



**DIRECTIONS IN MI'KMAQ JUSTICE:  
AN EVALUATION OF THE MI'KMAQ JUSTICE INSTITUTE  
AND ITS AFTERMATH**

**PRESENTED TO  
THE TRIPARTITE FORUM: JUSTICE SUBCOMMITTEE**

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## **EXECUTIVE SUMMARY**

### **OBJECTIVES AND EVALUATION STRATEGIES**

This study was occasioned by the unexpected suspension of operations of the Mi'kmaq Justice Institute (MJJI). The MJJI, centred in the native court worker program (NCWP) but evolving into an umbrella organization for a variety of Mi'kmaq justice projects and initiatives, began in January 1997 and ceased operations in the Spring of 1999. There were three general objectives for this study. First, to produce both an assessment of MJJI as an organization providing Mi'kmaq justice services, and an analytical overview of its initiatives, especially the three principal justice programs, namely NCWP, MYOP (the Mi'kmaq Young Offenders Project) and ENTS (the Etui-Nsitmek Translation Service). Secondly, to describe and analyse how the various stakeholders - Mi'kmaq leaders, agency personnel, community residents, CJS officials, government policy officials and MJJI personnel and board members - perceived the current situation for justice initiatives in the Mi'kmaq communities and their preferred future directions in those regards. Thirdly, to identify significant contextual factors - an environmental scan as it were - that bear on these future possibilities; these would include developments and themes in aboriginal justice, crime, socio-demographic and other trends in Mi'kmaq communities, new social movements that are impacting on public policy and individual and community viewpoints and preferences, and recent developments in specific justice policies.

The premises, strategic plan and methodologies that guided this study are detailed in the text. One basic premise, for example, was that, in keeping with official government policy, greater direction by Mi'kmaq people over justice issues and programs in their communities is a desired objective of any justice initiative. The strategic plan detailed the steps the study would follow and the various methodologies that would be employed. The methodologies were quite diverse, befitting the objectives for the study. A large survey of Mi'kmaq adults was undertaken. In-depth interviews were carried out with all the stakeholders identified above. Secondary data were obtained on crime patterns, socio-demographics, and educational levels. Records, minutes, and other documentation were examined with respect to MJJI and its programs and activities. Literature on aboriginal justice and relevant new justice initiatives, whether mainstream or aboriginal, was perused.

## **DEVELOPMENTS AND THEMES IN ABORIGINAL JUSTICE**

After detailing the objectives, premises, strategic plan and methodologies of the study, the report begins with an analysis of the context for aboriginal justice initiatives, providing historical background and describing the evolution of the salient issues and themes with respect to aboriginal justice in Canada. Most attention is directed to the aftermath of the spate of commissions and inquiries that occurred throughout Canada in the late 1980s and early 1990s. Subsequently, there is a discussion of the themes in research, policy and justice initiatives that have followed in the wake of federal government policy and the recommendations of the Royal Commission on Aboriginal Peoples. Finally, there is a specification of the key dimensions, themes or concepts of aboriginal justice / folk law and their practical implications for the development of justice initiatives in FN communities today. Throughout these sections, there is reference to the particular developments that took place in Nova Scotia. Overall, it is argued that the main push factor for the proliferation of aboriginal justice initiatives has been the consensus, among aboriginal peoples and justice officials, that the conventional justice system has not worked well for aboriginal people. The main pull factor has been the congruence of aboriginal aspirations and governmental policy with respect to the goals of greater autonomy and self-government for aboriginal peoples.

The area of justice has often been seen by both native people and government leaders as a potential showcase for greater aboriginal self-government and distinctive justice styles. Thus far, while the political-legal environment has become more favourable to change, there appears to be quite modest implication from the point of view of native control or distinctive justice styles. There is scant, quality material available on the extent to which aboriginal justice initiatives are, in fact, any more effective, efficient, and equitable than the justice provided by the mainstream system. There is little information on the actual implementation of programs, on the treatments called for, or on the intermediate or long-term impact for victims, offenders, and communities. Still, the winds of change appear to be blowing and, as the text indicates, there are a number of new alternative FN justice initiatives sprouting up all over the country. A number of such initiatives are discussed in the text. For example, the revitalized and officially supported restorative justice movement usually highlights its compatibility with, if not borrowing from, conceptions of traditional justice practices. And aboriginal communities with their

healing and harmony traditions, socio-demographic characteristics (small, densely inter-related populations etc.), and potential for communitarianism, might well lead the way.

