



BC First Nations Justice Strategy

OVERVIEW

Transforming the legal system into a justice system – just and fair for Indigenous peoples in BC.

April 6 2020
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The BC First Nations Justice Strategy was signed on March 6, 2020 by the BC First Nations Justice Council and Government of British Columbia. The Strategy was endorsed by BC First Nations leadership, through resolutions of the BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs. The full strategy is available for download at:
https://news.gov.bc.ca/files/First_Nations_Justice_Strategy_Feb_2020.pdf



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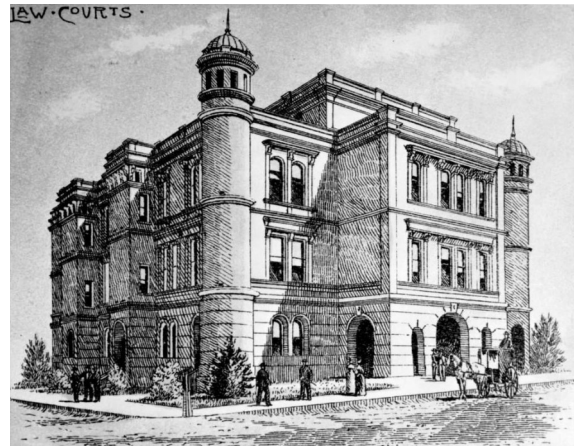




Context



Early circuit court, est. 1860



Courthouse, Victoria, BC 1888

First Nations peoples in what is now British Columbia have, since time immemorial, exercised self-determination by building and maintaining flourishing societies and Nations rooted in their stewardship and title to their lands and territories. This included sophisticated governance and justice systems that maintained social order, and the safety and wholistic well-being of their citizens.

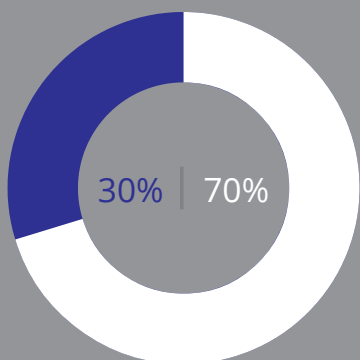
Colonialism has introduced, and evolved, a set of processes, mechanisms, and structures designed to dispossess First Nations and other Indigenous peoples of their self-determination and territories. This involved legislation, policy, and systems that undermined First Nations governance and justice systems and forcibly interrupted Indigenous social and familial fabric. This also involved systematically disempowering individuals from decision-making about their lives, including through various means such as residential schools, Indian hospitals, child welfare, and the criminal justice system.

The legislation, policy, governance, and social systems in Canada and British Columbia are founded upon these realities of colonialism, which means that colonialism is an ongoing process. The available data about the interactions between, and over-representation crisis of, Indigenous peoples in the child welfare and criminal justice systems is evidence of the ongoing injustice and the continuing reality of colonialism. Addressing these grim realities is the imperative behind the transformation envisaged in the BC First Nations Justice Strategy.

Adult Data

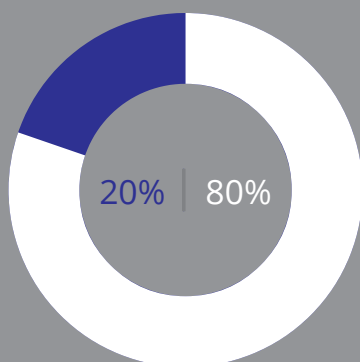
MEN

2016-2017



a 10% increase
in share of
admissions over
10 years

2006-2007



INDIGENOUS PEOPLE AS % OF NEW ADMISSIONS TO ADULT CORRECTIONS IN BRITISH COLUMBIA

In BC, Indigenous women now make up almost half of new admissions (47%) - a rate 9x higher than their share of the population (5.4%)

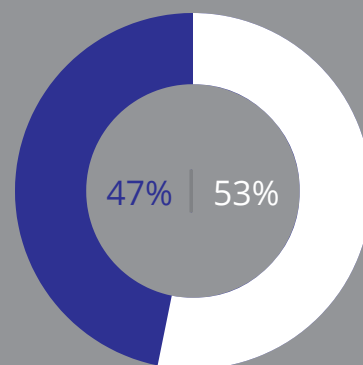
Indigenous men comprise 30% of new admissions despite being 5.4% of the population, a rate 5x higher than the general population.



