



Indigenous Justice Strategy

What We Learned

Wave 2 Justice Canada-Led

Engagement

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Background

Indigenous Justice Strategy Overview

In January 2021, the Minister of Justice and Attorney General of Canada was mandated with developing, in consultation and cooperation with Indigenous partners, provinces, and territories, an Indigenous Justice Strategy (IJS) to address systemic discrimination and the overrepresentation of Indigenous people in the criminal justice system.

Addressing these issues is consistent with the principles regarding the Government of Canada's relationship with Indigenous people, the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration), the National Inquiry into Missing and Murdered Indigenous Women and Girls' (MMIWG) Final Report and Calls for Justice, and the Truth and Reconciliation Commission of Canada's Calls to Action (TRC-CTAs). The Ministers of Crown-Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada and Public Safety Canada have also been mandated to support this work.

In the spirit of reconciliation, and out of respect for Indigenous rights to self-determination, Justice Canada recognizes that the development of an IJS must be informed by the voices and experiences of First Nations, Inuit, and Métis. Justice Canada further recognizes the need to consider distinctions between First Nations, Inuit across Inuit Nunangat, and Métis, going forward in relation to the IJS. Development of the IJS is being informed by two streams of engagement: 1) Indigenous-led engagement undertaken by communities and organizations with funding from Justice Canada; and 2) Justice Canada-led engagement.

This report provides an overview of the Justice Canada-led engagement that took place between April and December of 2023.

Wave 1



Starting in November 2022, Justice Canada began consulting and cooperating with First Nations, Inuit and Métis partners to gather input, ideas, and recommendations to inform the development of an Indigenous Justice Strategy.

Wave 1 of Justice Canada’s engagement process included the development and implementation of twenty-six regional and distinctions-based (First Nation, Inuit, Métis) dialogue sessions with more than 700 indigenous partners including youth, urban and 2SLGBTQI+, stakeholders, justice practitioners, provincial and territorial representatives, and other federal government departments, as well as online engagement activities to inform the development of the IJS. Wave 1 engagement ended in March 2023 and a What We Learned report was released in August 2023 on the [Justice Canada website](#).

One of the key learnings from Wave 1 was that more in-depth discussions were needed between Indigenous people, community-based practitioners and government policy makers in each province and territory.

Wave 2

Wave 2 engagement was launched in early Spring 2023 and concluded in December 2023. Regional in-person dialogues took place in each province and territory (except in Northwest Territories due to a fire crisis at the time of planning). The focus of Wave 2 engagements was to identify regional priorities for action by bringing First Nations, Inuit and Métis, and provincial and territorial governments together in conversation. These sessions were designed as small gatherings to elicit concrete recommendations for actionable changes informed by the regional needs and lived experiences of First Nations, Inuit and Métis people and justice system professionals. As in Wave 1, discussions followed two overarching themes:

1. Supporting Indigenous justice systems
2. Making substantive changes to the existing Canadian justice system

To allow for broader participation, each region also offered virtual sessions that provided additional opportunities for input. More than 500 individuals participated in this wave of engagement representing regional stakeholders, government and territorial officials and Indigenous communities, nations and organizations.





While the conversations that took place during Wave 2 were not distinctions-based as was done in Wave 1, it is understood that First Nation, Inuit and Métis people and communities experience the justice system differently and face different barriers which were highlighted during the regional conversations. Urban Indigenous people, youth, women, 2SLGBTQI+ Indigenous people and Elders also took part in conversations and shared their unique experiences and voices to inform this report.

People with Lived Experience

Participants in Wave 1 identified people with lived experience within the justice system as an integral group to include in discussions. To address this, the People with Lived Experience (PWLE) stream of engagement was added to Wave 2. A separate What We Learned report on the PWLE engagement process is available on [Justice Canada's website](#).

Shared Perspectives and Priorities Across the Country

While every regional conversation in Wave 2 captured the unique circumstances and needs of the First Nations, Inuit, and Métis people of those regions, several key issues and ideas were identified from coast to coast to coast. As noted in Table 1, most suggested actions focused on reforms to the current justice system.





Table 1. Suggested actions by theme

Theme	Count of suggested actions
Reforming the current system	708
Supporting Indigenous justice systems	307

Funding

While funding came up as a key issue across both themes, it was repeatedly mentioned as the greatest barrier to communities supporting and managing Indigenous justice systems.

Participants noted that funding is almost always:

- insufficient
- program-based, and therefore unreliable
- tied to heavy reporting requirements
- has limited use (for example, not eligible for infrastructure expenses)

We heard that communities have the knowledge, desire, and skills to develop and manage Indigenous justice systems but lack the capacity and finances. “Fund it and get out of our way,” was repeated by participants in many conversations. We heard when Indigenous communities manage their own justice matters, it saves the Canadian justice system both time and money. Frustration echoed in every conversation around the fact that Indigenous organizations provide greater benefit for Indigenous people in the justice system with fewer resources, and that they should be funded and supported according to their needs.





In particular, participants highlighted the need for funding that can be applied to infrastructure investments, rather than only salaries and program expenses. Building the correct spaces for community-based programs is integral to their success, and the upfront costs of new buildings are often cost-prohibitive for communities. In remote regions, funding to upgrade infrastructure such as fibre optic internet connections is increasingly important, but funding is extremely limited.

Intervention, Aftercare, Healing

Community-based wrap-around services were cited as the most important element to the success of local Indigenous justice systems, including within the urban Indigenous context where the majority of Indigenous people live. Participants noted that every component of the justice system should be community-led, from policing, diversion, courts and hearings, sentencing, and corrections, to healing and reintegration. We heard that if the community handled its own policing and community safety, far fewer charges would be laid and alternative solutions that better support community healing could be implemented. We also heard that the colonial court system is confusing, overwhelming, triggering, and logistically challenging for many Indigenous people to access. Participants spoke at length about the effectiveness and cultural importance of Sharing and Sentencing Circles, and traditional methods of healing including Healing Lodges, land-based ceremonies and learning opportunities, and working with victims and their families to make reparations and heal the community.

Victim and Family Support Services

Victim and family support services were noted as being woefully under-resourced and overlooked by the Canadian justice system, and an area where communities have the required insight and experience to assist and support. Victims are often retraumatized by their experiences with the justice system, including speaking with uniformed officers, attending court dates in the same building as the person they are testifying against, not being informed when perpetrators of crime return to the community, and lack of access to healing and wellness programs. Participants urged that community-led victim services need to be funded by government partners, and also stressed that changes to access and to the ways Indigenous people interact with justice systems are needed to better support victims of crimes.



Program Capacity

Across the country, we heard community capacity is the largest barrier to supporting Indigenous justice systems. In addition to the funding issues outlined above, participants cited in conversations across the country, that Indigenous justice systems can only be successful when they have the tools to hire, train, compensate, and retain the talent and resources in their own communities.

Participants noted that receiving the “proper” education and credentials can be a challenge for Indigenous people who are living in remote and rural settings. Programs are often located far from home, and when people do leave their communities for educational opportunities, they are likely to remain in urban centres rather than return to their home communities. Participants stressed the importance of building more educational programs and ensuring they can be accessed remotely. Participants also wanted equivalent experience to be considered in place of formal education requirements to increase opportunities for community members to be employed in more justice roles.

A number of participants cited programs such as Community Safety Officers and Special Constables as ways communities can begin to manage their own community safety needs. Insufficient funding for these programs, however, often means that people are paid less in these roles than equivalent roles with their municipal, provincial, or national police services. Therefore, trained, competent workers often leave community jobs to find better pay elsewhere. Participants noted that proper program funding would stop the “brain drain” that Indigenous communities across the country are currently experiencing, preventing opportunities to expand or support new initiatives, where data suggests programs are effective.



Regional Conversations

Alberta

The Alberta regional session took place in Edmonton with 26 in-person participants and 17 virtual participants representing the provincial government, victims services, Royal Canadian Mounted Police (RCMP) and local police services, Indigenous courtworkers (ICWs), Elders, and members of the judiciary. The comments represented the distinct perspectives and needs of First Nations and Métis communities across the province.

Participants talked about the desire for self-determination and self-governance, particularly in policing and community safety matters. We heard there is a lack of support for enforcing First Nation by-laws. First Nations and Métis communities are looking for ways to protect their territory and their people, and have provincial and federal governments recognize and support those decisions. We also heard that there is a desire to move towards a more integrated and holistic justice model, with participants citing the hub model¹ as one way that might work well for their citizens.

Supporting Indigenous Justice Systems

Language and Culture

Participants spoke at length about the importance of reclaiming language and culture to revitalize and implement Indigenous justice systems. Participants felt that Indigenous justice would be grounded in ceremony and cultural reconnection and would be deeply land-based. We heard that for those systems to thrive, community members would have to reconnect with their heritage to see value in community healing and responsibility

¹ The Hub model is a venue for human service providers from various sectors (policy, education, addictions, social work, mental health, outreach, harm reduction, etc.) to develop a plan of intervention that involves multiple sectors collaborating to mobilize the appropriate services and supports around the needs of the individuals or families.



towards community.

“We have a relationship-based society. Relations with other people, relations with Creator, relations to land, relations with children, and relations with ourselves. If we don't have those, we're not in balance.”

Additionally, language barriers were raised as an issue for people's understanding of the court process. Participants highlighted the challenges for Indigenous people who do not speak English or French as their first language trying to navigate the court system. It was suggested that Indigenous courts should be provided in Indigenous languages, including translated signs and resources. Participants voiced that even when Indigenous people speak English or French the legal jargon and complexity of the court system leaves them confused and leads to many misunderstandings.

Concerns were also raised around the lack of infrastructure for First Nations and Métis people to practice their spiritual beliefs, particularly in urban settings. Participants highlighted that the funding provided by Justice Canada cannot be spent on infrastructure, and the financial resources to build community spaces is often unavailable for Indigenous communities.

Enforcement of Indigenous Laws

We heard communities need more support from the RCMP and courts to enforce community by-laws. Participants spoke about banishment laws and the importance of knowing that these decisions will be upheld by both law enforcement and provincial courts. It was felt that ideally, communities would be able to both enforce and prosecute their own by-laws and keep community well-being in the hands of the community. For example, issuing fines which would allow for the community to gain a financial resource that is not tied to provincial or federal funding. We heard that communities would benefit from working more closely with RCMP experts to craft by-laws that are enforceable. RCMP members in attendance were quick to caution that while they are happy to enforce community by-laws, there would have to be agreement to prosecute the charges.



Focus on Healing

“The object of the game is not to restore healing to this person so that they can be back in the community, but to make sure you punish them as much as you can.”

We heard that an Indigenous justice system would focus on healing rather than punishment. For the system to be successful there would need to be more addiction centres, housing shelters, mental health facilities, and healing lodges developed in Indigenous communities across the country. Participants flagged that easy and immediate access to these services would greatly reduce crime rates and recidivism and lead to healthier communities overall. It was noted that the lack of trans-rural transportation in Alberta makes accessing services, like addiction treatment, extremely difficult and separates those seeking treatment from their families and support networks. Participants spoke at length about the challenges associated with having to build new relationships and trust new practitioners while on a healing journey. They indicated that healing would be better accomplished if services worked holistically and could be accessed from one location in a community. We also heard that 28-day addiction treatment programs do not allow enough time to heal and programs that could be accessed in community would allow for outpatient healing to be a continual process.

“Integrated case management to me is a circle. You're working with an individual, but also with their partner, with their helping system, with their parents, with their friends, or whoever is in that circle to become the village of support for change for that individual.”