Nova Scotia, with its speedy adoption in principle of the Marshall Inquiry's recommendations and through the establishment in 1991 of the Tripartite Forum on justice and other issues has been in the vanguard of this change. Some Mi'kmaq leaders have reported that the Marshall recommendations, which essentially reflected an integrationist ethos, have been largely achieved and that the current agenda for justice development (and of course for other institutional change as well) can be related to the RCAP vision of autonomy and difference. There has been some exploration of traditional justice concepts by Mi'kmaq intellectuals (Francis, 1997, M. Marshall, n.d.) and some enthusiasm among others for looking into the Mi'kmaq folk law and traditional justice processes (e.g., band governance) for guidance in constructing their own justice systems. In that context, the MJI and its programs have been significant developments even while modest in scope and relatively conventional in practice. It has been an umbrella organization serving all Mi'kmaq people (i.e., all thirteen bands and others) and has both delivered valuable programs and explored alternative justice possibilities.

## **RECENT CONTEXTUAL DEVELOPMENTS**

One objective of the evaluation was to determine what significant and salient changes have occurred since the initial conception of the MJI, whether among Mi'kmaq people or in the society at large, that might impact on current thinking about future Mi'kmaq justice initiatives. Crime trends, demographic factors, educational changes, major policy developments in on-going programs such as the Native Court Worker Program, and the emergence of new social movements in the field of justice were examined. The contextual changes noted would suggest that crime rates will continue to be high in the FN communities in Nova Scotia, especially concentrating even more in Central Nova (Indian Brook and Millbrook) and in Eskasoni - Membertou, and Waycobah and Wagmatcook in Cape Breton. The crime in the immediate future will likely be, increasingly, property crime committed by youth. Such crime is especially suited to MYOP-type (e.g., Mi'kmaq justice circles) alternatives, since there is a strong community consensus that property crimes be dealt with through alternative justice processes. This increased youth crime might also require more court worker activity

directed at youth, depending on how extensive the reach of MYOP's justice circles may be. The changing social and political context has also increased the exposure of band members to higher education, presumably better equipping them to deal with mainstream society, understand its court procedures and so forth; as well, one would presume that the greater educational attainment has been increasing the capacity of reserves to direct their own justice programming. The native court worker program (NCWP) has also been changing and becoming more flexible in its mandate and protocol with FN communities. This is a timely development since new movements in society, such as the victims' movement and restorative justice, have discounted the value of and support for justice processes that are simply offender-oriented.

### **THE MI'KMAQ JUSTICE INSTITUTE**

The text contains a full account of the establishment of the MJJ, its roots in the recommendations of the Marshall Inquiry and the long period of negotiation (largely among the various Mi'kmaq organizations) that preceded its coming into being. The MJJ never had any core administrative funding in its own right; rather, funding from the NCWP was used to provide for MJJ's executive director and small office staff. The evolution of the MJJ is chronicled in the text. Perhaps the most important finding with respect to MJJ's development was that it quickly, and in hindsight prematurely and inadvisably, became involved in a large number of projects and activities. Program supervision suffered and serious organizational problems were allowed to fester, at least partly because the MJJ leadership tried to accomplish too much too quickly.

Virtually all MJJ staff and board members were interviewed in-depth for this project, many of them several times. In addition, all available MJJ records, minutes and other sundry materials were examined. The interviews were excellent, providing a frank and thorough account of MJJ's potential and shortfalls. The secondary data - the reports, minutes and records - were much less satisfactory as a guide to assessing any of MJJ's programs or activities.

Among MJJ staff, whether office or program staff, there was a common viewpoint concerning MJJ. They indicated that all basic MJJ programs (NCWP, ENTS, MYOP),

were valuable and should be up and running to ensure justice for Mi'kmaq people. They appreciated the organizational and supportive functions of having an umbrella institute or agency for justice services. They identified a variety of flaws or minor problems such as the appropriateness of some of the content in the Court Worker Certificate Program, the isolation of staff, especially on the Mainland, the uncertainty concerning what the justice worker's mandate should be, and the restriction of their program's mandate in the case of both MYOP and NCWP. The major problems were identified as poor management and direction of the MJI. The respondents considered that a revitalized MJI or other such body could be successful with a more pragmatic and professional direction where the focus was on managing the extant services and incrementally adding to them other closely related justice services as resources and personnel permit. They were supportive of greater community linkages and more holistic programming but wary about how to effectively and efficiently achieve them.

