



TO: BC Assembly of First Nations – Chiefs in Assembly
FROM: BC First Nations Justice Council
DATE: September 16, 2022
RE: BCFNJC Update for BCAFN Annual General Meeting

PURPOSE

Recognizing that the strength of our mandate is drawn from BC First Nations, the following provides the membership of the BC Assembly of First Nations with an update on the implementation status of the BC First Nations Justice Strategy (the 'Strategy').

BACKGROUND

Just over two years have passed since the signing of the BC First Nations Justice Strategy (2020). We continue to work on bringing about fundamental change to the justice system and a different reality for Indigenous peoples in BC. With your support, we have managed to make significant strides in this regard including the establishment of three Indigenous Justice Centres, a Virtual Indigenous Justice Centre, and the expansion of Gladue reports in the province. Through the work of the BC First Nations Justice Council, as outlined in the BC First Nations Justice Strategy, the commitment and capacity to rebuild Indigenous legal structures and decolonize existing models of justice has never been stronger.

In addition to our partnership with the BC Government, earlier this year Canada joined us on our shared journey towards transformative change. First Nations and Indigenous peoples from across the country are looking to us as a leader in Indigenous justice. We have accomplished a lot, but much more needs to be done.

We all know this work is long overdue and the BCNJFC cannot do this work alone: we are calling on you to work with us to help deliver the transformative change needed in the justice system.

KEY UPDATES

The following section outlines the key updates and areas of work underway which support implementation of the Strategy and related initiatives/lines of action. These strategies and lines of action have been prioritized based on funding BCFNJC has received.

Strategy 4 - Indigenous Justice Centres

IJCs provide wrap-around services for Indigenous people in conflict with Canadian law. Each IJC is unique - built and staffed with a view to the host community's needs and vision for legal services. Our goal for each IJC is to hire individuals from the Nations that IJC serves, as well as other Indigenous people and allies who understand Indigenous histories, culture and laws. Services provided at our IJCs include legal advice and representation on child

protection and criminal law matters; advocacy and support for dealing with agencies such as the RCMP, social services and the Ministry of Children and Family Development (MCFD); Gladue report writing and aftercare; referrals, and more.

BCFNJC also provides services through the Virtual Indigenous Justice Centre (VIJC), a telephone and web based, no-cost legal service provider for Indigenous people across BC. The service helps our people navigate the justice system which is often complex, intimidating, and in many instances, can be culturally unsafe. Our lawyers and legal staff are available Monday to Friday. Indigenous people can call for support, at no charge, from anywhere in BC (1-866-786-0081). Emails can also be directed to: virtual@bcfnjc.com.

There are currently three physical IJCs, and we have a mandate to open twelve additional centres in the coming years. BCFNJC welcomes expressions of interest from communities and Nations who may be interested in hosting an IJC. At the same time, we acknowledge that BC and Canada's commitment to opening 15 IJCs is not enough for our Nations spread across vast lands. We know access to justice for our people demands more than 15 brick and mortar IJCs, and we are actively advocating for solutions to address this. We ask for your patience and collaboration as we work to identify and attain the resources needed to expand the scope of this crucial initiative.

Strategy 5 – Legal Services

The Indigenous Justice Centres (IJCs) and an Indigenous controlled, decolonized approach to legal aid are key components to increasing trust in the Canadian legal system, reducing offending and victimization, and increasing self-determination. It is imperative that legal services for our people are designed, delivered, and directed by our people.

With our partners, BCFNJC is working on the transition of legal aid service provision for our people from Legal Aid BC to the BCFNJC. We will continue to provide updates as this important work unfolds.

Strategy 6 – Gladue Services

When we developed the Justice Strategy, we knew things needed to change drastically. This needed to begin with Indigenous people leading and overseeing the work that was already being done in BC. This couldn't be truer with respect to the creation of the Gladue Services Division, tasked with implementing the *Gladue* and *Ipeelee* decisions of the Supreme Court of Canada. That is why, on April 1, 2021, the responsibility for Gladue Services and Gladue report writing transitioned from Legal Aid BC to the BCFNJC under the Gladue Services Division.

In our first year since the transition, we saw a 30% increase in requests for Gladue reports and we more than doubled the number of Gladue reports delivered to the Courts. The demand for Gladue services continues to grow and we have some exciting changes to our approach in the works. Please visit our website to learn more about Gladue and for an opportunity to join this growing team.

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Strategy 11 – First Nations Women

BCFNJC is developing an Indigenous Women's Justice Plan which incorporates key findings from the MMIWG2S+ Final Report and Calls for Justice, the Truth and Reconciliation Commission Calls to Action and numerous other important works. The plan is designed to set out clear and shared approaches to ending the grim realities faced by First Nations women as victims of crime. The plan will also include a strategy to address the challenges of intimate partner violence and the range of issues caused by enforcement of no contact orders, administrative offences, and providing safety to victims of violence in communities.

