

2019-2020 Annual Report

The BC First Nations Justice Council is a non-profit organization founded by BC First Nation leaders.

ANNUAL REPORT



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www.bcfnjc.com

Justice through Self-Determination



BC FIRST NATIONS
JUSTICE COUNCIL



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A WORD FROM OUR CHAIR

DOUG WHITE

In 2019 we achieved partnership with the Government of B.C. to reshape the criminal justice system and to begin to build the path to true Indigenous justice systems that are rooted in Indigenous self-determination and authority.

I remain deeply troubled by the dual crisis facing many Indigenous families today, a crisis of over-incarceration in jails and over representation in the child welfare system. I firmly believe that this situation won't substantially change until we reclaim these functions and restore our decision-making capacity.

In 2019/2020 we took an important step toward this aim, through a new BC First Nations Justice Strategy we achieved a meaningful partnership with the Government of B.C. to reshape the criminal justice system and to begin to build the path to true Indigenous justice systems that are rooted in Indigenous self-determination and authority.

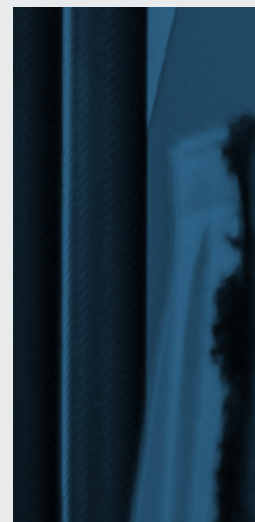
The strategy was designed by our Council in partnership with First Nations community leaders and legal experts, the Province of BC and other provincial justice system stakeholders.

On behalf of the BC First Nations Justice Council I'd like to extend a special thank you to Roshan Danesh, and Mary Ellen Turpel-Lafond for their contributions to drafting the Strategy document.

In 2020, 40% of our total budget was invested in this engagement journey which included four Regional Justice Forums and a Province-wide Justice Forum. At these sessions, we heard important stories and experiences from community which significantly sharpened the focus of the Strategy.

One of the priorities identified by First Nations was the urgent need for access to culturally safe legal services. In 2019/2020 the BC First Nations Justice Council opened three Indigenous Justice Centres. Following some delays due to Covid-19 the Indigenous Justice Centres, located in Merritt, Prince George and Prince Rupert are expected to become fully operational in the coming year and fulfill the following key functions,

1. Keep Indigenous people safe by reducing incarceration.
2. Divert Indigenous people to a healthy path away from justice involvement.
3. Make the justice system experience more Indigenous.
4. Make it easier for Indigenous people to navigate justice and obtain support.





We look forward to opening three additional Indigenous Justice Centres in 2020/2021.

The strategy outlines an ambitious mandate for change, and with that comes new capacity requirements. The BCFNJC hired its first staff member Executive Director Gaelene Askeland in October 2019 and filled other key positions in early 2020.

Looking to the year ahead our Council is very focused on bringing the Federal government into a more meaningful partnership through their inclusion in our Strategy.

I'm excited about the opportunity that we have created collectively as BC First Nations to create a better and more hopeful future for our kids and grandkids.

I REMAIN DEEPLY TROUBLED BY THE DUAL CRISIS FACING MANY INDIGENOUS FAMILIES TODAY, A CRISIS OF OVER-INCARCERATION IN JAILS AND OVER REPRESENTATION IN THE CHILD WELFARE SYSTEM

WHO WE ARE AND WHAT WE DO

Values

1 CULTURE

We draw upon our ancestral practices, customs and traditions to shape transformative change.

2 SAFETY

We support the wholistic physical, emotional, and cultural security and well-being of our citizens and staff through our behaviours, services, and policies.



Vision

BC First Nations children and families thriving in peace and security, their dignity and well-being supported by a trusted and representative justice system.

OUR VISION



Mission

The BC First Nations Justice Council supports the well-being of future generations by transforming the status quo today – upholding self-determination, reclaiming legal traditions, and addressing systemic injustice.