The board members had high hopes and big visions for MJI, well beyond the conventional court worker program which provided the basic MJI funding. They saw MJI as growing fast, perhaps too fast, in response to requests from Mi'kmaq organizations and governments, and in order to take advantage of opportunities to effect training and move towards defining a Mi'kmaq style or focus of justice. The board members considered that the justice services MJI delivered were all valuable (especially MYOP) and that other initiatives were reasonable pursuits of the vision they had for MJI. The demise of MJI was attributed largely to poor management and poor board oversight. But most board members believed that lessons had been learned with respect to those causal factors and that a new MJI can be and should be launched within the same structural and ideational framework. It was deemed especially important to focus on the major programs or services, manage them well, develop them in a community-based context and build upon their solid achievements. But it was also considered important that there be some steady headway made on the larger vision of Mi'kmaq justice for Mi'kmaq people.

## **MJI PROGRAMS AND ACTIVITIES**

MJI's programs and activities are discussed at length in the text. The primary programs MJI delivered were a translator's service (ENTS), MYOP and the NCWP. The first two programs had been established and funded prior to MJI's existence. In addition

to the three primary programs, MJI launched a number of other justice initiatives; the five most significant secondary initiatives are also discussed.

This study found that ENTS has been a valued justice service which all the major stakeholders in Cape Breton's Mi'kmaq justice milieu want to maintain and perhaps even extend. At the present time, because of MJI's troubles, the service is in a weakened state, isolated and with few active translators on call. ENTS is strongest and most effective when part of a network of Mi'kmaq justice services as was evident when it was under the umbrella of MJI. The program should be revitalized as soon as possible. When it is up and running with vitality again, it should be periodically evaluated to ensure it remains effective, and data (e.g., socio-demographic characteristics of translators and clients, type of clients) should be regularly obtained on the program to ensure it is meeting the needs of Mi'kmaq people.

MJI came into existence with funding provided from the NCWP (cost-shared between the federal and provincial governments). MJI's justice worker program was well-laid out but poorly implemented in several key respects, most importantly in the absence of effective supervision. The program, from a funding and personnel perspective, carried the MJI to its own detriment. MJI management had its hands full with other matters and the court / justice workers were given neither adequate support nor clear direction. Instead of a multidimensional justice worker program, there was simply conventional court work, albeit done well and appreciated by many Mi'kmaq people, as well as the mainstream CJS officials. With designated management effecting appropriate job redesign and effective coordination, there seems to be no reason why a rejuvenated justice worker program cannot be shaped to better serve the development of more distinctive Mi'kmaq styles of justice.

MYOP is generally highly considered, within and beyond the Mi'kmaq community, as an outstanding program, well-managed and effective. It was the only MJI-centred program that survived, largely unscathed, the suspension of MJI operations. The program is discussed at length in the text and in appendices to the report. Community respondents, Mi'kmaq leaders of all stripes (i.e., political leaders, local service agency personnel, informal community leaders), CJS and government officials gave positive assessments of MYOP. Particularly noteworthy has been MYOP's mobilization of

volunteer mentors and its director's sophisticated use of 'Mi'kmaq justice circles'. Four areas of needed improvement were identified in the text: (a) the need to develop further MYOP services on the mainland; (b) much more community work (including interagency activity) has to be done especially if MYOP is to move on to more serious, complex and controversial cases and to deal with adult offences; (c) there should be more networking with the CJS and other organizations and service providers in mainstream society, both to reduce staff isolation and to facilitate back-up when staff may be unavailable; (d) more attention has to be paid to routine data management since, unless information is regularly collected and properly retrieved and analysed on issues such as attendance, subsequent offender and victim impact, client satisfaction and so forth, it is very difficult to determine whether MYOP is living up to its objectives and promise; there was surprisingly little systematic information available for evaluation purposes.

