Violence and the Administration of Justice: A Focus on Inuit Communities in Northern Canada

Harold W. Finkler
INTRODUCTION

While the Northwest Territories ("NWT") of Canada are one-third the total size of the country, in 1979, its culturally diverse population, consisting of 61.7 percent indigenous peoples, numbered only 46,063 inhabitants. This population is distributed into sixty-four communities varying in size from one under 10,000, eight between 1,000 and 3,200, with the remainder in centers of less than 1,000 inhabitants.¹

The vastness of the area coupled with a small population has contributed to a delay in the development of a full range of social and legal services. Consequently, in addition to the importance of appropriate cross-cultural strategies for crime control and prevention in a remote setting, the maximum use of existing social and legal resources is critical to any effective response to violence. Nevertheless, the ultimate success of crime control strategies hinges on the participation of the community in social and legal control.

This article will focus on the incidence of criminal violence in small isolated communities composed mostly of indigenous peoples.² This article will also discuss the current social and legal response³ with an eye towards determining an appropriate policy

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¹ Bureau of Statistics (1979) (Government of the Northwest Territories, Yellowknife).
² The Inuit are Canada's northernmost inhabitants, known to most of the world as Eskimos. The word Eskimo means "eater of raw flesh." Today, Eskimos prefer to call themselves the "Inuit," a word meaning "the people" in their own language. Canada's Inuit population is estimated at 23,000; they live in small communities in the Mackenzie Delta, along the mainland coast of the Northwest Territories, on the shores of the Hudson and Ungava Bays, in Labrador, and in settlements throughout the Arctic islands. Eskimo-Aleut is the major linguistic family and, although Inuktitut is the only language, there are many dialects.
³ Justice system based measures are those specific interventions deployed by the formal agencies for social and legal control: the police, judicial and associated services, and corrections. These measures are aimed at the reduction, treatment, or prevention of criminality. In contrast, community based measures entail those measures, generally informal, which reflect the community's participation in the responsibility for controlling anti-social behavior. Such local action may encompass initiatives directed at liquor control, or the diffusion, reduction, or prevention of violence-precipitating situations.
and program framework for future strategies in the control and prevention of violence. While many of the issues addressed may apply to similar remote communities, this article will focus on the state of violence and criminal justice in the NWT and will draw primarily upon the author's social and legal research in the NWT during the last ten years.  

Part I will describe the nature and extent of criminal violence in the NWT. Part II will discuss the causes of Inuit criminality. Part III will present an overview of the current measures used for social and legal control, and Part IV will conclude with a discussion of future strategies for the control and prevention of violence.

I. THE INCIDENCE OF CRIMINAL VIOLENCE IN THE NWT

To obtain an indication of the extent and nature of violence in the communities of the North, the author used criminal violence data as officially recorded in police criminal enforcement statistics. These statistics provide a basic measurement of the incidence of criminal violence which comes to the attention of the formal agencies of social and legal control. In addition, such a baseline measurement constitutes an important element in identifying current needs as well as in developing programs for the future control and prevention of violence.

The violent crime index comprises serious offenses corresponding to the pertinent articles of the Canadian Criminal Code. The most predominant serious offenses are acts against the person. The component offenses include murder, attempted murder, manslaughter, rape, other sexual offenses, wounding, assaults (not indecent), and robbery.

In reference to the phenomenon of criminal violence, McClintock distinguishes between the instrumental and interpersonal nature of these acts of violence. In this regard, he has categorized instrumental violence as "primarily violence in the furtherance of property crime, such as robbery," though "it can also include violence in the forms of sexual coercion." Interpersonal violence includes "crimes which are the culmination of a long period of strain and conflict in the home, as well as crimes which result from a sudden outbreak of anger over a specific issue following a casual encounter."

Before proceeding with an analysis of the distribution of the incidence of criminal violence, a synopsis of patterns of criminality in the NWT would be useful. In prior research, this author has found that

[the 1960's have seen a dramatic rise in violations of the Criminal Code, federal statutes, and territorial ordinances in the Northwest Territories, with

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5 CRIMINAL CODE, CAN. REV. STAT. ch. C-34 (1970). Pertinent articles include: §§ 212-214 (murder); § 222 (attempted murder); §§ 215, 217 (manslaughter); §§ 246.1-3 (rape); §§ 146-147, 150-155, 157-148 (other sexual offenses); §§ 228, 245.5 (wounding); §§ 244-245.2 (assaults (not indecent)); §§ 302-305 (robbery).