OUR MISSION

ESTABLISHED IN 2016, THE BC FIRST NATIONS JUSTICE COUNCIL MEMBERS ARE APPOINTED BY THE THREE FIRST NATIONS POLITICAL ORGANIZATIONS.



MEET THE JUSTICE COUNCIL

Justice Through Self-Determination

The BC First Nations Justice Council (the Council) is a province-wide leadership body first established in 2016. Originally the BC Aboriginal Justice Council, it was renamed the BC First Nations Justice Council in (2017) to reflect its First Nations mandate.

The Council is comprised of five directors appointed by the First Nations Summit, BC Assembly of First Nations, Union of BC Indian Chiefs. It represents First Nations in BC on justice-related issues and works collaboratively with BC First Nations, the Province of BC, the government of Canada and other key justice system stakeholders to bring about transformative change to government policy, programming and initiatives that will benefit all First Nations in British Columbia.

The Council has an ambitious mandate to support the rebuilding of First Nations justice systems and institutions, and to address needed improvements in Indigenous peoples' experience with provincial and federal justice systems.

It is a start-up organization provincial in scope, which is actively solidifying its plan and capacity to deliver on the recently-signed BC First Nations Justice Strategy.

In 2019-2020 our Council members were:

- Doug White – Chair
- Rosalie Yazzie – Vice Chair
- Tracey Downey – Secretary/ Treasurer
- Boyd Peters – Member
- Annita McPhee - Member

3 RESPECT

We uphold human dignity in all interactions, and honour the diversity of teachings and perspectives of BC First Nations. Our work draws upon and integrates the strengths of both First Nation and western legal traditions.

4 EMPOWERMENT

Our strategies, advocacy, and services are grounded in the principle of self-determination and the goal of increasing the freedom of our Nations and citizens to make their own decisions.

5 TRUST

Our processes and actions create stability and credibility internally amongst our staff and Council members, between the Council and our communities and citizens, and with our partners.

6 RESULTS

Our work has meaningful and material impact that advances healing and improves the experiences of BC First Nations citizens that interact with the justice system.



A BROKEN JUSTICE SYSTEM THAT HURTS INDIGENOUS PEOPLE

Defining the issues

Indigenous peoples' overrepresentation in corrections is a well-documented provincial and national crisis. Here in B.C. the number of people involved with correctional services (including those who are incarcerated) is declining, however, Indigenous peoples' rates of involvement are steadily increasing. As a result, Indigenous peoples are making up a growing proportion of those engaged in correctional services or who are incarcerated.

In 2016/2017, Indigenous adults accounted for 28% of admissions to provincial/territorial correctional services and 27% for federal correctional

services, while representing 4.1% of the Canadian adult population. This is an increase from 21% and 19% respectively, one decade ago. Indigenous youth, women, and girls are particularly at risk for both admissions and custody. Making up 8% of the youth population in Canada, Indigenous youth comprised 50% of custody admissions and 42% of community admissions. In BC, Indigenous girls outnumber non-Indigenous girls in custody.

In addition to the quantitative data, strategic directions, standards, and recommendations have emerged from the Truth and Reconciliation Commission

Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples. Among other things, these important documents emphasize the need to recognize and enable the ancestral legal systems of Indigenous peoples, to address the impacts of racism and bias, and to provide improved cultural supports for Indigenous peoples who are incarcerated.

A CRISIS OF OVER- INCARCERATION

“Twenty-one years after the landmark Gladue court decision, Indigenous incarceration rates in B.C. have tripled to over 30%. This unjust reality amounts to an astonishing crisis in Canadian society arising from the failure of the criminal justice system to embrace clear direction from Parliament and the Supreme Court of Canada.”

**LYDIA HWITSUM,
FIRST NATIONS SUMMIT
TASK GROUP MEMBER**



INCARCERATED 6X MORE OFTEN

Indigenous adults make up 32% of BC's in-custody population, despite comprising only 5% of the population at large.



