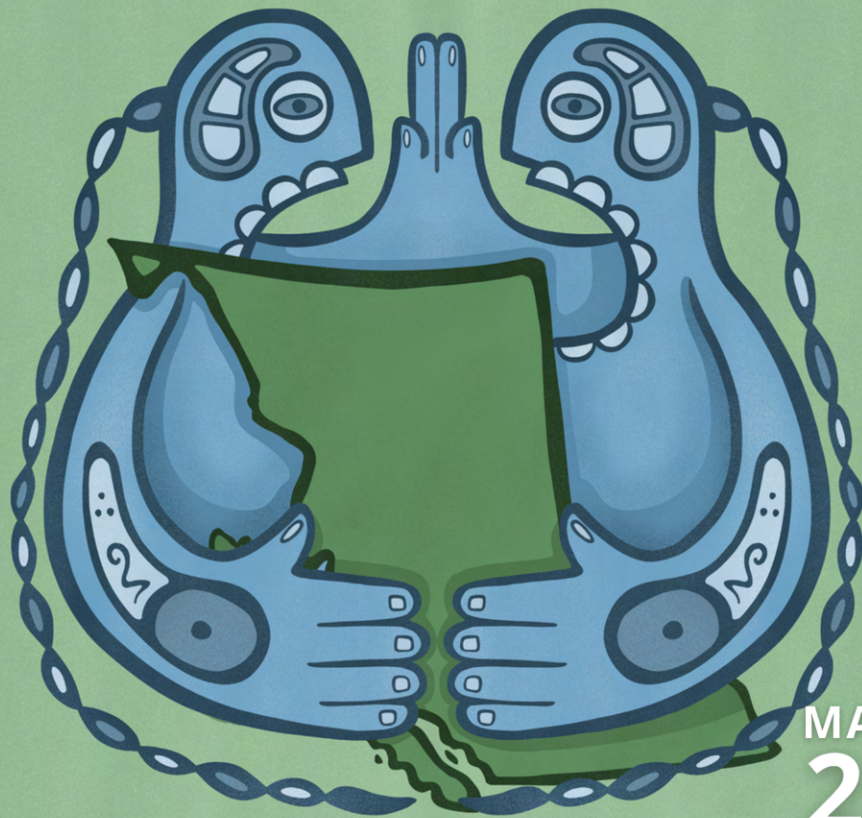




BC FIRST NATIONS  
JUSTICE COUNCIL

# BC FIRST NATIONS ANNUAL JUSTICE FORUM REPORT: WHAT WE HEARD



MARCH 6-8  
**2023**

Artwork by: Caleb Ellison-Dysart

FAIRMONT HOTEL VANCOUVER

LOCATED ON, ON THE UNCEDED TRADITIONAL TERRITORIES OF THE  
X̱wMəθḴwəY̱əm (MUSQUEAM), SḴW̱X̱W̱Ú̱MESH (SQUAMISH), AND  
S̱əḻḻw̱ə̱ṯa̱ł̱ (TSLEIL-WAUTUTH) NATIONS

VANCOUVER, BC



## About BC First Nations Justice Council

The BC First Nations Justice Council receives its mandate from the Chiefs of British Columbia and together we are working to not only reform the current justice system but also to restore traditional laws and structures so that healing and self-determination over justice for Indigenous people can be fully realized. This work includes improving access to justice for Indigenous people, repairing the damages of the imposed colonial justice system, and perhaps most importantly, supporting Nations to advance self-determination and the revitalization of Indigenous legal orders, traditions, and systems of justice.

Today, we have a staff of almost 100 people who are working hard to implement the Justice Strategy across BC. With the cooperation of First Nations communities, we will overcome the historical and ongoing impacts of colonialism, and build a responsive, empowered justice system that can serve First Nations peoples for generations to come.

## Current State

In three years, the BCFNJC has assumed responsibility for Gladue services, opened four physical Indigenous Justice Centres and a province-wide Virtual Centre, built a team of more than 90 people, developed a governance structure that can support this work, and much more. As we continue to grow and expand, with a focus on building a group of Indigenous warriors and accomplices, we will establish a total of 15 Indigenous Justice Centres, build capacity to hold police accountable, become leaders in cultural safety training, and start to implement plans to ensure the safety of women, 2S+ people and youth. This is just the beginning.

## Why a First Nations Provincial Justice Forum?

The seminal First Nations Provincial Justice Forum, held on April 24-25, 2019, gathered First Nations leaders from across the province to develop a strategy to transform the relationship of First Nations peoples with the criminal justice system. The Forum led to the finalization of the BC First Nations Strategy (FNJS or Strategy) that is designed to reform the current justice system and to restore First Nations justice systems, legal traditions, and structures.

The BC First Nations Justice Council (BCFNJC) is helping lead the implementation of the Strategy, which contains 25 individual strategies and 43 lines of action. Strategy 16 includes the corresponding action to “establish an annual Justice Summit co-planned by the BCFNJC and BC that is dedicated to First Nations issues, inclusive of a broad cross-section of First Nations leadership, and has a focus on evaluating and assessing progress on the Strategy.”

Aligned with Strategy 16 and building on the wisdom and recommendations shared at the first Provincial Justice Forum, the second annual First Nations Provincial Justice Forum was held on March 6-8, 2023, to:

- share updates on and answer questions related to the implementation and evaluation of the Strategy;
- gather insights from Rightsholders on topics integral to the advancement of the Strategy; and
- provide Rightsholders the opportunity to share how their community priorities in relation to justice have shifted since 2019, and to express their vision for the continued implementation of the Strategy.

## Report: What We Heard

The 2023 First Nations Provincial Justice Forum: What We Heard Report outlines the key insights and perspectives shared by Rightsholders at the Forum, as well as recurring key themes that emerged from the dynamic discussions and breakout sessions. These themes will inform and support the progress of the Strategy and its tangible outcomes at the community and Nation level. The report is empowered by Rightsholders across BC who shared their guidance and wisdom, and who continue to advance their self-determination in the transformation of the justice system.

For more information on BCFNJC, including access to the BC First Nations Justice Strategy, please see our website [bcfnjc.com](https://bcfnjc.com)





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# Executive Summary



BC FIRST NATIONS  
**JUSTICE COUNCIL**

The BC First Nations Justice Council (BCFNJC or Council) was formed in 2015 through resolutions made by the First Nations Leadership Council (FNLC), comprised of the British Columbia Assembly of First Nations (BCAFN), the First Nations Summit (FNS), and the Union of British Columbia Indian Chiefs (UBCIC).

In September 2017, the then British Columbia Aboriginal Justice Council, the Attorney General of British Columbia, and Minister of Public Safety and Solicitor General signed a Memorandum of Understanding (MOU) with the goal of jointly developing a provincial Indigenous Justice Strategy. The 2019 Justice Forum led to the finalization of the BC First Nations Justice Strategy (FNJS or Strategy). The Strategy contains 25 individual strategies and 43 corresponding lines of action designed to reform the justice system to be safer and more responsive to Indigenous peoples, and to restore First Nations justice systems, legal traditions, and structures. In 2020, the Strategy was endorsed by First Nations and the Province of BC.

The Second Annual First Nations Provincial Justice Forum was held March 6, 7 and 8, 2023 in Vancouver, British Columbia. Two representatives from each BC First Nation community, either the Chief or an approved alternate, were invited to attend. Representatives working with Indigenous people, and in policing, Correctional Service Canada, and BC Corrections, also participated. The Forum was an important opportunity to share the work that has been done on the Strategy's implementation to date and to discuss pressing issues, including how community priorities in relation to justice have shifted since 2019.



The Forum commenced with a prayer and territorial welcoming offered by Elder and Knowledge Keeper, Carleen Thomas, followed by opening remarks from BCFNJC members, Rosalie Yazzie, Acting Chair, Kory Wilson, Boyd Peters, and Dr. Judith Sayers, who reported on the work of the Council and advancements made on the Strategy.

Throughout the Forum, updates were provided, and questions related to BCFNJC and provincial and national activities and initiatives were answered, including community safety, policing and oversight; justice for Indigenous women and girls; the future of First Nations courts, Legal Aid, Indigenous Justice Centres (IJC); Gladue services; and a National Indigenous Justice Strategy (NIJS). The Forum included a mix of plenary and facilitated break-out sessions on topics integral to a First Nations Justice Strategy.

The facilitated break-out sessions were dialogue-based, posed key questions for discussions, and utilized small-group formats. Key themes that emerged from the Forum, along with many others identified during the breakout sessions, will support the advancement of the implementation of the Strategy and in tangible outcomes at the community and Nation level.

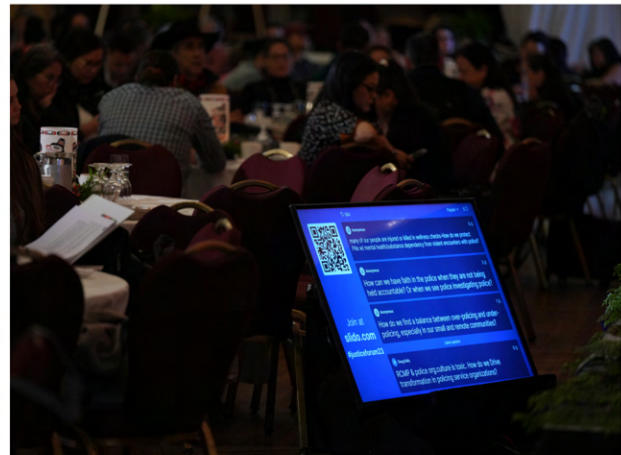






## Summary of “What We Heard” Key Themes

The 2nd Annual Justice Forum of BC First Nations Justice Council was an opportunity for Rightsholders to share their perspectives, identify their community-based needs, and express their vision for the continued implementation of the Justice Strategy. The following is a non-exhaustive list of the recurring general themes we heard from Rightsholders.





## **CALLS TO JUSTICE**

Rightsholders expressed that the implementation of the existing Calls to Justice in First Nations communities remains of significant importance. The Calls to Justice address systemic issues and injustices faced by Indigenous women, girls, and two-spirit individuals. By implementing the Calls to Justice, First Nations communities can work toward healing, foster empowerment, and improve access to justice.

### ***Culturally Appropriate Supports***

The importance of culturally appropriate support networks was identified as a crucial aspect to the provision of justice services. Culturally appropriate support systems will necessarily include the participation and guidance of community knowledge keepers, Elders, matriarchs, and leadership.

### ***Holistic Approach***

Rightsholders identified the need for justice service providers to adopt a holistic approach to the provision of justice services. A holistic approach to justice services seeks to address all of the contributing factors by providing community-based wrap around services rooted in Indigenous laws, customs, and traditions.

### ***Trauma-Informed and Gladue-Informed Approaches***

Trauma-informed practice and the application of Gladue factors across the state-imposed justice system was identified as a key aspect of addressing the overrepresentation of Indigenous peoples in the criminal and child protection systems. The application of such approaches was raised in multiple break-out rooms as an urgent requirement in various areas, including, Victims Services, Policing, Provincial, Superior and First Nations Courts, Corrections, and Legal Services.



### ***Indigenous Legal Orders***

The resurgence of Indigenous Legal Orders is reflected in Track Two of the Justice Strategy and viewed as a key goal of the Justice Strategy. Rightsholders expressed an urgent need to re-establish Indigenous Institutions and to build oversight and accountability mechanisms to supervise colonial institutions dealing with Indigenous peoples. This means establishing, Indigenous-led, oversight bodies that are fully funded and equipped to protect Indigenous people against the systemic racism and (re)traumatizing approaches of colonial institutions.

### ***Capacity & Funding Needs***

Rightsholders discussed the need to build internal capacity to reach their justice sector self-determination goals. Community-based capacity depends entirely on the availability of sufficient and long-term funding based on the specific needs of each community.

### ***The Overrepresentation of Indigenous Children in Foster Care***

This ongoing crisis was raised repeatedly throughout the Justice Forum. Rightsholders shared that we must address this crisis if we are to create meaningful change across the justice system as the child welfare system is seen as an underlying indicator of future interactions with the criminal legal system. Greater focus must be placed on upholding Indigenous legal orders, recognizing the inherent Aboriginal Right to reassume full jurisdiction over child welfare matters, and the revitalization and application of traditional child rearing customs and practices. The goal is to keep Indigenous children safe and in community by prioritizing family preservation and reunification.

In addition to the general topics shared throughout the Justice Forum, a number of key themes related directly to the Justice Strategy were identified in the breakout rooms. The information gleaned from our break-out room session will inform the future of the Justice Strategy.



## Policing and Community Safety

Police Reform is part of Strategy 3 (Oversight & Accountability) and Strategy 22 (Policing). Rightsholders raised the need to consider the role of the RCMP and municipal police in colonial oppression and the long-lasting history of racism against Indigenous peoples by the police. Rightsholders shared their perspectives and identified the following as key areas of concern:

**Calls to Justice:** The Calls to Justice include recommendations specific to police and their interactions with Indigenous peoples. Rightsholders expressed the urgent need for implementation of existing recommendations and past reports pertaining to policing.

**Oversight and Accountability:** Rightsholders identified as an immediate need, the establishment of an independent Indigenous-led oversight and accountability unit to investigate police and hold them accountable when they violate the rights of Indigenous peoples. The bodies that perform such tasks and address police misconduct complaints must be independent (police should not be investigating themselves) and Indigenous led, with the participation of Elders and Knowledge Keepers. In alignment with the UN Declaration on the Rights of Indigenous Peoples and the principle of self-determination, there is no need for permission for Indigenous peoples to develop such systems.

**Indigenous-Led Policing Models:** Rightsholders demonstrated a lot of interest in developing their own models of policing, decolonizing the process, and moving towards the traditional models of peacekeeping. This must be supported by sufficient and long-term funding so First Nations can build to develop and implement their own policing structure if they so desire. Some suggested using the First Nations and Inuit Policing Program (FNIPP) to establish Community Safety Officer programs within communities.

**Mandatory Cultural Competency:** The urgent need for cultural competency training and regular reviews cannot be overstated. Rightsholders raised considerable concerns regarding the insufficiency of existing cultural competency training among police officers and expressed that cultural competency training must be Indigenous-led and include trauma-informed and Gladue-informed practices specific to each region’s needs.

**Increase Number of Indigenous Police Officers:** Capacity building must be supported by incentives that increase the number of Indigenous police members. Rightsholders have expressed the need for more Indigenous police members who can comprehend Indigenous culture, traditions, and law. They also highlighted the importance of being able to build a relationship with police officers, officers in charge and superintendents. Finally, Rightsholders mentioned the need to expand Indigenous police services, so they are involved in every callout involving an Indigenous person.



## Indigenous Women’s Justice Plan

As the Indigenous Women’s Justice Plan (IWJP) was in the early stages of development, delegates were asked to provide their perspectives on what the priorities of the IWJP should be. The following themes were identified in the break-out rooms:

**Indigenous and Community-led Action is Required:** We heard consistent feedback from Rightsholders regarding their shared position that they are tired of research being undertaken that does not lead to meaningful action and change on the ground. Comments included a recognition that Indigenous women’s access to justice issues have been studied enough and participants reiterated loud and clear that there are, “enough reports, enough research, we need action!” Rightsholders acknowledge that a lot of the historical research was conducted by non-Indigenous people using a top-down approach with “solutions” dictated by non-Indigenous people so any further research must be Indigenous-led and community-based.

**Calls for Justice:** The Calls for Justice were mentioned repeatedly throughout the Justice Forum but particularly in our IWJP dedicated break-out rooms. Rightsholders shared that active monitoring of the implementation of Calls to Justice at every level within the provincial government is necessary if we are to see any measurable changes.

**Indigenous Victim Services:** Rightsholders mentioned the need to build an Indigenous Victim Service that offers culturally appropriate healing opportunities in First Nations communities. Rightsholders discussed how difficult and traumatizing reporting can be for Indigenous women, and that contact with police can be highly triggering and re-traumatizing. An Indigenous Victim Service, led by Indigenous women and tailored to the needs of the local community, can provide survivors with a safe environment to conduct reporting and access culturally appropriate support services. In specific response to the current intake processes, participants shared that forensics must be done in a trauma-informed manner. An Indigenous led process for obtaining and submitting Victim Impact Statements (VIS) would help provide a better understanding of the broader impacts.

**Indigenous Justice Centres Role:** Rightsholders were highly receptive to the potential offered by the opening of IJCs throughout the province. Legal advice and counselling services through the IJCs was viewed as a positive step forward in terms of improving access to justice not only for Indigenous women, but also for Indigenous youth and two-spirit plus individuals (2S+). Included among the potential demographic that could benefit from access to IJC services were families and MMIWG2S+ survivors. Participants included among the services offered at our IJCs is support persons who can help Indigenous women, youth and 2S+ individuals to navigate and guide them through the justice system processes.