Indigenous adults

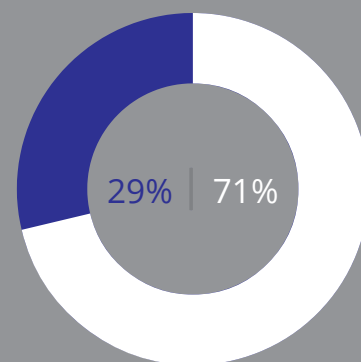
WOMEN

2016-2017



an 18% increase
in share of
admissions over
10 years

2006-2007



Notes and Limitations

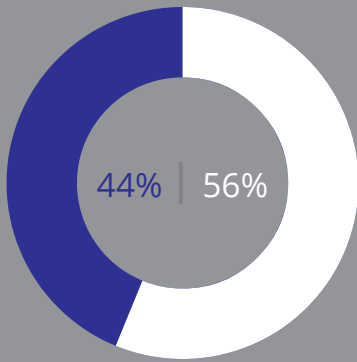
Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Correctional Services Survey, Integrated Correctional Services Survey and Canadian Correctional Services Survey, 2016/2017.

Note: Custody admissions include sentenced custody (including intermittent sentences), remand and other temporary detention. An admission is counted each time a person begins any type of custody or community supervision program. The same person can be included several times in the admissions count where the individual moves from one type of legal status to another or re-enters the system in the same year.

Youth Data

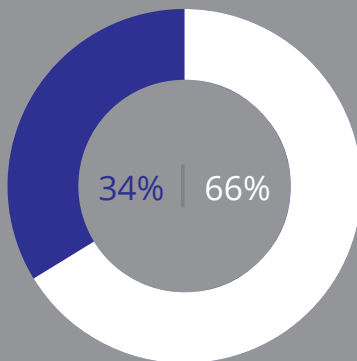
BOYS

2016-2017



a 10% increase
in share of
admissions over
10 years

2006-2007



INDIGENOUS YOUTH AS % OF NEW ADMISSIONS TO CORRECTIONS IN BRITISH COLUMBIA

In BC, Indigenous youth are admitted to custody at a disproportionate rate, which has dramatically increased over the past decade.

Indigenous youth make up only 8% of the youth population in BC.

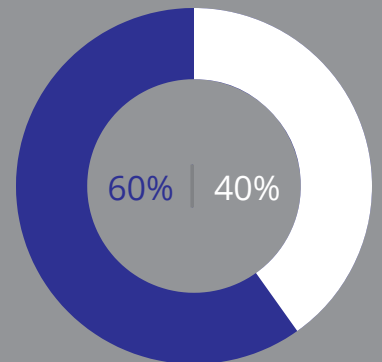
Yet, **Indigenous girls now outnumber non-Indigenous girls in custody.** They made up 60% of new admissions. A 28% increase in 10 years.



Indigenous youth

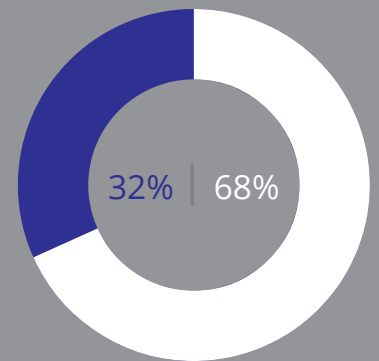
GIRLS

2016-2017



a 28% increase
in share of
admissions
over 10 years

2006-2007



Notes and Limitations

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Custody and Community Services Survey, Integrated Correctional Services Survey and Canadian Correctional Services Survey, 2016/2017.

Note: An admission is counted each time a person begins any type of custody or community supervision program. The same person can be included several times in the admissions count where the individual moves from one type of legal status to another or re-enters the system in the same year.


A BC First Nations Justice Strategy

The BC First Nations Justice Strategy (the Strategy) signed March 6, 2020 was developed over two years by the BC First Nations Justice Council, BC First Nations communities, the Province of British Columbia, and with input from key justice system stakeholders participating at two Indigenous justice summits.

The 2020 Strategy reflects and advances the Truth and Reconciliation Commission Calls to Action and is consistent with the United Nations Declaration on the Rights of Indigenous people. It mandates the justice system and its partners to undertake systems change along two paths:

1. reform of the current justice system, and
2. restoration of First Nation legal traditions and structures.

Fully implemented, the Strategy will reduce the number of First Nations people who become involved with the criminal justice system, improve the experience of those who do, increase the number of First Nations people working within the justice system, and support First Nations to restore their justice systems and structures.



