



Enhancing the Role of Aboriginal Communities Booklet
ABORIGINAL ALTERNATIVES TO INCARCERATION
AND ABORIGINAL PAROLE SUPERVISION:
SECTIONS 81 AND 84 OF THE
CORRECTIONS AND CONDITIONAL RELEASE ACT

AN OVERVIEW

The laws that govern federal corrections include specific provisions that encourage the involvement of Aboriginal communities in the correctional process. Two sections of the Corrections and Conditional Release Act (CCRA) provide the opportunity for Aboriginal communities to become active partners in the care and custody of Aboriginal offenders and the provision of correctional services.

These provisions allow CSC to work in partnership with Aboriginal communities to provide Aboriginal offenders with innovative services that CSC could not itself provide in a culturally effective manner. This booklet was designed by the Correctional Service of Canada (CSC) to assist Aboriginal communities interested in pursuing this partnership by explaining these provisions.

ABORIGINAL ALTERNATIVES TO INCARCERATION

The first of the provisions is Section 81, which reads:

(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 sub-section may provide for the provision of services to a non-Aboriginal offender.

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

Section 81 supports a wide spectrum of custodial or service delivery arrangements for the care and custody of Aboriginal offenders. It contemplates that an offender could be transferred to the care and custody of an Aboriginal community at any time during his or her sentence, from the date of sentencing to the date of warrant expiry. This can involve the supervision of offenders in such cases as day parole, full parole, or statutory release.

Services that can be provided under Section 81 fall into four categories:

1. The transfer of an offender to an Aboriginal community under a Section 81 Custody Agreement;
2. The operation of an urban, or rural-based facility designed for Aboriginal offenders, to which more than one offender may be transferred or may reside while on conditional release (e.g., a halfway house, a healing lodge, etc.);
3. Parole supervision or services offered in the Aboriginal community or an urban center; and
4. Correctional services delivered within federal institutions or by community parole offices.

Section 81 Agreements for residential arrangements are based on the following principles:

The protection of society and the safety of the community are paramount.

The rights of victims and their role in any process must be respected and recognized.

Offenders must accept responsibility for correcting their criminal behaviour.

The ultimate goal is the safe reintegration of offenders into the community, using the least restrictive measures of control that are consistent with the protection of society, the safety of the community, and the well-being of the offenders.

Decisions are made through the timely and open exchange of relevant information, including the sentencing judge's statements and recommendations, and information obtained from the trial, sentencing process, victim(s), and offender.

Correctional policies and programs are clearly communicated to offenders, victims, and the public.

Initiatives must respect the needs and cultural, traditional, and spiritual practices of Aboriginal communities.

Offenders retain the rights and privileges of all members of society, except those that are necessarily removed or restricted as a consequence of the sentence.

The members of the Aboriginal community understand and accept the implications and responsibilities embodied in these principles.

ABORIGINAL PAROLE SUPERVISION

The second of the provisions is Section 84, which reads:

Where an inmate who is applying for parole has expressed an interest in being released to an Aboriginal community the Service shall, if the inmate consents, give the Aboriginal community:

- a) adequate notice of the inmate's parole application; and
- b) an opportunity to propose a plan for the inmate's release to, and integration into, the Aboriginal community.

The majority of federal offenders will be released from custody. This is a critical time, and good release planning is essential. Section 84 encourages the participation of Aboriginal communities, by requiring CSC to seek their input, as part of the process.

CSC is mandated to incarcerate offenders at a level of control that is no higher than what is necessary to protect society and the well-being of the offenders. In many instances, release planning begins the moment an offender is taken into custody. A Correctional Plan developed with the offender identifies the programs and activities in which s/he should engage to facilitate a safe release and continued law-abiding behaviour in the community.

If the offender agrees, an Aboriginal community may be asked very early in the sentence if there is any interest in proposing a release plan. At this point, the release may still be two or three years off. Early planning improves the coordination of efforts and increases the likelihood of a successful release. A community that acquaints itself with the efforts the offender makes while incarcerated will both encourage those efforts and reinforce its own expectations of the offender's behaviour before and after release.