**Trauma-informed interventions:** Rightsholders highlighted that interventions must be trauma-informed to ensure that survivors are not re-traumatized while we learn from their personal experiences with the state-imposed justice system. While a great deal of this information is sensitive and extremely personal, Rightsholders did acknowledge the need to be aware of these experiences as they provide clarity on the existing gaps in the justice system and help to inform the direction the IWJP will take.

**Rights Recognition and Education:** Educating young Indigenous women and girls about their rights was viewed as a top priority. The rationale behind this need was the measurable change that occurs when Indigenous women and girls are empowered to speak for themselves and exercise their inherent Aboriginal Right to self-determination. Empowering Indigenous women and girls about their rights can also help them to navigate the hardships and inequalities that currently plague the existing state-imposed justice system.

**Grassroots Participation:** Meaningful engagement with grassroots and frontline workers was identified as a necessary requirement as we develop the IWJP. Information collection from the Indigenous women’s point of view must guide the work of developing this Justice Plan.

**Family Law Matters:** Currently, our IJCs provide legal service predominantly in the areas of criminal and child protection law. Support for Indigenous women in Family Law Court and wrap-around services for Indigenous women and children was identified as an immediate need and viewed as something our IJCs should offer. The IWJP must adopt a holistic approach to the issues affecting Indigenous women, providing them with wrap-around services that can help them thrive, and that works to keep Indigenous families together.

**Aunties Program and Matriarchs Support:** Closely related to a call for wrap-around services was the inclusion of culturally appropriate support persons to help Indigenous women and girls navigate the state-imposed justice system. Simply stated, Indigenous Aunties working out of our IJCs to support Indigenous peoples will fulfill what is traditionally recognized as the role of Aunties and Uncles in Indigenous communities, at least in terms of Indigenous peoples interactions with the legal system. Aunties were also seen as potential leaders of mentorship programs that provide intergenerational support for Indigenous youth. The role and involvement of Aunties in guiding and empowering youth was also viewed as a culturally appropriate approach to our prevention and diversion efforts.



**Establishment of a BC task force for MMIWG2S+:** Rightsholders identified as a priority the creation of a task force empowered to thoroughly and independently investigate and subpoena witnesses for MMIWG2S+ cold case files. This task force must be made up of experts in different areas, including but not limited to MMIWG2S+ subject-matter experts, trauma experts, and individuals with policing and investigation experience. Currently, there is no provincial mechanism that allows for Indigenous women’s voices to be honoured in a good way that is meaningful or substantive in the implementation of UNDRIP Articles 22, 40 and 44. One potential solution shared by Rightsholders is the development of enabling legislation, so the taskforce has the statutory power to implement the Calls for Justice.

**Correctional Services:** Due to the fact that Indigenous women make up a substantial portion of the women currently incarcerated in the province, Rightsholders identified as a necessity the creation of a culture committee to guide Correctional Service Canada with respect to the cultural needs of Indigenous women in corrections. The importance of providing incarcerated Indigenous women with access to their distinct cultures and communities as part of their healing plans cannot be overstated. Participants recognized that many Indigenous women currently incarcerated in BC are not from this province, so their cultural needs are different, and they do not have authentic access to their community’s teachings or ceremonies. Institutions need to have well-rounded cultural practices that are consistent.

## Planning for the Future of First Nations Courts

First Nations Courts are expanding throughout the province, and while this is viewed as a positive step in the right direction, the current rules and regulations that guide the participation of Indigenous peoples in these courts creates barriers to the implementation of authentic and community-based restorative justice principles and approaches.

Breakout session participants were asked to inform the future of Indigenous Courts in BC under the BC First Nations Justice Strategy. This includes learning from other jurisdictions and reflecting on and adapting the current Indigenous Courts structure to more closely reflect the true intent and spirit of First Nations Courts. The following is a summary of the key themes brought to light during our breakout room discussions:

**Decolonizing Courts in BC:** Indigenous peoples need to be able to implement their own justice systems and administer their own courts, thereby promoting community-based prevention, diversion, and restorative justice principles. The overall goal of decolonizing courts should be the reduction of the number of Indigenous peoples subjected to and left

at the mercy of the colonial justice system and its focus on punishment. The resurgence of Indigenous Legal Orders and the implementation of traditional laws in a culturally appropriate and Indigenous-led way was seen as the best solution.

**Increase the Role of Elders:** Elders play a significant role in First Nations Courts, but many Rightsholders recognize a need to also incorporate the roles of Elders in Provincial and Superior Courts when a First Nations person is facing matters in those courts. Participants also recognized the need to provide the Elders who dedicate their time and knowledge with proper compensation and support services to ensure that Elders are being respected and cared for while they undertake this important work.

**Case Management Position:** Similar to the Aunties role expressed in the IWJP breakout sessions, Rightsholders expressed the need for the creation of case management positions because case managers are instrumental in assisting clients and supporting the involvement of Elders in wrap-around services. The case managers would be responsible for the necessary logistics to ensure Elders and those supporting clients are present in First Nations courts and to ensure that healing plans are as successful as possible.

**Access to Wrap-Around Services:** Indigenous peoples who come in contact with the current legal system often face a multitude of barriers stemming from the lasting impacts of colonialism and unequal access to justice services. Rightsholders expressed as a potential solution to some of these existing barriers, the provision of wraparound services operating out of one central location. The goal of providing wrap-around services from one central location would eliminate the need for clients to research and visit support service centres in multiple locations. Doing so will ensure that Indigenous peoples have access to culturally appropriate services that are provided in a culturally safe and holistic manner that increases the focus on healing and diversion.

**Cultural Competency Standards:** Training and educating justice workers, lawyers, and judges is seen as a necessary requirement if access to justice for Indigenous peoples is going to improve. Rightsholders stressed the need to educate those who work in the justice system about Indigenous traditions, laws, and the effects of colonialism. This includes trauma-informed and Gladue-informed practice at every stage of the legal process.

**Creation of a First Nations Court Watch:** Rightsholders suggested the creation of an independent Indigenous-led oversight and accountability body to ensure First Nations Courts are implementing culturally appropriate and Gladue-informed approaches.

**Educating Communities and Leadership:** Rightsholders expressed a need to provide ongoing education and training to First Nations communities so they can continue to build their capacity and contribute to the evolution of First Nations Courts and support



their members. If communities are informed, they will do a better job of keeping the incarcerated person connected with their community and their sense of belonging intact, so they can heal with the help of their community, Elders, matriarchs, and knowledge keepers.

## The Future of Legal Services for Indigenous Peoples in BC

The participants in this breakout session were invited to discuss the future of legal services for Indigenous peoples in BC including the expansion of IJCs, transition of legal aid services for Indigenous peoples from Legal Aid BC to the BC First Nations Justice Council, and other legal services for Indigenous peoples to be delivered through IJCs. Key themes arising from these discussions include:

**Capacity Building Needs:** Rightsholders identified a number of current access to justice barriers, including, a shortage of legal aid lawyers and long wait times, a lack of access to essential services such as detox centres, court workers, and other necessary healing and support professionals. The shortage of essential healing and legal services often leads to the disconnection of Indigenous peoples from their communities, families, and support networks which creates another barrier to healing.

**Barriers to Legal Aid:** Access to legal aid services must be improved. There is a shortage of legal aid lawyers available, which leads to unacceptable wait times for Indigenous peoples seeking legal aid services. Lawyers shared that they would like to help but the current limitations and regulations prevent them from doing quality work for clients. Barriers include time limitations, costs, and the types of legal work that can be undertaken by legal aid lawyers.

**Wrap-Around Services:** Needs assessments were identified as a necessary first step to intake to ensure that legal services are tailored to the needs of the individual seeking legal services. Rightsholders clearly stated that needs go beyond criminal and family legal aid. It can include the tax returns for Elders, will and estates, Aboriginal Rights, and logistical barriers such as transportation to court houses, etc. Rightsholders believe IJCs would be the ideal hub for these services.

**Priority Services for IJCs:** Rightsholders identified land Title and property services as one of the priority services for IJCs. However, they also identified services related to Family Law, investigations for police accountability, police complaints, sexual assault, prisoner legal services; and offences against children. Rightsholders mentioned that IJCs need to receive input from Indigenous court panellists, because they know their clients and can give direction.

## Education, Training, and Cultural Competency

The objective of this session was to gather feedback from Rightsholders on the training and education that justice workers need in order to improve and exercise cultural safety and trauma-informed approaches for First Nations in the justice system (which includes criminal and family matters). The information gathered during this session will inform the development of the BCFNJC’s standards of cultural competency and a training program for everyone who interacts with First Nations people in the justice system. Feedback received from Rightsholders includes:

**Land-based Healing and Cultural Competency:** Rightsholders expressed the need to include land-based healing as a critical aspect of Indigenous access to justice. More attention must be paid to traditional modes of healing as opposed to state-imposed punishments that do very little to address the underlying causes of behaviour. Participants agreed that the appropriate question with respect to cultural competency training is, ‘What does cultural competency and safety look like when it is applied to judges, lawyers, victims of violence, court workers etc.?’. This training needs to consider people's biases and how to deal with and navigate their prejudices, while also promoting respectful relationship-building with Elders and Knowledge Keepers. The training should also support the integration of Indigenous people's own teachings into traditionally colonial spaces, such as courts and police detachments.

**Knowledge and Information Sharing:** Ensure information being relied upon is coming directly from First Nations. Rightsholders highlighted that Métis and First Nations must ensure that the protocols are being taught correctly. In the discussion, an important point was raised about the need to avoid pan-Indigenous assumptions by information sharing. A distinctions-based approach to data collection and sharing is necessary to ensure we have a clear understanding of where progress is being made with respect to First Nations peoples specifically. A pan-Indigenous approach skews results in a manner that does not provide a clear understanding of meaningful change and progress made on the Justice Strategy.

**Resource List:** Rightsholders suggested the creation of a national resource contact list that can be accessed online. This list can be expanded as First Nations and justice sector contacts are added to the list of resource contacts.

**Involvement of Indigenous Youth in Important Discussions:** Rightsholders highlighted the importance of inviting Indigenous youth to be involved in the development of a justice system that meets their distinct needs. Hearing from Indigenous youth and their experiences is currently a missing component of the Justice Strategy as it relates to cultural competency training for justice professionals.



**On-going Intercultural Training:** Rightsholders also highlighted that learners (justice professionals) must take on the responsibility to understand Indigenous cultures, laws, and ways of life, and for that they must commit to on-going intercultural training with the Indigenous peoples on whose land they work. Cultural competency must be viewed as a commitment to lifelong learning, it cannot be viewed as a requirement that justice professionals complete only once.

## First Nations Youth Justice and Prevention Action Plan

The objective of this session was to identify priorities and areas of focus for both Track One and Track Two objectives of the Indigenous Youth Justice and Prevention Action Plan. The following key themes were identified from the discussions:

**Need for Role Models:** Rightsholders expressed the importance of role models in the lives of Indigenous youth. This includes respected community Elders, and knowledge keepers who can help youth to reconnect with their culture, language, and customs. Indigenous youth require wraparound services that make them feel like valued members of their communities. Discussions must be had to develop land-based and mentor-led healing programs focused on prevention and diversion. It is believed that the provision of community-based programs and services would contribute to a measurable decrease in the number of Indigenous youth who become involved with the criminal law system by addressing the root causes of issues faced by Indigenous youth. Rightsholders also mentioned the role of families in bringing culture and traditions back, so youth feel a connection to the values and know they have a place they belong.

**Advocate for Early Prevention and Intervention:** Community-based early prevention and intervention services were viewed as a positive step in the right direction. Land-based healing programs were mentioned repeatedly in a number of the breakout rooms throughout the Justice Forum. Participants shared their belief that empowering Indigenous people in their communities to implement their own laws and approaches, in respect to self-determination and self-governance principles will effectively lead to healthier communities for their youth and children.

**Restorative Justice Programs:** Rightsholders expressed a need to fully implement Gladue principles in the youth justice system and the important role Gladue Reports play in connecting Indigenous youth with their communities and cultures.

**Funding and Capacity Building:** Funding and capacity building was a recurring theme across all topics discussed at the Justice Forum. The challenges posed by a lack of funding and capacity was identified as being exceptionally challenging remote communities. Rightsholders shared that it is important to create a network and share resources, and

there needs to be increased funding to build capacity for rural First Nations so they can have the power within to teach their youth and children about their laws, culture, language, customs, and traditions and address the impacts of intergenerational trauma.

## **Community Justice Programs, Diversion, Restorative Justice and IJPs**

The objective of this session was to hear from First Nations that are currently building community-based justice capacity and programs. Participants were asked to share their best practices and how they might be better supported to reach their goals. The session also supported building relationships between First Nations doing this work so that they can share information and experiences. The following key themes were identified from the discussions:

**Restorative Justice and Prevention:** A greater focus must be placed on traditional approaches to justice. Restorative justice is unique to each First Nation and should be community-led to ensure it meets the needs of the local populations. The focus of restorative justice and prevention is healing, which will lead to reduce recidivism rates (reduce the number of repeat offenders). Rightsholders mentioned the need to implement mechanisms to deal with community-conflict, especially to protect youth. Elders must lead and advise the work.

**Funding:** For self-determination to be possible, sufficient and long-term funding is crucial. It will enable First Nations and communities to revitalize their traditional and restorative justice systems. It is important to understand that self-determination will be different from community to community.

**Promote the Declaration on the Rights of Indigenous Peoples Act (DRIPA):** The implementation of DRIPA is viewed as a critical aspect of First Nations justice systems revitalization. It is not enough for BC to recognize Indigenous inherent Rights to self-determine their own justice systems; BC must support the implementation of Indigenous justice systems for meaningful changes to be realized. First Nations require a seat at the table, and sufficient funding to follow through with the implementation of their Indigenous justice systems.

**Holistic Approach:** Rightsholders expressed the need to address the multiple pillars of justice, and a big one is prevention. Crime happens because of unmet needs, for various reasons. Justice must look at prevention, support, and aftercare, with cultural programming at every stage of those pillars. Elders and Knowledge Keepers must be called upon and adequately supported to develop those programs.





# Setting BC First Nations Priorities for the National Indigenous Justice Strategy

## Fundamental Values and Principles that Should Underlie the NIJS

Moving beyond the fundamental rights of Indigenous peoples now formalized in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Indigenous Peoples Act (DRIPA), Rightsholders identified many principles and values that should be part of the NIJS. In this session are the main findings made through the analysis of the data collected in the breakout sessions held in the Forum.

**Representation:** The first and most important principle is the need for Indigenous peoples to be included at all tables. No national conversation about justice should happen without Indigenous representation, especially considering the overrepresentation of Indigenous peoples in the Justice System, and Indigenous Nations should be perceived as an equal power.

**The seven teachings:** According to participants, the Seven Grandfather teachings of Wisdom, Love, Respect, Bravery, Honesty, Humility, and Truth should be underlying to the NIJS, alongside the values of caring, sharing, teaching and respect (as per the Council of Yukon First Nations).

**Indigenous knowledge:** The NIJS needs to use Indigenous worldviews and translate it back using Indigenous languages. Rightsholders suggested to start incorporating Indigenous languages through the six language groups in the country.

**Constitutions:** The Rightsholders also manifested excitement regarding the possibility of Traditional Constitutions, with effective recognition of Self-Determination, in alignment with the UNDRIP and DRIPA.





Traditional Territory of the Sts'ailes People

This includes First Nations' rights to chose who polices them, how to resolve conflicts in Indigenous families, how to care for their own children and youth, and how to best apply the principle of diversion to those who need it.

**Holistic approach:** The NIJS needs to have a holistic approach to justice, including the need for wrap around services to achieve its objectives (such as access to physical and mental health services, housing, and financial supports).

**Unification:** Rightsholders also ventilated the possibility of creating a national fundamental principle, or a unified national legislation, that applies and protects Indigenous people in Canada.

**Sense of family and community:** Family supporting the next generation, with strong sense of community, implementing strategies that allow Indigenous peoples to work their emotional intelligence and to be role models for youth and children, is present as a necessary principle for the NIJS. The role of matriarchs has also been mentioned multiple times in different breakout rooms as fundamental to communities.

**Keeping families together:** Protection of family and children by prioritizing the need for children to be kept in their families or communities, providing the necessary financial support when needed, instead of focusing of punishing poverty and only providing financial support when the children is taken away.



**Land-based traditions, traditional laws, and ceremony:** Land-based practices and traditions are identified as key to bring back and revitalize traditional laws. This includes the decolonization of law buildings, and the incorporation of ceremonies, feathers, and Indigenous languages in written and unwritten law.

**Collaboration:** The NIJS needs to have a collaborative structure with a fluid connection between those involved with and affected by this Strategy.

**Healing:** Diversion has also been a common theme across the breakout sessions. Participants mentioned the need for a softer justice that is guided by a reintegration model and strategy instead of a punitive mentality. This should incorporate the medicine wheel teachings. In alignment with this, land-based healing and connection to spirit are also mentioned by many Rightsholders as key to transforming Indigenous peoples' relationship with the justice system, as well as the need to revive and reintegrate historical processes.