Participants shared that Indigenous justice centres should be focused on healing both the individual and community and should include Elders and Knowledge Keepers in the process. Elder services were viewed as a central service that victims and offenders should be able to access easily. It was stressed that an appropriate Elder would need to be available—not just an Elder of the same distinction, but from the same region and Nation to ensure historical and cultural context and that practices are meaningful for the person in need of support.



We heard that sexual assault centres and Indigenous victim services need to be present in all communities. Participants stressed that victims are retraumatized in the effort of coming forward, testifying, speaking to police, and having to re-tell their stories, and need to be properly supported. It was noted that healing can only occur when people feel safe and empowered, and that can only be done when they have access to reliable and secure supports. Participants stressed the importance of Indigenous people being supported by other Indigenous people who can provide culturally safe and meaningful support and understand the complex intergenerational trauma often associated with their situations.

Reforming the Current System

Hub Model

Participants were vocal about the challenges that occur as different systems try to work together. It was stressed that when support systems do not work effectively together, it creates a web of systems that are much more challenging for individuals to navigate. For example, connecting victims with victim services was identified as a challenge when police are not referring individuals or denying contact information to workers.

Additionally, because services such as Indigenous court workers, legal aid, housing supports, addiction supports, health and wellness, and other social services are almost always housed in different buildings (and sometimes different cities), accessing these services can become a logistical and financial burden. While these services are often free to access, transportation, time off work, childcare, and other factors contribute to these services ultimately costing users money and making it less likely for people to access them.

It was stressed that these services need to be integrated, communicated effectively, and ideally, housed in one central location in each community. Participants suggested that assigning individuals—whether they are victims, offenders, family members, or other in need of support—a system navigator to support coordination would increase the effectiveness and efficiency of all services. Participants highlighted the importance of Indigenous people in system navigational roles because they felt there was very limited Indigenous representation within the justice system.



Education

We heard that bringing Indigenous history and culture courses into school curriculums would help increase understanding and empathy between Indigenous and non-Indigenous Canadians. For example, incorporating Indigenous practices, such as Sharing Circles, would teach students about Indigenous worldviews, leading to future generations having a broader sense of justice and healing beyond the colonial mindset.

We also heard that schools are a key player in the revitalization of Indigenous language and culture. Participants noted that there is a lack of Indigenous-related curriculum in schools, and by incorporating more Indigenous history, culture, language, and worldviews into the curriculum, Indigenous children would feel as though their heritage is important and worth preserving and integrating into their own lives.

We also heard from participants about the importance of cultural awareness training for frontline workers, police and community safety officers, judiciary, and support staff. Participants felt that the current training requirements are insufficient, and training should be land-based, run by Indigenous people, and make people confront their own power, privilege, and biases. Trauma-informed training was stressed as essential to serving Indigenous people and to understanding the root of trauma caused by colonization.

Child Welfare System

We heard that communities are lacking Children's Advocacy Offices and children who are removed from their homes are often removed from their communities as well—and both the child(ren) and their supports do not have the resources to challenge decisions. Participants shared that foster parents are not required or expected to maintain a cultural connection for an Indigenous child in their care which leaves them disconnected. This removal of children from communities often leads to loss of culture, which participants highlighted as a contributing factor to youth involved in the criminal justice system.

Participants shared that transitional supports for youth aging out of care are insufficient and when they have been removed from their home communities, they can lose the connection to their homes, supports, and cultural touchstones. Participants urged



Justice Canada to expand funding for youth mentorship programs and cultural supports, and to find ways to ensure youth who are aging out of care have transitional housing and a connection back to their home community.

Policing and Community Safety

Participants felt that having local Indigenous policing and community safety teams was an important component in creating better justice outcomes for Indigenous people. Participants believed there is a lack of information sharing between the province and federal government regarding the development of local policing structures, specifically, how it would be done, how it would be funded, how it might work alongside or instead of provincial or national policing. Participants felt that local policing would solve many of the issues they see with current policing models, including the short-term contracts of the RCMP officers that police communities. Current issues raised by participants include the cultural and linguistic divide between non-Indigenous officers and Indigenous community members and the availability of policing services in communities, particularly in remote and rural communities.

In addition to calls for the development of local Indigenous-led community safety programs we also heard that the RCMP and local police can improve the current justice system through committing to more regular and in-depth cultural awareness training and by extending their rotations in rural and remote communities. Participants stressed the importance of participating in community feasts, ceremony and other culturally important events to build stronger relationships and trust when it comes to law enforcement and community safety. Participants felt that officers would be more likely to work with support services and consider options such as diversion if they know the community members and have an interest in the well-being of the citizens they police.

Release and Reintegration

Participants spoke at length about the issues faced by those being released from institutions and trying to reintegrate into the community. Housing and income were highlighted as essential for successful reintegration but were often the most challenging to obtain following release, and represent major causes for recidivism. It was stressed that there is a need for more transitional and affordable housing options as it can be a



challenge to find somewhere to live due to barriers such as criminal record checks done by landlords and finding a source of income.

Participants shared that people are often released without adequate clothing, food, shelter, or mode of transportation home. Better communication should be made between correctional institutions and communities when a member is due for release for a community to adequately support the member and to have an opportunity to counsel family members and victims appropriately. It was highlighted that the hub model would support both the individual and community to create a successful transition plan to ensure the well-being of everyone.

New Brunswick

An in-person session took place in St. Mary's, New Brunswick with 18 representatives from the province, Indigenous community-led organizations, RCMP, and victim services. Overall, the feedback we heard from participants was that New Brunswick does not have the same access to supports and programs available in other provinces, such as the Indigenous Courtworker (ICW) program. Due to the lack of available funding to provide much needed programming and supports, Elders and grassroot organizations are stepping in to fill the gaps. This is not a sustainable solution and more formalized Indigenous support networks are critically needed.

Supporting Indigenous Justice Systems

Language and Culture

Participants highlighted the colonial language used within the justice system, including the word "justice" itself. When you discuss ideas using colonial language you default to a colonial worldview and participants stressed that it is important to start reframing conversations from an Indigenous worldview by using Indigenous languages. Participants noted this can be challenging if conversations are held in English but the need to focus on healing and community wellness starts with the revitalization of Indigenous language.





“Elders, Knowledge Keepers, our language protectors tell us to look to the language to help heal our communities.”

We also heard that funding is needed to develop and run land-based cultural connection programs that allow Indigenous people, and particularly youth, to learn about their culture in a hands-on traditional way. Participants noted that programs need to be funded for longer and to measure benefits through the health and wellness of the community over many years.

Participants raised the importance of helping youth connect with their culture and feel proud of their heritage. We heard that prioritizing educational programming around Indigenous cultural activities and ways of knowing can help prevent youth from seeking connection in unhealthy places. We also heard that teaching all Canadians more about Indigenous history and culture can help bring youth from all backgrounds together and begin to heal the divisions that previous generations have faced.

Elders

Participants highlighted concerns around the lack of respect for Elders demonstrated by the colonial justice system, and a lack of understanding of the critical role they play in teaching and healing community members. Participants noted that Elders are often underpaid for the work they do, and Elder services are routinely undervalued.

*“We're gonna pay consultants, you know, \$2,000, probably a half day for a consultant...
But they buck at \$300 for a half day for an Elder.”*

Because there is no ICW program in the province, Elders often accompany people to court and help them navigate the system. Unfortunately, this work is “unofficial” and it is up to the discretion of each judge if an Elder can speak on behalf of someone during court proceedings. We heard that formalizing the respect for Elders in court rooms and within the justice system would help legitimize their role and help ensure they are compensated appropriately. Participants stressed when considering adequate



compensation for Elders, their traditional learnings and time spent working in communities must be seen as equivalent to education and work experience. Often, Elders struggle to advocate for themselves and ask for fair treatment, which participants felt leads to Elders being taken advantage of when they work within the system.

Justice Circles

We heard that Justice Circles focus on healing rather than punishment and they are a more effective way for a community to return to a state of balance. Participants noted that there are different ways of structuring a Circle based on the needs of the community and the matter being discussed. How a Circle is conducted must be left to the discretion of the community to determine on a case-by-case basis. Participants acknowledged that a shift to Justice Circles, and away from colonial court systems, requires a different mindset, in other words, not a “clear this case from your docket” approach but instead a “how can we heal this person and the community” mindset. We heard that investing in healing provides an excellent return on investment, as those who go through Justice Circles are less likely to reoffend and often serve their sentence in the community rather than being incarcerated.

Indigenous Representation

“I love that our people are getting services from our people but changing the narrative with government and having this whole table of people being all Indigenous, into the future, is really a nice world to me.”

We heard that Indigenous organizations are working hard to support their own communities and build networks of care. Participants spoke to the efforts across the province—and across the country—to protect and uplift Indigenous peoples and communities coming from grassroots community-focused organizations. Participants agreed that the best outcome in the future would be services provided by Indigenous people for Indigenous people but saw that there are several factors making that goal challenging to reach. Funding was raised as a constant struggle, and the need for





groups to compete against each other for funding is creating an atmosphere of competition where there should be a sense of cooperation and collaboration.

Reforming the Current System

Police

We heard that police are not engaging with community, do not know where citizens live, where services are located, or how to navigate between justice systems. Participants noted the high turnover rate for officers and short-term contracts are not conducive to relationship building and trust building in communities. Participants felt that police were not trying to learn the community's unique ways, cultures, and practices, instead imposing colonial solutions on the people of the community.

"It's so disheartening as an Indigenous person that if you're policing our community and you don't know where to go for support from a cultural standpoint or for a community safety standpoint."

Participants urged police to build relationships with grassroots organizations and Elders who can support members and citizens appropriately. Participants suggested that this is one of the reasons that community safety officers, who are Indigenous, should be the first people called during a crisis, and that developing a community safety program is high on the list of priorities. Participants were quick to clarify that they do not want to serve as police—in fact, they discussed at length the trust issues between Indigenous communities and police and questioned the effectiveness of a colonial police service at all—but instead they wanted to develop programs that were culturally safe and made community members feel valued and supported. We heard that police often approach situations with a punishment mentality and there is a perceived negative view of community practices around healing and rehabilitation. Participants wanted to move away from relying on police to protect their communities and instead take responsibility for caring for their own citizens. Participants noted while there has been training offered to officers regarding pre-charge diversion options, limited progress has been seen in using them. We also heard that outcomes are inconsistent across locations because a



lot of discretion is given to staff sergeants; in some areas diversion is more widely used but access is based on location.

“We're not policing our own people. We're here to protect our own people.”

Training

We heard that there is not enough cultural awareness and safety training for frontline workers who work with Indigenous people. Participants felt that members of the judiciary do not have an understanding of the history of trauma and abuse that colonization has inflicted on Indigenous people and communities, which make them unwilling to find holistic healing solutions for Indigenous people who need help rather than punishment. Participants highlighted cases where the courts will not divert cases for people with more than one charge; the courts do not consider the nature of the charges or whether they are the result of being expected to uphold a colonial bail or release condition that was impossible to meet. We also heard that a more effective solution would be to hire more Indigenous people to fill these roles so that the knowledge and understanding is inherently built into the system.

Participants shared that creating local training programs would help reduce the number of Indigenous people who must leave their communities for educational opportunities and do not return home.

“As Indigenous people, it's always on us to educate. Whereas if you're hiring more Indigenous people with that learned and shared experience, its less time having to do that because they grew up in communities or grew up with that culture.”

There should also be more information available to all community members on the justice system, as many end up pleading guilty because they do not understand what is



going on. Their legal aid lawyers only have five minutes with them and therefore cannot explain. ICWs would cover that information, but in their absence, it is a huge gap.