WHAT IS THE RATIONALE FOR SECTIONS 81 AND 84?

The successful reintegration of offenders into society depends upon a strong and effective community focus. It is in the interests of the community itself that it be involved in the corrections and reintegration process for offenders who will be living in the community. Aboriginal communities know best how to use their values, strengths, and relationships to assist offenders in reintegration. If a community-based, restorative model of justice is preferred, that cannot be imposed by CSC, it must originate in the community itself.

With regard to the placement of Aboriginal offenders in Section 81 facilities, it is important to consider the first of the principles outlined earlier: "The protection of society and the safety of the community are paramount." In order to satisfy this principle, any risk presented by the offender must not exceed what can be safely managed by the community. CSC anticipates that most, but not all, offenders involved in the initial Section 81 Agreements will have been determined to have a low risk security classification and a low risk of re-offending. These offenders should also demonstrate that they are ready to move back into the community, and that they are willing to actively participate in any custody/release plan proposed by the community.

Incarceration and Release

The Corrections and Conditional Release Act recognizes that offenders need to be adequately prepared for their return to the community (whether it be their community of origin or another community), and that programs and services must be provided to support them upon release. In most cases, an offender serving a term of federal incarceration of two years or longer will spend part of this time in the community. (Exceptions to this depend on the risk the offender may present to people in the community and on the type of sentence s/he is serving. Some offenders will not be released until they have completed their full sentence. Terms of parole for those serving life sentences are established at the time of sentencing.)

Generally, an offender is considered for release on full parole after having served one-third or seven years, whichever is less, of his or her sentence. Full parole allows the offender to complete the sentence in the community, under supervision. S/he must abide by certain conditions, and may be required to complete specific programs. Offenders on full parole live independently, much like anyone else, on their own, or with family or friends.

Day parole is a transitional form of release normally granted 6 months before full parole eligibility, wherein an offender lives in a community-based facility or residence. In most cases, s/he is free to leave during the day to work or participate in programs, but must return to the facility or residence at night.

Offenders who fail to fulfill the conditions of parole, or who pose an unacceptably high risk, may have their parole suspended or revoked, and may be returned to a federal institution.

Preparing Offenders for Release

While in CSC facilities, offenders are encouraged to begin addressing the causes and issues that led to their criminal behaviour. CSC programs and services address addictions, violent behaviour, ethnocultural issues, women issues and sex offenses. Opportunities are provided for Aboriginal offenders to improve their education and employment skills as well as their living skills. Offenders are also given the opportunity to turn to Elders for counseling and spiritual teaching.

When an offender expresses interest in returning to an Aboriginal community, Section 84 requires CSC to seek the community's involvement. The needs of an offender who wishes to correct his or her behaviour will be assessed, and s/he will then participate in developing a Correctional Plan. In addition to specifying programs and activities that the offender will pursue, the plan will outline what the community must undertake to ensure that his or her reintegration is successful. The community will outline resources available in their community, and describe what they can offer offenders entering their community. Communities may have different resources available, examples include instruction in traditional values and spiritual practices, healing circles, addictions treatment, family programming, and vocational training.

This is the most critical time for the offender, whose successful return to society will depend to a large degree on the involvement of the community.

Section 81 residential facilities may accept persons on conditional release as described above, so as to provide special programs. As well, these programs may be available to offenders who are transferred to the care and custody of the residential facility. This way, Aboriginal communities provide a residential environment, which facilitates the eventual reintegration of offenders.

INVOLVEMENT OF THE ABORIGINAL COMMUNITY

SECTION 81 of the CCRA

Communities interested in pursuing agreements under Section 81 should consider the following factors:

The community's interest in and support for a Section 81 agreement;

The existing criminal justice structure (I.e., Is there a Justice Committee? What policing agreements are in place? How much experience does the community have with the judicial process? Are there programs and services available that address issues like addictions, family wellness, education, employment, spirituality, and housing?);

The target group (Are the offenders originally from this community, or do they come from a wider geographic area?) CSC encourages Aboriginal communities to consider using section 81 to develop services that specifically address the needs of Aboriginal women;

The types of programs and services available (Can the community offer facility-based services, community-based care and custody, community supervision, and specific programs like treatment for sex offenders?);

The community's expectations of the offender and participate in the use of community resources.