INDIGENOUS WOMEN INCARCERATED AT 9X THE RATE

Indigenous women are taken into custody 9x the rate of the general population, and make up 47% of women in custody in BC.



YOUTH

60% of girls incarcerated in BC are Indigenous and 40% of boys. This despite making up only 8% of the youth population.

WRITING THE STRATEGY

AN ENGAGEMENT JOURNEY

LISTENING AND LEARNING

Developing a First Nations Justice Strategy

Responding to the crisis of incarceration, the BC First Nations Justice Council met regionally and collectively with First Nations to develop a strategy.

The development of the BC First Nations Justice Strategy took two years and was informed through extensive engagement. In 2018 justice system actors and experts built a common vision and shared understanding about the challenges to be addressed and strategies and solutions.

In 2019 First Nations leader and frontline workers provided guidance and direction on the Strategy through a series of regional and provincial gatherings.

Regional Justice Forums

Regional Justice Forums were hosted between June-July 2019 in Nanaimo, Prince George, Vernon, and Chilliwack, for First Nations leaders to provide guidance on the substance of the Strategy, including sharing of specific perspectives and experiences in four areas. ----->

Regional Justice Forum participants shared perspectives and expertise in four areas:



Policing and Corrections



Prosecutorial practices, court processes, and access to justice



Revitalizing First Nations criminal and family laws and legal orders



Self-determination, inherent right of self-government and criminal justice

“We cannot establish a good relationship with the RCMP because once we just start building the relationship, the officer is then shipped off”

- ENGAGEMENT PARTICIPANT

“Crown Counsel office- they are good people. But they haven’t been to the villages, to the feasts, they know precious little about the people that they deal with in court – this is a major issue – they need to understand meaningfully to work with and know local people”

- ENGAGEMENT PARTICIPANT

Regional Justice Forums

What we heard- Key Themes

- Racism and cultural insensitivity towards First Nations people exist throughout the justice system. A systemic response is required across education, training and hiring.
- Gladue principles should be applied consistently, throughout the system, in a coordinated and accountable way. “A guilty plea should not be required to access a Gladue report or to have Gladue principles applied.”
- Within existing models, government must improve the level and quality of police service to rural and urban First Nations communities.
- Establish a norm of diversion and restorative justice for First Nations people, with greater community involvement and control.
- Prioritize prevention, including support during reintegration, strengthening First Nations community capacity to support youth.
- Improve amounts and coordination of investment in remote locations where need is greatest.
- Prioritize First Nations community-led and community-based programming.
- Respect, enforce and develop traditional laws and legal orders

“Aboriginal offenders fail at a higher rate largely because of substance abuse and if you look at options and if someone has a technical violation of parole – what do you do with them – in Vancouver they go back to jail – we need reasonable alternatives to deal with these folks.”

- ENGAGEMENT PARTICIPANT

PROVINCIAL JUSTICE FORUM

APRIL 24-25, 2019



The First Nations Provincial Justice Forum was held April 24 – 25, 2019 in Richmond, BC. This Province-wide gathering created an opportunity for First Nations leaders to provide direction on the substance of the Justice Strategy.

The Forum included intensive small-group sessions where all First Nations participants could provide direction and perspectives on the Strategy.

Further dialogue also took place at each of the British Columbia Assembly of First Nations (BCAFN), Union of British Columbia Indian Chiefs (UBCIC), and First Nations Summit (FNS). This dialogue with the assembled leadership of First Nations organizations focused on the elements of the Strategy, and the implementation of the UN Declaration in the justice sector.





“My nation brings girls and boys into adulthood because the laws and responsibilities for children and adults are completely different”

“Our form of governance, the Yays Yays. We go into the roundhouse or pithouse and talk about our issues impacting our communities; it’s a process where we all have a say, a process in which there is open dialogue and everyone has a responsibility.”