Other activities or projects of MJI are also discussed briefly in the text. MJI explored a number of interesting justice issues as it responded to the wishes of Mi'kmaq political leaders and to governmental initiatives. There were five areas where significant effort was expended, These were (a) the band governance project that dealt with the possibilities of generating authoritative and effective band bylaws; (b) the customary law and Grand Council mediation training project which advanced proposals concerning the (re)establishment of tradition-based, dispute resolution styles; (c) the wills and estates project initiated by DIAND; (d) the Mi'kmaq Legal Services and Public Education project which explored some possibilities for more significant Mi'kmaq legal services; and (e) crime prevention projects. None of these five projects or activities yielded the anticipated 'take-off' that MJI directors had hoped for.

## **COMMUNITY ASSESSMENTS**

Community assessments of crime, social problems, justice issues, and the MJI and its constituent programs, were obtained by means of questionnaire-based interviews with a sample of adults in all the Cape Breton FNs, Indian Brook, Millbrook and the South Shore. These assessments were placed in context through comparisons with similar surveys completed in some of these communities in 1999 and all of them in 1992. The survey results indicated that Mi'kmaq adults considered that crime was a significant and growing problem in their communities, especially substance abuse and youth crime.



Typically, they linked these problems to socio-economic factors such as unemployment and lack of resources, but many respondents also suggested that more effective parenting and community mobilization were part of any solution. There was a high level of personal victimization reported by the adults. They also reported much fear and worry about burglary and vandalism, and to a lesser extent, assault. There were only modest differences in the views of men and women, young and old, well-educated or poorly educated respondents. Overall then, the levels of crime, victimization and fear/worry are comparatively high and pose both opportunities and challenges for either new and locally-managed justice alternatives or new modes of delivering justice services.

Respondents indicated that there were significant social problems in their communities but that many problems, such as substance abuse and family violence, were considerably under-reported to CJS officials. Community pressures not to report such problems, as well as a lack of confidence in the justice system, were deemed to be the chief reasons behind such under-reporting. Only in a small number of instances, allegedly, were such matters dealt with informally by other community agencies or by local leaders and family groups. There was no significant variation, either in perceptions of 'big problems' or what gets reported, nor in explanations for these patterns, that could be related systematically to differences in socio-demographic characteristics such as age, gender, and education.

Community members were asked about their experiences and views regarding the mainstream justice system (i.e., CJS). There was a high level of involvement with the CJS whether as offender, victim or witness; roughly 50% of the entire sample reported having had such an experience within the past two years. Over 70% of those persons indicated that they had been treated fairly and generally were adequately informed about the process. A number of problems and concerns about the CJS were articulated, such as neglect of victims' concerns, prejudice and stereotyping, and inappropriate and ineffective sentencing; but the most frequently cited problem was lack of understanding by Mi'kmaq people of the justice system and culture differences more generally. In advancing their priorities for change in the CJS from a Mi'kmaq perspective, the respondents typically adopted positions widespread in the larger society too, namely toughening the penalties and procedures in the Young Offenders Act, having more consistent and effective sentencing, and improving the system's response to victims of crime. There was also a widespread desire for having more native CJS officials and improving the accessibility of

all CJS services, especially legal aid. A significant minority referred to the need for a different justice philosophy which would highlight healing and the community (and have a special consulting role for elders) while a few respondents hoped for a more distinctly autonomous Mi'kmaq justice system. In general, in comparison to the survey of 1992, the respondents in this study seemed to find the CJS more responsive to their concerns and were somewhat more sceptical concerning the potential advantages of a parallel Mi'kmaq justice system. There was surprisingly little variation in their views about the CJS that could be related to age, education or gender differences among the adults. Overall, then, the views expressed by the respondents were diverse though largely similar to those found in the wider society. It seems clear that new justice alternatives may have much support, but there will have to be much 'community conversation' to effect deep consensus, and also that the new justice alternatives will have to be as much victim and community oriented as offender-based.