6 F. McClintock, Demographic Aspects of Violence 17 (1975) (paper presented at the Workshop on Violence in Canadian Society held at the University of Toronto Centre of Criminology, Sept. 8-9, 1975) [hereinafter cited as McClintock].

7 Id.
offenses against the Liquor and Motor Vehicle Ordinances, according to Jubinville, comprising approximately 50 percent of the total.

Aside from the predominance of violations of the Liquor Ordinance, liquor has been a contributing factor in offenses against the Criminal Code, such as rape or attempted rape, indecent assault, assault, breaking and entering, and petty theft. In addition to an increase in liquor violations, offenses against the person, mostly within the family unit, and property offenses, the Annual Report by the Solicitor-General for 1970–1971 cites the emergence in the Northwest Territories of the non-medical use of drugs, particularly in the larger northern communities.

However, it is essential to realize that the more serious offenses such as murder, manslaughter, rape, assault, and robbery comprise only a small portion of the total number of offenses committed in the Northwest Territories. For example, Jubinville, in an evaluation of the extent and characteristics of crime in the Northwest Territories, estimated this portion to be between 10 and 15 percent of the total number of offenses for 1968.8

Earlier research9 tends to confirm these patterns, particularly the concentration of offenses under the NWT Liquor Ordinance,10 of offenses against property, and of incidents entailing disorderly conduct, assaults, and the non-medical use of drugs. Furthermore, these studies established a significant relationship between alcohol and crime, wherein intoxicants were a major precipitating factor in physical and sexual assaults, property offenses such as wilful damage, petty theft, or breaking and entering while intoxicated to search for liquor or goods to exchange for alcohol.

On the basis of crime enforcement statistics detailing the actual violent offenses known to the police and proven to be founded, Table 1, entailing the distribution of violent offenses in the NWT from 1971 to 1981, reveals a moderate increase of 13.9 percent in 1981 over 1971 in the total number of actual violent offenses. Furthermore, while the total distribution of violent offenses reflected annual increases beginning in 1972 until its peak in 1975, it generally declined thereafter despite modest growth in 1979 and 1981, though remaining below the 1975 peak. Assaults (not indecent) consistently represented the largest number of actual offenses in the violent crime category. These patterns generally approximated those found nationally. Finally, notwithstanding the

8 Finkler 1976, supra note 4, at 22-23. For a discussion of the extent and characteristics of crime in the NWT, see R. Jubinville, Correction Services in the Northwest Territories (1971) (Department of Social Services, Yellowknife). Concerning the predominance of violations of the Liquor Ordinance, see Honigmann & Honigmann, Eskimo Townsmen (1965) (Canadian Research Centre for Anthropology, Ottawa); Slobodin, Metis of the Mackenzie District (1966) (Canadian Research Centre for Anthropology, Ottawa); Royal Canadian Mounted Police, Annual Report (1962) (Ottawa, King’s Printer) [hereinafter cited as RCMP Report]. For a discussion of the relationship between liquor and crimes such as rape, attempted rape, and indecent assault, see Morrow, A Survey of Jury Verdicts in the Northwest Territories, 8 ALTA. L. REV. 50 (1970). For a discussion of the relationship between liquor and crimes such as assault, breaking and entering, and petty theft, see RCMP Report (1966); Solicitor-General, Annual Report (1968) (Ottawa). For a discussion of the relationship between liquor and offenses against the person, mostly within families, see McReynolds, Situational Appraisal of Regional Correctional Need (1972) (Department of Social Development, Yellowknife). For a discussion of the non-medical use of drugs in the NWT, see Solicitor-General, Annual Report (1970-1971).