The victim's concerns with the offender returning to the community;

The offender's expectations;

The costs that will be involved; and

The specific goals and objectives of the program.

For additional information and assistance in developing their plans, communities are encouraged to contact CSC Regional Headquarters, as follows:

Atlantic Provinces (506) 851-6311

Quebec (450) 432-3737

Ontario and Nunavut (613) 536-4243

Prairie Provinces and NWT (306) 975-5002

British Columbia and Yukon (604) 870-2655 or (604) 870-2449

SECTION 84 of the CCRA

Section 84 requires CSC to involve Aboriginal communities in conditional release planning for Aboriginal offenders. This can occur during one of two phases:

1. Advance Preparations: Even before offenders have expressed interest, CSC staff may contact a community in order to promote awareness of this section of the legislation, to determine whether there is interest in proposing plans for offenders, and to develop guidelines for how to proceed if an offender identifies the community as the one to which s/he wishes to be released. These advance preparations will facilitate the development of release plans if and when they are needed.
2. Case-Related Preparations: When an offender asks for release to a particular community, and agrees that information relevant to the principles outlined earlier may be shared, CSC will contact the community. Ideally, this will occur early in the sentence, so that the community will have as much time as possible to consider its response.

Thus, if a community wishes to participate, it will have time to work closely with the offender and the parole officer to develop an effective release plan that complements the work undertaken in the institution. It is important that this plan be acceptable to the community, the offender, and CSC. Aboriginal communities are encouraged to develop specific services and resources, which address the needs of Aboriginal women offenders. This would provide Aboriginal women with increased opportunity to participate in section 84 agreements.

A typical Section 84 process might look like this. (Remember that the goal, even for those sentenced to lengthy terms of federal incarceration, is a safe and successful reintegration into the community.)

Even before arriving at a federal institution, an Aboriginal person sentenced to a term of two years or more will meet with a parole officer. Among other issues, Section 84 will be discussed. The offender will be advised of his or her rights with respect to this section and provided with a brochure that explains it.

The offender will be asked if s/he wishes Section 84 to be invoked when s/he applies for parole. (This may be a difficult question for a newly sentenced offender, and no answer is required at this time. There will be other opportunities to consider it.)

If the offender answers "yes," that will be reported to the Intake Assessment Unit.

The Intake Assessment Unit recommends what measures the offender can take to benefit from incarceration and reintegrate safely into the community, based on information it gathers from a range of sources. Section 84 will again be discussed. If the offender decides that s/he wishes the community to participate, that will be reflected in future documents.

A Correctional Plan will be created in consultation with the offender. This specifies the programs and activities the offender will pursue while serving his or her sentence. The Correctional Plan also anticipates the time when the offender will be released, with conditions, into the community. It will include a general outline of the kinds of programs and activities the offender should undertake in the community. (Although it is too early for details to be provided at this point, they will be needed later in the sentence. Community input will be required for this part of the Correctional Plan. This is a critical part of the process, if Section 84 is to apply.)

Immediately after sentencing, a Post Sentence Community Assessment is conducted. If the offender has expressed interest in Section 84, the community will be informed and given the opportunity to express its own interest. (The sooner a community learns that it will be involved in planning for the offender's release, the more effective the process will be. This also allows communities to become involved in the programs and activities the offender pursues while in the institution, which helps to ensure consistency as s/he moves to the community.)

If the community wishes to propose a plan for the offender's release and reintegration, it will be included in the offender's file. (The best time for this is while the offender is in the Intake Unit, but it can be done at any time during the sentence.)