Participants shared that there is a history of systemic racism in the RCMP, and that there is no easy recourse to have decisions reviewed if people feel they have been treated unfairly by the system. Participants shared personal anecdotes of racial profiling and racial slurs being used by officers who faced no consequences for their actions. Additionally, participants noted that when cases can be diverted and are not, there is no place to have that decision reviewed and challenged. Participants called for an Indigenous Ombudsman Office for the province where decisions can be reviewed, complaints can be filed, and unfair decisions can be overturned and sent back for police and courts to review.

Newfoundland and Labrador

An in-person session took place in Goose Bay, Labrador. We heard from 20 participants that Newfoundland and Labrador are in practice two provinces that are very different both geographically and culturally and need to be considered and approached as separate regions with unique needs. This includes the distinct perspectives and needs of Inuit and First Nations communities. In particular, we heard from people in Newfoundland that the reality of living “on the island” was something that needed firsthand experience to be understood, in contrast to the distinct realities of Labrador.

Supporting Indigenous Justice Systems

Elders

“I think what our grandparents taught us wasn't about law. It's how you live life right. It must be about life. Teaching our children how to live.”

We heard that supporting Inuit and First Nations Elder services in community is essential to restoring and maintaining healthy communities. Elders have the cultural,



linguistic, and historical knowledge to help communities remember who they are and how they strive to live. Participants stressed that because there are many different distinctions and groups across Newfoundland and Labrador, Elder distinctions are handled differently across the province and should be handled by the community. Communities also need to be directly responsible for identifying Elders, as governments have at times hired “Elders” that are not recognized as Elders or Knowledge Keepers by their own community.

We also heard that funding is needed to help preserve the knowledge that Elders are keeping in trust for their communities. Concerns were raised that as Elders pass on, there is limited knowledge transfer to the next generation due to the interruptions imposed on Indigenous communities by colonization, and that without support, knowledge will be lost. In particular, we heard about the importance of preserving language and participants highlighted the need to fund Indigenous language programs in communities across the province.

Funding

We heard that there is a distinct lack of trained justice workers, especially Indigenous justice workers. Participants told us that the justice system is already intimidating and traumatizing for those going through it, and the challenge is magnified by this lack of Indigenous representation. We heard that it is imperative to fund more programs to train justice workers, community-based probation officers, and corrections officers to improve outcomes for Indigenous offenders. Participants were also interested in developing their own community safety officer program but cited lack of funding as the primary barrier to developing this program. Participants also noted that in many communities, court facilities are not available. It was agreed that it should not be the responsibility of the community to build and provide the facilities for a colonial court system. Participants were vocal about the issues around circuit courts or the requirement for people to travel to attend court days and felt that either appropriate facilities should be built in every community or a different approach to justice in Indigenous communities must be considered.

We also heard that communities and organizations want to be able to work together rather than compete for limited resources. We heard that programming for different



Nations and distinctions across the province would be unique and tailored to their individual needs, cultural practices, languages, and capacity, but that there are always opportunities for collaboration as long as the colonial system does not create an adversarial atmosphere between different groups. Funding is limited and competitive. There is a sense in communities that when one group receives funding, the others are disappointed because the funding is being “used up” by that community. There are also challenges around supporting Indigenous people who are not from the community, as this support uses resources that the community needs. Participants urged Justice Canada to consider funding models where there is not one designated “pot” of money for all Indigenous programming that “runs out” once the money has been exhausted, but rather to create systems of independent, sustainable, ongoing funding for programs from coast to coast to coast.

Distinctions-Based Approach

“We know our issues, we know our policy, and we know what we want, and we know where we want to go in the future. We are trying to control our own destiny, our future.”

In Newfoundland and Labrador, we heard that there are different distinctions and Nations living across the province with distinct cultures and histories, and that the justice solutions for each of these groups would be unique to them. We also heard that when designing programs, different distinctions must be considered to meet the needs of all.

We heard that for youth to learn their own language and cultural practices, they should work with Elders that come from their own traditions. While there is a benefit to youth programs that bring youth from a variety of backgrounds and distinctions together, there must also be funding provided that connects youth to their specific culture and their traditional territories.





Reforming the Current System

Police

We heard that more cultural safety training for police is needed. We also heard that some officers seem to have an interest in integrating into communities and meeting the citizens they are policing, but that these types of relationships and connections take time. This is challenging to do when RCMP officers are reassigned every few years, and participants suggested that officers should be given the opportunity to stay in communities longer—and perhaps even incentivized to do so. While officers' integration into communities was seen as beneficial, it was at times dependent on the officer in question where some were more interested in integration than others.

Participants requested that funding be made available to develop community safety officer programs, and that these programs should partner with policing services to ensure a culturally appropriate and safe interaction between community members and law enforcement. We heard that as this solution will take time, and police need to be trained in trauma-informed responses in the interim to minimize the negative interactions between police and community. Participants suggested that mental health crises are serious issues in Newfoundland and Labrador, and that depression and suicide rates are high. It was felt that there would be better outcomes for everyone if the response team for these types of issues did not include uniformed officers.

Education and Training

We heard that the education system does not include the history, culture, and languages of Indigenous people in this country, and that curriculums must be updated to reflect the realities—both past and present—of Indigenous people in Canada. We heard that without these updates, the onus will continue to be on Indigenous people to train non-Indigenous Canadians about the Indigenous experience, and that there will continue to be misconceptions and systemic racism against Indigenous people due to lack of understanding.

We also heard that training on Indigenous laws, Indigenous legal issues, and programs such as diversion, Gladue, and community Circles must be integrated into the training received by law students, court officials, members of the judiciary, and other frontline



justice workers. Participants felt that cultural safety training would reduce the prevalence of bail restrictions and probation orders that are culturally inappropriate and nearly impossible for people to adhere to. It would also highlight for people working in the justice system the importance of community and culture for Indigenous people, and perhaps open opportunities for Indigenous people who are incarcerated to be allowed to return home for funerals, ceremony, and teachings during their incarceration.

Services

In Newfoundland and Labrador, there are no official Gladue writers and no ICWs. Participants felt that implementing and funding these two programs would make a major difference to the outcomes for Indigenous people in the justice system. We heard that there is a need to fund training programs for Indigenous people to become Gladue writers and ICWs, and that the provincial legislation must change to allow these roles to have an official place in Newfoundland courts. We also heard that there is a need for Indigenous interpreters in courts, as in many places across the province people do not speak English or French as their first language.

We heard that the province also lacks adequate diversion programs, and that often even when there is a desire to resolve a matter in a different way, there is no way to divert a charge because there is no programming.

Participants noted that youth services and programming are also lacking. Often, services intended for adults are inaccessible to youth and youth-specific supports are unavailable in their jurisdiction, creating a service gap. Participants noted that youth need mentorship and guidance before, and especially after, first contact with the justice system to prevent an ongoing cycle of crime and punishment.

We heard that victim services are also underfunded, and that offices are only available in larger centres and inaccessible to those who live in rural communities. We heard that satellite offices in more rural communities would give everyone the chance to heal from harm, with the support of your family and community. We heard that these programs should also be expanded to provide support to families—both families of victims and families of those who have been charged. We heard that often the breadth of the





trauma done to a community is not understood, and that this trauma needs to be addressed and healed to support healthy communities.

We heard that the reintegration services available to people after they are released from correctional facilities are inadequate in Newfoundland and Labrador. We heard that due to the scarcity of services and housing, people who are released from corrections facilities have nowhere to go and community services do not have the resources to support them.

“We take calls from inmates that are about to be released, they’re not sure when, the plan is not properly in place. They actually tell us they’re going to commit an institutional charge, punch a guard in the face. This way they’ll charge me with something and this way I don’t have to be released out to nothing.”

Those in Labrador noted that there are more services provided to people living in Newfoundland than on the mainland. In particular, participants highlighted that the area immediately surrounding St. John’s has access to many services that the rest of the province lacks. There were calls to increase funding for Newfoundland and Labrador and to direct new funding to underserved areas of the province. We heard that the goal is not to redistribute the current funding which would leave current services underfunded.

Nova Scotia

We gathered in Millbrook for a discussion with a diverse group of 21 participants representing different organizations, councils, and levels of government across the province. Participants were focused on the challenges associated with disparate supports and agencies trying to work together, particularly in a colonial mindset of siloing. Participants called for more integrated care and policies that encourage greater collaboration, particularly for alternative measures such as diversion and addictions counseling, and for people transitioning out of the corrections system.





Supporting Indigenous Justice Systems

“We, as people, we have to reassert and reclaim and restore our institutions of justice.”

Indigenous-Led and Based in Indigenous Teachings

We heard from participants that Peace and Friendship treaties are not being honoured. Participants highlighted that Indigenous Nations believe that their rule of law overrides provincial and municipal jurisdiction, and that Canada needs to embrace a bilateral, nation-to-nation relationship with Indigenous Nations. Participants stressed that self-government must be the foundation of an Indigenous Justice System, and that Indigenous people must be leading at every level of the Indigenous Justice Strategy.

“If we really want a comprehensive Indigenous justice strategy. It really has to come back to our own people. It has to come from our own people.”

“It is about making sure Mi'kmaq people are in positions of power to determine the results of disputes amongst their community members. It has to be rights based. It absolutely has to be informed by Treaty and by Indigenous rights.”

We heard that language revitalization is a major component of restoring Indigenous justice systems, and that the Strategy must include funding to increase the capacity in communities for Indigenous language training and Indigenous language interpretation in all official institutions. In particular, participants spoke about the importance of connecting youth to language and culture, especially youth in care who are removed from their families and often lose their connection to their heritage. We heard that creating greater capacity for communities to keep children in community when they need to be removed from homes is an important component of continuing cultural connection with the next generation.



Participants also spoke to the need for all levels of government to respect and enforce traditional laws and Nation by-laws. We heard that Nations do not feel like the government supports Indigenous laws, and that collaboration is needed at all levels—between community and police and nation-to-nation. In particular, participants highlighted the challenges associated with getting buy-in from local police detachments regarding by-law enforcement. Participants suggested looking at hunting regulations on reserve as a model for how to enforce Indigenous laws on Indigenous lands.

Funding

Participants noted that funding is population based, rather than being based on need. We heard that for smaller provinces, this funding model leaves their services underfunded, and that the funding models need to be reassessed to determine needs-based funding. Participants suggested that factors such as rural and remote communities, difficulty of transportation, and the effects of colonization should be taken into consideration when funding is determined.

We also heard that the Indigenous Justice Strategy must include funding for education. Participants pointed to the National Centre for Indigenous Laws at the University of Victoria, as an excellent example of a federally funded model for education and furthering Indigenous legal knowledge. Participants felt that there should be similar institutes across Canada. They also noted that funding an Indigenous Justice Secretariat at the federal level that can speak for Indigenous Nations to the Justice Minister's Office would help Indigenous people have a voice at the decision-making level for justice matters from coast to coast to coast. The justice program services agency in Nova Scotia, Mi'kmaw Legal Support Network (MLSN), cannot do any advocacy research and development work with existing funding. It was suggested that the agency should also be an Institute, as recommended in Marshall's report.

“If you're gonna build a proper justice institute, there has to be an education arm just like there is with the provincial government; education, but only of justice education. A research arm, which does ongoing investigations.”



We also heard that funding models are often complicated by the federal/provincial cost-sharing agreement, and that the levels of government should partner and work together rather than making Indigenous Nations do the work to navigate the system. Participants suggested looking at British Columbia’s justice strategy as a model for coordinated funding mechanisms that work for Indigenous communities.