9 See supra note 4.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Murder</th>
<th>Attempted Murder</th>
<th>Manslaughter</th>
<th>Rape</th>
<th>Other Sexual Offenses</th>
<th>Wounding</th>
<th>Assaults (Not Indecent)</th>
<th>Robbery</th>
<th>TOTAL</th>
<th>Annual Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>3</td>
<td>.2</td>
<td>.9</td>
<td>11</td>
<td>26</td>
<td>26</td>
<td>1212</td>
<td>8</td>
<td>1287</td>
<td>100.0</td>
</tr>
<tr>
<td>1972</td>
<td>2</td>
<td>.1</td>
<td>.6</td>
<td>8</td>
<td>27</td>
<td>26</td>
<td>1373</td>
<td>6</td>
<td>1433</td>
<td>+11.3</td>
</tr>
<tr>
<td>1973</td>
<td>4</td>
<td>.3</td>
<td>.2</td>
<td>19</td>
<td>26</td>
<td>23</td>
<td>1505</td>
<td>16</td>
<td>1597</td>
<td>+11.4</td>
</tr>
<tr>
<td>1974</td>
<td>8</td>
<td>.5</td>
<td>.2</td>
<td>21</td>
<td>36</td>
<td>26</td>
<td>1600</td>
<td>22</td>
<td>1716</td>
<td>+ 7.4</td>
</tr>
<tr>
<td>1975</td>
<td>3</td>
<td>.2</td>
<td>.1</td>
<td>14</td>
<td>23</td>
<td>17</td>
<td>93.2</td>
<td>1.1</td>
<td>100.1</td>
<td>+ 3.3</td>
</tr>
<tr>
<td>1976</td>
<td>8</td>
<td>.5</td>
<td>.3</td>
<td>25</td>
<td>39</td>
<td>17</td>
<td>1569</td>
<td>42</td>
<td>1705</td>
<td>- 3.8</td>
</tr>
<tr>
<td>1977</td>
<td>3</td>
<td>.2</td>
<td>.1</td>
<td>25</td>
<td>43</td>
<td>20</td>
<td>1570</td>
<td>17</td>
<td>1681</td>
<td>- 1.4</td>
</tr>
<tr>
<td>1978</td>
<td>3</td>
<td>.2</td>
<td>.1</td>
<td>23</td>
<td>44</td>
<td>22</td>
<td>1504</td>
<td>7</td>
<td>1607</td>
<td>- 4.4</td>
</tr>
<tr>
<td>1979</td>
<td>7</td>
<td>.4</td>
<td>.1</td>
<td>35</td>
<td>36</td>
<td>29</td>
<td>1540</td>
<td>10</td>
<td>1659</td>
<td>+ 3.2</td>
</tr>
<tr>
<td>1980</td>
<td>5</td>
<td>.3</td>
<td>.1</td>
<td>25</td>
<td>35</td>
<td>24</td>
<td>1335</td>
<td>20</td>
<td>1446</td>
<td>-12.8</td>
</tr>
<tr>
<td>1981</td>
<td>5</td>
<td>.6</td>
<td>.4</td>
<td>25</td>
<td>62</td>
<td>27</td>
<td>1317</td>
<td>24</td>
<td>1466</td>
<td>+ 1.4</td>
</tr>
</tbody>
</table>

Percent Change Over 1971: +127.3, +138.5, +3.8, +8.7, +200.0, +13.9

distortion arising from the comparison of low numbers, each violent offense within the violent crime index has reflected an increase in the percent change of its distribution over 1971.

Regarding the distribution of actual violent offenses in relation to the total number of offenses, the author's research, illustrated in Table 2, reveals that violent offenses during 1975 to 1980 constituted a small portion of the total number of offenses. Moreover, this distribution of actual violent offenses in relation to the total indicated a peak of 8.8 percent in 1980.

In conclusion, violent crime in the NWT comprises only a small portion of the total number of criminal offenses. Most violent crimes tend to be interpersonal in nature and arise from circumstances involving the excessive and hazardous use of alcohol. In addition, assault is by far the most common offense in this category.

II. CAUSES OF NATIVE CRIMINALITY IN THE NWT

A. Scholarly Views of the Causes of Native Criminality

As native peoples constitute a majority of the population in the North, an historical perspective of the causes of native criminality as a whole, based on the author's earlier research, would prove useful. Particular emphasis will be placed on studies of the post–World War II settlement of Euro–Canadians in the North and its disruptive effect upon traditional Inuit forms of social control. In addition, the views of the Northern communities will also be considered. Another important factor in the commission of crimes by native peoples is the abuse of alcohol.

The incidence of crime among the members of a group is an important indicator of social maladjustment: the native peoples of NWT comprised 84.8 percent of all admissions into NWT correctional facilities during the period between 1968 and 1980, but they comprised in 1979 only 61.7 percent of the population. Therefore, an examination of the special problems of NWT's native peoples is helpful in developing strategies for social and legal control.

During the late 1950's and 1960's, there was an unprecedented immigration of Inuit from small isolated camps to semi-urban communities. Those immigrating hoped to benefit from the greater opportunities for wage employment and superior educational, medical, and social services. Nevertheless, according to Graburn, rather than an improvement in the quality of life, the unforeseen growth in the population of such communities gave rise to problems with housing, employment, and social control.