“Regarding family, it is important to empower women, and we don’t currently have the resources to do this. Many raise or take care of extended family and community members, but people are short on resources. Natural laws are the highest laws.

We lost the authority of natural law through colonization. We are regaining this authority, but not enough. We still don’t uphold women enough. We spend so much time focusing on Crown laws, we don’t have time or capacity to focus on Indigenous laws. This extends beyond longhouses to our everyday and our relationships with each other. “

“Our local judge had dinner with a bunch of fishermen – this was a lot more meaningful than memos or anything. Getting to meet them as community on their own terms is important”



ACHIEVING A MADE-IN-BC JUSTICE STRATEGY

After 18 months of engagement, First Nations leaders and the province of BC signed a first of its kind Justice Strategy.

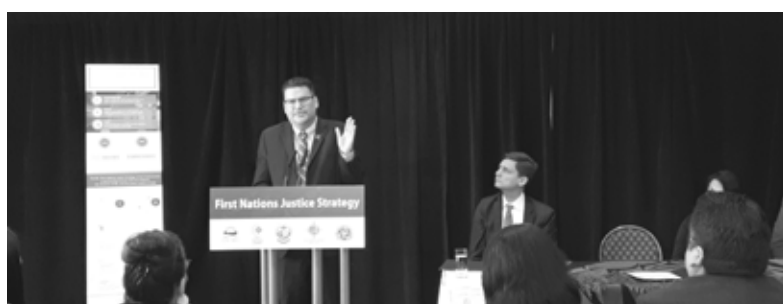
A First Nations Justice Strategy, by and for First Nations, was signed March 6, 2020.

THE BC FIRST NATIONS JUSTICE STRATEGY



**READ THE
STRATEGY
ONLINE**

WWW.BJFNJC.COM



In early 2020 the BC First Nations Justice Strategy (the Strategy) was endorsed by BC First Nations leadership through resolutions of the Union of BC Indian Chiefs, First Nations Summit, and BC Assembly of First Nations.

On March 6, 2020, the Strategy was signed at a public event co-

hosted by the BCFNJC and the Province of BC.

The Strategy describes 42 actions along two paths of transformative change: 1) reform of the current justice system; and, 2) restoration of First Nations legal traditions and structures.

Implementation of the Strategy envisions a future in which:

- First Nations people trust and believe in a justice system that is fair and culturally safe.
- First Nations laws and legal traditions are restored and First Nations people exercise authority in the administration of justice for the safety and security of their citizens and communities.
- Less emphasis is placed upon the “punishing” of offenders and instead the focus is on “making it right” through prevention, diversion, and rehabilitation – all while making sure to hold offenders to account for their actions.
- Indigenous people have access to high-quality legal and social support services.
- Knowledge keepers’ roles are recognized, restored and privileged.
- Colonialism is seen as an ongoing and toxic force that results in discriminatory treatment of Indigenous peoples.
- All people with authority in the justice system understand and share ownership of the destructive effects of colonialism when administering justice.

THE STRATEGY, FULLY IMPLEMENTED, WILL

Reduce the number of First Nations people who become involved with the criminal justice system and improve the experiences of those who do

Increase the number of First Nations people working within the justice system

Support First Nations to restore their justice systems and structures

THE JUSTICE STRATEGY CALLS FOR 42 ACTIONS ALONG TWO PATHS OF TRANSFORMATIVE CHANGE.