When the time comes for an offender to apply for parole, the parole officer in the institution will begin preparing the case for consideration by the National Parole Board. It is here that any work done in advance pays off. Before the parole board can decide whether or not to grant a release, it must know what measures the offender has taken while in the institution, and what will be done in the community.

The community can arrange in advance with the parole board, CSC, and the offender to participate in the decision-making process. This will provide an opportunity for the community to give a voice to the victim(s), if appropriate, and to allow its members to express their concerns about the offender's behaviour, specify their expectations, and indicate the level of support they are prepared to offer.

Finally, it is important to remember that the offender's role in the process is important. For example, it is the offender who should take responsibility for initiating the development of the plan with the community. Despite the fact that preparatory work may have been done, the offender should make a formal approach, explaining his or her wish to have the community participate in the process. This is best done in writing.

COMMONLY ASKED QUESTIONS ON SECTIONS 81 AND 84 OF THE Corrections and Conditional Release Act (CCRA)

A. Section 81 of the CCRA

1. What is a "correctional service?"

A "correctional service" is a service which provides opportunities for offenders to correct their behaviour, and facilitates their safe and successful return to society. For example CSC offers:

Programs and activities for offenders;

Custodial services;

Activities or services that promote the safe and successful reintegration of offenders into the community;

The supervision of offenders on conditional release to make sure that they adhere to the terms and conditions of release, that they maintain a crime-free lifestyle, and present no risk to the community; and

The completion of Community Assessments. (These are carried out for a variety of reasons. An assessment is required to provide information about the community, or

about a member of the community, which was directly affected by the offender. CSC needs to ensure that services are available, that they are effective, and that the people providing those services will provide a positive environment to encourage healing and a crime-free lifestyle for the offender.)

2. What does Section 81(3) really mean?

Section 81(3) states that CSC can transfer an offender to the care and custody of an Aboriginal community. Before this can happen, certain conditions must be met: There must be a Section 81 agreement that establishes the terms and conditions under which an offender can be transferred; The offender must agree to the transfer, and s/he must be aware of its conditions; and Both CSC and the Aboriginal community must agree that the transfer is appropriate, that the programming needs of the offender will be met, and that the care and custody arrangements will maintain the safety of the public, the victim(s), and the offender.

Section 81 Agreements require appropriate measures to be in place or created for the safe care and custody of offenders. Aboriginal communities establish rules in accordance with standards that both the community and CSC have agreed will promote safe custody of the inmate; the safety of the public and victims; and the successful and timely reintegration of the offender in the community. The Aboriginal community has authority to enact rules and ensure offenders in their care follow them. As a partner in the agreement, CSC's interest is that the rules and enforcement, established by Aboriginal communities, achieve the objective of safe and secure custody, and successful reintegration into the community.

Aboriginal communities that agree to partake in this partnership must provide an account of the actions they will take upon undertaking this role. This requirement involves a number of constituents:

The people represented by the "Aboriginal community." This may include those who live in or near the area where the offender resides. While safety and security is an obvious concern, the proper care of offenders in a community's custody must be considered as well.

The larger community of Aboriginal people who have an interest in the well-being of the offenders in their care. This may include the offender's community of origin. Canadian society in general. Any organization responsible for the safe custody of offenders is accountable to neighbouring communities. As offenders leaving a Section 81 facility return to Canadian society (usually on a conditional release), it is understandable that the community at large will want to know that they do not present any risk.

3. What facilities are required to enter into a Section 81 agreement?

Section 81 allows several options for care and custody, including:

A facility--for example, a healing lodge--that provides accommodation, programs, and services for the offenders who live there. While the facility can serve offenders exclusively, it may also provide services to other clients. The criteria for transfer to a Section 81 facility make it clear that there is only a limited need for facilities that serve Aboriginal federal offenders exclusively. Thus a facility that brings together resources from various places to serve the needs of different groups serves a valuable function.

