

Results at a glance

Evaluation of the Indigenous Courtwork Program (March 2018)

Established in 1978, the objective of the Indigenous Courtwork Program (ICW) is to contribute to achieving the federal government's commitment to ensuring fair, equitable, culturally relevant treatment for Indigenous people involved with the justice system. The Program is guided by a Federal, Provincial and Territorial (FPT) Working Group and a Tripartite Working Group (TWG) which serve as policy forums for ongoing monitoring of inter-jurisdictional issues.

WHAT WAS FOUND

- The Program is well aligned with the priorities of the federal government and the Department of Justice as demonstrated by the increased level of funding, and the government's focus on a renewed relationship with Indigenous Peoples.
- There is a strong continuing need for the Program attributed to the overrepresentation of Indigenous People in the criminal justice system and high demand for ICW services.
- The Program is responsive to the needs of Indigenous People and the roles of Courtworkers have continued to evolve and expand, which is viewed as enhancing the effectiveness of the Program. However, time and resource limitations impact the consistency of services provided across the courts and communities, and for clients with complex needs.
- The Program contributed to a more fair, just and culturally relevant treatment of Indigenous people before the court by promoting alternative and restorative measures that improve outcomes for clients, advocating for reasonable bail and probation conditions, helping reduce breaches, and building trust in the justice system.
- Over 95% of clients reported satisfaction with the information received. 90% of justice and court officials reported the Courtworkers improved communication between ICW clients and those involved in the administration of the criminal justice system.
- 82% of justice and court officials reported the Courtworkers assisted their clients to make informed decisions about pursuing alternative measures, such as Indigenous court/specialized courts, or restorative justice.
- According to the justice officials and key informants, the increased involvement of Courtworkers has

provided the court with access to information which it otherwise would not have had, enabled *Gladue* Principles to be applied more consistently, and led to better ICW client and court decisions.

- The TWG plays an important leadership role through information sharing and the conduct of important initiatives. However, structural and communication issues were identified.
- The Project Fund has positive impacts by providing resources for training and testing innovative initiatives. Some concerns have been raised regarding the limited opportunities to share best practices and secure funding for projects in future years.
- In 2016, the budget increased from \$5.5 million to \$9.5 million for the first time since 2002 to address program integrity pressures. The timing of the evaluation did not allow for an assessment of the increase in program budget.

RECOMMENDATIONS:

Recommendation 1: It is recommended that Justice Canada, in collaboration with the provinces, territories and service delivery agencies, as appropriate, review the scope of services and activities of the Courtworkers in the ever-changing criminal justice system. Consideration should include how to best align funding with the priorities.

Recommendation 2: It is recommended that Justice Canada, in collaboration with the Tripartite Working Group (TWG), review the Terms of Reference with a view to developing recommendations for consideration by the FPT Deputy Ministers Responsible for Justice and Public Safety that will modernize the TWG Terms of Reference. Consideration should include:

- the directions identified in the Strategic Plan; and,
- the role of the TWG in decision-making processes, for example, identification of priorities for the TWG Project Fund.

ABOUT THE EVALUATION

The purpose of the national ICW Program evaluation is to examine the relevance, effectiveness and efficiency of the Program, in accordance with the Treasury Board 2016 Policy on Results. For the full report, please visit the Evaluation Division <http://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/2018/icp-papa/index.html>