TRACK 1: REFORM THE CURRENT JUSTICE SYSTEM



Reduce Youth Incarceration

Prevention, diversion, and access to justice



Safety for Women and Girls

Increase public safety and access to justice for women and girls



Culturally Safe Justice Services

Increase cultural safety training, and Indigenous representation in positions of authority



Systematic Gladue Implementation

Standardization of, and increased access to, Gladue reports across the system



Independent Oversight

Third-party oversight regarding Indigenous peoples and the justice system

TRACK 2: RESTORE FIRST NATION LEGAL TRADITIONS AND STRUCTURES



Rebuilding our institutions

Self-determined and culturally appropriate institutions



Reclaiming Legal Space

Revitalize First Nations legal orders



15 Indigenous Justice Centres

15 centres by 2024 for legal aid and access to justice services



Restorative Approaches

Restorative and healing approaches at all levels



Growing Community Justice Programs

Community justice fund for stable and ongoing investment



“This strategy creates the necessary space for recognition and implementation of Indigenous justice systems. First Nations will have the opportunity to restore and reclaim their legal systems and structures according to specific traditions, laws, knowledge, experiences and contexts. This will necessarily include the expansion of many community-based justice programs, which are vital to testing and advancing transformation of the justice system.”

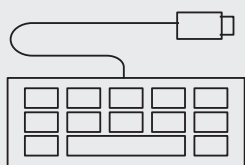
TERRY TEEGEE
REGIONAL CHIEF, BC ASSEMBLY
OF FIRST NATIONS

“Indigenous women and girls are over policed and under protected. Indigenous women who are survivors of crime often don’t trust the police enough to report it and face criminalization when they do. When involved in the criminal justice system, Indigenous women and girls are more likely to plead guilty, receive longer sentences and less likely to have adequate legal representation. This strategy brings justice system attention and resources to creating better justice system outcomes for women and girls.”

DON TOM,
VICE-PRESIDENT, UNION OF BC
INDIAN CHIEFS



COVID-19 AND VIRTUAL ACCESS TO JUSTICE



The COVID-19 pandemic was officially declared on March 8, 2020, at a time when Indigenous Justice Centres were becoming operational. Consistent with provincial public health advice, a work from home directive was issued to protect clients and staff. While this gave the newly formed teams time to establish policy and process, and other start-up activities, it also prevented them from being able to meet and provide face to face services to clients.

As the legal system began rapidly changing to accommodate the pandemic, the BC First Nations Justice Council saw an opportunity to support Indigenous people in a way that is much more equitable, efficient and focussed on their unique needs. The BC First Nations Justice Council has developed a business case for a Virtual Indigenous Justice Centre. The centre could enable Indigenous people who live in remote communities to access justice services without having to leave their community, incur associated costs, and attend court alone with no community support.

GETTING STARTED

INDIGENOUS JUSTICE CENTRES

Three Indigenous Justice Centres were opened in 2019-2020

Responding to the need for increased access to culturally safe justice services, the Justice Council opened three Indigenous Justice Centres in 2019-2020. The Indigenous Justice Centres are located in Prince Rupert, Prince George and Merritt and services offered reflect the needs and priorities of First Nations they serve.

Evaluation Framework for Indigenous Justice Centres

To ensure that the Indigenous Justice Centres are delivering the types of services needed the most, the Justice Council undertook engagement sessions with community members, both in person and electronically, to delve into what their expectations are, and what success will look like. By the end of March, a draft evaluation framework was complete. The framework is driven by the expectations of clients and communities and the Justice Council looks forward to evaluating the Centres and making course corrections where required.

Indigenous Justice Centres provide

CHILD PROTECTION & CRIMINAL JUSTICE HELP

Provide culturally appropriate legal representation, support and advocacy to Indigenous peoples in child protection and criminal matters

SUPPORT IN FAMILY COURT MATTERS

Deliver culturally safe, essential services to families involved in family court; and to individual youth, men and women facing criminal charges

WRAP AROUND SERVICES FOR CLIENTS

Support Indigenous people engaged with the justice system to access legal, social, housing, transport and health and wellness supports

WHAT OUR PARTNERS ARE SAYING



“It is an honour to be part of the first justice strategy for Indigenous peoples in British Columbia that is authored by Indigenous peoples themselves. That it took this long to happen is tragic. That it is finally happening should bring hope for a better future. I look forward to working with Indigenous peoples and leaders across the justice sector on this historic initiative.”