**Accessibility:** Accessibility to justice has been raised as an essential value to the NIJS, by decreasing the barriers currently in place.



## Priority Elements for the NIJS

Rightsholders were asked which elements should be prioritized in the NIJS. Beyond the inclusion of rights recognized by UNDRIP and DRIPA, and clear language demonstrating that this is based on internationally recognized rights, here are the main elements raised by Rightsholders in the breakout sessions:

- Restoration and incorporation of traditional laws.
- Funding is one of the most common topics regarding the necessary elements for the NIJS. Strategies must be attached to stable and sufficient funding for First Nations and Indigenous communities and organizations to lead the work of implementation and must be flexible enough so Nations can meet the need of their people.
- Clarity on the relationships with and between territorial and federal governments, establishing clear jurisdictions for all actors involved, especially regarding funding.

- Education about Indigenous history, cultures, traditions, emotional intelligence, regional differences, and the consequences of colonialism on Indigenous peoples for all justice actors, such as police, crown, judges, bail officers, justice workers, courts, and lawyers. This must be mandatory to those who work with Indigenous peoples. Rightsholders highlight the need to acknowledge the roles of matriarchs, Elders, and knowledge holders in the educational process.
- A national fundamental principle for all First Nations in Canada, to bring Nations together and develop a process that is more explicit with the law.
- A framework for Nations to build their own court system, Constitution, standalone justice program, policing, child welfare system, victims service, and other services. The framework is to be used if the Nation sees fit, it should not be mandatory.
- Indigenous led Victims Services.
- Protection of Indigenous Women, two-spirit, and LGBTQAI+ folks through the implementation of the strategy and in alignment will the many documents and recommendations provided through the MMIWG calls for justice and the Truth and Reconciliation Commission. This includes proper measurement of the advancements regarding the recommendations and calls to action.
- Gladue services and reports must be part of the strategy and implemented consistently across the country. This must include resources and supports for Gladue and Court workers.
- Identification of policies and legislation that need to be changed (such as the Indian Act, the Police Act, and the Freedom of Information and Protection of Privacy Act). This must be done in collaboration with Indigenous leadership and organizations and embed Indigenous rights in Canadian legislation.
- Clear government and police oversight and accountability mechanisms. This must include Indigenous independent oversight bodies and accountability mechanisms such as yearly progress reports, body and car cameras for police officers, administrative and criminal processes for police violence and government negligence.





- Policing. Indigenous peoples must have a say in who policed them and must be recognized as entitled to their own police services and they see fit. This must be attached to funding, education of police officers, capacity building for Indigenous people who want to work in policing, and accountability mechanisms.

One of the suggestions for police accountability is to regulate police officers in a similar way to lawyers – through a license that can be revoked if there is mal-practice.

- Bail reform from a restorative perspective.
- Strategies to increase the number of Indigenous people in law schools in the country through a decrease in existing barriers (funding, location of schools, etc.). Rightsholders suggested incentivizing an increase in online law programs, enabling those in remote areas to study law from their own homes.
- Child welfare and keeping families together. This must be done through the recognition of Nation’s jurisdiction over children’s protection, the provision of necessary and sufficient funding, capacity building, and prioritization of keeping children in their own families and communities. These efforts imply providing these families with the necessary support to raise their children and parents’

empowerment to minimize the amount of litigation, increasing preventative measures. The support can range from financial, housing, health, and other type of supports.

Nations in the Yukon provided government with over 200 recommendations regarding the First Nations Family Act. From those, only one was followed through. When First Nations are consulted and give recommendations to government, those need to be taken seriously and implemented. Otherwise, consultation becomes just another way of overburdening First Nations in Canada without effectively improving their lives and moving towards reconciliation.

- Increase the representation of Indigenous peoples in positions of authority and power.
- A framework for the development of Community Safety Plans, attached to the necessary funding.
- Access to data. The strategy must address the need for Indigenous peoples to access data related and relevant to them.
- Wrongful convictions. The issue of overrepresentation of Indigenous people in wrongful convictions must be addressed by the NIJS, and Indigenous peoples must be informed of their rights to miscarriages of justice.

- A holistic approach to justice that includes health, housing, and other basic human rights. This means aligning the strategy with other Indigenous organizations, such as the First Nations Health Authority, and providing Nations with the necessary funds to support their people.
- Diversion in alignment with land-based healing and culturally appropriate healing, such as the inclusion of healing lodges driven by First Nations. The strategy must be client-centered and recognize the overlap between criminal and child protection law.
- The development of a National Matriarch Counsel.
- The development of a Bill of Indigenous' Children's Rights

Regarding the structure of the NIJS, Rightsholders highlighted the need for a strategy that has continuity and stability, and that provides actionable steps throughout the process. The strategy should also define what success looks like based on Rightsholders' ideal Justice System.

## What would the ideal Justice System look like.

An ideal Justice System would incorporate the elements provided in the sections above through:

- An Indigenous Constitutional framework and a movement away from the Indian Act.
- Revitalization and documentation of traditional laws through the establishment of Indigenous principles and laws into the justice process, when involving Indigenous peoples. The NIJS reflecting Indigenous teachings and creating a relationship of equality between Nations and Canada, with Government honouring First Nations goals.
- More Indigenous people in the justice sector and in positions of leadership, with Indigenous representation at all tables.
- Capacity building through education programs for Indigenous peoples to work in their own communities.



- Mandatory education and training for justice workers (legal professionals, court workers, corrections, police/RCMP, etc.), including a revised law school admission criteria. This would include education about Indigenous history, communities, and their traditions, as well as Indigenous law and the effects of colonialism on Indigenous peoples.
- Decolonization of the justice infrastructure through the incorporation of Indigenous traditions and ceremony, lifting Elders, matriarchs, and knowledge keepers up. Incorporation of holistic land-based practices, including involving family, ceremony, smudging, etc. into justice practices.
- Independent Indigenous justice oversight bodies and review boards.
- First Nations Police Force, Court systems, Justice Programs and Child Welfare Systems – Indigenous people decide who polices them, how their courts look like, how their children are protected and how to support their people with the necessary funds provided by government, in recognition of the principles of self-governance and self-determination.
- Indigenous Women, two-spirit, and LGBTQAI+ folks protected through the implementation of the strategy and in alignment with the many documents and recommendations provided through the MMIWG calls for justice and the Truth and Reconciliation Commission.
- Indigenous led Victims' Support Services.
- Nations' jurisdiction over their Children and Youth recognized and funded, prioritizing keeping families together through the provision of necessary resources to empower parents and families.
- Mandatory police body cameras with oversight body access and review.
- Sufficient and flexible funding for Indigenous initiatives and the Strategy's advancement.
- A National First Nations Justice Council that allows Nations to work together.
- Prevention prioritized instead of a punitive mentality, and diversion being a primary option to limit incarceration and find alternative paths.

- Consistency in Gladue implementation across the country.
- Attention to wrap-around services to create a preventative environment, enabling people to move away from the justice system.
- A NIJS with truth finding objectives, not vulnerable to political changes and fluctuations.
- Government accountability to the commitments made to First Nations and Indigenous peoples in Canada.
- Clear goals and action plan for the Strategy's implementation.







## Day One – March 6, 2023

### TERRITORY ACKNOWLEDGEMENT AND OPENING PRAYER

#### **Carleen Thomas** **Elder and Knowledge Keeper,** **Tsleil-Waututh Nation**

Dr. Roshan Danesh, Forum Chair, welcomed Elder and Knowledge Keeper, Carleen Thomas to open the BC First Nations Justice Forum (Forum) in a good way.

In traditional language, Carleen Thomas shared of her family background and noted she was a colonized person. Colonists took all the 'Indians', put them on reserve, drew borders around them and divided them and set them up against each other. They competed for lands and resources. Now, Nations are decolonized and relationships with sister Nations reconciled. Participants were welcomed to the Musqueam, Squamish, and Tsleil-Waututh Nations.



The Forum was an opportunity to discuss justice and attendees were encouraged to keep their minds and hearts open to the spirit and the power of the ancestors. The work was being done for the grandchildren and future generations.

## WELCOME AND FORUM OVERVIEW

### **Dr. Roshan Danesh** **Kings Counsel, Forum Chair**

Dr. Danesh extended gratitude to Carleen Thomas for the opening words and setting the frame of mind for the work over the coming days.

The realities and legacies of colonization was the interference and disruption of Indigenous governance institutions and justice models. Through work and advocacy, led by Indigenous people and Nations, that interference and the legacy of colonization is being addressed.

BC First Nations, leaders, and communities are taking steps which are setting the pace in the country and driving change forward. In 2021, the FNJS was adopted by consensus. The Forum is part of that work to take stock of the Strategy's implementation and giving direction to the BCFNJC to deliberate and set the future path.

In 2012, the Province of BC commenced a process that spoke to the transformation of the justice system. A report created to guide the work did not discuss where Indigenous people would be included in the work and justice related summits did not include Indigenous peoples, issues, lived experience, or knowledge.

Overtime, summits came to include Indigenous peoples, but more importantly, First Nations created their own space and set their own priorities and the FNJS was born in 2019. The 2023 Forum was an opportunity to take stock of the Strategy's implementation, share wisdoms, and receive input from a range of experiences and knowledge bases. The Forum Agenda was designed by the BCFNJC to do some hard work over the coming days. The event would include both plenary and breakout sessions. Breakout sessions were an opportunity to deliberate and give guidance to BCFNJC members and help inform the next stage of implementation of the Strategy.

The Forum program included a variety of topics: policing and community safety, Indigenous women and girls in relation to justice, First Nations courts and transition of legal aid services to First Nations, and a National Indigenous Justice Strategy. An esteemed list of Indigenous speakers, judges and leaders would be presenting throughout the Forum.

The Chair reviewed the process for participating in the breakout sessions and invited questions or comments through the QR codes provided on the tables.





## OPENING REMARKS AND STRATEGY OVERVIEW

### **Rosalie Yazzie** **Acting Chair, BCFNJC**

Rosalie Yazzie offered a territorial acknowledgement and noted the addition of Chief Lydia Hwitsum, FNS appointment, to the Council. BCFNJC members, Kory Wilson, Boyd Peters, and Dr. Judith Sayers (Cloy-e-is) provided introductory comments.

Kory Wilson extended thanks for the welcoming and noted excitement in the topics and presentations for discussion, all of which would help the Council move toward action. The Strategy includes 25 initiatives, and 43 lines of action and support would be sought from delegates along with their knowledge and expertise to implement the Strategy and make substantial changes in BC.

Dr. Judith Sayers commented that justice issues affect First Nations people daily and there were many issues to resolve. BC First Nations were unique in that they had organized and put in place a justice strategy. Council looked forward to the innovations and input delegates would put forward and bring to discussions.

Boyd Peters added that the Council had been on an incredible journey and acknowledged that it was the third anniversary of the meeting in Nanaimo and the signing of the Strategy with then Minister David Eby and Minister Michael Farnworth. There continues to be over representation of First Nations people in the justice system and children in care. Doors were opened for a First Nations specific strategy for First Nations self-determination and self-government using the laws and teachings of the long houses. In the early days of the development of the Strategy, First Nations determinedly said, “Get out of our way”, which was empowering. The Forum provided a space to do that work and to move forward with consulting and working with all BC First Nations, including work on a National Indigenous Justice Strategy. BC First Nations are leading the way through the strength and resilience of its people and leaders.

Rosalie Yazzie referred to a presentation and offered comments regarding:

- The initial justice Forum in 2019 and the passing of the Strategy in Nanaimo in 2020
- Work during the pandemic, including engagement and endorsement from the FNLC
- Council's shifting priorities and increase of staff from 50 to 100 by end of 2023
- Timeline and milestones of the Strategy development
- The Strategy's inclusion and reflection of BC First Nations voices
- Plans for an annual Forum to provide opportunity for leadership to report back and for Council to receive direction on the Strategy
- The Province of BC's 2020 endorsement of the Strategy followed by Canada's recognition as partners in 2022; a tripartite table was established to meet annually and discuss Strategy progress
- Strategy vision includes Track 1 and Track 2 to addresses issues with the current mainstream justice system and address the harm and need for reform:

Track 1: reformation of the current justice strategy, including broad goals of reducing youth incarceration, safety for women and girls, implementation of Gladue systems, and culturally safe justice service

Track 2: working in partnership and collaboration with Nations wanting assistance from the Council to help rebuild their own institutions and reclaiming their legal space, establishment of IJCs and programs, and standing up First Nations models of justice

- A vision of First Nations children and families thriving in peace, security, dignity, wellbeing, and supported by a trusted and representative justice system
- The Council's mission to support the wellbeing of future generations by transforming the status quo, upholding self-determination, reclaiming legal traditions, and addressing systemic issues
- The intention is for there to be 10 IJCs by 2023-24.

Advancements were being made on:

- The continued growth and staffing of the BCFNJC organization
- The development of a new governance model to advance the Strategy's implementation
- The opening of four IJCs (Merritt, Prince George, Prince Rupert, and one virtual IJC)
- The assumed responsibility of Gladue Services from Legal Aid BC
- The development of a new service delivery model to expand access to Gladue reports and aftercare.



Significant annual progress was noted in terms of Gladue reports. Legal Aid would process 75-100 reports annually and since First Nations have taken over the reports, 300 reports were completed in 2022. It is expected that 500 reports would be completed in 2023, which highlights the capacity, dedication, and commitment of First Nations people to improve services and ensure they are accessible to all.

### **Discussion**

During discussion, delegates contributed the following comments/questions (Q/C) and responses (R) from the BCFNJC panel were provided:

- Q/C: How is implementation going in terms of work and partnership with the Crown? Is the pace of progress what was anticipated? Are there any specific challenges that this collective voice could drive forward?
- R: *The intention is for the Strategy to be holistic with wrap-around justice-related services offered by First Nations and government. The Secretariat was established to work with the government. The 25 strategies and 43 actions are ambitious but were intentional to not leave anything out. We will continue at a pace that is comfortable for First Nations and government. Our people are demanding these services and a functioning department to address the issues of over representation of our people in the system and we now have the capacity/staff to provide this. We need a First Nations footprint in federal institutions to ensure for culturally appropriate programs and services.*
- Q/C: In this age of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Indigenous Peoples Act (DRIPA), how much focus should we place on reforming the existing system? Or put greater emphasis on the rebuilding?
- R: *In our work in recent years, we have seen the urgency in recognizing that the current system requires drastic reform to address the overrepresentation of Indigenous people incarcerated. Work is needed to address the pipeline that connects our children and families to foster care and then into entry into the justice system. We recognize the importance of Track 2, but we have been busy in responding to the needs of our people currently involved in the system.*

*R: When considering whether to reform or dismantle, we must take it on case-by-case basis. Some cases require a simple reorganization, some require us taking over services, and some involve the need for dismantling. All of this requires everyone in the room to be bold and courageous and to think differently. We have the answers as Indigenous people, and we know what works for us. We cannot wait for the Ministry. The Council's Chief Executive Officer (CEO) and the government Secretariat will work with us on all aspects, but we must provide the direction on what implementation of DRIPA looks like in terms of justice, education, and health. We cannot avoid the holistic connection between it all – poverty and colonization. It is time to do things differently.*

Q/C: Who is funding the IJCs? What services do they provide and where are they?

*R: There are dedicated sessions during the Forum related to IJCs, which are supported through a mix of funding. Under the current provincial government, we received a commitment to open 10 additional centres in collaboration with BC's Safer Communities Plan and we are advancing in Vancouver, Surrey, Victoria, Chilliwack, Kelowna, and Nanaimo. We are engaging with communities and encouraging those that are interested in hosting an IJC in their region to reach out to the BCFNJC. Location selection includes criteria such as having existing infrastructure or First Nations court and currently providing justice services. We are looking to partner with communities or organizations that have initiatives which could be strengthened with First Nations leadership.*

Q/C: What do you hope to see from non-Indigenous partners and organizations at the Forum? How can they be good allies?

*R: We want accomplices, not allies. We want them to do the work with us and stand with us. The solutions are known, First Nations and Indigenous people have brought them forward many times and they are reflected in the Strategy. The accomplices must learn about those solutions and find their role in helping them move forward.*







**KEYNOTE SPEAKER - COMMUNITY SAFETY AND POLICING**

**Honourable Marion Buller**  
**Chief Commissioner for the National Inquiry into the Missing and Murdered Indigenous Women and Girls (MMIWG)**

Chief Commissioner Marion Buller shared a presentation titled, “Reclaiming Power and Place – Community Safety and Policing” and reported on the importance of community safety and policing in the context of the MMIWG National Inquiry.

The Chief Commissioner shared of a story heard during the National Inquiry involving four sisters and their experience in taking action on safety in their community. The sisters, now grandmothers, spoke of having lost their loved ones and of their unhealthy community, rife with crime and violence with local police that did little more than arrest perpetrators and take them away.