Only a small minority of the community respondents reported themselves to be well informed about MJI and its programs. Nevertheless, the large majority of them, upon reflection and some information, considered these justice initiatives to be very important for their communities. Cape Breton respondents were much more likely than those on the mainland to have had contact and/or to consider themselves well informed about the MJI initiatives. The more highly educated adults were also more likely to claim much awareness of MJI. The sample gave a variety of interesting views about the functions and roles that they would prefer in a new MJI-type justice initiative. Typically, they preferred that the focus be on dispute resolution within the community, band bylaws and research. Typically, too, they stressed much community involvement and an arms-length relationship to chief and council. Elders were seen as best providing wisdom and guidance rather than issuing judgments, and the Grand Council was seen as having primarily a counselling role rather than being involved in adjudication and judgment. Again there were only modest differences by socio-demographic characteristics of the respondents (e.g., women were more likely to prefer a quite limited role for chief and council). The clearest mandate from this survey would appear to be for conventional justice activities, more healing among individuals, and research, generally the kinds of activities that MJI did engage in during its brief existence through the court worker program, MYOP, and its band governance project. Respondents, while open to new community-based, and perhaps tradition-based, justice initiatives expressed much caution

with respect to not using the existing CJS for serious crimes and major personal assaults. They also expressed much uncertainty concerning the level of support that new alternatives might receive in the community. Clearly, the emphases were 'go slow' and 'get community support through information sessions and community conversations and feedback'.

## **STAKEHOLDER ASSESSMENTS**

A large number of stakeholders, whether political leaders, local service agency personnel, informal community leaders, CJS or governmental officials, were interviewed for this study. All interviews were in-depth, one-on-one (with a few exceptions), and some people were interviewed several times. A chapter is devoted to each category of person in the text. Concerning the political leaders, it can be noted that, while there were many viewpoints and some major differences, especially between a core of Cape Breton political leaders and their Mainland counterparts, the Mi'kmaq political leaders advanced the view that the MJI and its programs should be quickly re-established. It was considered that these had to be well-linked to the local communities and should be well-managed within the type of structure that previously existed (e.g., umbrella organization, apolitical etc). There was the general view that these initiatives needed some breathing room from rules and guidelines in order to be creative and come to grips with the issues raised by RCAP, such as what justice activities and processes suit Mi'kmaq needs and preferences. Still, there was clear emphasis, at this point in time, on starting small, working within the mainstream, and building on success. In addition, the political leaders advanced recommendations concerning the need for enhanced involvement with legal aid, improving victim services, revitalizing the translators program, and resolving the problems with UCCB concerning court worker certificates.

With respect to personnel with local service agencies and other informal community leaders, the bottom line for many respondents was to successfully operate these valuable MJI programs (NCWP, MYOP, ENTS) and build strong community linkages. Successful operations, from this standpoint, could be the basis for further developments as success led to greater credibility and community support. A significant number of these respondents clearly advocated, in the long run, a different justice

philosophy than they saw in the mainstream CJS, one that emphasized healing and forgiveness, direct contact between offender and victim, and community involvement. The respondents who tried to convey an alternative or supplemental vision of Mi'kmaq justice might well be said to be carrying out the task raised in RCAP, namely identifying how, in some respects, justice objectives and processes can be adapted to link up with core matters of aboriginal - here Mi'kmaq - culture and identity. They were certainly aware that effecting any such change would require time and skills and, at the community level, more civic culture and communitarianism. They were aware too that within their own communities, others have different views and that therefore "community conversations" would have to precede significant justice developments along these lines. They do appear to present a challenge to an MJI-type umbrella justice institute to focus more on adapting its programs to this perspective and less on replicating the mainstream focus on the offender and segmented interests (e.g., the victim versus the offender). At the least this vision would call for some creativity and experimentation in adapting court work activity and restorative justice principles in Mi'kmaq communities. The inter-agency movement in Mi'kmaq communities is a recent phenomenon and reflects the significant institutional development, and capacity building, that has taken place over the past decade. For a host of reasons, there are fewer exit options for individuals and families in Mi'kmaq communities than in mainstream society, all the more reason for this movement to have the ideological focus it appears to have, especially in Cape Breton. As the records indicate, MJI board and staff did see the potential and necessity for building community strength in the realm of justice. If it is to capture a more distinctive niche in the future, much more attention will have to be directed to that objective in all its future programming.