Reforms to the Current System:

Diversion

Participants highlighted that diversion and pre-charge referrals are down across the province, and that these mechanisms are under-utilized, especially by police. Participants felt that police need to be better educated on diversion, and that for issues such as addictions and mental health, as well as youth facing their first charge, diversion and community program referrals should be the default, not the exception. We heard that community supports would like to collaborate more with police and provincial agencies, and that a more streamlined and communicative approach to determining the best course of action for community members needs to be implemented. As part of these community referrals, participants spoke to the importance of connecting offenders with Elders, to the land and their culture.

Transitions

We heard that the supports available for people transitioning out of correctional facilities are lacking. Participants noted that in some cases, there is a two to three week wait between release and intake for a healing centre. Participants stressed that in this time, those who have been newly released have nowhere to go, no support structure, and often reoffend or return to addictions. Nova Scotia only has two healing lodges, and participants highlighted the need for more facilities, more beds, more addictions centres, and more funding for more staff and resources. It was felt that 30 days is not enough time to treat people, particularly given the prevalence of complex trauma in Indigenous communities, but without more beds and more facilities, treatment times cannot be extended.

Participants also talked about the struggle with funding for transition programs—we heard that programs are often pigeon-holed by the type of funding they receive and the





agency that provides it. We heard that often there is no flexibility in the services a transition program can provide or the demographic it can serve. Participants called for flexible funding that can be applied where needed.

We also heard that mandates requiring confidentiality can be a barrier to receiving support post-release, as often organizations cannot share details of transition and release planning with community supports.

Community Supports

We heard that while there are community supports doing great work, such as Elizabeth Fry, their mandates are limited. They do not have the jurisdiction to assist with matters that are not strictly justice-related, even though they are deeply connected to the social determinants of justice such as procuring identification, finding safe housing, transportation to and from community programming, and other related needs. We heard that community resources need more staffing, more funding, and more training to better serve people and help keep people out of the justice system. Participants spoke to the need to move away from reactive supports and instead focus on prevention and intervention.

Participants stressed the fact that there is no centralized place where people can access information on the judicial system and learn what to expect and how it works. The information is only available in English and French and is not written in accessible languages. Participants suggested that having a database of information for every step of the justice system would help those navigating it to prepare better and understand what is happening. We heard that perhaps a video—translated into many languages—would be an easy way to walk people through the system.

Participants spoke to the need for police to become integrated members of the community, and that communities need more Indigenous police officers and officers who have undergone extensive cultural safety and trauma-informed training. In particular, participants told us that police must connect to school programs and visit with youth, helping to bridge police and citizens.





“Prevention. It starts with policing. It starts with our community. I've seen a picture online, a police officer cooking supper for an elderly person in [their] uniform. That's community policing. That's Indigenous policing, right there, because that elderly person wasn't able to cook for themselves. They went there for a welfare check. They noticed that they were hungry. They took the time to cook for that person to make sure that they were okay.”

“In the schools today, there should be RCMP's going in there with Elders and talking about the justice system while they're young. And they should go hand in hand within our communities so that they realize we don't have to be afraid of our police.”

Youth

We heard that more youth programs are needed to support prevention and early intervention. Participants spoke to the need to connect youth with their culture and with Elders. In particular, youth in care need to remain connected to their communities. We heard that it is a challenge to find places in the community for youth to go to—that more housing is needed for youth as they age out of care, and that more care facilities are needed in community so that youth do not have to be sent away.

“When you think of the children, when you take their parents away from them, whether it's the mom or the dad. That's trauma for the child. If these people can leave this facility, come out, still have access to their family. You're not harming the children. You're allowing them to heal, and you're looking at all the intergenerational stuff. You're addressing all of that. You have them in the center where they can work on themselves. And once they're ready, then they can transition into housing within community. But it's about supporting them.”



Social Determinants of Justice

We heard that all communities would benefit from access to Wellness Courts that would prioritize issues such as homelessness, addictions, family counseling, and other factors that contribute to crime. In addition, we heard that all courts need to be more sensitive to the circumstances of Indigenous people moving through the justice system. Participants highlighted that people are set up for failure when meeting bail or parole conditions because of unavoidable circumstances such as lack of transportation, poverty, or ill health. Those determinants of health lead to a higher rate of criminalization. It was shared that restorative justice services provided by MLSN are excellent and that they should have offices in all communities.

Prince Edward Island

During our in-person meeting in Prince Edward Island (PEI), we convened in Summerside. We met with 17 participants representing various organizations, councils, and government levels throughout the province.

In PEI, we heard that the current model for allocating funding based on population size is a disadvantage for smaller provinces, and that an overhaul of the way funding is distributed must occur to reflect need.

Supporting Indigenous Justice Systems

Elders

Participants spoke to the loss of language and culture that is occurring from coast to coast to coast and acknowledged that Elders and Knowledge Keepers are necessary to keep cultural practices alive and to connect people to their history and their language. We heard that compensating Elders for their time and recognizing their importance and their value is deeply needed in the Indigenous Justice Strategy.





“There needs to be a way that folks who are providing the funding understand and appreciate the value of the work that we [Elders] do with individuals, outside of the colonial structure of checking boxes.”

Participants noted that if Elders had been consulted earlier in the process, the language of the justice strategy might be different, as Elders would not frame this as a “justice strategy”. It was suggested that a more appropriate title might be *Community Healing and Wellness Strategy* or *Community Integration and Care Strategy*, as Indigenous communities rarely have a word for justice and instead focus on balance, healing, and community.

Collaboration

Participants highlighted the importance of developing a strategy that enables better collaboration between levels of government and Nations, and between different Nations. We heard that as it stands, the current system makes it challenging for communities to work together as they are often competing for the same funding and resources. Participants felt that funding community collaborations and helping communities work together to develop solutions would alleviate the burden on communities to do everything themselves, and allow for certain areas of specialization across the service areas. In particular, the requirements for reporting and demonstrating success make sharing funds and working together more challenging. We heard that simplifying and streamlining reporting requirements would benefit communities in many ways.

Reforms to the Current System:

Policing

We heard that police need more training on cultural safety and history. Participants felt that police struggled to empathize with community members because they do not understand the trauma that Indigenous people have grown up with. It was suggested that all non-Indigenous people who work in communities should have an Indigenous mentor to guide their work and help them get to know the community. We also heard that officers need to integrate into the community, for example, attend feasts and cultural events, help out at schools, and work hard to build trust.



Participants also noted that representation is important. We heard that hiring more Indigenous police officers would make the RCMP more approachable and would help change the mentality of the police from the inside. Participants felt that having more local officers would also help detachments get to know the local geography better—often, community members must teach new officers how to navigate their communities and find people and services, as the GPS does not work well in rural and remote areas. Participants suggested that hiring Indigenous administrative and support staff would be a good way to start increasing representation as those are often the first people a community member interacts with when they go to a police station or call for help.

Gladue

We heard that Gladue reports can be retraumatizing for people—the offender, the family, and the community. Participants felt that while Gladue reports are an important tool for increasing understanding and awareness in the court system, they can represent a serious challenge for the person requesting a Gladue report as they often bring to light stories and histories that the offender has not yet worked through with the right supports. Calls for Gladue aftercare were repeated by many participants, and we heard that the resources available for Gladue aftercare are limited and require funding to expand. Participants suggested that Gladue writers should be made aware of the community supports and services that are available to refer clients for support and aftercare, and that the writers should also have this support and aftercare in place. We also heard that there are not enough Gladue writers in PEI, and that the low number of workers leads to writer burnout.

“My clients know that before I ever stand up and ask for a Gladue. They're making the decision. They're deciding if they're going to go through and come out, hopefully, on the other side with the capacity to address some of what they now understand. That's the only hope they have.”



Victim Services

“I have a hard time communicating with the federal system. I’ve had emails where the representatives from the federal system will not put the offender’s name in the email. But they have no problem putting the victim’s name in an email.”

We heard that the regulations and policies that protect victims need to be updated and upheld by provincial and federal justice workers. Participants felt that victims are often overlooked in justice strategy discussions, and that the court system needs to be more aware of the challenges victims face when they are asked to participate in an investigation or case. We heard that police officers and court officers in official uniforms, particularly judges’ robes, can be retraumatizing for people who went to residential or day schools. We also heard that victims often need to attend court in the same building as their abuser, and that in smaller communities there is no way to provide a building that allows the victim to avoid seeing their abuser during court proceedings. Participants urged Justice Canada to find creative ways to allow victims to participate in court proceedings without having to put their healing in jeopardy, including being allowed to attend court virtually, being allowed to provide testimony on a day their abuser is not in court, or configuring buildings so that victims and abusers use separate entrances and exits.

We heard that there is a lack of communication between victim services and other agencies, particularly corrections. The Correctional Service of Canada (CSC) asserts that they are under no obligation to inform anyone except the victim when a person is being released, but often that information goes directly to the victim rather than through victim services, meaning people are not supported while receiving news that may scare or worry them. We heard that victim services need to be a part of the transition planning when someone is due for release. They can help the community prepare for the return of an offender, but they are underfunded and under resourced. We heard that instead of building and funding new programs, it is easier and more efficient to expand the services that currently exist, as they already have relationships with the community.



Healing

Participants spoke to the importance of changing the focus of the justice system away from punishment and towards healing. Participants felt that while there is a lot of discretion given to police officers and court officials to be creative in the way that an offender is dealt with, most people do not feel confident in using that discretion to develop unique plans that support healing and reintegration both for the offender and the community. In particular, planning for release and reintegration into community is lacking for people leaving correctional facilities. Gaps in data sharing protocols often leave community services and victims unaware that offenders are returning, leading to a lack of support and, at times, a more challenging reintegration process.

“If you made a legislative intervention that focused on Indigenous-led diversion programs or Indigenous-led pre-sentencing options that are participatory, and if completed, a mandatory consideration, those legislative interventions would allow this policy work to be done, procedures to be updated, and give express recognition to community-led initiatives.”

We heard that training is a large component of this solution—both to understand diversions and to know how and when to use them, but also to better understand Indigenous culture and what culturally appropriate interventions and healing can look like. Participants reminded Justice Canada that Sweat Lodges are medicine, and that allowing offenders to participate not just in the Sweat but also in the work leading up to the Sweat can be pivotal for their healing journey. Additionally, participants noted that being on the land and participating in traditional activities such as foraging helps connect people to their culture and history, and that making space for this kind of healing in the system would change outcomes for people.

“I had a client ask if they could receive compensation to go forage mushrooms. I would love to think that if that is your healing journey, then I can help you get on your healing journey.”



“The training that people have received that lock them into only seeing one way of doing things. And we need to be braver as people operating those systems to be willing to take opportunities and chances to try to do things differently.”

Atlantic Region Virtual Session

A follow up virtual session took place to allow for each province in the Atlantic region (Newfoundland and Labrador, Nova Scotia, Prince Edward Island, and New Brunswick) to come together and continue the conversations from the in-person sessions. While each province is unique, it was determined by consultation with community members that one virtual session for the Atlantic region would be the best approach for a follow up conversation. This session was attended by 43 participants.

Supporting Indigenous Justice Systems

Funding

We heard that Indigenous communities are underfunded and unable to meet the basic needs of their citizens. Due to chronic underfunding, communities do not have the ability to build capacity and expand services. In particular, we heard that there is a severe lack of funding for land-based programming which impacts the ability of a program to provide transportation to and from traditional sites, maintenance and care, development of sites, and staffing.

Communities are also seeking funding to develop culturally appropriate courses and programming that can be delivered to non-Indigenous people working closely with their communities. Funding is also needed to hire individuals to deliver the courses and programming.

