

**EVALUATION OF THE
ABORIGINAL LEGAL SERVICES OF TORONTO
COMMUNITY COUNCIL PROGRAM**

Final Report

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prepared for

**ALST COMMUNITY COUNCIL PROGRAM EVALUATION
COMMITTEE**

prepared by

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EXECUTIVE SUMMARY

INTRODUCTION

The Aboriginal Legal Services of Toronto [ALST] Community Council Program [CCP] first received funding from the Ontario Ministry of the Attorney General [MAG] as a pilot project in April 1991 and began to accept clients diverted from the court in February 1992. MAG continued to be the major funder until 1997 when the Aboriginal Justice Directorate of the Department of Justice Canada began to cost-share with MAG the annual funding provided to the program. The CCP's funding has also been supplemented by other sources, such as Miziwe Biik (a training and employment program funded by Human Resources Development Canada). In the program's seventh year of operation, the ALST CCP and its funders requested an outcome evaluation.

The ALST CCP mandate is to accept Aboriginal adults charged with an offence under the Criminal Code of Canada or Narcotic Control Act who have been diverted from the court system (according to a protocol established with the Crown Attorney) and to arrange a hearing for the individual with Community Council members who will determine the conditions that the person must fulfil. The program is responsible for providing the needed supports to the client to assist him/her in meeting these conditions and for monitoring this process to its completion. At diversion, charges are withdrawn by the Crown Attorney. If the individual does not appear for the hearing or does not fulfil his/her conditions, the Crown Attorney is informed and charges may be re-laid. The individual is not eligible for re-diversion to the program.

The three major objectives of the CCP are:

- to return a greater degree of responsibility to the Aboriginal community;
- to reduce recidivism among its clients;
- to have clients accept more responsibility for their criminal behaviour and feel a greater degree of accountability for their conduct by more active involvement in undoing the wrong they have done.

EVALUATION METHODOLOGY

The evaluation focused on all individuals, 106 adults altogether, who had attended a hearing between January 1995 to March 1997. Data on their personal history, prior convictions, diverted offence, program involvement and post-program convictions was taken from the ALST data base, ALST files and CPIC records. Analysis of this data looked at differences in the clients' criminal behaviour (defined here as convictions registered in CPIC) between a pre-program period of two years and a post-program period of the same length and those program-related and background factors that might account for these differences. In addition, some clients from this 1995-97 group as well as those

more recently in the program were interviewed to obtain their perceptions of the program and information about their life changes since involvement with the CCP.

CCP CLIENT CHARACTERISTICS

As a community-based post-charge diversion program whose mandate is to accept Aboriginal accused adults and assist them in taking steps to address the problems that have brought them into conflict with the law, the CCP faces a number of challenges in meeting the requirements of a client population whose difficulties are especially great:

- An unstable or traumatic childhood - at least half of the 1995-97 cohort had been adopted, placed in foster homes or had attended a residential school;
- A low level of education - two-thirds of this cohort have less than a high school education;
- A high level of substance abuse problems - approximately 60 per cent have problems with alcohol and/or drugs;
- A large proportion of repeat offenders - three-quarters have had criminal convictions prior to their involvement with the CCP;
- A significant number who have been incarcerated at some point - just over half had served time prior to being diverted to the program;
- A low level of employment - less than one-fifth were employed at the point of diversion;
- Little connection with the Aboriginal community - over half had no involvement with Aboriginal organizations or services;
- Little contact with services that could assist them with their problems - almost 90 per cent had had no contact with social workers, psychologists or psychiatrists;
- A high level of transiency - many efforts to locate and contact these clients as well as more recent ones were unsuccessful.

EVALUATION FINDINGS

Overall, approximately two-thirds (64%) of clients complied with all of their CCP orders, six per cent complied with some and almost one-third (30%) complied with none. A number of demographic, offence-related and program process factors were found not to be related to the likelihood that clients from the 1995-97 cohort had complied with the orders determined at their CCP hearings. Those not related to compliance are: age, gender, prior CCP involvement; type of victim involved in the diverted offence; alcohol/drug involvement in the diverted offence; being in custody at the time of diversion; having received additional assistance from the CCP (i.e., in addition to that being required for the client to fulfill the

CCP conditions), and the length of time between the hearing date and file closing.