BCFNJC has assembled a strong working group consisting of Indigenous women with lived experience, lawyers, policy experts, and allies, to identify and develop immediate, short, medium, and long-term strategies to improve the lives of Indigenous women. The creation of a plan that will make meaningful change in the lives of Indigenous women in BC is an absolute priority for Council in the 2022-23 fiscal year. We look forward to presenting our work to Rights-Holders in Spring 2023.

Strategy 12 – First Nations Courts

BCFNJC is working with BC to develop a new approach to First Nations Courts. There are currently eight First Nations Courts in the Province. Primarily these are sentencing courts, where different processes and procedures, including those that are more healing-based and culturally appropriate, can occur at the sentencing stage.

While an important initiative - the result of laudable and steadfast leadership of Indigenous experts - First Nations Courts are, at their core, a construct of colonial governments. They are not courts where Indigenous laws and jurisdiction are applied by means of *our* processes and *our* institutions. Strategy 12 seeks to address this: not only to ensure reform to the current structure of First Nations Courts, but to actualize our laws and establish systems for ensuring those laws have effect.

The new approach we are advancing seeks to ensure future investment and expansion in the current model of First Nations Courts is coordinated with efforts to reawaken First Nations legal orders consistent with our rights and with UNDRIP.

Strategy 21 – Elders and Knowledge Keepers

Strategy 21 mandates the creation of an Elders and Knowledge Keepers Council as a necessary condition to implementation of the Justice Strategy. While the BCFNJC Elders Liaison continues to engage with Elders across BC, we could use your support to identify those who carry the law within your communities. Elders and Knowledge Keepers are integral to criminal justice reform, restorative justice initiatives and the recognition of First Nations legal orders.

Beyond the creation of an Elders and Knowledge Keepers Council, we aspire to host Elders-in-Residence at our Indigenous Justice Centres (IJC) to ensure the work is culturally grounded and implemented in a good way. Please connect with our team for more information.

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Strategy 22 – Policing

There is no group of people in BC who have been more profoundly and adversely affected by policing than Indigenous peoples, and yet no group of people who have had less say in how policing has been established. To date, we are working to unpack these historic wrongs, and per the Strategy, have engaged all policing service providers in the province to begin a new relationship.

We have heard from many who are seeking to fundamentally restructure policing for their communities, and for our people more broadly. BCFNJC takes this work incredibly seriously. We are in communication with those tasked with implementing the recommendations of the Special Committee on Reforming the Police Act, and we anticipate playing a formal role in this critical work. We are also engaging with Canada in this respect. While changes to the colonial approach to policing are necessary and overdue, BCFNJC acknowledges that tinkering with the existing system is not enough: we need a system that is designed for us, by us. This is the essential work outlined in Strategy 22.

Child Welfare Justice Plan

BCFNJC is working with Dr. Roshan Danesh to develop a child welfare justice plan which takes a specific approach to the issues of child welfare as they relate to the justice system. This work is a compliment to the BC First Nations Justice Strategy and is expected to be complete by the end of the calendar year.

National Indigenous Justice Strategy

We have partnered with the First Nations Leadership Council (FNLC) on engagement around the forthcoming National Indigenous Justice Strategy. The work we are leading in BC has been recognized as a model for First Nations and provinces across the country to follow. We are working to support Rights-Holders in other jurisdictions to create their own justice strategies and will be planning a number of engagements over the next two fiscal years to help inform what BC Rights-Holders expect to see in the National Strategy.

EXCITING OPPORTUNITIES – JOIN THE TEAM

BCFNJC is growing rapidly. We are seeking determined, hardworking, intelligent and ambitious Indigenous people from across our territories known as British Columbia. Our mission is to support the well-being of future generations by transforming the status quo today - upholding self-determination, reclaiming legal traditions and addressing systemic injustice. What's more, we offer competitive salaries, comprehensive benefits and cultural safety. Encourage your best and brightest to join our team!

We are also working to form an Elders and Knowledge Keepers' Council. Elders and Knowledge Keepers are integral to criminal justice and child welfare reform. BCFNJC is working to host Elders in Residence at the Indigenous Justice Centres to help ensure the work is culturally grounded and implemented in a good way. Further, Strategy 21 mandates the creation of an Elders Council that can provide support to all sectors of the justice system as we implement the Strategy and beyond.

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What's more, Strategy 2 visions First Nations self-determination of justice systems and institutions. To reach that vision, we need to develop meaningful and reciprocal relationships with Elders, Knowledge Keepers, Ceremonial Leaders, and all those who hold the laws of BC First Nations. We need your support to help identify and lift up the Knowledge Keepers and Elders within your communities.

For all this and more, visit our website (www.bcfnjc.com).

NEXT STEPS

The BCFNJC is actively working to implement the BC First Nations Justice Strategy and support the transformative changes needed to increase access to justice in BC. We look forward to reporting on our progress as Strategy implementation proceeds.

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