Participants highlighted that due to territories that transcend provincial boundaries in the Atlantic region, there are unclear expectations around who is responsible for funding. We heard that First Nations and communities are often shuffled between provincial governments and the federal government, ultimately leading to nothing being solved.





We heard that infrastructure is a limiting factor in many First Nation communities. Participants stated that without proper available housing and buildings that can adequately serve as treatment centres and shelters, Indigenous citizens are set up to fail. Participants suggested that a possible solution might be to develop and fund a tiny-home initiative where community members could gain employment to build the homes and address the lack of on-reserve housing.

Finally, we heard that communities and Nations want to work together and co-fund both infrastructure and programming that would benefit many people, but current funding models often have groups competing against each other for funding, rather than finding ways to creatively use funding to help more people. Participants affiliated with local and grassroots organizations shared that they will always use their resources to help any Indigenous person regardless of community, but it is challenging to make that decision knowing that those resources are being allocated away from their community members that may need support.

Respect for Traditional Laws and Self-Determination

Participants stated that communities want to invest in traditional methods of trapping, hunting, and harvesting, but often Indigenous traditional laws and cultural practices come into conflict with provincial and federal laws. We heard that one of two things happen: either Indigenous people are prevented from hunting and harvesting on their traditional lands or there is no enforcement of land rights at all, and non-Indigenous people trespass on Indigenous lands to hunt. Participants suggested that provincial and federal governments should relinquish jurisdictional control to the First Nation communities so they can patrol and enforce their own land rights. Participants said it would be important for enforcement officers to work with communities to determine appropriate measures for preserving and protecting Indigenous land rights. This recommendation ties into the discussion we heard around the development of tribal police forces—but again, jurisdictional issues for tribes that exist across many provinces have made these steps even more challenging for communities to navigate.





Housing

“My community has a shelter. My community should not need a shelter.”

We heard that housing is a major concern across Atlantic provinces. Participants highlighted the concerns around people using jails as shelters in the winter by intentionally offending so they have a safe and warm place to stay during the colder months. Lack of housing is leading to overcrowded homes, people remaining in unsafe housing because there is nowhere to go, and perpetrators of abuse returning to their victims’ homes after release. We heard that developing more housing in communities must be seen as priority—and while participants recognized that it is not directly related to justice initiatives, they urged Justice Canada to see it as a major component contributing to the root causes of high crime rates, legal infractions, and recidivism.

Reforming the Current System

Policing and Frontline Supports

We heard that frontline service workers, in particular law enforcement officers, need better cultural awareness training. This training needs to be Indigenous-developed and Indigenous-led, land-based, and mandatory. It also needs to be an ongoing commitment to learning rather than a box to be checked. Participants suggested that this would be a good first step towards healing the relationship between the RCMP and Indigenous people. Through training it is hoped that enforcement officers would appreciate the importance of integrating into communities, for example by attending events and ceremonies to build and maintain ties with the people they are policing.

We also heard that police are understaffed and overextended, and that communities have been developing their own security teams to combat the lack of police presence. Participants noted that there is a desire to develop Tribal Police across the Atlantic but funding and jurisdictional issues have impeded progress.





Wrap-around Services

We heard that there are a number of services supporting Indigenous people through the justice system, but they struggle to work together and communicate effectively with each other. Participants voiced concerns about the bureaucracy and red tape that prevents services from sharing information, particularly across the provincial/community-led service divide.

We heard that services such as ICWs and Gladue writers (in the provinces where these services are available) are too far removed from other services, particularly as they pertain to aftercare services for clients traumatized by navigating the court systems. Participants highlighted that because Gladue and ICWs are overseen by the province, they do not easily integrate with community supports. We also heard that Gladue needs to be better defined and better integrated into the justice system. Participants highlighted that there is a lot of confusion around the use of Gladue reports, particularly in sentencing and developing care plans.

We heard that a circle of care requires a holistic approach that helps each client access the services they require to return to a balanced life in harmony with the community. Participants spoke to issues such as clients who successfully complete addiction programs but then have nowhere to go after they are released as transitional housing is not available to them. This can lead to a revolving door effect, where people cannot continue healing because their support network stops providing them with the care they need.

There is an issue in obtaining assessments or diagnosis of Fetal Alcohol Spectrum Disorder (FASD). It was noted that individuals with FASD would benefit greatly from receiving a diagnosis that identifies their permanent brain-based disability and would allow impacted people to get the services they need that support them in the community.

Participants spoke about the need to better support youth in communities. We heard that youth programming needs consistent funding to be able to connect youth to culture, take them out on the land, and help them grow into active and healthy members of the community. We heard that we must invest in youth programming and the well-being of





Indigenous youth because healthy youth are the key to healthy communities. Many participants shared that if we hope to have more Indigenous representation in organizations and services across the justice system and beyond, we must start by setting up youth to succeed. We also heard that youth need better supports when they first encounter the justice system. These supports include diversion programs, access to community-based justice circles, and other opportunities for restorative justice rather than colonial court. Participants stressed that once a youth enters the justice system the best opportunity to help them is lost.

“Offences started out minimal and escalated over time, a lot of times there’s a lot of basic needs that are not met, like housing.”

Participants highlighted the importance of access to Elder services. It was stressed that Elder services must be vetted and overseen by community to ensure that culturally appropriate Elders are in these roles. We heard that in many cases access to Elder services are limited to those involved in the court process and often people cannot meet with an Elder until they have been incarcerated. Participants noted that it was important for both victims and accused to have access to Elder support throughout the whole justice process because it can be a traumatizing experience for everyone involved.

Victim Services

Participants noted that conversations regarding advocacy and support with the justice system tends to be focused on those who are accused or convicted of a crime and fails to include victims and family members. We heard that often reintegration planning prioritizes the accused or convicted individual returning to community and lacks consideration or inclusion of the victims. Participants suggested that this approach may be backwards and consideration for the victim’s needs should be the first consideration when developing a reintegration plan. We also heard that in small communities, living near someone who has harmed you can be retraumatizing. Participants reminded us that there is no time limit on healing and the need for support, and that it is an incorrect assumption that ongoing support is not needed. Participants suggested that more





funding would allow community organizations to continue to follow up with and support victims.

Healing and Reintegration

We heard that there needs to be greater support both for people being released from correctional institutions and the communities they return to. Participants noted that often communities are not made aware when a member is released, which means they are unable to provide transitional support to the individual or prepare victims and family members for their return. In small communities the return of someone who has done harm can be traumatizing and plans need to be developed to help heal and restore balance to the community. We also heard that community supports do not have the funding to properly care for people who have been released without housing, employment, clothing, food, and other basic needs.

We heard that upon leaving corrections facilities people are often cut off from the programming that helped them heal while they were incarcerated. Access to art, culture, land-based programs, and Elders must continue beyond incarceration and added to transition planning for those leaving correctional institutions. It was suggested that ensuring transition-focused funding to cover art supplies and traditional medicines, as well as basic needs would help smooth the transition and keep people on their healing paths.

“People coming out of provincial and federal correctional systems have no income or little family support, they need basic things like clothes, winter clothes, or just things to help them with their interests. For example, some tools to carve, and maybe some stone.”

British Columbia

An in-person session took place in Victoria, British Columbia with 44 participants including Elders, representatives from the province, the BC First Nations Justice



Council, community organizations, and Indigenous Justice Program (IJP)-funded programs.

The conversation highlighted a lack of trust in the system for Indigenous people and organizations, and a sense of disconnect between government policies and what is happening on the ground. Participants spoke to a lack of transparency in the development of policies and programs meant for Indigenous people and requested a more prominent seat at the table.

Supporting Indigenous Justice Systems

“Until Canada understands and hears the truth about the real dark ugly truth and accept it. You're not going to develop trust. And without trust, you will never build relationships. Not with my people.”

Language

We heard that to support Indigenous justice systems, we must prioritize revitalizing Indigenous languages. Language loss is a major concern for many Indigenous communities, and participants highlight that for Indigenous peoples, traditions and teachings are embedded in their languages. We also heard that as it stands, the Indigenous Justice Strategy already has a colonial lens on it, as it is being written in colonial languages—for example, many Indigenous languages do not have a word for “justice”, and rather than “law”, Indigenous languages tend to speak about protocol. Participants felt that the Indigenous Justice Strategy would be better served if it was conceptualized through a fully Indigenous worldview, including language.

“In my culture, the ‘law’ translates into our ways and our protocols, not laws, our protocols are what we do when a person has lost their way, and how we as a community surround this person. The justice system is very centred on the person who has done wrong, whereas the community looks at it as, where has the community failed, and what can we do to put it back together?”



Sovereignty and Self-Determination

Participants told us that there is a lack of respect for the sovereignty of Indigenous people and that community members have limited trust in a colonial system to uphold the law when it comes to land theft for resource extraction. It was felt that unless the Canadian government follows through on the TRC-CTAs and starts this process from a place of truth—a willingness to face the horrors of the colonial past and own their mistakes—there will never be space in this country for a fully Indigenous justice system. Participants were disappointed Ministers were not present during these engagement sessions to hear the stories and concerns firsthand and to make a commitment to change the status quo. Participants questioned whether there is a desire to make these changes and adapt the current system and raised the point that many of these discussions have been undertaken in the past, but no demonstrable change has come from those previous conversations.

“I really want the Ministers to hear this. I want my voice heard because, obviously no, it wasn't heard because these questions are the same questions that were asked back then... because I'm tired of these discussions.”

Additionally, we heard that for Indigenous justice systems to work in Canada, the understanding of what a justice system is designed to accomplish must shift away from the colonial mindset of punishment and repayment and instead embrace the Indigenous values of community healing and reintegration. Participants were concerned that if colonial requirements must be upheld by Indigenous courts, such as mandatory minimums, the Indigenous justice systems will ultimately not serve Indigenous peoples better or lead to improved outcomes. Participants underlined the importance of community laws being recognized and respected by police and provincial justice and stressed that provincial justice must support Indigenous self-determination and allow communities to choose how best to handle their justice matters without imposing colonial standards.



“Why does this criminal legal system even exist? Today, it's to protect the colonial state status quo. Let's not kid ourselves. That's why it exists, whether that's through criminal or civil court, it's meant to protect the state's functioning. The state has never been a friend to Indigenous folks.”

Funding

We heard about the need for funding to support Indigenous groups when developing programs. Participants want to see more money allocated to Indigenous justice programs—they suggested that if CSC’s annual budget is \$3 billion, and 1/3 of the population of correctional institutes is Indigenous, they should be allocated \$1 billion per year to help their people both in and out of correctional facilities. They also highlighted the importance of creating different funding streams for different programs and different needs: funding for preservation and revitalization of culture and language; funding for healing programs; funding for prevention and early intervention programs; funding for reintegration—all of these should have separate, dedicated funding streams that do not compete with each other. We also heard that funding needs to be stable, reliable, long-term, and sufficient to pay workers an equivalent wage with other non-Indigenous organizations. Participants also raised the concern regarding reporting requirements for funding, stating that they are too heavy and need to be made simpler, faster, and more streamlined.

Hub Model

Participants in British Columbia agreed that an Indigenous justice model would likely look more like a hub model than the current siloed approach to justice and related services. We heard that having services under one roof and all working towards the same goal would lead to improved outcomes for all people involved in the justice system. Participants highlighted the importance of services communicating with one another and working together to develop and implement treatment plans that consider the needs of the individual as a whole. Participants felt that this hub model would include healthcare, mental health, housing, addictions, cultural supports, child and family services, and transitional supports. We heard that these services would all operate from a culturally relevant healing modality, and that where possible, programs would be land-based and community-oriented.