The relationship between the community and the police was defined by who was in charge at the time and there lacked continuity or collaboration. The community considered developing its own Indigenous police force, but those efforts were lost amongst opposing personalities and bureaucracy. Community members grew tired of the crime and violence and the police were ineffective in helping to create a safe community. A committee was established to develop a Community Safety Plan and one of the sisters participated on the committee. The committee struggled to agree on priorities or where they wanted to go as a community. Frustrated with the lack of progression of the committee, one sister decided to take action where she had control, in her own home. She was going to get her own house in order.

This sister had had enough of the lateral violence occurring in her own home and made a list of house rules which included: no drugs, no alcohol, no swearing, no physical fighting, no gang members. If someone could not abide by these rules, they would have to leave. These House Rules were posted outside her house.

There was resistance to these rules and some family members and friends left, but the sister stood her ground. Soon the other sisters followed suit and posted similar rules at their front doors. Again, there was resistance, but they stood their ground. Over time, all the sisters saw changes in their home and in their families; family events became joyful and happy and without incidents of fighting. Families began practicing their own traditions, learned their language, and developed safety and peace in their homes.

Although community members had not originally been cooperative, they too began to follow similar rules in their own homes and soon the community decided to work on the Community Safety Plan again. An Elder said the community should not go to government for funding, because they did not want to have to answer to them, so they volunteered their time. A Community Safety Plan was developed and was adopted by the entire community. The goal was to deal with inappropriate behaviour in a traditional and preventative way through help and education before an incident occurred.

The community established Safe Ride and Safe Walk programs, Elders were given cell phones for their safety, a community clean-up was done, a Safe Homes system was established where the lights of a home were always on so someone had a safe place to go. Informal language classes and land-based healing were provided for those wanting culture in their own way. The relationship with police changed and became more cooperative, it became a relationship. Suddenly sister told me that she didn't have specific numbers, but that it seemed like less children were going into foster care, and although there is still crime and violence in the community, it has been greatly reduced and is mostly caused by outsiders. There have been no more MMIWG from their community.

What could be learned from the sisters is that one person can make a difference and that community-led, land and traditional based practices can work. Culturally based peacekeeping is critical to community safety and police involvement can be cut to a minimum.

The Chief Commissioner reported on additional findings of the National Inquiry, including that Indigenous self-determination and self-government is required to properly serve and protect communities. Police services have failed to ensure there is justice and safety for Indigenous Women and Girls (IWG) and Two Spirited (2S) due to inadequate and underfunded policing services. An effective police complaints mechanism has not been implemented. The criminal justice system has been imposed on IWG/2S and has oppressed them. Indigenous people are over-policed and under-protected. Indigenous people are often treated as perpetrators and offenders when they need police protection. When they are victims of crime, they do not receive the same access and outcomes as non-Indigenous people. Canada's justice system does not respond effectively to cases of sexualized or partner violence and it must uphold and implement social and economic policy rights along with culture, health, wellness, and justice rights.



The MMIWG National Inquiry Calls for Justice for police services (9.1-9.11) calls for: a new respectful relationship with Indigenous people and communities; the recruitment and retention of Indigenous peoples; specialized units; new protocols for MMIWG/2S investigations; independent review and civilian oversight (also 5.7); National Task Force to re-open the case of MMIWG/2S; funding for community-based and community-led violence prevention programs; Indigenous women in governance; victim services; an empowerment fund for restoration of culture and language; crisis response teams; shelters and transition homes; equitable policies services in remote areas; restorative justice and Indigenous peoples' courts; and Gladue Reports as of right.

Provincial and territorial actions/links include:

- Yukon: Changing the Story to Upholding Dignity and Justice [www.yukon.ca](http://www.yukon.ca)
- Northwest Territories (NWT): Changing the Relationship [www.eia.gov.nt.ca](http://www.eia.gov.nt.ca)
- BC: Reflection on Ending Violence Against IWGs [www.gov.bc.ca](http://www.gov.bc.ca)
- National Action Plan [www.mmiwg2splus-nationalactionplan.ca](http://www.mmiwg2splus-nationalactionplan.ca)
- National Inquiry into MMIWG [www.mmiwg-ffada.ca](http://www.mmiwg-ffada.ca)

Overall learnings include: the need for Indigenous representation on police and advisory boards; programs such as safe houses and neighbourhood watch; safe and available transportation in community (free ride program); community safety plans and violence prevention; restorative justice in the community; Indigenous courts; and taking care of each other.

### **Discussion**

During discussion, delegates contributed the following comments/questions (Q/C) and responses (R) from the Chief Commissioner were provided:

**Q/C:** What immediate changes are needed to better protect IWGs?

**R:** *Firstly, we have to accept that IWG/2S need protection and then we must let those with lived experience, lead the way. Ask the grassroots people what they need and what their priorities are.*

**Q/C:** What is the role of men in the protection of IWG/2S and in supporting solutions?

**R:** *Men will play a significant role. The first step is for men to understand that there is violence against IWG/2S, and they need to be healthy themselves.*

Q/C: How far along are colonial governments in implanting the MMIWG Calls to Justice?

R: *Our Calls for Justice are aimed at all governments, including Indigenous governments. In terms of colonial governments, there is new federal legislation on child welfare, and they are hiring a Deputy Commissioner Indigenous for Corrections Canada. They are considering a federal ombudsperson and national Tribunal for Indigenous and Human Rights. Ontario has done work on human trafficking and the sex industry. There is some positive movement in BC, but it is not enough.*

Strategy 22 in the FNJS contemplates the development of police force protocols with Nations in BC, what should be included?

R: *We must have an oversight role in police services and hold officers to account for their violence.*

Q/C: What about violence against men, are there specific measures?

R: *Within at least one of the Calls for Justice, we called for more research into why men are violent and what leads them to do what they do. That will hopefully give us answers to stop them being violent. Our focus was on IWG/2S, but we also heard of violence against men.*

Q/C: We need more Indigenous representation on police boards. The boards are ineffective and powerless. We need more significant reform.

R: *Police boards are ineffective as there is not enough Indigenous representation on them. They need reform but we also must change what is in existence. My immediate concern is what is happening to those who are in court today and the children who are being removed from their homes.*

Q/C: Is there a specific strategy in the Calls for Justice on human trafficking prevention and awareness?

R: *The National Inquiry skimmed the surface on human trafficking and sex work. The Calls for Justice are directed at extractive industries; the hospitality and tourism industry are at the frontline. And there are actions on educating children about grooming, the symptoms, and what to watch for. Human trafficking and sex work is a huge industry in Canada, and it is affecting our young people.*

Q/C: Changes to police oversight is needed in BC. What are the starting points?

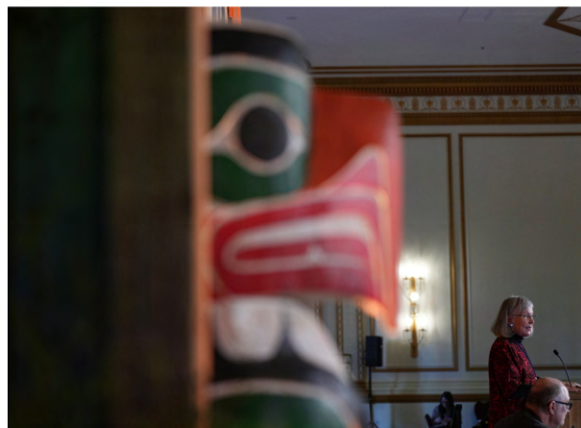


*R: Civilian oversight is needed. We must work around police boards and independent offices. There is nothing preventing us from having our own police oversight body in BC, we do not have to ask permission. Maybe that is a role of the BCFNJC?*

*Q/C: What are the rules to get your house in order?*

*R: You know your own house best. The sisters' rules included no drugs, no alcohol, no lateral violence, no yelling, no swearing, no gang clothing, and to come into the house with a good heart and mind.*

The Chair reminded participants of an Honouring Dinner that evening and encouraged attendees to seek support in the wellness rooms adjacent to the meeting room.





## SESSION ONE: COMMUNITY SAFETY, POLICING AND OVERSIGHT

### Boyd Peters and Dr. Judith Sayers BCFNJC

BCFNJC members Boyd Peters and Dr. Judith Sayers provided a presentation titled, “Community Safety, Policing and Oversight” and commented that everyone in the room had their own stories of mistreatment by police in communities. The hope is to reform the relationship between the RCMP and communities.

Young Indigenous people should be educated on these systems, but not on the colonial way. This generation of Indigenous youth can speak of Indigenous self-determination and self-government, it is a good place to be.

Dr. Sayers reflected on the significant presence of police in First Nations communities and noted that in the Nuu-chah-nulth Nation, three community members had been shot by the RCMP and the Independent Investigation Office ruled the shootings as “okay”. Why is it that Indigenous people are targeted and why were they shot so many times? Could they not just be disarmed? These tactics and incidents must stop and having more Indigenous representation on police boards and having agreements between First Nations and police could improve things. Nations must find whatever mechanisms they can with the police to communicate what is wrong and find solutions.

Within the BCFNJC, policing and peace keeping is represented by a broken arrow symbol; arrows were used by many Indigenous Nations to represent war and the broken arrow signifies peace. Nations and police must work in coordination and cooperation to create their own systems, they must “get their houses in order”.

The goals of the Strategy are to achieve balance in the current state of policing in BC and create space and support Indigenous people to move toward a model of public safety that is founded upon self-determination.



To achieve these goals, a mandate from BC First Nations is needed on how best to proceed with policing reform and reform of police oversight. There must be changes made in Crown laws, policies, and practices, that support the transformation of the colonial system and support self-determined Indigenous justice approaches.

There must be Indigenous civilian oversight, with more Indigenous representation on advisory boards – police are investigating police and that is not right. They must be held accountable for their violent actions against Indigenous people.

The continuing impacts of the colonial legacy in policing has resulted in the over-policing of First Nations people which leads to them being over-charged and over incarcerated. There is an under representation of First Nations in policing roles and there is systemic racism in policing, police services, and policing organizations. There remains a lack of trust between First Nations governments, people, and the police. There has been a denial of First Nations jurisdiction and laws regarding policing and peacemaking and marginalization of First Nations worldviews, culture, traditions, and practices related to safety security and peace making. Indigenous people comprise 4.9% of the Canadian population yet constitute 32% of the prison population, why is this the case?

First Nations' efforts to address the colonial legacy in policing include: First Nations police forces; enhanced models of community policing; policing agreements; and protocols, including Community Tripartite Agreements (CTAs) and public advocacy. Government must be reminded of what Indigenous people have experienced and they must make significant changes.

Strategy 3 calls for the Council to establish of an Indigenous-specific process for complaints against police services. BC must commit to a sustained support for the Council's work in implementing Strategy 3 and to develop a long-term plan for Council's roles and responsibilities in implementing Strategy 3 and for this plan to be presented to First Nations. Council will work with the province to develop an action plan to implement the objectives of UNDRIP where it intersects with justice and proactively identify and work with partner organizations to advance the implementation of Strategy 3.

Strategy 22 calls for the establishment of new protocols with the RCMP and other police services and new models of CTAs. There must be near-term impactful on-the-ground improvements in policing, including in constable programs and peacemaking and safety initiatives. There must be an expansion of community based and First Nations police services in BC.

Strategy 22's action items include the development of protocols between the BCFNJC and the RCMP as well as the courts and other local police forces in BC. The creation of community based First Nations police forces must be considered.

During the last two years, the BCFNJC hired a senior Public Safety and Policing Advisor to assist with Strategy 22 implementation and they have engaged with all colonial police service agencies in BC. A submission was provided to the Investigative Panel on 'Repeat Offenders', and this resulted in funding to develop a diversion pilot in Prince George. Council engaged with PSSG, the Independent Investigations Office and the Office of the Police Complaints Commissioner and submitted a successful proposal to the Law Foundation of BC to create a policing accountability unit. A presentation and submission were provided to the Special Committee on Reforming the Police Act and a policing as an Essential Services Forum was hosted with the BC Assembly of First Nations (BCAFN).

UNDRIP Articles relevant to transforming policing include Articles 3, 4, 5, 7, 18, 19, and 22 related to the rights of self-determination and self-government, the requirement of Free, Prior, and Informed Consent (FPIC) in decision making and legislation, upholding life, liberty and integrity, and respect for First Nations self-determination in policing, addressing jurisdictional and geographic complexity, and building on existing initiatives and successes.

### **Discussion**

During discussion, delegates contributed the following comments/questions (Q/C) and responses (R) from the BCFNJC panel were provided:

**Q/C:** Do you have thoughts on what an Indigenous Police Force (IPF) might look like? Would it be based on regions or province-wide?

**R:** *First Nations communities are diverse. Some communities are small (100-200 members) and they may not qualify for their own IPF, but maybe a regional IPF would make sense. Small communities could combine and have their own police force. What about semi-remote Nations, could they be served by the same police unit with the local First Nations? Much will depend on how close communities are to each other and how best a police force could serve those communities effectively.*

How can we have faith in police when they are not held accountable? How do we drive transformation in police service organizations when the internal culture is so toxic?

*Police oversight bodies are made up of police and we know an independent body is needed to hold police accountable. The BCFNJC is establishing accountability units and we should have our own oversight body in place and do our own findings. During the investigation of the shooting of a community member, the Independent Investigative Office allowed for a monitor, but one monitor is just one voice in a crowd of many.*



*R: In terms of how to hold police accountable in what they do, this could be done by raising these issues publicly. A huge effort is needed to change the future.*

Q/C: Police accountability units could be a starting point as part of Track 1. Are there plans to create our own legislation on Indigenous policing?

*R: Our overall goal is to have our own self-governance and self-determination and we need our own policies and legislation to help guide us. With the cooperation of all First Nations in the room, and with direction from communities, we must define the priorities for transformative change. What are the individual community safety plans? Our communities have different needs and priorities so how do we come to consensus on all those issues? We must have faith in the system, and it must be done according to each of our own community safety plans and priorities. Legislation is something Council can work on; it must be written in law and policy.*

Q/C: How can we prevent violent encounters with police during wellness checks? Particularly with community members who are substance dependent or with mental health problems?

*R: In larger centres, we must send in trauma informed teams of those who know the trauma our people have suffered through residential school and colonization. If these supports are able to bring a person down from where they are at, then there would be no need for police to step in. The police could be outside to help in case things escalated. There are some established trauma informed teams with social workers, and this is something that could be put together with community members and workers. De-escalating the situation is key. This can be harder in remote communities as there are not as many services. You must find solutions in your own community on how to approach someone before the police are brought in.*

Q/C: Is there a process to support IWGs who are victims of abuse by men in leadership and how are the police involved?

*R: Different places have different processes. We are raising these issues, but it is difficult and has not often been effective. This has been prevalent for years. We can discuss this in the breakout groups and find processes to familiarize ourselves with the available supports. There is not one answer, but we need to put some foundations in place for this.*

The Chair confirmed that all questions submitted were being archived and reviewed and there would be additional opportunity for comment during the breakout sessions. The graphic storytellers were introduced, who would be capturing the themes of the discussions through the medium of illustrative art.

**BREAKOUT SESSION****Policing and Community Safety: Service Delivery, Oversight and Accountability**

The meeting participants convened in Breakout Rooms. During the session, participants considered the priority models for expansion of First Nations police services in BC, the priority changes to Community Tripartite Agreements (or other policing agreements), and the priority approaches to greater policing accountability and oversight.

The dialogue intended to get direction from BC First Nations on how best to proceed with policing reform and reform of police oversight.







## SESSION TWO: JUSTICE FOR INDIGENOUS WOMEN AND GIRLS

### Kory Wilson BCFNJC

Kory Wilson referred to the Indigenous Women's Justice Plan (IWJP) and asked that participant's provide input, solutions, best practices, and lessons learned to help inform the development of the plan.

Approximately 63% of Indigenous women have experienced physical and sexual violence. Indigenous women were five times more likely than non-Indigenous women to be murdered. IWGs and 2SLGBTQA+ individuals were 12 times more likely to be missing or murdered than non-Indigenous. Approximately 20.4% of Indigenous households live in unsafe or inadequate housing or cannot afford appropriate housing in their communities. 86% of Indigenous single-parent families are headed by females. 34.3% of First Nations women were considered low income in Canada. Indigenous women were incarcerated at nine times the rate of the general population and make up 47% of women in custody.

The intention of the IWJP is to change these statistics and ensure IWGs could dream and grow to be who they want to be. In Indigenous cultures, women were valued as equal partners and decision makers in society. Colonial governments intentionally made legislation and policies to take women out and up until 1982, if a woman married a non-Indigenous person, she lost her status.

Strategy 11 speaks to a clear imperative from the MMIWG National Inquiry for an approach to bring to an end to the grim reality faced by First Nations women as victims of crime. Related lines of action include Council and BC working with relevant partners to develop a First Nations Women Justice Plan within 12 months, which includes consideration of the MMIWG National Inquiry's Final Report and Calls for Justice.