An open setting. In certain circumstances, an offender can be transferred to the care and custody of an Aboriginal community without the designation of a specific residential facility. This will most often be the case on Reserve land, wherein the boundaries of the Reserve, or some other area specified within it, define the offender's "prison." A custody plan that clearly establishes controls, programs, and services is required, as is a high degree of support from the community and a high degree of trust in the offender.

4. How does a community enter into a Section 81 agreement?

Communities interested in a Section 81 agreement should consider the following questions:

What is your motivation for wanting to care for and provide services to federal Aboriginal offenders?

What experience do you have in:

Personal and community healing and wellness;

Restorative justice initiatives;

Justice and the courts;

Justice and policing;

Justice and corrections; and

Managing initiatives in areas like health care, healing facilities, courts, and policing services?

What resources and strengths are available to support a Section 81 agreement? What programs exist to help offenders to reintegrate and to address the issues that resulted in their criminal behavior?

How familiar are you with Corrections?

What is the prevailing attitude to the reintegration of federal offenders into the community? How do your members feel about offenders from elsewhere living in a local facility and interacting with the community? How does the community feel about the principles of restorative justice relating to reintegration?

Are Elders active in community initiatives, and do they support efforts to reintegrate offenders?

What is the attitude of neighbouring communities to this kind of initiative? Are they receptive to it?

What needs do offenders have, and which of these will the community be able to meet? (CSC can help evaluate this.)

If a community wants to negotiate a Section 81 agreement, it must present a proposal to CSC that addresses these issues. CSC must determine the offenders' needs and evaluate the project's financial viability.

Community support is essential for the success of the project. The community must ensure that its members understand the issues and that their questions and concerns have been addressed. CSC can participate in this aspect of the proposal development.

Once it has been determined that the proposal is feasible, that community members support it, and that the community has the necessary resources to manage the initiative, discussions can begin on the shape of the agreement, the standards that must be followed, the selection criteria for offenders, and the costs for providing the services.

The requirements for concluding a successful agreement will vary, depending on the nature of the service provided. More detail is required for a facility-based agreement than for a non-facility-based initiative.

5. How would Section 81 be established in an urban setting?

A Section 81 agreement is in place in Edmonton with the Native Counselling Services of Alberta. The designated facility, Stan Daniels, has been operated for many years by Native Counselling Services and has housed offenders on conditional release through contract with CSC. The establishment of an agreement now permits Stan Daniels to house offenders, which make up approximately 20% of the offender population.

A Section 81 agreement for an urban setting must meet the same requirements as an agreement for a rural setting. One important consideration is whether adequate services and programs are available for offenders.

B. Section 84 of the Corrections and Conditional Release Act

1. How does an offender apply for Section 84?

To start the process, the offender writes to a community representative previously identified to CSC as the appropriate contact person, to request the community's involvement in the release planning process. CSC will then formally notify the community representative of the offender's upcoming parole dates. If no contact person has been designated, the offender's letter and CSC notification will be directed to the Chief and Council.

It is important that there be a contact person in the community who is responsible for coordinating the development of release plans. This person (or group) may be the Justice Worker, or someone involved in Justice Committees, and must be authorized

to speak on the community's behalf. Their selection should be based on their role in the community, and their experience with justice and/or corrections issues.

2. When Section 84 is invoked, at what point should the community interact with the offender?

The earlier the offender contacts the community and the community agrees to take part, the better. Ideally, the community's participation should begin when CSC conducts the Intake Assessment. Good release planning is easiest when the community is involved throughout the sentence, beginning with the creation of the Correctional Plan. This identifies the activities the offender will pursue not only within the institution but also during the portion of the sentence that will be served in the community.

CSC must meet strict time lines in presenting applications to the National Parole Board. As the release plan prepared by the community forms part of an offender's application, the community should be informed and involved at least by the time the offender begins to prepare his or her case for parole.

3. Can an offender be escorted temporarily into the community before being released?

Yes, as long as legal and security requirements are met. This provision gives the offender and the community an opportunity to prepare good release plans. A Circle process may be used so that the community can learn from the parole officer and the offender about the healing efforts s/he has undertaken in the institution.