“Colonization was rooted in removing us from the land. I believe healing for our people should be rooted in connecting the land. Environmental protection needs to be included. Without a healthy environment, there will be no land to learn/connect too.”

Reforms to the Current System

Education

We heard that new Canadians need more exposure to Indigenous history and culture and need a better understanding of the history of trauma and abuse that Indigenous people have suffered because of colonization. This is particularly important considering the number of newcomers to Canada who find jobs within the justice system—as corrections officers, for example. Participants felt that the Canadian citizenship test must include a portion of Indigenous culture and history.

In addition, we heard that all staff who work and interact with Indigenous people need to have cultural awareness training, not just the staff on the front lines. We heard that the RCMP should expand their performance indicators to include cultural safety training and that training should encompass not just cultures and histories but also traditional and modern restorative justice approaches in an Indigenous context.

Participants shared that they expect everyone working in justice-related fields to take mandatory cultural awareness training and that this training should be developed by, and led by, Indigenous people and should be specialized based on location. Moreover, we heard that training should not be virtual, but instead should be based on the land and extend across several days to help contextualize the information being presented.

We also heard from participants about the need to better educate both Indigenous and non-Indigenous youth on Indigenous culture and history in schools. We heard that for Indigenous youth, giving them strong roots in their heritage from a young age inspires them to be proud of where they come from and who they are, and instills a desire to continue to learn and develop an understanding of Indigenous culture, history, and language. We also heard that when non-Indigenous students are included in these opportunities to learn about Indigenous history and culture, they develop greater



empathy and understanding regarding the Indigenous experience. Communities hope that these opportunities to share history, culture, and worldview with non-Indigenous Canadians will eventually mean that all Canadians will have a fundamental understanding of Indigeneity in Canada and this will help to de-colonize spaces and methods across many fields from coast to coast to coast.

“If [a] kid doesn't have love themselves, love life, love learning, they're not gonna be successful. And that's regardless of whether they know their culture or not. Of course, knowing your culture has value, but a lot of emphasis on learning the culture. But if that kid can't read and if that kid can't do math, then they're not gonna make it.”

Finally, participants spoke about the challenges that incarcerated individuals experience accessing education in correctional facilities. We heard that there is limited access to post-secondary education in institutions, and limited access to technology makes completing education while incarcerated challenging. We heard that helping inmates be successful in school helps with transitions out of corrections and often leads to lower recidivism and improved outcomes.

Intervention and Prevention

Participants spoke at length about prevention and early interventions that would lead to better outcomes for Indigenous peoples—particularly youth. In addition to the educational reforms discussed above, participants highlighted the need for land-based programming that allows Indigenous people to reconnect to their roots and their lands. We heard that learning traditional skills such as basket and blanket making, playing drums, and singing Clan songs supports youth feeling connected to their culture and lowers the chance of them coming into contact with the justice system.

“We know the ticket to dealing with low self-esteem is achievement, and that could be as simple as beating a drum or graduating from school. It's building blocks for success with the youth, because when you go through your whole life without any wins, it doesn't



make you think you're going to be a winner at any given time in your life.”

Participants stressed programs that support youth, families, marginalized populations, and victims of crimes are underfunded and need to be expanded to include more people in need and serve more of the community. Many Indigenous people do not qualify for the First Nations Health Authority programs and services, and we heard that community-based, grassroots, Indigenous-led programs can help overcome this service gap, but they do not currently have the resources to help. We heard that due to the instability of funding and the fact that funding has not increased since 2016, employees are extremely underpaid and often leave grassroot organizations to work for better wages at larger institutions. This leaves programs not just underfunded but also understaffed, exacerbating the problem of not being able to provide services to all who need them.

“This strategy needs to put money in the hands of communities who know what they need.”

Transitional and Support Services

We heard that victim services are woefully underfunded and that interactions with the justice system often leave victims retraumatized due to their experiences in courtrooms and working with colonial justice. Participants raised the concern that victims have very little control over the court process, and that supports often focus on helping people charged with crimes to navigate the system while forgetting that the system is overwhelming for victims as well. Participants also suggested that victims should be part of the restorative process and should work with community supports when developing reintegration and transition plans for individuals who are being released from institutions. In particular, we heard that it is important for communities to be informed when individuals are set to be released. Victims should be prepared for their return and have access to supports because they need to continue to feel safe in their communities.



Overall, participants felt that the mechanisms currently in place for transitioning out of institutions are neither serving communities nor those being released. We heard that there is a need for Indigenous parole board members to help guide those being released toward community supports. We also heard that individuals are often released without a transitional plan, and that issues such as employment, housing, counseling, and transportation are not addressed before individuals are released. Often, this leads to people slipping through the cracks or it places a heavy burden on community supports that are already overextended and underfunded.

Elders

Many concerns were raised when discussing Elders within the justice system. We heard that at times, the current system hires individuals to fill the roles of “Elder” or “Knowledge Keeper” but they are not recognized as Elders by their communities. Participants stressed that age is not the defining characteristic of an Elder and that Elders need to be vetted by the community before being placed in influential roles.

We also heard that Elders are often taken advantage of when they work for the justice system. Participants noted that Elders are paid on contract rather than on salary which raises several issues, such as no contributions directed to retirement plans or health benefits, therefore having to navigate both of those systems on their own; no paid vacation time which leads to burnout; confusion around taxes; and Elders not being integrated into daily work and therefore their value being unrecognized universally by their fellow justice team members.

In addition, we heard that Elders are often paid less than other people because they do not have an advanced degree. Participants noted that Elder knowledge should be considered equivalent to post-secondary education and remuneration should reflect that. We heard that Elders often do not feel comfortable “naming a price” or advocating for their own fair wages, and that colonial systems must not take advantage of Elders simply because they are not willing to demand the compensation they deserve for the work they do.



Manitoba

Gathering was held in Winnipeg with a diverse group of 27 in-person and 27 virtual participants representing various Indigenous organizations/councils, and levels of government. The comments represented the distinct perspectives and needs of First Nations and Métis communities across the province.

Participants in Manitoba were particularly focused on youth and supporting education and youth programming. Participants stressed the importance of connection to First Nations and Métis history and culture, both for Indigenous people and for students of all backgrounds across the country. We heard that the Child Welfare system is a pipeline that feeds into corrections, and that better supporting families so that youth can stay with community and supporting youth while they are in care, are both key to improving outcomes for First Nations and Métis people in Manitoba.

Supporting Indigenous Justice Systems

Respect for Indigenous Ways of Knowing

“Why are we writing our ways out? Is it the only way it's going to be recognized by mainstream government, colonial governments. They want us to write our laws.”

Participants highlighted that even as there is a call to support Indigenous systems and models, the requirements of the colonial system still trump Indigenous ways of knowing. We heard that the Indigenous Justice Strategy is a perfect example; there is no word for “justice” in many Indigenous languages and participants pointed out that even the categories we presented for discussion—corrections, policing, and courts—are modeled after a colonial view of a justice system. Participants suggested that we begin by reframing these categories through a more holistic, community centred approach. With this approach, prevention becomes healthy living, policing becomes peace making, diversion becomes pathfinding—and so on.

We heard that the requirement to write down laws and develop legal systems that can be presented to government bodies to be passed around as a document to approve or



reject, is not in keeping with Indigenous models, which are often oral traditions and adapt based on the needs of the community.

Furthermore, we heard that there has been a lack of respect for the treaties that should govern the relationship between the colonial government and Indigenous people. Participants reminded Justice Canada that as sovereign people, they do not need approval to implement their own systems, and they have the right to develop their own by-laws and enforce them. Participants highlighted the need for more support in the development and implementation of their own laws—currently, as there are no alternatives, the expectation is that provincial courts would prosecute Indigenous by-laws, but that has not been the case in practice.

“When we have development of bylaws we have to consult with legal teams, we have in-house legal support. A lot of communities don't have access to that. And they need to work alongside those people to clearly define and work through any kind of laws that may restrict implementing our own laws or legal systems in our communities.”

Participants also suggested that by excluding First Nations and Métis history and culture from the standard curriculum and only exposing Indigenous youth to these topics, the cycle of misunderstanding and systemic racism will continue. Instead, teaching Indigenous history and culture in all schools across the country would benefit children of all backgrounds and improve future outcomes for Indigenous youth.

Infrastructure

We heard that there is a need to build infrastructure that can host cultural events and act as gathering places for community. Additional infrastructure such as adequate housing in communities, administrative offices, and treatment facilities also need to be built in communities across Manitoba. Participants underscored the importance of using infrastructure funding to ensure that these spaces are technologically connected, particularly in remote and rural settings. We heard that while larger communities may have the funds both to upgrade their connectivity and maintain it, other communities need help with this type of expenditure and there is often a lack of funding available for



infrastructure projects.

“Housing is a big problem, and that’s the reason why they get into trouble because they’re homeless. A lot of people are homeless. We need homes for our people because in my house, I have fourteen people living in a three-bedroom house because I let my family in that are homeless.”

Funding

In Manitoba, we heard that there are a number of communities ready to take on their own justice needs, but they lack the funding to implement and maintain a justice system. In some cases, communities are using their casinos to fund the development of their own justice systems, but participants stressed that this is an inadequate substitute for reliable government funding. Overall, we heard that the funding available for communities is inconsistent and unreliable; hard to access, and without a central database that outlines available funding; takes too long to access (both from time of application to approval, and delays in receiving funding); is typically program specific, making it difficult for communities to broadly implement self-determined projects that are better for them but outside the scope of the funded programs coupled with short time frames for delivery; and burdened with reporting requirements.

Participants championed a system that is easier to navigate, provides longer term funding (ten years at a time), and with flexible funding to be used where needed. Wait times to receive funding need to be reduced, and the reapplication process to extend funding for programs needs to be streamlined and not lead to gaps in funding.

Reforming the Current System

Support for Youth

“If you get kids back to the land, they’re going to learn a connection of who they are, and back into their connection of their roots. So, I see that connection between law and the lands and waters.”



In Manitoba, the call to better support youth was a recurring theme. We heard that youth are looking for identity and belonging, and participants worried that they would look for it in the wrong places if the community cannot offer it. Participants called for more funding for youth programs particularly in rural centres, and highlighted the benefits of sport and life skill programs in addition to cultural and land-based programming. There was consensus that while it is important to fund programs in Winnipeg and Southern Manitoba, the reality for Indigenous people living in remote, rural, and northern parts of Manitoba is that many of these programs are inaccessible to them, as traveling is often impossible in the winter months.

Participants spoke to the perceived pipeline that exists from youth in provincial care into correctional facilities. We heard that there are more than 18,000 Indigenous children in care in Manitoba and many of them are growing up cut off from their communities, their extended families, and their culture. Participants championed a hub model particularly for children in care that would allow for a holistic approach to care. Indigenous case workers need to be assigned to every case where an Indigenous child is put in care, and their recommendations must be a key component of the creation of the care plan. Wherever possible, children should remain in their home communities and even in their homes—participants cited many examples of successful programs where parents were removed from homes and children stayed together with their siblings while alternative caregivers moved in with them.

“We don’t wanna go backwards, but we do need to take a look back on why people are in these situations, why are they breaking the law? Why are they in CFS?”

Hub Model

We heard that services need to be able to work together better and people need case workers who can help them access all supports and guide them through the system. We heard a holistic approach to justice matters would allow agencies and services to work together more efficiently, and that sharing resources would increase the capacity of all



services. It was noted that a hub model could help create more services in each community, as there could be one office developed in each community that housed a variety of resources and programs to help victims, offenders, family, and workers navigate systems. Participants suggested that these services need to include a local Gladue writer for each community—someone who is familiar with the geography, history, and people of the local area and can provide context to the Gladue report. We also heard calls for services to include Gladue aftercare, victim supports, and reintegration support.

