

Results at a glance

Evaluation of the Indigenous Courtwork Program

Established in 1978, the Indigenous Courtwork (ICW) Program's objective is to contribute to the federal government's commitment to ensure fair, equitable, culturally relevant treatment for Indigenous peoples involved with the justice system. The Program is delivered through a relatively small network of approximately 230 Courtworkers across Canada who ensure that Indigenous peoples (their clients) receive information about their legal rights and the court process. Indigenous Courtworkers also facilitate communication between their clients and justice personnel, and connect them to community supports and services. They also provide critical background and contextual information on their clients, and make the court aware of alternative measures and options available in the Indigenous community.

WHAT WAS FOUND

- The ICW Program is consistent with the most notable federal government commitments to renew its relationship with Indigenous peoples, work in consultation and cooperation with Indigenous peoples, and advance reconciliation through the development and implementation of action plans, strategies, and related legislation.
- The Program helps clients receive fair, equitable and culturally sensitive treatment by advocating on their behalf and connecting them with culturally relevant programming in their community. Because of their interaction with Courtworkers, Indigenous peoples are more aware of their rights, obligations, and available resources, and better understand the judicial process and court proceedings.
- Courtworkers provide valuable information and advice to judicial and court officials, which are used to inform their decision making and court processes and contribute to Indigenous cultural values being reflected in the administration of the Canadian justice system. The information provides insight into the obstacles faced by clients and their needs, alternative/restorative justice programs available, other community resources that are available and the clients' background and cultural traditions. Although Courtworkers play an important role in increasing the use of non-custodial options and rehabilitative programming, the use of these alternatives is limited by the availability of programs in some communities.
- Despite a general agreement among judicial and court officials that the information provided by Courtworkers is useful and valuable, evidence suggests that there continues to be a need to further increase awareness of the role and value of Courtworkers amongst this group.

- Demand for Courtworker services has increased since the last evaluation. While the number of ICW clients served has been stable, the number of services per client has increased over the past five years.
- The COVID-19 pandemic resulted in additional demands on Courtworkers due to a reduction in client access to services, an increase in complexity and severity of client needs, and an expanded role to meet the urgent needs of Indigenous communities dealing with the pandemic (e.g., conducting wellness checks and providing meal kits).
- Key challenges that have had an impact on program service delivery include the insufficient number and high turnover of Courtworkers, a lack of ongoing and enhanced training, and insufficient mental health training and supports for Courtworkers.
- GBA+ was considered in the planning and delivery of the ICW Program. Courtworkers tailor services for diverse groups in order to help them obtain equitable treatment in the justice system.
- Courtworker activities help prevent clients from unnecessary arrests and time in custody. The cost savings to the criminal justice system from these activities are estimated to be about \$73 million per year.

RECOMMENDATIONS:

Recommendation 1: The Policy Implementation Directorate, in collaboration with the Tripartite Working Group, should examine ways to improve access and availability of training for Courtworkers.

Recommendation 2: The Policy Implementation Directorate, in collaboration with the provinces, territories and service delivery agencies, should identify ways to increase judicial and court official awareness of the role of Courtworkers and the value of the services they provide.

Recommendation 3: The Policy Implementation Directorate, in collaboration with the Tripartite Working Group, should explore ways to increase the wellness and mental health supports available to Courtworkers.

ABOUT THE EVALUATION: The Evaluation of the Indigenous Courtwork Program was conducted by the Department of Justice Evaluation Branch and covered fiscal years 2018-19 to 2021-22. Its main objectives were to examine the relevance, effectiveness and efficiency of the Program, in accordance with the Treasury Board's *Policy on Results* (2016).