The process could involve more than one temporary absence from the institution.

4. What elements need to be in a release plan? To whom is it submitted?

To prepare a good release plan, communities should consider questions like these:
What programs or resources are available in your community (e.g., Elders, a NADAP worker, AA meetings, Healing Circle, mental health workers)? Will these resources meet the offender's needs? How will they be made available to him or her?
Are there employment opportunities for the offender? (i.e., is there any industry in the community in which there are often job openings? Are there traditional employment opportunities such as hunting?)
Where and with whom will the offender live when s/he returns to your community?
In the case of day parole, does the Justice Committee support anyone to contract a Private Home Placement?
Are there community support people whom the offender could contact regularly?
Who are they?
If the offender cannot find employment, how will s/he meet his or her financial needs? (i.e., What options, like social assistance, exist?)

Are there concerns about the offender's return to the community that relate to victims? If so, what method (e.g., Reintegration Healing Circles) can be used to address them?

What are your expectations of the offender's compliance with the proposed plan? How would you like to see compliance enforced? Who will act as a liaison to collect and provide this information to the supervising parole officer? To what extent are you willing to assume the responsibility for monitoring the offender's behavior? (While the community may wish to take on some of the responsibility, CSC can contract for certain elements of supervision. This should be discussed with the parole officer.)

Do you want the offender to participate in community activities or ceremonies in order to prepare the plan prior to release, or as a way of helping the offender in the process of returning to the community?

What are your expectations of the offender's behaviour in the community? Are there any measures you wish to propose to ensure that these expectations are met?

Are there safety issues that concern the offender and/or the victim(s)? What measures will be taken to ensure that these are addressed?

The plan is submitted to the Parole Officer.

5. How can communities ensure that an offender isn't released into their midst without their knowledge?

CSC recognizes its responsibility to keep Aboriginal communities informed. To help in this effort, it is important that the community designate a representative who is willing to act as a contact point.

A community that is developing a plan under Section 84 will know, through their involvement in the process, when an offender is to be released. If the community was not involved in developing the release plan, a Community Assessment will be conducted by CSC prior to the offender's release. Once a community representative has been identified, CSC can consult him or her as part of the Community Assessment. At the same time, arrangements can be made to inform the community of the results of the parole hearing.

Offenders may also be released automatically by law on Statutory Release, after serving two thirds of their sentence. In these cases, a release plan may not have been established with the community. Furthermore, offenders on parole may seek permission to move to a First Nation, or to travel there to visit someone. Sometimes travel arrangements are made on short notice.

When offenders do arrive in a community unexpectedly, we encourage the community representative to contact the Area Parole Office to discuss the situation.

6. Can the community participate in parole hearings in other ways?

Yes. The parole board welcomes observers at hearings. The offender can also ask to have assistants present. These might include community members who have been involved in the release planning. Under certain circumstances, the parole board will conduct Community Panels in Aboriginal communities. A Circle process can be used for these hearings, which can involve input by community members.

7. If a community has made a Section 84 arrangement with one offender, is it obligated to accept applications from others in the future?

No. Section 84 arrangements are considered on a case-by-case basis.

8. Can the costs associated with the programs or services that an offender may require be included in a proposal (e.g., course fees or, in the case of programs offered in a municipality near a reserve, transportation to town)?

Provision can be made to pay for services when a release plan requires that an offender on conditional release have access to them. If the offender must pay a fee to participate, that cost should be itemized in the plan. Transportation costs should also be included.

Listing these costs in the proposal will not guarantee that they will be covered. This decision will be based on how well the course or program addresses the offender's needs and on the availability of funds.

9. When Section 84 is invoked, how can a community involve the victim(s) in the process?

When the community determines that this is important, CSC and the National Parole Board will work to involve the victim(s). The community may propose the manner in which this will be done. Any legal responsibilities CSC and the parole board have to victim(s) must be respected.