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Track 1- Reform the criminal 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



15 Indigenous Justice Centres

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



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

Two Tracks of Change

Track 2- Rebuild First Nations justice systems



Reclaiming Legal Space

Revitalize First Nations legal orders



Rebuilding our institutions

Self-determined and culturally appropriate institutions



Restorative Approaches

Restorative and healing approaches at all levels



Growing Community Justice Programs

Community justice fund for stable and ongoing investment

5 Priority Areas

The Strategy's actions can be organized into five priority areas of focus



Partnerships and Accountability



Prevention and
Diversion



Improved and Culturally
Safe Experience



Increased
Representation



Re-ignite our Justice
Systems

A BC First Nations Justice Strategy



Prevention and diversion

- Establish a workplan to advance every opportunity within the justice system to implement diversion.
- Develop a First Nations Youth Justice Prevention and Action Plan.
- Develop a First Nations Women Justice Plan that includes consideration of the MMIWG Inquiry Final Report and Calls for Justice, and intimate partner violence.
- Create a network of First Nations correction alternatives in BC over the next decade.



Increased representation

- Increase First Nations representation across the justice system, including in the BC Prosecutorial Service and as Crown Counsel.
- Develop a strategy to increase First Nations people serving as judges in BC.



Don Tom, Vice-president, BC Union of Indian Chiefs

"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."

A BC First Nations Justice Strategy



Improved & culturally safe experience

- Establish a network of 15 Justice Centres across BC within 5 years.
- Transition legal aid services for Indigenous people in BC to an Indigenous-controlled entity.
- Implement a Gladue strategy led by an Indigenous-controlled Gladue implementation agency.
- Develop a policy and approach to expand First Nations Courts.
- Implement a process for First Nations to know where their members are being held in the corrections system.
- Expand culturally-based programs throughout corrections.
- Establish a new prosecution policy related to Indigenous peoples.
- Develop standards and a training program for cultural competency for all who interact with First Nations in the justice system.



Lydia Hwitsum, First Nations Summit Task Group

"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. Now, through the First Nations Justice Strategy, our shared commitment is to tackle this unjust intransigence and create systemic change in a comprehensive and integrated way across the criminal justice system to ensure fair and equitable treatment of Indigenous peoples."

A BC First Nations Justice Strategy



Re-ignite our justice systems

- Create a pathway for the re-emergence of First Nations self-determination and jurisdiction in the justice sector.
- Develop a guidebook to support First Nations in re-building their justice systems and institutions.
- Develop a policy to enable First Nations and federal and provincial governments to negotiate administration of justice in both stand-alone and comprehensive negotiations contexts.
- Create a long-term, sustainable, community-based programming fund, and identify and share promising practices in community justice programs.
- Establish roles for Elders and Knowledge Keepers across BC to help ensure cultural competency, and support First Nations community-based justice programming and the work of Indigenous Justice Centres.
- Develop and implement a new approach to Community Tripartite Agreements.
- Develop a framework to expand community-based First Nations police forces.
- Create a long-term, sustainable plan to support First Nations in developing justice workers within their communities, including an investment fund.
- Develop an action plan to implement the justice aspects of the UN Declaration on the Rights of Indigenous Peoples.
- Review legislation to align with the UN Declaration on the Rights of Indigenous Peoples and to ensure space for First Nations justice systems and institutions.



Regional Chief Terry Teegee, BC Assembly of First Nations

"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."

A BC First Nations Justice Strategy



Partnerships & accountability

- Establish an annual Justice Summit on First Nations issues.
- Proactively identify and work with partner organizations, including the Government of Canada, to advance the implementation of the Strategy.
- Advance the concept of an independent oversight and accountability function regarding Indigenous peoples and the justice system.
- Establish data collection and reporting on measurable outcomes and the evaluation of the Strategy.
- Develop protocols with Crown Counsel offices, the RCMP, and local police forces in BC.
- Confirm sustainable support for the work of the Council in implementing the Strategy, and the proper accountabilities of the Council to First Nations.
- Establish a Cross-Ministry Indigenous Justice Secretariat to lead the implementation of the Strategy within government.



Doug White, Chairperson, BC First Nations Justice Council

“We have 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.”

An Invitation

Indigenous over-representation in the criminal justice system is a negative and unacceptable trend that requires bold transformation.

The commitments in the BC First Nations Justice Strategy touch all aspects of the justice and related systems. Change will require courage, alignment, commitment, and partnership.

Implementation planning is underway and we can't do this work alone.

The BC First Nations Justice Council and the Province of BC continue to deepen their working relationships and processes with the many organizations, institutions, leaders, and governments necessary to advance this critical Strategy. Engagement with the Government of Canada is essential to success.

We invite our allies and partners to join us in this journey to transforming the legal system into a justice system—just and fair for Indigenous peoples in BC.



“

Minister of Justice and Attorney General David Eby

“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,” said David Eby, Attorney General. “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.”

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