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11 The material in Part II is based on Finkler 1981, supra note 4, at 66-69.
12 In traditional Inuit communities there were no written or codified laws to guide a person's behavior, although certain rules and obligations did exist among most Inuit groups. These rules generally focused on one's obligations to hunt and to share food, natural resources, and material goods. Id. at 10. See also Birket-Smith, Fifth Thule Expedition 5 (1929); V. Goldschmidt, The Greenland Criminal Code and Its Sociological Background, 1 Acta Sociologica 217 (1956) [hereinafter cited as Goldschmidt]; Vallee, Kabloona and Eskimo in the Central Keewatin (1962) (Northern Co-ordination & Research Centre, Ottawa) [hereinafter cited as Vallee].
13 Finkler 1981, supra note 4, at 53.
14 Graburn, A General Introduction to Lake Harbour, Baffin Island (1963) (Northern Co-ordination and Research Centre, Ottawa) [hereinafter cited as Graburn].
15 Id.
## TABLE 2
Distribution of Actual Violent Offenses, in Relation to Total Number of Offenses, Baffin Region, NWT, 1975-80

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>VIOLENT OFFENSES</td>
<td>248</td>
<td>11.1</td>
<td>206</td>
<td>13.6</td>
<td>208</td>
<td>13.0</td>
<td>198</td>
<td>12.3</td>
<td>187</td>
<td>10.0</td>
<td>211</td>
<td>8.8</td>
</tr>
<tr>
<td>PROPERTY OFFENSES</td>
<td>401</td>
<td>17.9</td>
<td>365</td>
<td>24.1</td>
<td>526</td>
<td>32.9</td>
<td>479</td>
<td>29.8</td>
<td>513</td>
<td>27.5</td>
<td>620</td>
<td>26.0</td>
</tr>
<tr>
<td>OTHER*</td>
<td>1588</td>
<td>71.0</td>
<td>945</td>
<td>62.3</td>
<td>865</td>
<td>54.1</td>
<td>930</td>
<td>57.9</td>
<td>1163</td>
<td>62.4</td>
<td>1554</td>
<td>65.2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2237</td>
<td>100.0</td>
<td>1516</td>
<td>100.0</td>
<td>1599</td>
<td>100.0</td>
<td>1607</td>
<td>100.0</td>
<td>1863</td>
<td>99.9</td>
<td>2385</td>
<td>100.0</td>
</tr>
</tbody>
</table>

* Other includes offenses under the criminal code, federal statutes, territorial ordinances, and municipal by-laws.

Furthermore, Jenness\(^{16}\) as well as Smith\(^{17}\) and Vallee\(^{18}\) have indicated that the caste structure of the white-dominated communities, with the Inuit relegated to an inferior status and denied full partnership in the social and economic life of the community, accentuated Inuit feelings of frustration and hostility to the new way of life.

The Inuit’s increased contact with Euro-Canadian culture because of immigration to white-dominated communities has led to a significant breakdown of traditional family and village control.\(^{19}\) Traditional reactions to conflict, such as withdrawal\(^{20}\) or public pressure\(^{21}\) are ineffective in a semi-urban milieu oriented towards the South. The erosion of the previous means of social control can be attributed to the differences between town and camp life, such as the decline in people’s dependency on one another,\(^{22}\) a larger and less homogeneous population,\(^{23}\) and what Goldschmidt\(^{24}\) terms as a general demise of primary relationships.\(^{25}\)

One of the major problems evolving from the strains on Inuit adaptation to Euro-Canadian culture has been the decline in parental control. Several researchers have attributed this to a shift in dependency by the young from their fathers, from whom they acquired skills for subsistence on the land, to wage labor, resulting in greater independence from the family and its control.\(^{26}\) Furthermore, these researchers as well as the NWT Indian–Eskimo Association\(^{27}\) have indicated that parental control is undermined by the socialization of Inuit children into the white culture through schools, churches, and social centers. The result is a growing alienation from the traditional values of their families. In Schuurman’s opinion, these factors have contributed to disorganization among some families, characterized by the rejection of parental authority and a decline in traditional family solidarity.\(^{28}\)

The increasing incidence of criminality has been attributed to the inability of some Inuit to adapt to the unfamiliar values and structure of the more dominant culture; this is particularly true during a period of accelerated change.\(^{29}\) Some researchers have indicated that one of the major sources of conflict to emerge from the clash of Inuit and Euro-Canadian culture is the resentment and rebellion of the Inuit, especially the young,

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\(^{16}\) Jenness, *Eskimo Administration: II. Canada* (1964) (Arctic Institute of North America) [hereinafter cited as Jenness].