Council and BC will develop a strategy to address the challenges of intimate partner violence, non-contact orders, administration offences, and providing safety to victims of violence in communities.

When considering what individuals, families, and communities could do and what “Nation” means, efforts must be made to leverage and work together amongst Nations; there cannot be 205 ways to implement the plan. There can be only one strategy that is grounded in core principles and truths to advance IWGs, but there can be a regionalization/localization element with principles and values. There are not enough resources to do the work alone, Nations must work together.

In order to develop and implement the plan, accomplices and partners are needed to do what they can in the places and spaces they occupy to make things better for IWGs and advance the Strategy. Addressing the challenges of inter-partner violence and no-contact orders is essential; a person cannot dream if they are not safe; they cannot become who they want to become if they are not in a place of security. The work is intended to ensure that IWGs and men are safe. Careful consideration is needed on how to deal with the issue of when the person perpetuating the violence is a person of power, perhaps an ombudsperson for the police.

The IWJP includes strategies to address violence against women, inequalities, and discrimination in the system, poverty, racism, how to hold men accountable and ensure they are healthy partners for women, the lack of women’s voices and participation in decision making, the over representation in the child welfare and legal systems, access to services and diversion, reintegration into community and family/community healing, reforming education curricula, and eliminating lateral violence.

### ***Discussion***

During discussion, delegates contributed the following comments/questions (Q/C) and responses (R) from the BCFNJC panel were provided:

**Q/C:** How can we ensure the IWJP is inclusive of gender and diverse sexualities?

**R:** *Communicate to us and let us know the appropriate language. Share how you want to be included and how best to use those words. The plan is for it to be inclusive of every sexuality and gender.*



Q/C: Will the plan address women with children who are fleeing violence? How might the plan play into the role the Ministry of Children and Family Development (MCFD) historically held in ensuring for their safety?

R: *This is a massive hill to climb. We will speak with Child and Family Services (CFS) experts and learn of their solutions. We must ensure that communities have a place for this possibly through an expansion of virtual justice centres or the creation of safe zones in communities. We must identify best practices and share them.*

Q/C: Are there examples of success in this work, around the protection of IWGs that you can build upon?

R: *As Indigenous people we know how to keep communities safe, and we know how to raise children. We must highlight and emphasise these practices and share with communities. The Strategy has not been written yet other than research, background, and environmental scans. We need to hear from you and the intention is for a draft to be completed by the end of the year. We encourage anyone with an idea and thought from practical to aspirational to make this happen.*

## **BREAKOUT SESSION**

### Completing the Indigenous Women's Justice Plan

The meeting participants convened in Breakout Rooms. During the session, participants considered how a First Nations Justice Council could advance immediate shifts to protect IWG/2S+ peoples; how to ensure the IWJP was inclusive of gender and sexuality diverse individuals; the types of services IJCs could offer survivors and families of MMIWG and 2S+ peoples; how the IWJP could include men in building solutions and healing; and examples of current First Nations policies, practices, or services that could be drawn on or expanded.

The dialogue was intended to advise on specific considerations of inclusion and structure of the IWJP.

**DAY ONE – CLOSING REMARKS**

Chair Danesh offered reflections from the day and noted the session was about taking stock, evaluating the work done to date, and seeking guidance on moving forward, building ideas and consensus on actions, and building them out. Transformation requires the work at the community/Nation level and the collective work of BC First Nations. Kory Wilson spoke of finding balance in achieving wellness; the need to create tools to help find solutions and supports; changing the narrative and not asking why a women stays with an abusive man, but why is the man harming; supporting women so they can keep their children and avoid them entering the system; thinking outside the box and leveraging all resources and using them effectively and efficiently. First Nations have the answers, and they know what needs to be done from the head to the heart, to the hands.

Boyd Peters appreciated the sharing of expertise, models, and practices related to justice programs and policing, which will be of benefit to the work needed to implement the Strategy. Communities are using Own Source Revenue (OSR) funding to rebuild Nations and take care of their people and to ensure they do not break those sacred and traditional laws. Transforming the system of justice is the foundation of building stronger Nations, and each individual, leader, and family member has a role to play to help to make First Nations structures and institutions flourish. Hearing the hurt that First Nations women are experiencing is triggering and healing must be part of the strategy.

Lydia Hwitsum noted it had been an honour to be appointed to the Council and to support the work. During the breakout sessions, many great ideas were shared, including regional specific policing and training community members in police services; including victim and community impact statements in sentencing; building up security to complement community safety bylaws; filling the gaps in RCMP services; using lived experiences to generate the priorities of the plan; being trauma informed; and meeting people where they are at in the healing process.

**Adjournment**

The First Nations Provincial Justice Forum held March 6-8, 2023, adjourned on March 6, 2023, at approximately 4:30 p.m. after agreeing to reconvene on March 7, 2023, at 9:00 a.m.





Chair Danesh reconvened the First Nations Provincial Justice Forum on March 7, 2023, at 9:00 a.m.

## **OPENING AND OVERVIEW OF DAY 2**

### **Dr. Roshan Danesh Kings Counsel, Forum Chair**

The Chair reflected on the powerful and beautiful honouring event held the previous evening. Day 2 of the Forum would focus on justice structures, First Nations/Indigenous courts and taking control of legal services for Indigenous peoples.



## **SESSION THREE: THE FUTURE OF FIRST NATIONS COURTS**

### **Rosalie Yazzie Acting Chair, BCFNJC**

Rosalie Yazzie provided context on the vision of Indigenous Courts with respect to the Strategy, and referenced Strategy 12, regarding the future of First Nations courts. A joint approach would be established on the future of First Nations courts and a policy codeveloped. Council will work with First Nations, including those where First Nations courts currently operate.

The work will include the Investment and expansion of the Track One model coordinated with Track Two efforts to develop First Nations justice institutions. A joint approach with

the provincial government is needed on the co-development of a plan to expand First Nations courts and policy to fund them. This approach must be informed by BC First Nations.

Council will develop a plan and approach for First Nations courts, including policy and the role and function of the IJCs and consider where Indigenous courts are emerging and support them. Council will work with BC First Nations on the policy, including where courts operate. Rightsholders would inform the development of Indigenous courts.



#### **PANEL ON FIRST NATIONS COURTS IN BC AND OTHER JURISDICTIONS**

### **Justice Andre Chamberlain Ontario Court of Justice**

In reference to the Gladue Decision, Justice Andre Chamberlain noted it was clear that the criminal justice system was in crisis, particularly with how it deals with Indigenous peoples. The system is broken, it is not the Indigenous people who are flawed.

Justice Chamberlain provided background on the development of a Gladue Court in Toronto, inclusive of court, bail, case management, sentencing, and other services. The goal of the Gladue Court was to get more Indigenous people through diversion programs and prevent them from being subject to incarceration and further suffering. Efforts were made to remove terms and conditions to make people more successful. Indigenous court workers could identify an individual's specific issue, such as substance abuse, make cultural connections, and develop a plan of care which could be attached to their bail. This could make a significant difference to an individual's sentencing and outcomes, and potentially the removal of their charges.

Building relationships and connections with individuals in the system, could give them hope and enable them to make changes in their lives. When an individual follows the care plan, the court recognizes their successes. These relationships must be based on support



and respect.

The Gladue Court additionally incorporates cultural practices, including smudging and a quarterly feast ceremony is held to acknowledge the losses and tragic deaths. Food is brought in regularly and eagle feathers, gifted to Indigenous court workers, were used and sentencing Circles.

Toronto added a new courthouse, centrally located, and the Gladue Courts gathered five days per week. Courtrooms could be configured into less intimidating formats with no dais and instead parties sit at a round table and every hearing is conducted in a circle.



## **The Honourable Judge Alexander Wolf Provincial Court of BC**

Judge Alexander Wolf commented that participants were not alone in this journey to transformative justice and polled the audience on how many of them knew that Indigenous courts in BC existed, who had attended one, who believed that Indigenous courts were superior to mainstream courts, and if any of them knew what an Indigenous court would look like in the future.

There are diverse Indigenous laws and peoples across the country. Judge Wolf endeavoured to always be inclusive of First Nations, Métis, and Inuit in his work and was in support of changing the overall descriptions of 'First Nations Courts' to be Indigenous Community Courts. He described how BC's Indigenous courts are all unique, and reflective of the community they operate in.

The journey of the courts in BC has been an interesting one. In some ways it has followed a course chartered by Justice Chamberlain's journey in Ontario. Indigenous people cannot sever who they are in terms of their relationship with residential schools. The purpose of those schools was to remove Indigenous people from their communities, families,

language, and culture. An Indigenous offender was once described by a Navajo Justice as “one who acts as if they have no relations”. Judge Wolf echoed the sentiment that an offender’s relationship to culture, language, and all of things they were detached from must be brought back into finding solutions to the system.

There are eight Indigenous community courts in BC that serve Indigenous people. Some but not all have Indigenous judges. While BC has more Indigenous judges than most provinces, he says more are needed. The New Westminster court started with Judge Buller. Ceremony, Elders, and meaningful exchanges with the client took place. In North Vancouver, a Judge Challenger had seen what was happening in New Westminster and worked with the community to develop an Indigenous court. Each court has unique, community based, approaches. Some smudge, sometimes there is a prayer. They all are more human client-centred process. They all have Elders in common.

Judge Wolf understands why some might say it is impossible to go back and restore a harmony that never existed. But Judge Wolf also says Indigenous courts are playing a role in creating a new path forward. Judge Wolf acknowledges that the courts may look colonial and understands why some might say they are flawed. However, he argues there is now a different process with other options for Indigenous clients to choose from.

A better system is needed that incorporates the voice of the victim and an alternate way for an offender to heal and avoid conflict with the justice system. There remain too many Indigenous people in jail and too many Indigenous children in care. This is why we must do better. There must be an alternate to the mainstream system, Indigenous courts are one, but the possibilities are endless.



**Professor Barbara Creel**  
**University of New Mexico**

Professor Barbara Creel commented she was among incredible people and was witnessing the transformation of the justice system.



Professor Creel, a member of the Pueblo of Jemez people, shared of her family background and noted their teachings were used in her life experiences. The tribal courts in the US are a trauma response but have resulted in tribal sovereignty. Indigenous people are not broken, the system is. The history of tribal courts must be considered. Colonizers considered Indigenous people as lawless, and this could not have been further from the truth. Indigenous people feel that law is life, life is the law, and the law is everywhere, but colonists could not see it. The idea that Tribes were pre-constitutional and outside of the Constitution was recognition of inherent sovereignty and powers to operationalize on a nation-to-nation basis with the US in the form of treaty. Treaty rights decided which courts could punish which people.

In the US, there is a system of tribal sovereignty/jurisdiction, state jurisdiction, federal jurisdiction, and courts of Indian offences jurisdiction, and they can all punish Indians. The idea of lawlessness came to be famous in the case of Crow Dog, a Brule Sioux who killed Chief Spotted Tail on the Brule Indian reserve. Crow Dog was subjected to the Aboriginal courts in restorative justice system and documented in the federal court case. There was a process, and he was brought to justice before his own people and sentenced for the murder of Spotted Tail. The punishment was restorative, he had to give up a horse, blankets, rations and \$650 and then he and his family were banished for a number of years. The US was unhappy that he was not subjected to a 'civilized sentencing', but the treaties provided for internal tribal Indian-on-Indian crime handled by the tribal courts. There was no federal jurisdiction.

In 1885, the US Congress passed the Indian Major Crimes Act, a federal statute that applied only to Indian crimes. These crimes went to federal courts, but courts were limited in the types of punishment they could give.

For serious crimes, they stripped Indians of their own knowledge. Tribes became more conscious of their idea of tribal sovereignty. Modern scholars said that Native American courts should look like US federal courts and be assimilated, sophisticated, and civilized. That was the language used by the oppressors/colonists.

There is no federal jurisdiction over Indian people for lesser offences, that stayed within the local laws of the Tribe. However, in the 1880's the Bureau of Indian Affairs, created its own Courts of Indian Offences, which criminalized being Indian. This included speaking their own language, participating in ceremony, and plural marriages. Punishments for these offences, were extreme and included jail time, hard labour, or removal of rations, all decided by Indian Court Judges and Indian Police. Defence counsel was not allowed in these Indian courts, they said attorneys would "over complicate the system" as they would not know the law of the land and who would pay for them. That natives were not allowed the right to counsel continued in the federal courts and the rights of native people stayed anemic. They were treated differently.

Tribes wanted to look more like federal courts, and they adopted the idea of a judge, jury, and prosecutor without a defender. In 1968, the Indian Civil Rights Act said an Indian could have counsel in an Indian court if they could pay for it. It became a right to defence if you had the money. The rights of natives were being degraded but this was corrected under the Tribal Law and Order Act, 2010, where the right of counsel was at the expense of the Tribe if they were to prosecute a non-Indian. Tribes could sentence an Indigenous individual without counsel for up to one year. Under the Violence Against Women Act, to prosecute non-native for sexual violence they had to apply the US Constitution's right to counsel.

Tribal sovereignty does not mean anything unless the heart of the individual was included. These ideas of tribal courts apply to policing and the idea of justice and jurisdiction could not be divorced from the idea of policing.

When contemplating Indigenous courts, the following could be considered: who do the courts serve? How is that defined? Who is identified as Indigenous? What is the reach of the court? What is the jurisdiction the reflection of values, the tradition? Who decides? What if there is conflict of traditions?



### ***Discussion***

During discussion, delegates contributed the following comments/questions (Q/C) and responses (R) from the panel were provided:



Q/C: How effectively is Gladue being implemented?

R: *In Ontario, we created our courts ad hoc. We had three people when the court opened, and we invited people to self-identify and be part of it. We did not conduct any long-term studies. It feels like we are making a difference, but it is all anecdotal.*

R: *We are doing better. There is no magic map to how we implement or utilize Gladue. Most of us remember days without access to the criminal law system and now any Indigenous person who wants a Gladue can get it. That is progress to us. As a sentencing judge, we must understand the systemic issues that apply to the individual and if progress means that judges have more information to create a fit sentence, then we have progressed.*

Q/C: Is there a Gladue Court in BC?

R: *No. We have Indigenous Community Courts spread out around the province, but they are sentencing courts. They are driven by the community and each one is slightly different to the other. Each court and judge is different.*

Q/C: How is it possible to measure or assess if an Indigenous court is working for Indigenous people?

R: *I consider Canada's use of Gladue reports as genius. The idea that an individual's lived experience matters and is taken into account was mind blowing. It is the opposite in the US, you cannot use socio or economic status as a sentencing factor. I was a public offender in Oregon, the only Native American in the system, and it was lonely. I worked with federal offenders, and we created a Gladue Report in a case and gave it to the federal judge, but I am not sure that it was helpful. It did make a difference in one case, where it showed that so many people cared about the individual and that got to the hard-hearted judge, and he was able to see the man as human.*

R: *In my own research, I am trying to understand why the federal sentencing guidelines in the US are harsher on Native Americans. There is not a lot of data because of how records are kept, but I am searching and creating my own data. Capture data in your Indigenous courts to get a better idea of how they are working. Canada is way ahead in this regard.*

R: *The Gladue reports are great, but they can take six to eight weeks to reach a judge and the individual is in custody during that time. We would like to get them sooner.*

R: *Sentencing courts in BC are not like the others. You could walk into a court and be sentenced for domestic assault in minutes, it is a cold process. An accused does not say anything and when a client walks into an Indigenous court, they have to interact with Elders who help them in their healing journey.*

Q/C: What are the next steps? What is the Track 2 work of building our own institutions?

R: *Convince your government partners to divorce from the Criminal Code and consider a different path. If we are cuffed by the Criminal Code, then we are stuck. Make it about restorative justice, about healing and dealing with the harm.*

R: *Criminal courts must change. Indigenous people represent 51% of women in jail. We are taking away mothers and fathers and there are 60,000 children in care in Canada. We must reinvent the concept of our courts; it should be a court that encompasses all these crises. Reinvent how to deal with these crises and pave the way for a new reality. A Cree Judge Jerry Morin in Ontario is breaking barriers and looking at these things in the criminal realm context and in the family system. Keep an open mind, it does not need to be at all like it is now.*

R: *Know your history but look to the future. Bring trainings to those serving federal courts as they did not have the knowledge base of the culture. I taught them to decolonize their minds and that begins at home. Decolonize your own mind and then create the vision. Indigenous courts should be an expression of sovereignty and wisdom and better than what we currently have.*



#### **KEYNOTE SPEAKER - WHAT DOES IT TAKE TO CHANGE A JUSTICE SYSTEM?**

### **Honourable Jody Wilson-Raybould (Puglaas) PC, OBC, Kings Counsel**

The Honourable Jody Wilson-Raybould commented it was an honour to be among the many familiar faces and acknowledged the leaders, Elders, and justice workers in attendance. The last time Ms. Wilson-Raybould addressed the Forum was in April 2019, a time in which government had moved from denial to recognition of the challenges of Indigenous people within the justice system in Canada. During the past four years, the FNJS was developed, the federal UNDRIP legislation was issued, and there were significant changes in terms of laws, policies, and practices.