Factors that were related to a greater likelihood of this client cohort complying with all of their conditions are: at least some involvement with the Aboriginal community, no convictions for FTA/FTC offences within the two years prior to diversion to the CCP and a higher level of contact with the CCP or by the CCP on the client's behalf.

Examination of CPIC records for the 1995-97 client cohort two years prior to their CCP involvement and two years following their participation in the program indicates that:

- Overall, 61 per cent of the 106 clients had no registered convictions in the two-year period following their involvement with the CCP.
- 47 per cent had no registered convictions in either two-year period.
- A decrease in post-program criminal behaviour (as measured by CPIC-registered convictions) was evident for 21 per cent of these clients. Some who had previous convictions two years prior to their program involvement had no convictions in the two-year post-program period and others, with pre-program convictions, committed less serious offences after their participation in the program.
- An increase in post-program criminal behaviour (again measured by CPIC-registered convictions) was evident for 26 per cent: those with no prior convictions in the two-year time period but convictions after and those with prior convictions who were subsequently convicted of more serious offences following the program.
- The most common offences in both periods were theft under, failure to appear in court or for identification and common assault (level one).
- The total number of convictions for all offences is lower in the post-program period. In the two-year pre-program period, the 106 clients had 184 convictions registered while 170 convictions were registered in the two years following participation in the CCP, representing a post-program decrease of eight per cent in overall criminal behaviour for the group as a whole. Due to the fact that five or six clients had had "old" pre-program charges brought forward for resolution later, the decrease in post-program convictions for new offences is even greater than eight per cent.
- There was a decline in the average number of offences per individual from 4.7 pre-program to 4.2 post-program, a decrease of 11 percent, a decrease which would be even greater had it been possible to include those pre-program charges brought forward.

Those factors found not to be related to having post-program convictions are: age, gender, prior program involvement, number of contacts with the CCP or made by the CCP on behalf of the client to assist him/her in completing the orders and compliance with CCP orders.

However, analysis of the personal history, offence characteristics and program-related circumstances of the 1995-97 client cohort indicated that a number of these are related to the greater likelihood of these individuals having post-program convictions: having been adopted/in a foster home or residential school, having substance abuse problems, involvement of alcohol and/or drugs in the diverted offence, having received “additional assistance” (i.e., over and above that required to complete the orders) from the CCP (although this may simply underline the greater need for help of the re-offending group) and their files remaining open longer (which may be the result of other factors related to the reason for not closing files sooner).

Out of a total of 106 individuals in the 1995-97 client group, only nine could be contacted or were willing to participate in an interview. The remaining 13 interviewed clients were drawn from among more recent program participants. The results of these interviews with 22 program clients have been largely positive in terms of the changes in their life since their participation in the CCP:

- Less than one-half have been charged with new offences.
- Two-thirds reported that their housing situation has improved with respect to both the nature of their living place and a decrease in their transiency.
- Almost one-third have been able to obtain more paying jobs since their participation in the CCP.
- Just over half have been more involved in training or education programs.
- Half of these clients said that their health is now better.
- Almost all who had previous problems with alcohol or drug abuse indicated that their use of these substances has decreased.
- Most do not associate with the same people as much now as they used to.
- Close to half stated that their family relations have changed for the better.
- Almost three-quarters of these clients said that they have more involvement with the Native community including more Native friends, more contacts with Aboriginal organizations and more participation in community activities.
- Half of the interviewed group stated that the importance of traditional culture or Native spirituality has changed for them in a positive direction.

Overall, 21 respondents felt satisfied with the way in which their hearing had been conducted and 18 thought that this meeting had helped them to change their behaviour or to think differently. When asked to compare their experience with the community council with that of going to court, 20 individuals reported that the CCP had helped them more.

SUMMARY OF RESPONSES TO EVALUATION QUESTIONS

Does the Program reduce Recidivism among its Clients?