\(^{18}\) Vallee, *supra* note 12.

\(^{19}\) Cavan & Cavan, *Delinquency and Crime: Cross-Cultural Perspectives* (1968) [hereinafter cited as Cavan & Cavan].

\(^{20}\) H. Schuurmann, Political Organization in the High Arctic (1967) (unpublished manuscript) [hereinafter cited as Schuurman].


\(^{22}\) Id.

\(^{23}\) Vallee, *supra* note 12.

\(^{24}\) Goldschmidt, *supra* note 12.

\(^{25}\) Primary relationships are relationships involving a small number of people, with face-to-face contact and mutual dependence.


\(^{27}\) Northwest Territories Division of the Indian-Eskimo Association of Canada, Indians, Eskimos and the Administration of Justice in the North west Territories (1967) (a brief filed with the Commission of Inquiry into the Administration of Justice in the Northwest Territories).

\(^{28}\) Schuurman, *supra* note 20.

\(^{29}\) Cavan & Cavan, *supra* note 19.
against the denial of the means to participate fully in the social and economic life of the white-dominated communities. Clairmont believes that the emergence of a deviant subculture, providing alternative criteria for prestige and self-esteem, can be interpreted as a maladaptation to the lack of means to achieve accepted white middle class goals. Furthermore, some scholars have argued that traditional parental and village authority which controlled deviant behavior in the past has been reduced by the imitation by some Inuit of the negative behavior exhibited by white transients who are themselves unable to rise in the social and economic hierarchy.

B. The Communities' Views of the Causes of Native Criminality

Aside from those of scholars, the views of the communities are useful to provide insight into what they consider, in light of their experience and values, to be the more important factors behind criminality. While these views pertain to Inuit criminality, they are, in the author's opinion, applicable to the causes of native criminality throughout the North and other communities in similar circumstances. In addition, they are potentially useful as a background to understanding current control mechanisms and the formulation of future strategies in the control and prevention of violence. While the factors leading to criminality are not ranked in order of their priority in the following discussion, it provides a useful perspective on the subject.

As a consequence of the conflicting demands caused by the clash of two cultures, some in the communities felt that the Inuit have lost their self-respect and motivation. Frustration due to the inaccessibility of the Inuit to equal participation in the social and economic life of the region, has led to predominantly liquor-related delinquent behavior. Furthermore, this behavior stems from a growing animosity towards a society dominated by whites.

Several community members believed that the imposition of a non-Inuit educational system has significantly eroded the traditional respect for the authority of parents and elders. This factor, with the subsequent breakdown in communication between old and young, or generation gap, has resulted in a general disrespect for authority and subsequent involvement in crime. The generation gap also appeared to have produced a disregard for the consequences of breaking the law, to the point where the boundaries of acceptable behavior and their sanctions have been challenged.

A negative family environment was also seen by many as a major element in generating antisocial behavior. The adverse effects of such an environment, encompassing parental neglect, a lack of guidance, and excessive drinking within the family, were seen to produce crime. This may occur in families with no father or with one who is unable to provide the needed direction, or where a youth is having a difficult relationship with a step-parent. Marriage problems, often due to the change in traditional Inuit male-female roles, were also perceived to cause crime.

Several other factors were considered to contribute to delinquency. These are: the lack of single family housing or adequate accommodation, limited education and the lack of the required level to obtain meaningful employment, few skills or the absence of job training, and the boredom of settlement life because of a dearth of recreational activities.

The media was also identified as a negative influence on the maintenance of traditional values and authority among the young. Another factor mentioned was the disrup-

30 D. Clairmont, Deviance Among Indians and Eskimos in Aklavik (1963) (Northern Co-ordination and Research Centre, Ottawa).
tive effect of some non-Inuit transients who reduced the effectiveness of community social controls. Finally, in contrast to former times, several viewed the protracted period of adolescence due to school enrollment as delaying the acceptance of adult responsibility and thus contributing to delinquent behavior.

The abuse of alcohol is also a major factor in the commission of crimes among Indians and Inuit. Wacko, an alcohol and drug consultant, found that excessive and hazardous patterns of drinking among members of these groups were often a pre-condition to participation in deviant behavior. Table 3 shows that in one NWT community of the total number of convictions for offenses committed during 1972, alcohol was a factor in 75.1 percent of the total. At the justice of the peace court level, alcohol played a part in 80.9 percent of the offenses committed by Inuit as compared with only 35.7 percent for non-Inuit. The Inuit were significantly over-represented in Liquor Ordinance violations, constituting 60.5 percent as compared with 16.1 percent for non-Inuit. Clearly, crime among the native peoples of the NWT could be significantly reduced if alcohol abuse were curtailed.