The 2019 Forum was the first time Ms. Wilson-Raybould made public comments after being kicked out of the federal Liberal Caucus. That had been intentional as it provided an opportunity to draw attention and publicity to the important and critical issues of Indigenous people in the system. Issues that government had been hesitating to take true action on.

Ms. Wilson-Raybould commented it was great to see the work that had taken place, to hear the deliberations and contributions, and to see the changes and progress made on the Strategy and in the work to implement it. Words on paper mean little unless they are translated into tangible results in communities and in the lives of people.

Offering reflections and lessons learned from experience as Minister of Justice and as the Attorney General of Canada, Ms. Wilson-Raybould reminded participants that everyone plays a role in transforming the system and addressing the legacy of colonialism. The Crown must readily change its laws, policies, and practices, which have been tools of violence, oppression, racism, and discrimination. The Crown acting alone would not accomplish an outcome of a transformed justice system. Canada's system, from its inception, was structured as a tool for the colonization of Indigenous people. This was the case with the foundation of the RCMP, the Indian Act, and the Criminal Code.

There is much to admire in the Canadian system, and much that is the envy of the world, even though it was historically applied in ways that reflect colonization and racism. The system has allowed for Indigenous people to be wrongfully treated and after 150 years, the system is still rife with discrimination. The system cannot diagnose the challenge and develop solutions. The Crown cannot get it right when it has gotten it wrong for so long.

Rather than fixing the Crown's justice system, the solution is in the revitalizing and rebuilding of Indigenous justice structures, this was self-determination and self-government. A challenge in transforming the system is an expression of the overall challenge of addressing colonization. When Confederation took place, Indigenous people were not there; their laws, lands, and rights were out of sight and out of mind. As such, the foundation of Canada was and remains fundamentally incomplete. Building a country where Crown government and institutions are in proper relations with Indigenous governments and institutions and recognition of Indigenous land and people is reconciliation. In justice, this means space for Indigenous courts and for the application of Indigenous standards and laws. This includes defining the process between the Indigenous and Crown justice systems.

The Crown has a role to play in transforming laws, policies and practices and First Nations governments, justice systems, and institutions must be rebuilt. Track 2 of the Strategy is about rebuilding work and reclaiming legal space and institutions.

The Crown is not quite there. In 2019, the federal government fell back into a pattern of managing ‘the problem of the Indigenous people and making incremental shifts rather than transforming the status quo. This is not appropriate to have as a goal to ‘manage’ the challenges that are a by-product of colonialism. The pattern of small steps and managing problems rather than embracing solutions remains the culture of government.

It could also be said that Indigenous people are not yet there either. Nation rebuilding work is accelerating, and many Nations are doing tremendous work; however, there is much to be done. Assuming Indigenous control over Legal Aid is positive but it is necessary and vital that there is tangible progress at the community level in rebuilding Nations’ institutions and governments

Ms. Wilson-Raybould recalled an inspiring story of a First Nation in the Prairies that was suffering from criminal outbreak in community and related challenges with policing. To address these issues, the community worked together and wrote its own criminal code in a detailed, traditional, and methodical manner. It was used as the standard and brought some peace to their community.

The shift from an ad hoc and arbitrary approach to a principled and coherent approach to change must be normalized. While this seems obvious, it remains difficult. This was clear in the struggle for Mandatory Minimum Penalties (MMP), which are vital to addressing the over incarceration of Indigenous people and the cycles of interactions that embroil Indigenous people. MMPs are at the core of Track 1 to reform the system. As the previous Minister of Justice, Ms. Wilson-Raybould had been frustrated by the inability for this change to be made but it could never gain traction. After raising the issue repeatedly, the Department of Justice (DOJ) staff were instructed to encourage the Minister from raising it further. They failed. MMPs are ‘red meat issues’ but not politically expedient to take. They could result in loss of votes and when the next election nears, red meat issues become part of the political calculus. Bad policies and laws that harm Indigenous people remain and that is why principled foundations to the work are key. Shared principles would guide the path forward and keep the work on track. Without these foundations, the direction would be unclear resulting in ineffective and incoherent actions.

The process on Title and Rights began with 10 principles based on the recognition and implementation of Indigenous rights. They were announced but they were never followed through on. The Strategy includes important principles and would provide the road map of the approach. The provincial government as a partner is vital, as is the federal government.

The transformation of the justice system could not advance without fundamental shifts necessary to recognize and implement Indigenous Title and Rights more broadly in laws, policies, and practices. Track 2 would not progress without this.



The unfolding of key legislation such as UNDRIP, CFS and others, has been ad hoc and arbitrary and not principled. For example, the federal government says that the UNDRIP legislation applies to the laws of Canada, and the DRIPA applies to the laws of BC. Articles 3, 4, and 5 affirm Indigenous self-determination, inherent rights to self-government, and right of Indigenous people to manage their own government structures. That applies to the laws of Canada and BC yet at the same time the Indian Act is in place that imposes a Band Council model on First Nations and with no mechanism to recognize Indigenous groups as self-governments under provincial statute or a modern treaty. The laws of UNDRIP are an important step but they are not making a change in laws, policies, and practices needed in principled ways, to support the roles and responsibilities of Indigenous justice institutes.

Legislation is needed that replaces the denial of rights with recognition of the foundation of Indigenous relations and this means supporting Nations to rebuild their government systems and implement their rights of self-government. An Indigenous justice system would not be recognized or supported unless and until Crown government gets out of the business of telling Indigenous people how they must govern themselves and binds them to recognize and respect how Indigenous people determine how they govern themselves.

Implementing the Strategy, requires advancing and aligning the foundational change to law, policies, and practices. As Track 2 work advances, there is a case in law that there is government of First Nations justice institutions and when a Nation is ready, the Crown is ready as well and those people that need the help could receive it.

The silos that colonization built up must be broken down. The acquittal of Gerald Stanley for the murder of Colton Boushie illustrated the enduring reality that Canada was still riddled with bias and of the harm and violence these tragedies caused. With the findings of the unmarked graves at Tk'emlúps, those in power did not know how to act, they felt they were 'interfering'. As Minister of Justice,

Ms. Wilson-Raybould spoke out that it was not about interference but about racism in the system and how it treated Indigenous people. The silos between Indigenous and non-Indigenous people have hardened and deepened. The reality of the silos affects both Indigenous and non-Indigenous people and are destructive.

When Canada was created, Indigenous peoples were left out. The story of Confederation is a siloed story, and siloed stories reflect and reinforce siloed experiences, they reinforce silos in society and lessen the understanding of each other's experiences. There must be a shared understanding of each other's ways of being. This is reverse of assimilation and colonialism, it is knowledge, inclusion, and equity.

The collective challenge in advancing true reconciliation is to break down silos and tell the

shared story of Canada based on the experiences of the many, including Indigenous people, and translate the learning into tangible change of how Canada governs, organizes, and acts.

As leaders, Council and workers for the Crown and First Nations in the justice realm, Ms. Wilson-Raybould encouraged participants to think of what they do through the lens of breaking down silos. Shared stories are honest and inclusive and break down silos, that is the basis for communication and justice.

To be leaders in the work of reconciliation and transformation of the status quo, everyone must be an 'in-betweeners' and transcend silos. This would take courage and would be uncomfortable. The role for in-betweeners was not often appreciated and sometimes it was a struggle to hear and learn from others. But it would be necessary.

Transforming the justice system is the work of bringing down silos between traditions, teachings, and experiences. To build the Strategy with the Crown and find ways to implement it would be an act of 'in-betweening', breaking down silos and cultivating a culture of in-betweeners and transforming the system and encouraging others to play their important roles.

The Chair thanked Jody Wilson-Raybould and acknowledged the Elders in the room for the tremendous work they were doing in providing supports, prayers, brushings, and smudging's.

Jody Wilson-Raybould gifted a signed copy of her book, "True Reconciliation" to all in attendance.







## CONCURRENT BREAKOUT SESSIONS

### **BREAKOUT SESSION A**

Planning for the Future of First Nations Courts

During this session, participants considered which elements and features of the Indigenous court model described would they like to see in their community; what elements of BC's current Indigenous Courts model are concerning and if funding/capacity were not an issue, what would the ideal community-based justice system or court system look like and how would it differ from the current First Nations courts?

### **BREAKOUT SESSION B**

Elders and Knowledge Keepers

During this session, participants considered how Elders and Knowledge Keepers were identified and compensated; the types of technical supports Elders and Knowledge Keepers need to be effective; the role of the BCFNJC in supporting Elders and Knowledge Keepers; and how the police, BC Prosecution Services, counsels, and corrections should interact and engage with Elders and Knowledge Keepers.

The dialogue intended to develop insight to inform the development of a network of regional Elders and Knowledge Keepers.

## BREAKOUT SESSION C

### Corrections

During this session, participants considered how the BCFNJC could support communities to address the over-representation of Indigenous people in the correctional system; what community initiatives and cultural supports were needed or were currently available; how to empower individuals through Gladue and increase access to Gladue for the LGBTQ+ and 2S communities; and what cultural supports were being implemented for Indigenous in custody or in community corrections.

The dialogue intended to identify how to implement Gladue principles and approaches across the entire criminal justice system and promote access to meaningful cultural and healing programming to Indigenous people serving sentences in jail.







## **SESSION FOUR: LEGAL AID, INDIGENOUS JUSTICE CENTRES AND GLADUE**

*The Future of Legal Services for Indigenous Peoples in BC: A New Approach to Gladue, Expanding IJCs and Transitioning Legal Aid*

### **Boyd Peters** **BCFNJC**

Boyd Peters acknowledged the feedback and suggestions heard throughout the breakout sessions, which would assist with improving Gladue services.

When considering the 25 strategies, Gladue was identified as an immediate focus as it could make a significant difference in people's lives. Indigenous people have been overcharged and over convicted and not provided adequate services. They are given longer sentences than they deserve. Gladue services are underutilized and misunderstood by the justice system and Indigenous people. When Gladue services were first taken over and a new service model was developed to expand access to Gladue reports and aftercare, the efforts went full steam ahead. Through the hard work of staff and Council, that work is underway. Gladue writers are being trained and are producing 'bullet-proof' reports to save lives and support the healing of Indigenous people.

Indigenous people have been forced to endure so much; they are being taken away, children are being removed from their families, and they are subject to excessive use of force by authorities and police. Those actions are felt in all communities and by all Indigenous people. Gladue reports will help those in government and the justice system understand the history of Indigenous people in the system, and how those experiences could be represented in their sentencing and the services they require. Indigenous people must feel comfortable in accessing culturally appropriate services.

A process is needed to have services available through the Gladue work to set up better

systems and alternatives to incarceration including on the land, culturally based programs, and services. Elders know how to take care of people going through these issues, they know the families and the issues they have faced. People feel shame for being in prison, and they must be reached out to, they deserve to be loved.



## **Anisa White**

### **BCFNJC**

Anisa White shared a presentation titled, “A New Approach to Gladue” and highlighted Strategy 6 and the implementation of a comprehensive Gladue strategy supported by a dedicated and First Nations controlled Gladue Implementation Agency. The Agency helped increase capacity and the number of Gladue writers and codeveloped a Gladue awareness and education program. This is not a Gladue problem but a lack of national policy in this regard.

The BCFNJC is mandated to implement Gladue, and it has a coherent strategy. Gladue Reports help to reduce recidivism and victimization, lead to transformative outcomes, and increase community safety. It is a positive duty on a judge, under the Criminal Code, to consider in what ways an individual’s background and systemic factors shaped them as a person.

The work of Gladue is to unlock cycles of violence and anti-behaviour by using an Indigenous healing and accountability lens to advance an individual forward, reduce them reoffending, and unlock the crisis of overly high incarceration, which should never be normalized.

The primary priorities of Gladue Reports are to produce reports for persons served in an eight-week turnaround and maintain a high standard of report to ensure that decision makers deem them to be sufficiently reliable which in turn directly affects sentencing and community healing.



When the Council took over Gladue services in 2021, there were 522 unassigned Gladue Reports, this was reduced to 85 in a few months. By September 2022, only nine cases were in backlog. Judges are now ordering these reports.

Two videos were shared of clients' journeys through Gladue.

### **Discussion**

During discussion, delegates contributed the following comments/questions (Q/C) and responses (R) from the BCFNJC panel were provided:

**Q/C:** At what stage of the legal process can a Gladue report be done?

**R:** *You can access the BC Prosecution Services policy list online. There is potential that Gladue could apply long before sentencing, i.e., at pre-charge/charge assessment, post-charge/alternative measures, and different ways for presumption of diversion could be done at the policing process.*

**Q/C:** Is there a way to shorten the eight-week time period for writing a Gladue Report?

**R:** *They are testing a new pilot where a report is done within 25 business days, but it is not ready to launch. Through a team approach we have been able to unlock some of the stagnancies and delays in producing the report.*

**Q/C:** Are all Gladue writers Indigenous? What processes are in place to ensure individuals are not re-traumatized in the process? Is there an oversight process to ensure they are properly written?

**R:** *This is not a RCMP interview. It is motivational interviewing to get the individual to be part of the solution. Having someone heavy handed would be problematic, they would have to respect the healing framework we use. It takes training and applied practical skills. We have a staff model, and we institute our own training to ensure we are moving forward as one and providing the highest level of care in the interview process.*

**Q/C:** How are we increasing access to reports for youth and women?

**R:** *Gladue workers encourage defence counsels to ask for a Gladue Report when dealing with youth. We do not get as many requests for them. We consider the MMIWG National Inquiry Report when dealing with women and we take a cautious approach.*

Q/C: How effectively is Gladue being implemented?

R: *In Ontario, we created our courts ad hoc. We had three people when the court opened, and we invited people to self-identify and be part of it. We did not conduct any long-term studies. It feels like we are making a difference, but it is all anecdotal.*

R: *We are doing better. There is no magic map to how we implement or utilize Gladue. Most of us remember days without access to the criminal law system and now any Indigenous person who wants a Gladue can get it. That is progress to us. As a sentencing judge, we must understand the systemic issues that apply to the individual and if progress means that judges have more information to create a fit sentence, then we have progressed.*

Q/C: Is there a Gladue Court in BC?

R: *No. We have Indigenous Community Courts spread out around the province, but they are sentencing courts. They are driven by the community and each one is slightly different to the other. Each court and judge is different.*

Q/C: How is it possible to measure or assess if an Indigenous court is working for Indigenous people?

R: *I consider Canada's use of Gladue reports as genius. The idea that an individual's lived experience matters and is taken into account was mind blowing. It is the opposite in the US, you cannot use socio or economic status as a sentencing factor. I was a public offender in Oregon, the only Native American in the system, and it was lonely. I worked with federal offenders, and we created a Gladue Report in a case and gave it to the federal judge, but I am not sure that it was helpful. It did make a difference in one case, where it showed that so many people cared about the individual and that got to the hard-hearted judge, and he was able to see the man as human.*

R: *In my own research, I am trying to understand why the federal sentencing guidelines in the US are harsher on Native Americans. There is not a lot of data because of how records are kept, but I am searching and creating my own data. Capture data in your Indigenous courts to get a better idea of how they are working. Canada is way ahead in this regard.*

R: *The Gladue reports are great, but they can take six to eight weeks to reach a judge and the individual is in custody during that time. We would like to get them sooner.*

R: *Sentencing courts in BC are not like the others. You could walk into a court and be sentenced for domestic assault in minutes, it is a cold process. An accused does not say anything and when a client walks into an Indigenous court, they have to interact with Elders who help them in their healing journey.*



Q/C: What do the statistics/data tell us about individuals reoffending post-Gladue?

R: *We are producing a longitudinal study to assess that information. We want to share information with the federal government to access its data and must develop a sharing protocol.*

Q/C: Is there equal support for a victim statement and consideration of negative impacts of their upbringing?

R: *There should be. A Gladue Reports asks for consideration of the accused as a victim and the harmful effects of the community. We need to provide for access to victim services at the time the charge is made. After eight years of writing, I have not seen very many Victim Impact Statements.*

Q/C: What is the process from a Gladue Report to Gladue aftercare services? What are the supports?

R: *The Strategy includes a needs assessment and a Gladue aftercare worker.*



## **Kory Wilson**

### **BCFNJC**

Kory Wilson reported on IJCs and Legal Aid. IJCs provide culturally appropriate information, advice, support, and representation for Indigenous peoples. IJCs are depicted by three “tule-mat tipi” structures to represent community and are currently located in Merritt, Prince George, and Prince Rupert along with a virtual centre.

IJCs would bring decision making closer to home and into the hands of the people. IJCs are culturally safe, are connected to community service providers, support services for healing and wellness, and access to legal services. Solutions must be addressed holistically. The process considers undiagnosed learning disabilities combined with undiagnosed mental health issues and a lack of sense of belonging and identity.