Almost the same number of individuals who had been convicted of offences in the two years prior to their involvement with the CCP had convictions registered against them following the program. There has been an overall decrease of eight per cent in criminal behaviour for the group as a whole (although the magnitude of this change is not great) from 184 convictions pre-program to 170 convictions post-program (some of which were pre-program charges brought forward by the program for resolution). There was an 11 per cent decrease in the average number of charges per client. This decrease is probably even higher given that five or six clients had post-program convictions for pre-program charges that had been brought forward for resolution. The measurement of recidivism relied only on convictions registered and for the limited time of two years before and after program involvement. This may not be an adequate period in which to see changes in criminal behaviour.

Do Clients Accept More Responsibility for their Criminal Behaviour?

The primary evidence that clients are accepting more responsibility for their behaviour lies in the responses of the interviewed clients that they had been asked this question during the hearing and had admitted their responsibility, though some found this harder to do than others. Other indications that clients have accepted more responsibility lie in the high level of compliance with orders requiring a letter of apology and the fact that half of those given a condition of restitution fulfilled this. All of the individuals interviewed expressed a desire to make changes in their life.

Does Re-entry of Some Clients to the Program Benefit These Clients?

It is difficult to provide a definitive answer to this question based on the data available for this study. For the 1995-97 client cohort, there was no relationship between having been in the program previously and their compliance with CCP orders or their re-offending after involvement with the program.

What “Worked” and What did not “Work” in the Program?

The ready availability of the program coordinator and kinds of assistance she offers clients is a factor that “works” according to the interviewed clients. There was also a relationship between a higher level of direct contact with program staff or contacts made by staff on the client’s behalf and a greater likelihood of client

compliance with all orders. There is little evidence from either the client cohort data or the interviews of specific things that did not “work” in the program.

Should There be Targeted Selection of Individuals for Diversion?

None of the data examined for this evaluation point to a specific basis for targeted selection of individuals for diversion. The extent to which the 1995-97 client cohort is representative of the program’s total client population of over 500 is not known. Moreover, screening for success based on criteria such as these leaves behind the groups who are most in need. On the other hand, targeting selection only to those who need the most would put a greater strain on program resources and reduce the number of diversions able to be handled.

Are the Council’s Dispositions Appropriate and Culturally Sensitive?

Whether the Council’s dispositions are appropriate and culturally sensitive can only be answered indirectly. Clients who were interviewed credit the CCP with helping them to make changes in their lives. The reported changes include: housing, training/education, health, substance abuse, social and family relationships, spirituality and involvement with the Aboriginal community. These results stand to some extent as testament to the Council’s decisions for these clients. Details on the nature of the CCP orders reveal that Aboriginal organizations and programs represent by far the greatest proportion of resources to which clients are directed by the CCP to fulfill their dispositions. This fact demonstrates the “culturally sensitive” nature of the dispositions determined by the council.

Does the Program Return a Greater Degree of Responsibility to the Aboriginal Community?

Again, evidence about whether the CCP is returning a greater degree of responsibility to the Aboriginal community is largely indirect. Council members are recruited from and nominated by the Aboriginal community. That there has not been any problem in recruiting the number of members required indicates the interest of the community in accepting responsibility for its members who are in conflict with the law. In the recent past the number of hearings scheduled annually has been in the order of 120 to 140, suggesting a high level of activity and commitment on the part of council members. Some members travel for several hours from homes outside of the city in order to participate in a hearing.

The extent to which Aboriginal services and organizations are relied upon for the program’s clients also demonstrates the community’s acceptance of responsibility for its members. Not only have these services been highly responsive to the program’s requests of them, but many of the program’s council

members work in these agencies either as staff or as volunteers as well. According to the CCP coordinator, the Aboriginal organizations do not hesitate to request explanations or accountability from the program for its activities. One of the strengths of the CCP lies in its integration with the network of Aboriginal community services. Those clients who were interviewed regarded these organizations as having been very responsive and helpful.

Is the Program a Meaningful Alternative to the Criminal Justice System?

The interviewed clients saw the CCP as having helped them much more than the formal court system has. They described the various specific ways in which the CCP has assisted them to change their behaviour and life circumstances. From this evidence, the program has been able to reach Aboriginal offenders more effectively than has the court system and it does this based on Aboriginal cultural values. It also appears that the program is an important link between Aboriginal offenders and the community of Aboriginal services. To the extent that the CCP has returned a greater degree of responsibility to this community for its members who are in conflict with the law, the program is a meaningful alternative to the criminal justice system.