III. AN OVERVIEW OF CURRENT MEASURES OF SOCIAL AND LEGAL CONTROL

In subsequent discussion, current levels of social and legal responses will be highlighted. This description of approaches, based on the justice system, to the containment and prevention of violence focuses on specific measures undertaken by the Royal Canadian Mounted Police ("RCMP"), judicial and associated services, and corrections. However, as previously mentioned, it should be emphasized that the NWT as a whole has not developed the full range of social and legal services — a problem which is even more acute in the smaller and more isolated communities. Notwithstanding the availability of police, a justice of the peace court, a social worker, and occasionally a court worker or legal aid representative in these communities, the remaining portion of existing services provided by the formal agencies of social and legal control are based in the territorial capitol, regional centers, or in the South. This lack of services has a corresponding effect on the breadth of current measures in the control of violence based on the justice system.

While no specific policies or programs are directed towards the control and prevention of violence, the criminal justice system has to a significant extent tried to intervene and prevent criminality precipitated by alcohol. As has been shown, such criminality frequently entails interpersonal violence. Accordingly, the following discussion highlights the current measures of social and legal control in the areas of crime and domestic violence caused by alcohol.

31 Cavan & Cavan, supra note 19; Vallee, supra note 12.
32 Members of the social and legal community consulted include those associated with the RCMP, the judiciary, correctional institutions, and social services as well as those government officials whose jobs brought them into contact with offenders. Representatives of the community consulted were members of citizens' committees as well as from the public at large.
33 Wacko, Observations and Recommendations Respecting Alcohol and Drugs in the Northwest Territories 139 (1973) (Department of Social Development, Yellowknife).
35 Justices of the peace have jurisdiction over minor offenses in violation of the Criminal Code, federal statutes, and ordinances of the NWT. Although the system was created in 1955, the first Inuit was not appointed until 1962. Finkler 1975, supra note 4, at 16.
### TABLE 3

**Percent Distribution of Alcohol as a Factor in Offenses Committed During 1972, for Total Convictions by Type of Court per Racial Group, Frobisher Bay, NWT**

<table>
<thead>
<tr>
<th>Alcohol a factor in the offense</th>
<th>Type of Court</th>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Justice of the Peace</td>
<td>Magistrate’s + Supreme (NWT)</td>
<td>Total convictions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eskimo</td>
<td>Non-Eskimo</td>
<td>Eskimo</td>
<td>Non-Eskimo</td>
<td>Eskimo</td>
<td>Non-Eskimo</td>
<td>Eskimo</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Negative</td>
<td>17</td>
<td>5.2</td>
<td>26</td>
<td>46.4</td>
<td>1</td>
<td>2.0</td>
<td>2</td>
</tr>
<tr>
<td>Charge in violation of the liquor ordinance (NWT)</td>
<td>99</td>
<td>60.5</td>
<td>9</td>
<td>16.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intoxicated at the time of the offense or contributing to juvenile delinquency by supplying to a minor</td>
<td>67</td>
<td>20.4</td>
<td>11</td>
<td>19.6</td>
<td>38</td>
<td>74.5</td>
<td>1</td>
</tr>
<tr>
<td>In search of liquor and/or goods to exchange for alcohol</td>
<td>46</td>
<td>14.0</td>
<td>10</td>
<td>17.9</td>
<td>6</td>
<td>11.8</td>
<td>2</td>
</tr>
<tr>
<td>Not known</td>
<td>46</td>
<td>14.0</td>
<td>10</td>
<td>17.9</td>
<td>6</td>
<td>11.8</td>
<td>2</td>
</tr>
<tr>
<td>Grand total</td>
<td>329</td>
<td>100.0</td>
<td>56</td>
<td>100.0</td>
<td>51</td>
<td>100.1</td>
<td>5</td>
</tr>
<tr>
<td>Total: Alcohol a factor in the offense</td>
<td>266</td>
<td>80.9</td>
<td>20</td>
<td>35.7</td>
<td>44</td>
<td>86.3</td>
<td>1</td>
</tr>
</tbody>
</table>

The primary thrust of control measures to reduce crime caused by alcohol has been to increase the use of legal restraints provided in the Liquor Ordinance. These restraints enable communities to determine their own desired level of restrictions on the purchase, sale, or consumption of alcohol. These restraints, including prohibition, rationing, or the approval and monitoring of liquor purchases by community alcohol education committees have significantly reduced the hazardous and excessive consumption of alcohol. The result has been a marked decline in the incidence of criminality, particularly interpersonal violence.