CJS officials, especially in the Cape Breton and Shubenacadie areas, and governmental officials, especially those directly involved in aboriginal justice policy, were interviewed in-depth and sometimes on several occasions. Overall, the CJS officials were quite positive about the MJI and its constituent programs, seeing them as beneficial both for the Mi'kmaq people and for their own work in the courts. This viewpoint was especially pronounced in Cape Breton. CJS personnel also pointed to the need for some improvement in the system of Legal Aid to enhance the value of the justice system for native people. Additionally, shortfalls were noted with respect to the provision of victims services. The government officials presented the viewpoint that current programs allow

for much flexibility wherein Mi'kmaq people can create justice programming that suits their needs and cultural concerns. It was also considered, at the federal level, that funding arrangements, while ad hoc and project-based, provide opportunities for well-specified proposals. Clear objectives and accountability, both financial and performance accountability, were deemed to be major considerations, more so than the content or delivery style of the program delivered. The major programs - MYOP, ENTS and NCWP - were all considered valuable by these respondents, though there was more questioning, especially at the provincial level, of whether an umbrella organization such as MJI was also required. The government officials typically had a vision of justice programming that entailed modest adjustments or enhancements to conventional criminal justice activities. There was no explicit reference to the 1990 recommendation of the Marshall Inquiry that federal and provincial governments fund a 'Native Justice Institute' to carry out and coordinate a variety of justice activities, of both an operational and research character.

## **CONCLUSIONS**

Rather than simply list a number of recommendations the evaluators provided, in conclusion, a detailed section, Directions For Change, which examined possibilities concerning an MJI-like structure and specific program initiatives. This document makes the case for the re-establishment of these structures and programs and advances specific recommendations concerning how they could be more effectively operated and the resources that would be required. In addition, other shortfalls in justice programming for Mi'kmaq people are identified. The report ends with a number of appendices where some salient background materials are provided (e.g., the history of the native court worker program in Nova Scotia).

## **SPECIFIC RECOMMENDATIONS**

1. It is recommended that an MJI-like organization be established to oversee Mi'kmaq justice programs/projects and to advance the objectives of Mi'kmaq capacity and institutional development in the justice field.
2. It is recommended that core funding be sought for this "umbrella" organization, apart from the funding provided to the specific constituent programs/projects such as MYOP, NCWP and ENTS.
3. It is suggested that such core funding would approximate \$85,000 per year to cover the costs of an executive director and office expenses, and that such funding be secured as "special project funding" for three to five years. It is recommended that with the support and brokerage of the Tripartite Forum, special federal project funding be sought. Potential sources of funding include DIAND's "building capacity" program.
4. It is recommended that the MJI-like body established operate under essentially the same basic institutional arrangements as the MJI did, that is with the collaboration of the five founding organizations, the same board structure and operational policies, and the same general office policies, subject to the following specifications:
  - a. To rejuvenate the organization, the current MJI board should implement procedures based on the MJI constitution for securing replacement members to the board.
  - b. There should be significant "new blood" on the new board but not necessarily total substitution of the MJI board members.
  - c. Board members should be sought among people who have the time and commitment to attend regular board meetings and to participate in one or two special board subcommittees. They should be Mi'kmaq persons with an interest in justice issues, and collectively represent a good mix of program-oriented people and people focused on the larger picture of where Mi'kmaq justice is heading or should go.
  - d. The executive director for the MJI-like organization should be a person with excellent people management and program management skills, and someone who can network well and facilitate dialogue and community conversation about justice issues.
  - e. The board and executive director should develop a strategic plan for the organization which is vetted among staff and publicly communicated to the founding organizations, band councils and local service agencies. The

plan should have both short term and long term objectives and be re-specified yearly as a business plan.