We heard that funding for a hub model should be controlled by the community organizations and support services that make up the hub, that funding allocations should not be controlled by the government agencies but rather by the people on the ground who know where the need is and how best to use the funding. We also heard that a hub model may help alleviate reporting burdens for smaller organizations and ensure that grassroots organizations are not overlooked for funding simply because they do not have the capacity to apply for it and fulfill the requirements to maintain it.

Court Navigation and Justice Tools

We heard that courts are confusing and intimidating for people going through the system and there are not enough court navigators and ICWs to support people who need help understanding the court system and their rights. Participants are concerned that Indigenous people are agreeing to decisions made on their behalf by lawyers and court workers that have not been properly explained to them and at times this can lead to people pleading guilty or agreeing to conditions when they do not grasp the consequences. Participants felt that members of the judiciary need better training in Indigenous history and culture to help increase empathy and awareness for the Indigenous experience. We heard of the need to increase the number and knowledge of ICWs and that access to their services should be at the start of their interactions with the justice system.

Participants suggested that the setup of the court itself can be retraumatizing for Indigenous people. We heard that judges' robes are reminiscent of priest robes and can remind people of residential schools and the tradition of seating the judge above the rest of the court room also feels deeply colonial and intimidating for Indigenous people.





We heard that creating court rooms where everyone sits at the same height, in a circle, would help Indigenous people feel more seen by the system and make them less nervous, therefore improving their capacity to advocate for themselves.

We also heard that many of the tools developed to assess risk and standardize decisions for correctional facilities and government agencies were not developed with Indigenous experiences in mind. This has led to systematic classification of Indigenous peoples as higher risk than non-Indigenous people facing the same circumstances. For example, the Standard Risk Assessment tool for probation and corrections does not consider the realities of Indigenous peoples and often they are immediately given a higher score, leading to placement in higher security facilities. Other examples include the Adverse Childhood Experience score and the risk assessment for homes for Indigenous households. All tools have been created by non-Indigenous academics and must be redesigned to be regionally and culturally appropriate.

Northwest Territories

In-person engagement sessions were unable to be held in the Northwest Territories (NWT) because of wildfires. In discussion with community groups and territorial representatives, it was decided that hosting two virtual meetings—one for each theme—in the NWT would be the best approach. A total of 23 individuals participated in the virtual sessions.

Supporting Indigenous Justice Systems

Traditional Practices

We heard that the changes to the traditional way of life in the NWT has left Indigenous people feeling untethered and disconnected from themselves and from their culture. Participants felt that the system needs to support a return to more traditional practices to encourage healthy living. We heard that helping Indigenous people have a closer relationship to the land and to traditional ways is the best form of prevention. Participants noted that for Indigenous people to reconnect to the land, there needs to be clarity around land access and resource allocation including fishing, hunting, and berry-picking on Crown lands. We heard that land-based programs and practices require





foundational funding; these mechanisms must not be funded as programs but rather as long-term services that are guaranteed sustainable long-term funding to continue and expand over time.

“Those of you who grew up on the land, those of you know the land, know that the land is beautiful, but the land can be brutal also. You have to do certain things in certain ways. Otherwise, you're gonna have a hard time out there. And you have to... what I had to do was really challenge myself on how to survive out on the land. And that's where the mental, the physical, the spiritual, and emotional strengths come in.”

We also heard that correctional facilities must ensure cultural activities and teachings are available to all incarcerated Indigenous people. Participants spoke of corrections officers withholding access to cultural activities, language classes, and Elder services as punishment, and highlighted the need for corrections to recognize the importance of these elements in the healing journey of Indigenous inmates. We also heard that creating opportunities for incarcerated Indigenous individuals to be on the land, learning traditional skills and accessing medicines in nature, is crucial for their well-being.

Funding

We heard that the jails are providing comprehensive and holistic community supports such as addictions counseling and mental health care because correctional facilities are funded, yet after-care programs cannot adequately provide these supports because they are not properly funded. Participants felt that funding needs to be reallocated and redirected so that the proper supports are in place to help heal people rather than punish them. We heard that funding for infrastructure and to increase available housing in communities would change outcomes for people. Participants reminded Justice Canada that without access to safe, secure housing, people often see correctional facilities as a place to stay safe, warm, and fed throughout the winter. Participants felt that fundamentally changing the funding structure that funds correctional facilities but does not fund shelters, would encourage a focus on healing and change the way Indigenous people in the NWT access support and care.





We heard that communities want to manage their own funding. Participants reminded Justice Canada that the goal for Indigenous people is self-governance, and that can start with the power to manage their own resources, instead of being controlled by funding agreements and requirements.

“We have health mental health support. We have family support. We have family counselors, right? We do have healthy members in our communities, and everybody knows who they are in our communities. We have community justice committees. We have community-based victim services, like those kinds of things are in the Northwest Territories, really being built up from the ground up, the communities know what they need. But whenever our treaty negotiations are happening with those self-government things and they want to, you know, manage their own justice. It's like, no, that's off the table.”

Elders

“There's been a disconnect with attending residential schools with having children all pulled away from those communities. Elders were left alone in communities without any children. Children came back without language. There's been a really big disconnect, right? And now we have Elders that can't communicate with some of their youth.”

We heard language revitalization is a priority for communities, and Elders who hold this knowledge are struggling to pass it down because of the language barrier—the younger generations speak English; the Elders speak Inuktitut and other Indigenous languages. We heard that loss of connection to Elders is a key reason youth get lost and disenfranchised. It was highlighted that building these connections and funding programs that link Elders and youth together to pass down traditional wisdom is important. Participants stressed that many teachings are land-based, and Elders need to be able to take people out on the land and reconnect them to the land and their culture. Participants spoke to the struggles with funding and insurance for transporting



youth to and from these culturally significant places and called on Justice Canada to recognize all these elements when planning programming.

We heard that valuing Elder time and compensating them appropriately is extremely important. Participants noted that many Elders are supporting community members and family members out of pocket, as the lines are often blurred between professional services and community member responsibility. We heard that government agencies often hire Elders contractually, but that Elders should be hired full-time, so they have a salary, benefits, and vacation days. This would allow Elders to take better care of themselves and invest in self-care, which in turn helps them help others.

“If this was old times, I would have brought them food. I would have brought them hide. I would have brought them broadcloth. I still do those things, but they still need to eat. They still need to pay their bills. I know [that] every single one of us on here knows an Elder that's supporting, if not their whole family, people in their family, and it's just a responsible mechanism. It's a responsible way in which we conduct interactions with one another.”

Reforming the Current System

Mental Health

“Yellowknife is struggling with a lot of addictions issues, and some social issues. We have a lot of community members on our streets right now. Yellowknife is the home of the correctional facility, so when people from all over the North have come into contact with the correctional facility, and then, when their sentence is up. They don't want to go back to their communities.”

Participants noted that Yellowknife needs more support and funding to cope with the influx of people who travel to Yellowknife for treatment or are sent to the correctional facility and then stay after they are released. We heard that while smaller communities would like to have more treatment options available in their own communities,



Yellowknife will continue to be the centre for specialized services and that the Northern context must be considered as fundamentally different than that of Southern Canada. Participants were clear that some communities do not have the capacity and resources to staff their own facilities and therefore, consideration must be given to the development of a support network that helps keep community members connected to their families and homes even when they travel to Yellowknife for services.

Participants discussed the reality of intergenerational trauma and the issues surrounding the colonial system of punishment when offenders are often also victims themselves. We heard that understanding the root cause of criminal activity—poverty, desperation, trauma, fear—is a necessary first step in creating a justice system that treats Indigenous people in a fair and equitable way. Participants stressed the need for a justice strategy that leads with compassion and has the flexibility and capacity to creatively develop healing and wellness plans that lead to better outcomes, rather than focusing on isolation and punishment.

We heard that Gladue reports should automatically be granted to Indigenous people who have been affected by residential schools and more Gladue writers should be trained in NWT to ensure that all Indigenous people have access to Gladue reports. Participants stressed that mental wellness is a major factor in Gladue reports and this context is necessary for courts to consider when dealing with Indigenous clients.

“Residential schools and other atrocities are not of the past. They’re here today. They got to understand that it is still happening, you know.”

Community Safety

Participants requested that officers receive more training regarding diversions and alternate restorative justice practices, as it is felt that these are an underutilized tool in keeping people out of the justice system and directing them to the healing and support they need. Participants felt that another major solution to the problem is a focus on community policing by the RCMP—when officers do not take the time to get to know communities and citizens, they have neither the necessary context nor the empathy to





work with community to find solutions. We heard that cultural safety training would help police gain this context and improve interactions between community and police.

Participants spoke to the lack of trust between RCMP and community, and that the relationship needs to be healed through police attending ceremony and community celebrations and integrating into the community. We heard that rotational policing and short-term contracts are not conducive to relationship building, and that the RCMP should change the way it provides policing services in the North to help rebuild trust. Participants reminded Justice Canada that the needs and challenges faced by each community are unique, and policing should approach each community with the right tools to protect the citizens. We also heard that RCMP need to get to know community supports better and should develop an information package for police, for example, where services are located, Elders contact info, language interpreters, and other helpful community information for police.

“When you have a moment of impact with a police officer who is doesn't treat you like a human and in fact treats you subhuman, it doesn't lead to us going to these men and women who are supposed to provide a service of, a mechanism of safety and security, but rather, we continue to look at them as modern day Indian agents and people to be afraid of.”

We heard that communities need help reintegrating formerly incarcerated people in a way that feels safe and healthy for everyone. Participants spoke to the need for better communication between corrections and victim services, to prepare community members who may be triggered, particularly in small communities where encounters between perpetrators of crimes and victims are likely to happen. We also heard that communities do not always have the capacity to provide services such as transitional housing and employment support to recently released individuals. This can lead to homelessness and higher rates of addiction and recidivism in the community.



Nunavut

An in-person session took place in Iqaluit with 55 participants representing the Crown Prosecutors Office, corrections, victim services, local Inuit justice programs, and the IJP-funded programs.

The focus of the discussion was on reforms to the current justice system as participants stressed the need for reform in the North, to better support Inuit concerns, is immediate and critical. Community representatives pressed for actions that can be taken right away instead of overhauling the current system and replacing it with something local and traditional. We also heard that traditional forms of Inuit justice are unlikely to apply to modernized life in the North. Participants noted that pre-colonization, life in the North for Inuit was characterized by nomadic living and centred around small hunting groups that handed out their justice as needed. Participants noted it is challenging to imagine adapting traditional Inuit systems to the present-day conditions of life in Nunavut, though there was some discussion about traditional justice systems and how they might be leveraged to improve outcomes for people coming into contact with the justice system today.

Reforms to the Current System

Cultural Awareness

We heard that many newcomers to Canada come to Nunavut to settle, and many Canadians from the South also come to pursue job opportunities. Participants felt that anyone moving to Nunavut without previous experience of living and working in the territory should be mandated to take Inuit cultural awareness training and to learn about the history of Nunavut, and Inuit history. We heard that this training should be done in consultation with, and directly involve, Inuit Elders and Knowledge Keepers in the community who are well-positioned to offer a culturally appropriate introduction to the territory and Inuit.

Participants highlighted that these training opportunities must include an in-depth understanding of intergenerational and complex trauma and speak to how these traumas manifest in Inuit communities, including a mistrust of police, authority figures,



and uniforms; reliance on substances; and instances of lateral violence. We heard that there is a lot of learned racism; people from the South and newcomers to Canada arrive in the North and their opinions are influenced both by speaking to other non-locals about the struggles experienced by Inuit in Nunavut communities, and by having interactions with Inuit without proper historical and cultural context. Participants felt that these “Northern Living 101” courses would help change the perception of the North and Inuit for new residents to the area and help everyone understand each other better and live harmoniously together.