One remedy has been the use of interdiction lists composed of those persons who should not be sold or served alcohol. To some extent, placements on the interdiction lists, when undertaken voluntarily, have been effective. The improved monitoring of licensed premises to reduce under-age drinking or over-serving has also been effective. Moreover, the recent amendment to the Liquor Ordinance providing for more stringent sanctions for "bootlegging" will complement the control process.

In regard to specific approaches of control based on the criminal justice system, the police, exercising their discretion, may detain intoxicated persons, known for their violent behavior, for minor offenses as a preventive measure. The courts, in addition to their role with respect to placements on the interdiction lists, frequently include the abstention from alcohol as part of the probation order during sentencing. With respect to correctional institutions, such measures as individual and group counselling to resolve criminality caused by alcohol, Alcoholics Anonymous groups, and the utilization of external resources like the Northern Addictions Services, dominate institutional strategies. Especially in the area of probation and after-care, non-institutional measures include the efforts of community social workers through individual, group, or family counselling sessions.

Complementing the above measures are those undertaken by the community through the establishment of Alcoholics Anonymous and alcohol education committees. In addition to the committees’ role in the area of legal restraints, they perform counselling and preventive educational functions. They also comprise an additional resource in the overnight supervision of intoxicated persons: one community even engaged a night watchman who was responsible for the safety of intoxicated persons and the community, as well as for the enforcement of curfews.

Despite the prevalence of domestic violence, concerted social and legal intervention has been minimal. This may be because many incidents known to the police are sub-

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37 The Liquor Ordinance provides that, where it appears to the satisfaction of a justice that any person who resides or sojourns in the Territories, by excessive drinking of liquor, misspends, wastes or unduly lessens his estate, injures his health or interrupts the peace and happiness of his family, the justice may make an order of interdiction directing the cancellation of any permit held by that person and prohibiting the sale of any liquor to, and the possession and consumption of liquor by such person for a period not exceeding three years from the date of that order. The Liquor Ordinance N.W.T. Rev. Ord. ch. L-7, § 84(1) (1974).
39 Northern Addictions Services operate detoxification, rehabilitation, and non-residential and out-patient programs in Yellowknife.
sequently cleared before charges are filed, despite the existence of sufficient information to proceed judicially. The hesitancy of some women to press charges contributes to this problem.

Notwithstanding the hesitancy of women to press charges, in earlier field observations it was found that

though the police make every attempt to have the victims of the assault lay a charge, in serious incidents, or where the victim's fear of the repercussions precludes her initiation of any legal action, they may lay the charge themselves. Frequently, the laying of the charge, particularly in serious situations, no matter what the outcome, has a positive effect on the accused by impressing upon him that there is a possibility of going to jail for such behaviour. Furthermore, it is a means of controlling the accused over a period of time and tempering his aggressiveness.\(^{40}\)

Another approach based on the justice system is judicial intervention under the Criminal Code:\(^{41}\) ordering the potential offender to enter into a recognizance to keep the peace.

Within an institutional and non-institutional context, family members may be involved in the treatment process in order to resolve estranged relationships between offenders and their parents, relatives or spouses. In one town, an emergency phone-in service called the Help Line provides referrals to social, medical, or psychiatric services to callers in distress. In the Eastern Arctic, battery cases may be referred to the visiting mental health team.

**IV. Future Strategies in the Control and Prevention of Violence**

Despite the current stabilizing trend in the incidence of violent crimes, the level remains unacceptable when measured in terms of the social, legal, economic, and medical consequences for Northern communities. An immediate need to develop clear policies and programs directed at the control and prevention of violence in the North exists. The need for developing policies and programs is particularly acute in order to respond more adequately to those dropping out of society as a result of accelerated change. Appropriate mechanisms also need to be developed to minimize the negative social and legal effects from future natural resource development projects.

The formulation of a framework for policies and programs must be done with the realities of the North borne in mind. Such a framework must specifically recognize the difficulties arising from the limited establishment of the full range of social and legal services. The problems inherent in the maximum delivery of existing programs in a manner which is relevant to the culture of a small native population, scattered throughout a vast area, must be considered. These issues have a direct bearing on the control and prevention of violence in Northern communities. Ultimately, effective social and legal control depends on community participation in the responsibility for controlling antisocial behavior.

