

Jailed planner back at work Christmas Eve or no job

by Lynda Powless - Editor

A Six Nations planner serving a sentence for the death of a Buffalo University professor will be expected to return to work Christmas Eve or lose his job as a band planner.

Sam Hill, who may become the first aboriginal inmate in Ontario to be transferred to the care and custody of his community, will be required to return to work Dec., 24, or lose his job.

The move came after Six Nations band councillor David Green quipped, "If you do the crime, you have to do the time."

Six Nations Director of Operations Cynthia Jamieson asked band council to extend Hill's

original six-month-leave of absence for another six months.

Council had earlier given Hill the standard six-month-leave-of-absence with-out-pay, after learning he may be transferred to Six Nations this month.

Hill was sentenced to three-and-a-half years in prison in July after pleading guilty to a charge of criminal negligence causing death in connection with a head-on collision on the QEW in Burlington



Sam Hill

last year.

He is currently serving his sentence at Beaver Creek, a minimum security prison at Gravenhurst, Ont.,.

Green and Councillor Wendy
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Johnson-Martin were adamant about helping the young planner. Councillor David Green questioned the move by council to give Hill the original leave. "Why are we giving preferential treatment to Sam. People are asking me about it."

Councillor Wendy Johnson-Martin agreed. "When does it stop. Is there absolutely nobody else to



Wendy Johnson-Martin

fill the job. We have other highly skilled people in this community.

She told council she had no sympathy for Hill. She said her nephew was killed six weeks ago in an alcohol related accident. Councillor Johnson-Martin wondered if Hill would still be eligible for his job because of his record. Jamieson told her the crime would have had to be related to his work.

Jamieson told council "this man was highly competent. He was above ordinary in performance and output."

Director of Social Services, Tuesday MacDonald had asked council to send a letter of support to Hill who was involved in a number of local organizations and charity work.

One of the eligibility requirements for the program is employment. "You have to be employed, attending an educational institution or in a training program of some kind," MacDonald said Monday.

She said she wasn't surprised by council's reluctance to extend Hill's leave-of-absence past the Dec., 24th deadline to January.

"That was always a possibility," she said.

Asked if council had endangered the precedent setting transfer that could see other inmates transferred to their communities, MacDonald, said, her program would still work with Hill to try and have him transferred before the Christmas Eve deadline.

Hill originally had been scheduled for an early December parole

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hearing but the hearing was postponed to January because of internal problems within Corrections Canada.

Corrections Canada spokesman Jacques Bilanger told Turtle Island News he would look into the matter.

Hill's parole hearing will go ahead in January and he could still become eligible for early parole. MacDonald said she hopes to have an answer on his hearing this week.

"It will set a precedent for aboriginal inmates. He will be the

"Sam's sentence is not being shortened. He is still sentenced to three and a half years. He is still subject to parole."

first individual transfer. There have been others, out west, transferred to institutions located in native communities, but this is the first individual transfer to community care and control."

She said the move attempts to address the inequity of program-

ming for aboriginal inmates.

"Studies have demonstrated inequities in the manner and level of programming, there is a high ratio of aboriginal people in the corrections system but not in programming or parole. There is no balancing. There's a number of barriers that have been identified."

Hill's transfer, she said will set a precedent for Canada. "It is a fed-



David (PeeWee) Green

eral piece of legislation. The inequities within Corrections Canada are across the board. I believe that it is a precedent setting initiative that will effect aboriginal people across the board."

She said there have already been inequities noted in the Hill case. "He had no priors, he is an outstanding citizen not only within the aboriginal community but in Canadian society, but because he is aboriginal he was associated with alcohol problems and automatically received a higher sentencing. Yet we had a police officer, who killed Dudley George, (a protester at Ipperwash) who was sentenced to serve his time in his community for the same charge. Here we have a man who is suppose to be highly trained, suppose to have discretion, he ignored it, he tried to hide his act, he lied in court and he got two years less a day.

"Sam's crime was not intentional, it was accidental and not in his character."

MacDonald said individuals who may have lost relatives to drunk drivers suffer pain of loss.

"Their individual pain and grief, I

can't say anything to that, That's there. But that wasn't Sam. That wasn't this individual. He wasn't behind that wheel of the car that killed your niece or nephew.

I know in Sam's case it was an isolated case. He had no priors in the criminal justice system, he has been supported by the community and he was quite a productive member of our community.

I do know people do associate their individual pains, but we have to look at the individual, on a case by case basis."

MacDonald said it wasn't a case of "doing the time."

"Nothing could be further than the truth. He is not being released. He is being transferred."

Under Section 81, she said justice has been served.

"Sam's sentence is not being shortened. He is still sentenced to three and a half years. He is still subject to parole. His still subject to all the conditions. He will be serving his time in the community. He is required to work, there's a treatment program required of him, he has to participate in. He is eligible for probation or parole at the end of January whether he is

here or there.

She said numerous studies conducted show that to successfully re-integrate aboriginal offenders and have lasting rehabilitation, those programs have to be operated by aboriginal people.

At Beaver Creek inmates wander the grounds freely in a two by three mile radius. Hill's transfer would limit his access to the village of Ohsweken for purposes of work. Other than that, she said, he would be under house arrest and has to have permission to leave the house for treatment, recreation or anything else.

"All of these requirements exist within the federal system. They get day releases from the federal system and weekend passes. The only difference is we would take responsibility for his rehabilitation and re-integration. That's what the intention of the federal program was.