In November 2022, Premier David Eby announced a commitment to the creation of 10 IJCs; five regional/urban in 2023 and five IJC hubs in 2024. IJCs will be opening in Chilliwack, Vancouver, Victoria, Nanaimo, and Kelowna and a Request for Proposals (RFP) process was filled to help determine the locations of the centres. Discussion will continue on the locations of the five remaining centres; location with existing services would be factored into decision making.

Access to justice for Indigenous people has been denied for a long time. In 1952, the provincial-wide Legal Aid Plan for BC was inaugurated and was extended to status Indians in 1968, which was problematic as not all Indigenous people held status.

Currently, criminal Legal Aid Services are provided, including the 24/7 telephone Brydges Line offering legal advice; duty counsel; bail consideration; criminal early resolution contracts; trial consideration; sentencing considerations; prison and parole; diversion programs; First Nations courts; and culturally informed legal counsel.

In 2022, Legal Aid BC signed a MOU with the BCFNJC to establish a collaborative relationship between the two organizations and provide Legal Aid Services to Indigenous people.

Currently, 60% of children in care in BC are Indigenous and work is ongoing to address the challenges to ensure Indigenous children are safe and able to stay in their homes. There are Parent Legal Centres located in various communities in the province, including in Campbell River, Duncan, Prince George, and Hazelton. The system pairs advocates and lawyers with families and children, creating awareness of these services is needed. There is a tremendous amount of research underway, and information is grounded in facts and data, looking for self-determination at the individual, family, community, and Nation level. Solutions must be addressed holistically.

Identity is an issue. Allowing people to self-identify comes with potential for fraud. There is a spectrum of Indigenous lived experiences and work is ongoing to determine the criteria to ensure services are being provided where they are needed the most. There is a duty of care from first contact with the client to support them all the way through the interactions and interventions.

### ***Discussion***

During discussion, delegates contributed the following comments/questions (Q/C) and responses (R) from the BCFNJC panel were provided:

**Q/C:** Do IJCs only provide legal services to Indigenous people facing criminal or child protection issues?

**R:** *Yes, but it is possible to expand this in the future.*

**Q/C:** Are there income limits of who can access them?

**R:** *Right now, we are serving people who do not qualify for Legal Aid.*



**Q/C:** Are IJCs staffed by Indigenous people?

**R:** *That is the ideal, but we need ‘accomplices’ too. Diversity creates innovation. There are not enough Indigenous people to staff all the IJCs so we must find accomplices.*



## CONCURRENT BREAKOUT SESSIONS

### **BREAKOUT SESSION D**

The Future of Legal Services for Indigenous Peoples in BC

During this session, participants considered who in leadership could assist in determining where future IJCs would be placed, and which communities could host them; how legal aid services could be improved; and identify the service priorities for IJCs.

The dialogue intended to provide an opportunity for leadership to assist in designing the framework for determining where future IJCs would be placed in 2024. Delegate feedback was sought on issues with the current state of legal aid services and recommendations on how those services could be improved. Further feedback was requested on new legal services (or gaps in services) that would benefit Indigenous people for potential expansion of services delivered and coordinated through IJCs.



### **BREAKOUT SESSION E**

#### Education, Training and Cultural Competency

During this session, participants considered the kinds of education and training needed to improve cultural safety within the justice system that might help address attitudes and behaviours; who should be involved in the development of the standards, education, and training; and whether there was an educational role for the BCFNJC to support First Nations' efforts to rebuild Indigenous justice systems.

The dialogue intended to inform the development of standards of cultural competency and a training program for everyone who interacts with First Nations people in the justice system.







## CONCURRENT BREAKOUT SESSIONS

### **BREAKOUT SESSION F**

#### Youth Justice and Prevention

During this session, participants considered how the BCFNJC could advance immediate shifts to prevent youth from entering the youth justice system; whether there were spaces/examples of First Nations exercising self-determination when it comes to working with youth justice and/or prevention; whether Gladue Reports were being accessed by youth and under which circumstances; what restorative justice/diversion options exist; the manner in which cultural supports were being implemented and prioritized; and how youth receive aftercare services when exiting the justice system.

The dialogue intended to inform targets and areas of focus for both Track 1 and Track 2 objectives of the Indigenous Youth Justice and Prevention Action Plan.





**BREAKOUT SESSION G**

Community Justice Programs, Diversion, Restorative Justice and IJPs

During this session participants considered how the BCFNJC could support First Nations with self-determination justice initiatives; identify shared challenges and successes in the work; and the availability of diversion and early intervention programs in communities.

The dialogue intended to learn about best practices and successes of the work in order to better support other First Nations in achieving these outcomes and to support the building of relationships between Nations doing this work to share information and experiences.





## **DAY TWO – SUMMARY OF DAY TWO AND PREVIEW OF DAY THREE**

The Chair directed participants to the on-site illustrators who actively captured the themes and highlights of the discussions and presentations. The illustrators reviewed their work.

Members of the Council offered closing remarks and acknowledged the energy in the room. Although the work and discussions were heavy, that energy and spirit would carry them through. Coming together and sharing experiences would inspire the traction for the continued development of the Strategy. Gratitude was extended to all the participants of the breakout sessions for their contributions and input.

### **Adjournment**

The First Nations Provincial Justice Forum held March 6-8, 2023, adjourned on March 7, 2023 at approximately 4:22 p.m. after agreeing to reconvene on March 8, 2023 at 9:00 a.m.





## Day Three – March 8, 2023

Chair Danesh reconvened the First Nations Provincial Justice Forum on March 8, 2023, at 9:00 a.m.

### **OPENING AND OVERVIEW OF DAY 3**

#### ***Dr. Roshan Danesh Kings Counsel, Forum Chair***

Chair Danesh acknowledged International Women’s Day and recognized the power of women in the room. Over the previous days of the Forum, high level themes of discussions included: getting houses in order; taking stock and giving direction to Council and leadership on next steps; the need for principled and coherent courageous actions; the power of all individuals from all backgrounds; policing; IWGs; courts; and changes in legal services. The third day of the Forum would focus on the national scope and developments.

Amanda Carling, CEO, BCFNJC, recalled work articling with Innocence Canada, the only national organization mandated to fix convictions, and referenced a website

[www.wrongfulconvictions.ca](http://www.wrongfulconvictions.ca).

There is frustration with the lack of progress on wrongful convictions and the federal government’s response is Section 696.1 of the Criminal Code which gives the Minister of Justice the power to review a conviction under federal law to determine whether there may have been a miscarriage of justice or wrongful conviction. The first registry of wrongful convictions was created and highlighted that Indigenous people were over-represented in wrongful convictions equalling 18% of cases. Given the fact that 30% of male prison populations are Indigenous, 18% means that Indigenous people are not getting access to justice. Approximately 50% of women in federal incarceration are Indigenous and to date only two Indigenous women in Canada had received a remedy for wrongful conviction.



The Honourable Harry LaForme, OC, has done incredible work to address wrongful convictions and to assist those most vulnerable in the justice system and was one of the first Indigenous people to be appointed to an upper-level court in Canada.



**KEYNOTE SPEAKER – MISCARRIAGES OF JUSTICES COMMISSION – A WORK IN PROGRESS**

***Honourable Harry LaForme***  
**OC**

The Honourable Harry LaForme spoke of issues of great importance to him personally, particularly miscarriages of justice, the over-representation of Indigenous people in the system and incarcerated, and the need for Indigenous judges at every level of court in Canada.

Indigenous judges struggled to be appointed to Canadian courts and the Supreme Court of Canada (SCC), due to Canada's requirement that SCC judges be bilingual in English and French. This was a reminder of residential school days and the intention that if Indigenous people wanted to be Canadian, they would need to be 'killed' in the child. Many children growing up on reserves were not taught French; children in residential school were not taught much of anything except that "their language was 'evil' and they should not speak it.

A certain generation of Indigenous people remember when the government of Canada was the real oppressor; they could not leave their reserve without a permit and could not join the military unless they gave up their Indigenous identity, which many did. There were signs that said, "No Indians served here". This oppression was a lived experience that will never be part of the SCC's decision making.

Harry LaForme recalled being the first judge to write the legalities of same sex marriage

and noted his lived experiences informed that decision. To Canada's credit, it supported same sex marriage. This is the kind of equality that Indigenous people continue to fight for.

During the consultation on the Miscarriage of Justice Commission (Commission), many painful accounts were shared by individuals in the hope that their experiences might prevent something similar happening to others. These people were wrongfully convicted and spent years/decades in prison and all they wanted was for this to not happen to anyone else. They were not claiming self-pity or asking for reparations, although they were entitled to it. They only wanted to ensure that this not happen to others.

There is a principle of law called a W(D) whereby if there was any doubt whether a person was guilty, the judge must acquit. There was a judge that followed W(D) and found a 16-year-old guilty of sexual assault. The boy appealed to the Court of Appeal. Mr. LaForme and a colleague prepared a submission of reasons why the judge was wrong, and it went to the SCC, which said that "while they agreed with the result, they had doubt about the reasoning of the judge" and the boy went free. His life was given back to him.

In 2021 after being appointed by the Honourable David Lametti, Minister of Justice, Mr. LaForme led the consultation, along with the Honourable Juanita Westmoreland-Traoré, and put a small group of like-minded people together to work with Innocence Canada. There were 17 wrongfully convicted people – some had been exonerated, some not, and the team met with them to hear their stories; they were powerful. These people informed the team and gave them the direction to make future decisions.

Mr. LaForme reflected on the late Donald Marshall Jr. and suggested he would be alive today if not for the cruelties imposed on him during incarceration. After the Commission was appointed and after Mr. LaForme's report was submitted, Mr. Marshall's spouse expressed happiness that the independent Commission would be a reality. To date, 45 roundtables were held between June and December 2022 and 45 written submissions from Indigenous people and organizations were received including from Scotland, England, New Zealand, United States, and Norway. Being exonerated or released from prison does not make life better. After a wrongful conviction, it is impossible to get those years/decades back. For some, life got harder because in prison they were given three meals a day and had a roof over their heads. People are released from prison without acknowledgement of government for being wrongfully convicted and the gaps in their resumes make it challenging for them to find employment.

Government may not admit their culpability in destroying lives and even if they do, there has been no offer of compensation. The Commission may provide a quick way to address these miscarriages of justice and hold those accountable for racist actions.



Wrongfully convicted people, unlike actual offenders, are released with no public support; they rely on charity, friends, and family. They have no job prospects. It is the recommendation that the Commission may be able to provide support, including temporary financial support to applicants who are released.

On February 16, 2023, Minister Lametti announced the intention to proceed with an independent Commission and related draft legislation, An Act to amend the Criminal Code (Bill C-40). This is progress but there are still improvements needed and there are many things missing from the bill. Recommendations on the legislation were being put forward.

The Commission will not be adequately funded as there is much more to do than wrongful convictions. The individual wrongly convicted must be made aware of the Commission, find a way to get their position known to that Commission and obtain legal advice, and this is not in the bill. The budget was not enough.

The DOJ usually used to receive approximately five applications per year, but this has increased to 20 applications. Scotland, which has one sixth of the population of Canada, receives around 200 applications per year. The budget and application system must be appropriate as there is the potential for them to be inundated with applications for wrongful convictions. The funding must come from the DOJ budget and the recommendation is that the Commission be funded more like a court and get paid by the Commission's independent filings. Principles must be established for an independent body that could determine what the Commission needs. This is currently not in the legislation.

A Deputy Head running the Commission would be part of government and responsible to government, and that is a conflict. The Deputy Head would have the responsibility and accountability for the budgets and there would be little time for them to do what the Commission has set them up to do. The person that should do this job is the Chief Commissioner.

Since 2003, the DOJ received 106 applications under the current system for which it provided 21 remedies in the form of referral back to courts. The recommendation is that the Commission is able to exonerate an individual if the evidence supports it.

The Commission's report recommended there be up to 11 Commissioners on the Independent Commission and they be appointed by a committee at arm's length of government. Of the 11, that there be a minimum of one Indigenous person and one African American person as they reflect the populations over-represented in the system. The legislation states there should be four to eight Commissioners and one Chief Commissioner, the only one required to serve full time. The legislation says the Minister of

Justice must consider gender equality and over-representation of groups when appointing the Commission but there are no guarantees this would happen.

A three-pronged approach of advocacy, education, and accountability is needed to change the system. It is unlikely that a few hours of cultural safety training would eliminate racism and discrimination in the system.

New Zealand professor Carrie Leonetti prepared a report of wrongful convictions and recommended that there be a Visionary Innocence Commission for Canada, which is independent, better funded, and more systemic, proactive, and inclusive. Canada has an opportunity to be a global leader in addressing wrongful convictions.

### **Discussion**

During discussion, delegates contributed the following comments/questions (Q/C) and responses (R) from Harry LaForme were provided:

**Q/C:** What advice do you have to amend the Criminal Code in the Youth Criminal Justice Act to be consistent with UNDRIP?

**R:** *An amendment to deal with wrongful convictions and to recognise the standard the Commission has. The current Commission can refer/manage back if it feels there was a miscarry of justice. We suggested the standard be “may be a wrongful conviction”. The government agreed but added if “in the interest of justice”, whatever that means. A wrongful conviction is in the interest of justice, is it not? I would recommend amending the Court of Appeal too.*

**Q/C:** How do we increase awareness in First Nations communities of the possibility of overturning wrongful convictions?

**R:** *We have proposed that the Commission be proactive with dedicated personnel who go out to prisons and let inmates know about the Commission. The reason we get only five overturns per year is because most people do not know it exists.*

**Q/C:** How do we get more Indigenous people appointed in the justice system and on judicial benches?



R: *There is an Indigenous person on the SCC so Canada may feel it has 'ticked that box', although we feel there should be more than one. I waited 14 years on the Court of Appeal for another Indigenous person to join me so that I could talk about my lived experience and help that inform my decision making. There should be an Indigenous court judge in every province but unfortunately, Indigenous people do not apply as they seldom ever get a call back and feel that their application does not matter. We want a list of names of all the courts in the province and we want to have more Indigenous people appointed on them. I called people to sit, and they all said 'no'. I promised them that they would get called back but they never did. There must be more respect for Indigenous peoples' applications.*

## **SESSION FIVE: NATIONAL INDIGENOUS JUSTICE STRATEGY**

*Backgrounder on the National Indigenous Justice Strategy*

### **Kory Wilson** **BCFNJC**

Kory Wilson reviewed a presentation titled, "The National Indigenous Justice Strategy – the Road Ahead" noting the NIJS's is intended to address colonialism and make systemic changes to the system.

A tripartite MOU was signed between the BCFNJC, BC, and Canada to explore how to work together. The purpose is for a culturally appropriate strategy informed by lived experiences of Indigenous people that includes the Calls to Action to address the systemic discrimination and over representation of Indigenous people in the Canadian justice system. It is anticipated the NIJS will include legislation, policy, and program measures that advance self-determination and are responsive to the Calls to Action of the Truth and Recommendation Commission and the Calls for Justice from the National Inquiry into MMIWG.

The implementation of the NIJS is to take place over four phases, it is currently in Phase 2, and is intended to be finalized in 2024. Canada will consult with the Assembly of First Nations (AFN), the Province of BC, the BCFNJC, and the FNLC. Engagement sessions would be held throughout the country and guidance would be sought from BC First Nations on what the NIJS should be.

In regard to the work's guiding principles, it would be important to consider the division of powers, and changes to the laws, policies, and practices of the federal government that would result in full implementation of the NIJS. Additional considerations include: the policies and principles of UNDRIP and DRIPA; funding for community justice initiatives and Indigenous legal orders; the National Inquiry on MMIWG; Criminal Code reform;

wrongful convictions; increasing the number of First Nations legal professionals; policing; corrections; youth justice; interjurisdictional cooperation; independent oversight; and implementing self-determination and self-government and honour those Nations with modern treaties. Prevention and diversion is foundational to the strategy.

### **BREAKOUT SESSION**

Setting BC First Nations Priorities for the National Indigenous Justice Strategy

The meeting participants convened in Breakout Rooms. During this session, participants considered what fundamental values should underlie the NIJS; what are the priority elements for the NIJS; what values and principles should be included in the NIJS; and what an ideal justice system should look like if funding/capacity and state-imposed legal traditions were not an issue.

The dialogue intended to define and specify the actions the federal government must include in the NIJS, namely the key justice issues that fall within federal jurisdiction and/or outside the scope of the BC FNJS.

### **CLOSING REMARKS**

*Closing Comments from First Nations Leadership Council and BCFNJC*



### ***Hugh Braker, Kings Counsel First Nations Summit***

Hugh Braker noted the lands the meeting was taking place upon did not belong to Vancouver or to BC, but to the Musqueam, Squamish, and Tsleil-Waututh people and acknowledged them for allowing the Forum to take place on their territory.