DAVID EBY
ATTORNEY GENERAL,
PROVINCE OF BC.

services in the following areas

INTER-AGENCY COORDINATION

Co-ordinate with other services providers as necessary and available to better network and align services and to fill service gaps

NATION-BASED SUPPORT AND SERVICES

Connect with communities to engage their support for their members who are before the courts

DIVERT MATTERS AWAY FROM COURTS

Identify and implement options for the diversion of Indigenous clients’ legal matters from the formal court system to less intrusive measures, such as First Nations Courts, Indigenous intervention or justice processes, alternative dispute resolution processes, and mediation and restorative justice processes.

REIGNITE FIRST NATIONS JUSTICE SYSTEMS

Support surrounding Nations to reignite their own justice systems

A Working Council

2019-2020 was a year for assembling the team to deliver on the commitments envisioned in the BC First Nations Justice Strategy

On October 1, 2019 the BCFNJC hired its first employee, Executive Director Gaelene Askeland. The Provincial Director of Indigenous Justice Centres and Administrative Coordinator came on board shortly thereafter.

In January Communications and Policy support was secured through contract arrangements.

Indigenous Justice Centres hired five staff in 2019-2020 with more underway.

Prior to staffing these key positions, the BC First Nations Justice Council members carried out the work themselves.

40%

**OF SPENDING IN 2020 WAS ON
COMMUNITY ENGAGEMENT**

FINANCIAL REPORT

NOTICE TO READER

On the basis of information provided by management, I have compiled the statement of financial position of the British Columbia First Nations Justice Council as at March 31st, 2020 and the statement of operations and unrestricted net assets for the year then ended.

I have not performed an audit or review engagement in respect of

these financial statements and accordingly, I express no assurance thereon.

Readers are cautioned that these statements may not be appropriate for their purposes.

Independence

Prior to compiling the financial statements of the British Columbia First Nations Justice Council, this accounting firm performed

bookkeeping services, which included the preparation of journal entries and a trial balance. This accounting firm also advises and acts as an advocate for the British Columbia First Nations Justice Council.

Jeanette Newman, CPA

JMN Accounting

Kelowna, BC

Revenue and Expenses 2020

| Revenue 2020 | |
|---------------------------------|--------------------|
| British Columbia Law Foundation | 175,000 |
| Province of BC | 979,500 |
| Total revenue | \$1,174,500 |
| | |
| Expenses 2020 | |
| Amortization | 4,592 |
| Administrative contracts | 55,732 |
| Council management | 125,551 |
| Human resource contracts | 42,876 |
| Insurance | 3,726 |
| Interest and bank charges | 698 |
| Meetings and conferences | 412,704 |
| Office | 45,198 |
| Professional fees | 114,550 |
| Rent | 11,222 |
| Salaries and benefits | 147,674 |
| Telephone | 2,451 |
| Travel | 60,705 |
| Utilities | 1,096 |
| Total Expenses | \$1,028,775 |
| Surplus | 145,725 |



SALMON PERSEVERE

Salmon are treasured by the many diverse First Nations across BC.

Salmon have sustained our peoples since time immemorial and protected us from hunger. We as human beings therefore have a responsibility to protect salmon, ensuring our reciprocal and balanced relationship continues for future generations.

Salmon are teachers. They teach us about life's journey, about determination, and about our responsibilities to one another and future generations. Salmon are powerful and purposeful in their life's mission to return home and create life. They never give up.

The BC First Nations Justice Council has an ambitious, some would say impossible, mandate. To transform a system that has done harm to our people for generations into a system that we trust and believe in.

We draw on the teachings of the salmon to persevere, and like salmon, our journey is to return home. Home to our ancestral teachings about justice, that have sustained us since time immemorial.

The three salmon in our logo represent the past, present and future. We draw upon the tools, protocols and teachings of our ancestors; recognize and contend with the challenges of today; and work towards our common goal of returning home to self-determined approaches to justice.





BC FIRST NATIONS
JUSTICE COUNCIL

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