- f. The new board should have several sub-committees including committees for personnel relations, finances, community networking, and for each of the three primary justice programs being delivered (MYOP, NCWP, ENTS). The committees should have ex-officio or seconded members where needed or deemed valuable.
  - g. There should be an executive committee of the board.
  - h. The board and the committees should meet regularly and the entailed expenses should be covered by the organization.
  - i. Staff formerly associated with the three primary programs (MYOP, NCWP, ENTS), and former MJI office personnel (i.e., secretarial/clerical persons) should be encouraged to seek employment with the organization.
5. It is recommended that the NCWP have its own co-ordinator, with specified tasks for ensuring appropriate program management, data collection and reporting, program development and supervision of the justice workers. In particular it is stressed that the NCWP program requires effective administration and that in turn requires clear co-ordinative responsibilities which are not diluted by field responsibilities (i.e, actual justice worker duties).
  6. It is recommended that the NCWP be embedded in a larger organizational framework such as proposed above, and that the NCWP co-ordinator report to the organization's executive director and be advised regularly by a subcommittee of the board.
  7. It is recommended that the NCWP be constituted of a co-ordinator and three field workers. The field workers should be located in the three areas as designated under the MJI system, namely Membertou/Eskasoni, Indian Brook/Millbrook, and the metropolitan Halifax.
  8. It is recommended that the NCWP consider adopting, on a trial basis, a system of voluntary or fee-for-service contracted "associate court workers or justice workers" who could assist in handling demand outside the three designated areas. The demand situation should be annually reviewed and, if the demand for service increases significantly and/or the suggested "associates" plan cannot be effectively implemented, a fourth full-time field worker might be considered to work in the area serving the North-Eastern mainland and Southern Cape Breton.
  9. The staff associated with the NCWP should carry a mandate significantly broader than that of the conventional "court worker", one which includes services to victims and public legal education. This "justice worker" mandate appears

necessitated by community wishes and recent social movements throughout Canadian society, and appears acceptable to the evolving NCWP as defined by the Department of Justice (Canada). There needs to be careful assessment of whether conflicts of interests arise in serving both victims and offenders, and, if so, whether they can be effectively dealt with.

10. It is recommended that the MYOP be structured and embedded similar to the NCWP program. That is, it should have its own co-ordinator, be embedded in the larger MJI-like organization, report to the latter's executive director, and be advised regularly by a subcommittee of the board.
11. It is recommended that MYOP expand its mandate to provide justice circles to more serious offenders and for more serious offences, and ultimately to adults as well as youth. In order to secure Mi'kmaq support for this expanded mandate, MYOP should continue to elaborate its networking at the community level as well as with CJS officials.
12. It is suggested that at present the MYOP staff complement is appropriate for its mandate and workload but this situation should be reviewed annually, especially if MYOP develops as planned on the mainland and if the MYOP program is elaborated in terms of its client base.
13. It is recommended that the trajectory of MYOP's developing in-house programs such as anger-management be re-considered in view of the drain on limited resources that such programs entail and the possibilities of collaboration with other local agencies. Such programs should at best be assigned low priority for MYOP given the need to relate more to victims and to communicate/collaborate/educate about alternative or restorative justice initiatives.
14. It is recommended that MYOP pay much more attention to data gathering, managing and reporting on its activities and justice initiatives such that effective program performance assessment and general evaluation can be carried out.
15. It is recommended that MYOP as an organization collaborate closely with the provincial restorative justice program, and that MYOP field workers, like the NCWP justice workers, network more with their counterparts in the larger society.
16. It is recommended that the ENTS translation service be administered by the new MJI-like organization.
17. It is recommended that the need for a re-activation of the UCCB-based translation training course be looked into.



18. It is recommended that the ENTS program, as its MYOP and NCWP counterparts, pay more attention to developing an adequate information system. Data on the programs' clients (e.g., socio-demographic characteristics of users, whether victims or accused or witnesses), on clients' satisfaction, on the nature and frequency of contacts should be routinely gathered and reported.
19. Legal aid services represent an area of strong demand for Mi'kmaq peoples throughout Nova Scotia. It is recommended that, on the mainland, responsibility for Legal Aid vis-a-vis Indian Brook/Shubenacadie be shifted to Truro Legal Aid, consistent with the recommendations of earlier reports (e.g., 1992) and with the wishes of community residents and CJS officials in the area. In Cape Breton, whereas the language and cultural considerations are different, it is recommended that a qualified Mi'kmaq person be hired as a paralegal to liaise with Legal Aid with respect to Mi'kmaq communities there.
20. It is recommended that further specific project initiatives (i.e., beyond MYOP, NCWP, and ENTS) proposed for the MJI-like organization, should be adopted only if congruent with the strategic plan developed by its board, a flexible and periodically reviewed strategic plan. Further, the executive director and other full-time staff should normally not be directly employed in or draw any additional salary from such new developments.