



TO: Union of BC Indian Chiefs (UBCIC) Chiefs in Assembly
FROM: Doug White Q.C., Chair, BC First Nations Justice Council
DATE: June 2, 2021
RE: BCFNJC Operations Update

PURPOSE

Recognizing that the strength of our mandate is drawn from BC First Nations, the following provides the membership of the Union of BC Indian Chiefs (UBCIC) with an update on the implementation status of the BC First Nations Justice Strategy (the 'Strategy'), inclusive of the priority areas of work and next steps.

BACKGROUND

In March 2020, the BC First Nations Justice Strategy was endorsed by the First Nations Leadership Council (FNLC), the BCFNJC, and Province of BC. Under two tracks the Strategy formalizes a joint commitment to reduce the number of First Nations people who become involved with the criminal justice and child welfare systems, improve the experience of those who do, increase the number of First Nations people working within the justice system (track 1); and to support First Nations to restore their justice systems, structures, and legal orders (track 2).

CURRENT STATUS

The following outlines the key updates and areas of work underway which support the implementation of tracks 1 and 2 of the Strategy. These include:

Justice Strategy Implementation

Through more than 25 meetings over 3 months, Justice Council staff participated in working groups co-established with the Province to develop a comprehensive implementation plan for the BC First Nations Justice Strategy. The meetings culminated in an implementation plan that is currently awaiting approval of the BC Treasury Board. After Treasury Board has approved the request, the implementation working groups will be established and will include other stakeholders to participate.

Federal Engagement

Engagement with federal representatives, including Minister Lametti is ongoing. While we have received positive endorsement of the work of BCFNJC, we have not received any financial commitment to advance it. In addition to this, the tripartite Memorandum of Understanding between the BCFNJC, BC, and Canada remains before the federal government and has yet to be endorsed.

Regarding Bill C-22, many individual strategies contained within the Strategy link to the goals identified in C-22. C-22 is a step in the right direction, but more work is required to tackle systemic racism in the justice system, in addition to the over incarceration of Indigenous peoples. To ensure this legislation achieves its stated

goals, race-based data will need to be collected to ensure the amendments contained in C-22 can be evaluated against its stated goals of decreasing incarceration and promoting judicial discretion. This legislation is not anticipated to become law before the speculated fall federal election, however, BCFNJC will continue to advocate for its full implementation.

Indigenous Justice Centres

The Indigenous Justice Centres (IJC) are founded primarily on BC FN Justice Strategy 4: Expand and invest in a comprehensive network of Indigenous Justice Centres. The IJC in Prince Rupert, Prince George, and Merritt, which were opened in early 2020, have been providing services to Indigenous clients throughout the COVID-19 pandemic. Relationships are being developed with the local justice actors and caseloads are increasing weekly.

Planning for a pilot project with the Merritt IJC and the Merritt RCMP concerning Diversion & Early Resolution is in the early stages. BCFNJC is looking to formalize the role of police in requesting Gladue reports for Indigenous people upon first interaction.

The Province of BC has approved the BCFNJC's proposal to open a virtual IJC. Planning is underway with an estimated implementation date of late summer 2021.

Gladue Services

The Gladue Services department of the BCFNJC was established to fulfill Strategy 6 which calls for establishment of a First Nations controlled agency to support implementation of a comprehensive Gladue strategy. On April 1, 2021, BCFNJC took over the Gladue function of Legal Aid BC. BC is the only jurisdiction in the country to be transforming this system and ensuring that Gladue factors are being considered at multiple points. We are also the first to focus on the trauma that Gladue reports can inflict on both the subjects and the writers and build programming and supports in to mitigate that damage. BCFNJC has received 52 Gladue report requests since April 1. To date, one has been completed, while 51 are in progress.

BCFNJC designed new training for Gladue writers that focuses on Trauma Informed Practice, which will be delivered over the summer and onwards. Information sharing agreements with Corrections and the Prosecution Service will be developed and implemented. New writers will be recruited and trained in the new system and report formats. Reports will be available for bail hearings, sentencing, parole and, ideally, at the point of arrest. All of these efforts will enable the justice system to divert as many Indigenous people as possible from the justice system into appropriate supports and away from jails.

The BCFNJC has copyrighted a publication by Dr. Ben Ralston at the University of Saskatchewan's Indigenous Law Centre called "The Gladue Principles: A Guide to the Jurisprudence". Along with the book, several actor-specific guidebooks have also been developed and will be provided to assist judges, prosecutors and defense counsel to work with the content. It will be available to download for free from our

website as well as that of the University of Saskatchewan once it is fully complete, with a small number of hard copies available for distribution. We anticipate these resources to be available by June 2021.

Policing

BCFNJC Chair Doug White, Q.C. presented to the Special Committee on Reforming the Police Act on March 26, 2021. An accompanying written submission, “Forging a New Reality in Peacekeeping for First Nations” was sent in on April 30, 2021. The submission included 19 recommendations for reforming the Police Act. In addition to providing background on the BCFNJC and speaking to the problematic origin story of policing in this province that is systematically overlooked, the submission abandons the terms of reference imposed by colonial actors and speaks to necessary change framed with Indigenous priorities at its core.

The submission speaks to decolonizing the police-community relationship, addressing structural racism, putting the person and community at the centre, building an open and honest relationship between police and First Nations, and advancing self-determination. While reforming the Police Act is welcomed change along track one of the BC First Nations Justice Strategy, track two was equally stressed in ensuring recommendations went beyond tinkering with the existing system and pushed for structural change that will advance Indigenous self-determination.

Interactive Map – Justice Resources

BCFNJC has launched an interactive resource map on our website (www.bcfnjc.com) with the goal of getting Indigenous people access to the help they need when they need it. We will continue updating this map as more resources come online.

NEXT STEPS

The BCFNJC is actively working to implement the BC First Nations Justice Strategy and support the transformative changes needed in the administration of justice in BC and Canada. We look forward to reporting on our progress as Strategy implementation proceeds. Planned next steps include:

- Launching “Virtual” Indigenous Justice Centre;
- Grand openings for the Prince George and Prince Rupert Indigenous Justice Centres as they’ve outgrown their shared space and moved into dedicated spaces;
- Completion of the Gladue Report Writer Training Program (to be launched July) and recruitment Gladue writers and Gladue workers (to be filled August); and
- Finalization of Women’s Justice Plan.

We encourage you to reach out if you have any questions and/or require further information about the BCFNJC and the services we can provide to your communities.

BC First Nations Justice Council

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