approach and provides services and supports to offenders and inmates with cognitive difficulties and other complex needs on a case by case basis. Individuals with suspected FASD, but not necessarily diagnosed, would fall into this group. Inmates in NWT correctional facilities who are unable to participate in criminogenic programming due to cognitive limitations may be considered for an alternative individual program on a case by case basis.

As mentioned in response to the first question, The Department of Justice Community Justice Program provides funding for restorative justice programming at the community level, as well as the facilitation of formal diversion of matters from the traditional justice system. Within the court system, the NWT Wellness Court provides an alternative to conventional court for eligible offenders not yet sentenced and who take responsibility for their actions by pleading guilty.

**5. What progress has the Minister's department made in response to the 18 separate "calls to action" contained in the federal Truth and Reconciliation Commission report relating to justice and correctional matters**

"Meeting the Challenge of Reconciliation: The Government of the Northwest Territories Response to the Truth and Reconciliation Commission's Calls to Action" highlights the many steps that the GNWT has already taken to strengthen relationships with Aboriginal peoples, help restore and heal Indigenous communities, and ensure that Indigenous cultures and traditions are recognized and valued. This GNWT initial response was tabled on October 5, 2015. An update on the GNWT response to the Calls to Action was tabled in the Legislative Assembly on March 8, 2017.

The Department of Justice continues to move forward with related work, including working with other provinces and territories in federal, provincial and territorial justice forums, to ensure action is taken.

Thank you, Mr. Speaker.