It is important that any interaction between the victim(s) and offender be planned carefully by the community and CSC to ensure that the safety and rights of both parties are protected. If a meeting between the victim(s) and the offender is involved, factors that must be considered include, at minimum:

The voluntary participation of both victim(s) and offender;

Any work necessary to prepare both victim(s) and offender;

A safe environment for both victim(s) and offender; and

The skill and experience of those bringing victim(s) and offender together.

When a written request is made by the victim(s) to receive information only, CSC or the National Parole Board will keep them informed of hearing and release dates.

10. How long does it usually take to invoke either section, from the time a community first becomes involved to the time an offender is released into its care?

There is no average length of time. It depends upon when the community becomes involved and, to some extent, the length of the offender's sentence.

CSC must follow specific time lines before a case is presented to the National Parole Board. When the Board receives an application for parole or begins an automatic review, a six-month review date is set. Simultaneously, a meeting is scheduled with the offender for the month prior to that date. Furthermore, the Board must receive review information no later than 21 days before the hearing is held.

11. What courses of action are possible if an offender violates one of the less serious conditions of his parole in the community under Section 84? (For example, what if s/he stops attending AA or NA meetings?) In other words, what is the authority vested in the community (CJC or band council)?

When an offender is granted a conditional release, CSC is normally responsible for parole supervision. The parole officer has some authority to suspend a conditional release, but the final authority to end it rests with the National Parole Board. In cases where parole supervision is provided under contract, the specific responsibilities and authorities are established in the contract.

When an offender is living in a community through a Section 84 arrangement, the respective responsibilities and authorities of the community must be established with the Area Parole Office. These will vary, depending on the circumstances and the wishes of the community. In all cases, the community needs to work closely with the parole officer responsible for supervising the offender.

When an offender violates the conditions of parole, CSC has several options, including suspending parole. The primary consideration in weighing these is determining whether the chosen measure will correct the behaviour and prevent the commission of another offence. These options might include:

- Requiring a further commitment from the offender that s/he will adhere to the conditions in the future and discussing the consequences of another failure;
- Assessing the conditions and determining if other approaches might be more effective (for example, connecting with another resource or person, such as the NAADAP worker);
- Increasing supervision by the parole officer; and
- Temporarily returning the offender to an institution. The parole officer may exercise this option if alternative conditions do not improve the offender's adherence, and if the behavior is linked to his or her pattern of offending. Specific programming may be required in the institution, and a decision can be made to return the offender to the community if s/he makes progress. All of this will be done in consultation with the community.

12. How would Section 84 be applied in an urban setting?

The Corrections and Conditional Release Act defines an "Aboriginal community" as "a first nation, tribal council, band, community organization, or other group with a predominantly aboriginal leadership." This means that a nonprofit community agency, for example, could be asked to prepare a release plan. It is up to the offender to identify the agency or group.

Remember that the intent of this legislation is to promote the involvement of the Aboriginal community in the release process. The goal is to ensure that this proceeds in a manner that protects the community and increases the offender's chance of success. CSC will work with any urban organization or group that wishes to present a plan that will achieve these objectives. In an urban setting, such an organization may not necessarily represent the larger community, but the important consideration is that the group be a credible one, and that the plan promote safe reintegration.

13. What funding does CSC provide for the application of Section 84?

Section 84 was established in law and governs CSC. The statute was developed to respond to concerns that the Aboriginal community was not being given the opportunity to become involved in corrections issues that affect Aboriginal people.

Section 84 is based on the premise that encouraging community participation in the reintegration of offenders is an effective way to restore balance and make reparation for harm done. It allows principles of restorative justice to be applied in cases that involve Aboriginal offenders and communities.

CSC will work with communities as their plans develop, and will provide whatever support, training, and assistance it can.

The Mission of the Correctional Service of Canada reads as follows:

The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure, and humane control. This Mission reflects what all communities want: a place where families can raise children in safety, a place where the rights of victim and offender can be viewed in balance in a respectful manner. CSC's Mission views the safe reintegration of offenders as the best and most effective means of ensuring a safe community. CSC recognizes the important role of the community in accomplishing this.