Although the Forum focused primarily on criminal justice, justice is more than that. 64% of children in care by court order are Indigenous and Indigenous people make up only 5-8% of the population. That is a justice issue. People are being kicked out of rental accommodations and that is a justice issue. The next Forum would focus on civil matters, like administrative law and its application with penal sanctions.

Hugh Braker recalled a time when his grandparents took him to Victoria to visit his uncle who was in prison. His uncle had been sentenced to two weeks in prison for having a beer in his hand in public, a charge that a white person would not have been given. Witnessing that oppression and racism against Indigenous people motivated Mr. Braker to become a lawyer.

During a meeting with the Attorney General, Mr. Braker shared some of the most offensively racist comments he had heard in court during his 25 years practicing as a lawyer, including when a defence counsel said to a judge in reference to their client, "...as is so often the problem with 'her people', she was intoxicated at the time". Or in the case of mixed marriage and the lawyer of the client, a non-Indigenous mother, said, "...there is no way my client would consent to her children being brought up on an Indian reserve'. During a fishing case related to Ahousaht First Nation, a place only accessible by boat or float plane, the client's legal counsel asked the court to be adjourned as his client had been unable to attend court due to the weather making travel not possible, the presiding judge commented, "... {bad weather} never seems to prevent 'them' coming in for their drinks". In 25 years of practicing law, Mr. Braker never saw evidence of a fair justice system, one that was not racist and recognized First Nations people as people.

First Nations people look back to their ancestors for answers and they believe they owe them a debt. Elders suffered for years in residential schools and in public. The Forum and the justice work would not be taking place if not for the suffering of the ancestors. Mr. Braker closed by noting that the success of the Strategy lay in the hands of all in attendance.

Chair Danesh noted that BCAFN Regional Chief Terry Teegee had sent his regrets and was pleased to hear the event was taking place.



***Grand Chief Stewart Phillip  
President, Union of BC Indian Chiefs***

Grand Chief Stewart Phillip acknowledged the territory of the Musqueam, Squamish, and Tsleil-Waututh Nations and International Women's Day.

The true measure of a person is knowing whether they make a difference in their work, and this included everyone in the room. There is a need to act, to do something, to stand up and be counted, and bring about change. The system is beyond broken, it is steeped in colonial history and court rooms reflect the colonial presence of the Crown, even in the way a judge dresses and the elevated bench. The federal government was missing from the Forum and does not feel the need to engage in implementing the UNDRIP and in the reform of the archaic colonial justice system. The system is punitive and not about people of colour, Indigenous people, or poor people.

The Grand Chief commented he had the privilege of watching the movement of justice reform evolve in BC and reflected on when court workers came on the scene and how every Indigenous person knew who their court worker was as they would be the only person to support them in navigating the racist system. They long remember them for the services they provided.

The reformation work must be accelerated, UNDRIP must be taken seriously, and risks must be taken to challenge the status quo.

There is much hope in the BCFNJC, and similar organizations should be replicated across the country. When the FNLC was formed 20 years ago, Nations set aside their differences and humbled themselves, and came together. The arrangement was simple; they agreed to respect each other's unique mandate and committed to work on items of mutual concern. If there were irreconcilable differences, the parties could go their separate ways, but they are still together. This must be done on a broader scale. Prime Minister Trudeau cannot continue to hide behind archaic colonial bureaucracy. Statements of good



intention were not enough. The hope was for organizations across the country to get on with the work to organize this type of capacity and create a national movement to bring about genuine justice to the Indigenous people of Canada.

### ***Rosalie Yazzie*** ***Acting Chair, BCFNJC***

Rosalie Yazzie reflected on how best to encapsulate the dialogue and discussion and consider what she personally brought to the Council and to all those who contributed to the journey. In getting to this point, the Acting Chair acknowledged the leadership of the Council, including the perspectives of Doug White, the founding Chair of the Council, Colleen Spier, and Amanda Carling, CEO.

With the departure of Doug White from the Council, there was an increased female presence. It was irksome the Forum was being held in a colonial location; however, the reflection of the big house outline of the stage backdrop reflected Indigenous laws, legal orders, and ceremony – it was all around.

Rosalie Yazzie referenced her professional life serving the leadership of the province and training to become an advocate, to uphold the accountability and transparency and be answerable to those who have given the Council their trust in the area of transformation. Three years ago, the FNJS was signed, and the Council had only one staff member. The BCFNJC was founded and built, not by large funding pots, but on the sweat, tears, and passion of the work and the desperate need for change in justice. The growth of the Council is indicative of the fact that the work was long overdue and Indigenous people could not afford their children to pay the price of the colonial heritage. Children were the ones that would benefit from the work and would one day be taking up the mantel for transformation to occur.

### ***Boyd Peters*** ***BCFNJC***

Boyd Peters extended thanks to the Musqueam, Squamish, and Tsleil-Waututh people for allowing the ground-breaking work to be done on their lands and recognized International Women’s Day and the importance of matriarchs who were held in high regard. Appreciation was paid to the work of Council and staff for convening the meeting and to the speakers and the Chair for keeping the agenda on track.

BC First Nations have come a long way and with the backing of the FNLC and respective communities, the justice transformation work was happening. Indigenous people must work as “one heart and one mind”, Na’tsa’maht, which is the way they empower themselves, their communities and leadership. The needs and priorities were shared

during the breakout sessions, and it was up to all in the room to make the solutions become a reality. Much of the healing and Nation rebuilding would come from the land, it would empower people to fix the current broken system. These discussions must continue and there will be further opportunities to do so.

***Chief Lydia Hwitsum***  
***BCFNJC***

Chief Hwitsum thanked participants and presenters for their presence and contributions during the Forum and for their individual and collective energy. The energy and ideas would be built off of and the sharing of experiences, stories, passions, tears, and laughter would drive the actions needed to achieve priorities.

***Dr. Judith Sayers***  
***BCFNJC***

Dr. Sayers encouraged participants to take the time to commit themselves to justice for the women that were taken too early and to prevent more women from going missing or being murdered. Key words to remember included ‘allies’, ‘accomplices’, ‘in-betweeners’ and ‘bridge-builders’. Communities must feel empowered – that is where action happens, and to be self-determined and self-governed, “they do not need anyone’s permission”.

Government continues to not listen to Indigenous people, and it does not use its hearts to understand the challenges Indigenous people face. Holistic justice must include addressing the root of the issue, including poverty, homelessness, lack of education, and access to daycare. Participants were encouraged to do the work in community, start with a safety plan, and reach out to Council for support.

***Kory Wilson***  
***BCFNJC***

Kory Wilson thanked the staff, Council, Forum Chair, and PACE for their efforts before and during the Forum and offered a call to action to all in attendance to ask themselves, “What are you doing to change the places and spaces that you occupy to ensure that Indigenous people are in a place to make sustainable, substantial, and systemic changes in community?”.





Chair Danesh advised that the work and perspectives of the graphic storytellers would be shared with participants and that a copy of Judy Wilson-Raybould's book was set aside for every participant. Attendees were encouraged to complete the post-Forum survey. A door prize draw was held.

Knowledge Keeper Carleen Thomas closed the Forum in a good way and reminded everyone to take a chance and make bold moves to accelerate the transformation for equal justice for all.

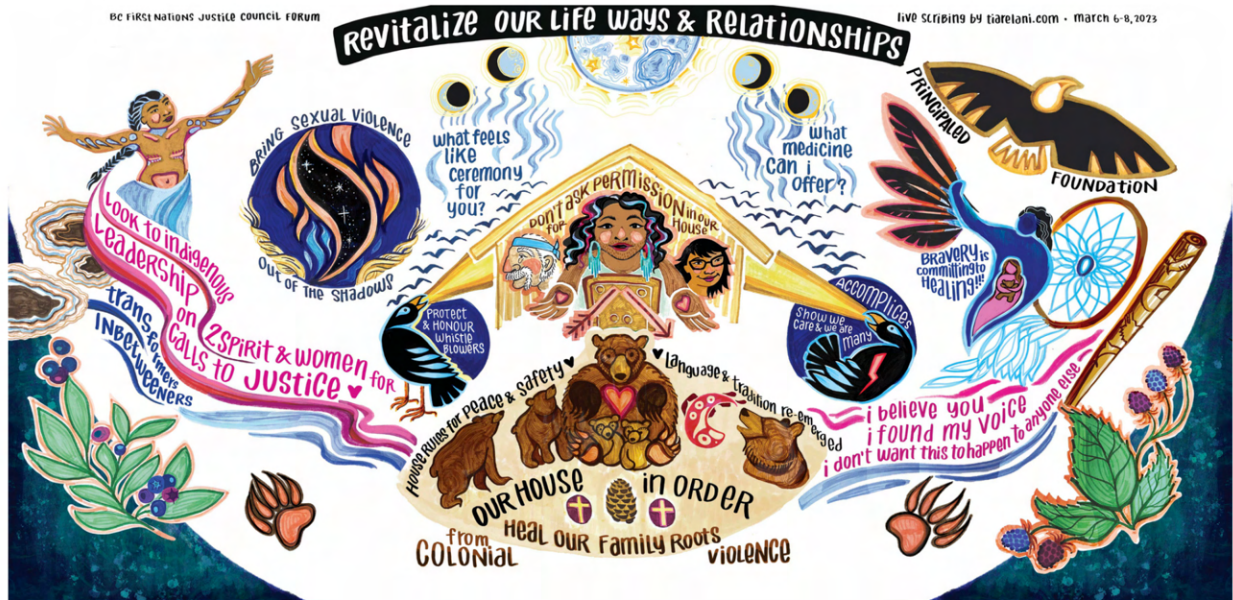
### **Conclusion**

The First Nations Provincial Justice Forum held March 6-8, 2023, concluded on March 8, 2023, at 12:38 p.m.





Graphic illustration completed during The First Nations Provincial Justice Forum held March 6-8, 2023 authored by Tiaré Jung.



**Tiaré Jung (they/them)**  
**Graphic Recorder & Illustrator**

Website: <https://tiarelandi.com/>  
 Instagram: <https://www.instagram.com/iamtiarelandi/>

A queer person of Hawaiian, Tahitian, Lheidli T'enneh, Irish, and Chinese ancestry living on xʷməθkʷəyəm (Musqueam), Skwxwú7mesh (Squamish), and səilwətał (Tsleil-Waututh) Homelands (colonially known as Vancouver).

From the artist: "The stories that inspired these images felt like medicine to me and feel deeply connected to my own lived experience. I hope this mural is also medicine for others..."

- Witnessing and collective holding for trauma & shadow that colonialism attempts to blame and criminalize us for individually
- Upholding ways of being and doing that build collective power, as someone said, instead of asking "whose jurisdiction?" asking "what medicine can I offer?"
- Finding our agency, our voice, being witnessed in the strength and bravery it takes to heal
- Knowing it's possible to revive Indigenous ways of being, celebrating stories like the 4 Sisters"



Digital illustrations completed during The First Nations Provincial Justice Forum held March 6-8, 2023 authored by Caleb Ellison-Dysart.



***Caleb Ellison-Dysart (he/him)***  
***Muralist, Illustrator & 3D Animator***

Website: <https://www.moswadesigns.com/>

Instagram: <https://www.instagram.com/tallestcree/>

A nîhithaw (Cree) artist living on Coast Salish territories. His family comes from O-Pipon-Na-Piwin Cree Nation & Nisichawayasihk Cree Nation in Northern Manitoba, and the Twin Cities of Minnesota.

From the artist: "I was struck by the themes of 'reforming the current justice systems' while 'looking to the future, to what we will create with Indigenous leadership'. On the right I depicted an eagle, to represent the communication between the spirit world and earth and a tree which shows the growth and potential for BCFNJC. On the left, I depicted a scale and judge hammer, to represent our current justice system. Showing that we still have a hand in the current process, yet are forward looking to an Indigenous future for the justice system.

At the Center of these things we see the individual, which I believe is the most important component. My work always centres around the internal and external reciprocity between all things. Having that health within your own body, mind and spirit is critical to your engagement with other forms of life. Individuals are at the center of all of these systems, and the end goal is the health and well being in Indigenous people!"

# List of Appendices

The following appendices are attached to these proceedings:

- Appendix A - Acronym List
- Appendix B - Information Items
- Appendix C - Forum Attendees



## Appendix A – Acronym List

The following acronyms are used in these proceedings:

AFN	Assembly of First Nations
BCAFN	BC Assembly of First Nations
CEO	Chief Executive Officer
CFS	Child and Family Services
CTA	Community Tripartite Agreement
DRIPA	Declaration on the Rights of Indigenous Peoples Act
DOJ	Department of Justice
BCFNJC	BC First Nations Justice Council
FNJS	First Nations Justice Strategy
FNLC	First Nations Leadership Council
FNS	First Nations Summit
FPIC	Free, Prior, Informed Consent
IJC	Indigenous Justice Centres
IPF	Indigenous Police Force
IWG	Indigenous Women and Girls
IWJP	Indigenous Women Justice Plan
MMP	Mandatory Minimum Penalties
MOU	Memorandum of Understanding
MCFD	Ministry of Children and Family Development
MMIWG	Missing and Murdered Indigenous Women and Girls
NIJS	National Indigenous Justice Strategy
NWT	Northwest Territories
OSR	Own Source Revenue
RFP	Request for Proposal
SCC	Supreme Court of Canada
TRC	Truth and Reconciliation Commission
2S	Two Spirited
UBCIC	Union of BC Indian Chiefs
UNDRIP	United Nations Declaration on the Rights of Indigenous People

# Appendix B – Information Items

The following information items were provided at the Forum:

BC First Nations Justice Forum, Fairmont Hotel, Vancouver, British Columbia Program  
Community Safety and Peacekeeping (Policing): Backgrounder

1. Appendix A: BCFNJC's Recommendations to the Special Committee on Reforming the Police Act (SCORPA)
2. Appendix B: Challenges with the First Nations and Inuit Policing Program (FNIPP)
3. Appendix C: SCORPA Recommendations
4. Appendix D: Policing as an Essential Service Forum Legislative Recommendations
5. Appendix E: Organizational Structure of Colonial Policing and Police Oversight

Indigenous Women's Justice Plan: Backgrounder

Indigenous Courts: Backgrounder

Elders and Knowledge Keepers: Backgrounder

Corrections: Backgrounder

6. Appendix A: Implementation of the BC First Nations Justice Strategy (Canada and BC)

Future of Legal Services for Indigenous Peoples in BC: Backgrounder

Education, Training and Cultural Safety: Backgrounder

7. Appendix A: Supplemental Information

First Nations Youth Justice and Prevention Action Plan: Backgrounder

Community Justice Programming and Diversion: Backgrounder

National Indigenous Justice Strategy: Backgrounder

8. Appendix A: Implementation of the BC First Nations Justice Strategy (Canada and BC)



## Appendix C – Forum Attendees

The following were in attendance at the Forum:

Delegates from First Nations communities, government agencies, legal organizations, students, as well as BCFNJC and BC Provincial staff. The event has been well-received and has generated a high level of engagement and interest from all participants.

Attendance Breakdown:

Registered: **418**

Checked-in (Attended): **337**

Registration types (reporting on and collected as attended mentioned above):

BC First Nation Delegate: **57**

Students: **9**

Representative Organization: **85**

Observer/NGO: **76**

Provincial Government: **35**

BCFNJC Staff: **57**

Of the 57 First Nations delegates that were in attendance there was representation from 43 Individual Nations. The 43 Nations represented (reporting on and collected as attended) is listed below:

Adams Lake Indian Band	Lytton First Nation	Taku River Tlingit First Nation
Ahousaht	McLeod Lake Indian Band	Tl'esqox - Toosey Indian Band
Aitchelitz	Nak'azdli Whut'en	Tl'etinqox
Akisqnuq First Nation	Nla'kapamux Nation	Tsawwassen First Nation
Canim Lake	Nuxalk Nation	Tsay Keh Dene Nation
Cheam First Nation	Okanagan Indian Band	Tsideldel First Nation
Cook's Ferry Indian Band	Old Massett	Tsleil-Waututh Nation
Cowichan Tribes	Saik'uz First Nation	Upper Nicola Band
Esquimalt Nation	Shxw'ōwhámel First Nation	Westbank First Nation
Fort Nelson First Nation	Skatin Nation	Witset First Nation
Gitxsan	Skowkale First Nation	Xeni Gwet'in First Nations
Halalt First Nation	Spuzzum First Nation	Government
Homalco First Nation	Squamish Nation	Yeqox Nilin Justice Society
Kingcome Inlet	Sts'ailes Nation	ʔaǰam
Kispiox Band	Takla Nation	

Honouring Ceremony (Evening of Monday, March 6th) Attendees: **286**

# First Nations Provincial Justice Forum

Fairmont Hotel Vancouver  
Vancouver, BC

March 6-8, 2023



Notes by Megan Krempel, Analysis by Policy Team (BCFNJC)



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