\(^{40}\) Finkler 1975, *supra* note 4, at 70.

\(^{41}\) [T]he justice of the summary conviction court before which the parties appear may, if satisfied by the evidence adduced that the informant has reasonable grounds for his fears, order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for any period that does not exceed twelve months, and comply with such other reasonable conditions prescribed in the recognizance as the court considers desirable for securing the good conduct of the defendant[.]. *Can. Crim. Code* *Can. Rev. Stat.* ch. C-34, § 745(3)a (1970).
The obstacles to community acceptance of its responsibility in the control process lie partially in the community's diminishing level of tolerance towards crime and in its increasing social distance from offenders in its midst. The breakdown in traditional indigenous mechanisms of social and legal control and increasing reliance on formal agencies for conflict resolution have eroded the development of appropriate community responses to threatening behavior. Nevertheless, growing community reservations about the effectiveness of measures based on the justice system in treating or deterring anti-social behavior may generate the requisite community involvement in crime control and prevention. The deployment of informal community-based measures should have a greater lasting effect on crime control and prevention than those from within the justice system.

Notwithstanding the need to provide basic control measures, greater emphasis must be directed towards crime reduction and prevention. This article contends that the major thrust in the prevention of anti-social behavior should be aimed at approaches which defuse potentially provocative situations likely to culminate in interpersonal violence. Particularly in the area of crime prevention, community-based approaches can make their most significant contribution. The community's intimate knowledge of its inhabitants and concern for their well-being enables it to identify potential sources of conflict. The community may then employ timely informal measures to defuse threatening behavior and extend its support systems to reduce or prevent the occurrence of violent situations.

With respect to specific future policies and programs for controlling and preventing violence in the North, the following strategies may be considered in the formulation of responses based in the justice system and the community to criminal violence.

Especially in regard to police efforts to defuse potentially violent incidents, there is a need to allocate manpower selectively, focusing on high risk groups, crime-prone locations, and certain time periods. At a general level, in reference to the disproportionate number of violent offenses cleared other than by pressing charges, "strategies must be aimed at those conditions that lead to violent crimes which are unresolved or known to the police but which cannot be resolved by a charge." 42

In addressing concerns regarding appropriate judicial decision-making in incidents involving criminal violence, the judiciary needs better feedback regarding the effectiveness of its sentences in achieving its desired objectives. With respect to the optimal deployment of scarce social and legal resources, there is the need for consistent diagnosis and classification. 43 A planning process should be instituted before the release of offenders which properly channels them to existing services in their communities or to those complemented by resources in the South.

The mobilization of community-based measures depends not only upon the community's acceptance of its responsibility in the control process, but also upon its access to the process of criminal justice planning and programming. For example, "their advice as well as involvement in the delivery and development of innovative cross-cultural programs is fundamental to achieving some measure of success in the administration of

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43 Offenders are first given an assessment test for diagnosing whether treatment is required. Classification refers to a determination of where the offender should go for treatment and what kind of treatment is required.
correctional services, particularly in view of lingering reservations about the effectiveness of existing correctional models for the rehabilitation of indigenous offenders.\textsuperscript{44}

With respect to criminality caused by alcohol, Northern communities have taken the lead in controlling the consumption of alcohol through the use of legal restraints. While these measures have immeasurably improved the quality of community life, including a reduction in interpersonal violence, these initiatives should be complemented by continuing preventive education in the schools as well as in the community.

As previously mentioned, criminal justice measures to control and prevent the incidence of domestic violence have had a minimal impact. Future strategies should include special training for police in family crisis intervention, the creation of family court conciliation services, inter-agency and community collaboration and coordination of resources, and temporary shelters for women in distress.

In conclusion, extensive research focused on violence and on the North is required to provide the requisite information in rational planning for control and prevention strategies. In this regard, the following are suggested areas for further research:

1) an analysis of the social context of violence in relation to the act and victim, as well as to the background of the offender\textsuperscript{45} and
2) studies on the proportion of offenders cleared by charge per offense classification and on the basic characteristics of violent recidivists, along with an analysis of the relationship of alcohol to different categories of violence.\textsuperscript{46}

\textsuperscript{44} Finkler 1982, \textit{supra} note 4, at 14.
\textsuperscript{45} See McClintock, \textit{supra} note 6.