Culturally Appropriate Intervention and Victims Support Services

We heard that the supports available for individuals living with addictions and/or mental health challenges are inaccessible and not culturally relevant for Inuit. Specifically, participants noted that facilities are often located far away from home communities—in some cases, treatment requires people to go to Ottawa rather than stay in Nunavut—and even if people are willing to leave their communities to seek treatment, waitlists are long and there are not enough program spaces available. Additionally, programs are often colonial in nature, sometimes using Judeo-Christian foundations to deliver treatment programs which at times do not resonate with Inuit experiences.

We also heard that the shelters available for women fleeing domestic violence are often inaccessible. Participants noted that shelters are not available in all communities and highlighted the challenges of housing children when women leave abusive living situations. We heard that not all shelters allow women to bring their children, in particular boys over the age of 15 are not allowed to stay in women’s shelters with their mothers. This can lead to mothers electing to stay in abusive homes, perpetuating the cycles of violence, or can lead to children growing up in traumatic homes and entering the justice system due to growing up with this trauma. In addition, we heard from participants that it would be easier on women and families if the perpetrators of violence were removed from homes and communities, rather than removing women and their families.

Participants noted that offering services in Inuktitut in Nunavut is important, and it is essential to ensure that interpreters are available in courts and during police interactions. Many people do not speak English, and the technical language of the





justice system means that even those with basic English skills do not understand what is happening throughout the process. We also heard that written materials should be made available in Inuktitut, and that the creation of a justice system navigation video or package delivered in both English and Inuktitut would improve outcomes for people living in Nunavut.

Finally, we heard that connectivity is a major issue in the North. Victim Support Services noted that it is often impossible to get in touch with clients to follow up on services, aftercare, court dates, and outcomes of trials because they do not have cellphones, or their cellphones have no minutes. As a simple solution, it was suggested that allowing for more flexibility in how funding is spent would mean that program providers could put minutes on clients' phones or provide them with a basic pay-as-you-go phone so they can be reached as needed.

Specialized and Wrap-Around Services

We heard that many of the challenges faced by Inuit living in Nunavut revolve around a lack of services including childcare, education, housing, and healthcare. Participants stated that without these services readily available in all communities, children slip through the cracks and begin interacting with the justice system from a young age, and mothers often do not have the support they need to both work and care for children at home, leading to poverty, desperation, and sometimes criminal activity to alleviate these pressures.

We heard that housing is a crisis in Nunavut and that sometimes people use incarceration to get off the streets during the freezing winter months. Participants noted that a large amount of housing in communities is earmarked for people coming to the North to work—government workers, teachers, doctors, etc.—and more affordable housing must be provided to locals. It was stressed that the shortage of housing in the Nunavut leads to overcrowded homes and victims living with their abusers because there is nowhere for either party to go.

Participants suggested that inter-agency teams would be an effective solution to many of these problems and urged the government to develop policies that support collaboration between jurisdictions and between service providers. Participants



highlighted the challenges associated with sharing information across agencies and across communities, and that there is often a deep divide between territorial/federal services and community supports.

Policing and Community Safety

Participants highlighted the importance of the Ranger program for Nunavut community safety. Participants felt that the RCMP must always be partnered with local Rangers who speak Inuktitut for all calls—they believe that both linguistic and cultural misunderstandings lead to negative interactions with the police and escalate outcomes.

Participants also highlighted the struggle of RCMP officers only being assigned to communities on two-year rotations, and the challenge of building rapport and integrating with the community on short assignments. Additionally, staffing shortages with the RCMP have led to instances where communities are only actively policed on certain days or rotation, again leading to both disruption of service and lack of rapport and trust. The solutions proposed included bringing back the Special Constable program and prioritizing Inuit applicants as well as providing incentives for officers who want to stay in the Nunavut long term. We heard that this continuity of care extends to mental health professionals, addictions counselors, and health care professionals, and the current revolving door of care is disruptive and not conducive to healing. Participants suggested that all service providers need to be given better incentives to stay and work in the Nunavut long term.

Court Systems

We heard that services are often provided in English and French, but Inuktitut services in official government spaces such as courts are not available. Participants highlighted the reality that many people in Nunavut only speak Inuktitut and are often trying to navigate a complicated system in a language they do not understand. This leads to people pleading guilty to charges they do not understand, agreeing to conditions they do not understand and cannot abide by, and ultimately results in breaches and additional charges being laid.

Participants suggested while changes to court languages and navigation would make a difference, the true goal should be to lower the number of people interacting with the





system. Participants agreed that removing the barriers to pre-charge diversion would fundamentally improve outcomes for Inuit. In particular, participants highlighted the importance of utilizing community supports and programs in pre-charge diversion cases, ensuring that people are always connected to their community and that justice is based on healing rather than punishment.

Ontario

Two in-person sessions took place in Toronto and Thunder Bay. Due to challenges with traveling and timing, just 19 people participated in the in-person sessions. A virtual session was planned as a follow-up opportunity to continue the conversation with more participants; 56 people participated. Participants highlighted that each Nation and community has its own unique traditional justice system and its own set of challenges and needs, and funding must be provided for each community to care for its own people.

Supporting Indigenous Justice Systems

Funding

Participants spoke to the need for communities to be funded to develop their own justice systems and processes. We heard that Nations are creating their own by-laws and setting up their own community safety programs, but there is no funding to help with implementation. Participants reminded us that without adequate funding, Indigenous people are consistently kept at a disadvantage—both because programs are underfunded and because those who work for these programs are underpaid. Participants were persistent that funding be provided at parity so that Indigenous programs can work as effectively as non-Indigenous programs. We heard that funding has not increased proportionally to inflation, and programs that were previously underfunded are now critically underfunded, leading to extreme staffing shortages and subsequently staff burnout. For programs operating in rural, remote, and Northern areas, recognizing how this impacts the cost of programming is necessary for funding to be considered fair and equitable.



“The biggest thing is the resources, because it really needs to be a grassroots approach where there's consultations with the grassroots people. But you need money to have that. Because when you have a session many times, unless you're offering food or honorarium, it's just really hard to get the community people, especially the people that are working already that are not able to be freed up. And so, with that is the funding.”

Participants highlighted that consistent, dependable, long-term funding is a necessary part of the reconciliation process—it is needed to move forward with self-determination. Participants cited essential services that included policing, Sharing Circles, rehabilitation centres, and reintegration as programs that need to be in the hands of community and funded appropriately as major steps towards self-governance and reconciliation.

“This whole reconciliation thing is meaningless unless the government puts some money forward for us to get the things that we need.”

Community-level Justice and Support Services

We heard that communities do not want their members to have to leave to access supports and services. Participants underscored the reality that when services are not available in communities, people are far less likely to access them and even less likely to complete care or treatment. We also heard that in many cases, services such as addictions counseling and mental health support are run by colonial organizations through a colonial worldview, and this makes these services feel hostile and out of touch with the Indigenous experience. Furthermore, participants spoke to the creation and maintenance of community supports and justice models as a key part of self-governance. We heard that colonial healing models will never be able address the root causes of addictions and criminal behaviour.

“Every community should have a lodge because addictions and criminality are symptoms. They're symptoms of something deeper. And the only way you're gonna get to that deep-seated cause is by going through a Healing Lodge and ceremony.”





Participants shared that the colonial system of justice penalizes Indigenous people because the mindset of the two cultures is fundamentally different. The ways in which Indigenous people learn about and conceptualize community healing, owning mistakes, apologizing and reconciliation, set them up for failure in colonial courts where admitting guilt leads to negative outcomes. We heard that community-based Justice Circles would allow offenders and victims to communicate, heal, and restore balance in a way that is safe and culturally meaningful. Participants felt that as an interim step, the justice system should create a more holistic approach to working with both offenders and victims, allowing services to work together more effectively, share information and resources, and support people throughout the process of interacting with the system.

“You have a lot of Indigenous people admitting [guilt] because that was the way we were taught. You take responsibility for what you did, and you move forward. But in the criminal justice system, by taking responsibility you are setting yourself up to being thrown in a jail that’s isolated, that has no cultural identity, that’s gonna just throw you back into society with a criminal record. That’s gonna be another notch against you. It just compounds your life.”

Reforms to the Current System

Education

“Mentorship is a part of taking care of the past, the present, and the future, so that everyone is valuable in the wheel towards the wellness of the whole community.”

We heard that programs dedicated to connecting youth to their culture and to Elders and Knowledge Keepers in communities is a key component of developing healthier communities and minimizing contact with the justice system. Participants suggested that these opportunities for education should include teaching young people about the justice system so they can navigate interactions with police officers and court systems from a place of knowledge and safety. It was stressed that youth need to be able to



advocate for themselves when they encounter the justice system, including knowing what supports and programs are available and how to ask for help.

We also heard that educating the court system (for example, judges, prosecution, defence counsel) and police regarding the programs available, particularly for youth and first-time offenders, is a critical component to improving outcomes for Indigenous people involved in the justice system. Participants felt that court systems and police services do not understand the available diversion opportunities and do not refer cases to community programs often enough. We heard that the importance of diversion cannot be overstated, and that wider use of diversion opportunities would improve outcomes for many Indigenous people encountering the justice system. We heard that more communication between community and police would allow for police to ask questions and find alternative solutions where possible.

Finally, we heard that cultural safety training must be developed and run by Indigenous people, and it must include practical examples of alternative justice methods and culturally appropriate sentencing and conditions to help members of the judiciary contextualize the information they learn. We heard that while education tends to focus on history and colonization, there is a need to connect the theory learned in cultural awareness training to practical actions that can make real change from within the system. System support workers highlighted that lawyers and judges are trained individually on a case-by-case basis, and that they do not have the capacity to provide effective training in this piecemeal manner.

Policing

“Peacemaking is the new justice.”

We heard that communities want to have jurisdiction over their own policing and community safety priorities. Participants spoke to the challenge of colonial histories with police forces, and the racism that communities still experience with police. We heard that community members do not trust the police, and often this mistrust leads them to not seek help when they are experiencing abuse or need assistance. We also heard that while there are measures the police in individual communities can take to increase





trust, such as attending cultural events and undertaking extra training regarding cultural safety, these measures do not eliminate the systemic racism endemic to the police as an institution. We heard that in communities, leadership wants to see peacemaking instead of policing—a model where the goal is to keep communities safe and cared for rather than monitored and punished.

“I would like to see more funding for proactive measures within First Nations Policing. I don't even have a credit card to buy blinds in my detachment, let alone to take youth to camps.”

Participants spoke to the underfunding of First Nations police forces, particularly as it applies to capital investments and infrastructure. We heard that in many Nations, especially those in remote areas, upgrades to basic infrastructure such as internet connectivity are desperately needed, but there is no simple funding mechanism provided for infrastructure costs. Participants noted that programs require more funding than funding models allow for at first glance: transportation costs; Elder honoraria; equipment investments—these are often overlooked by funders yet are needed to effectively run programs and services for Indigenous communities.

“There should be not only accountability for the individual police officer, but accountability for that police force to engage with the communities around [them] and develop a platform for diversion.”

We heard that the current policing structure needs civilian oversight, and police should need to justify to community safety officers when charges are not diverted. We heard that the process to have decisions reviewed is arduous, and that often these issues are resolved outside the community by committees that have never been to the Nation and do not know the circumstances of the community. Participants highlighted the need for accountability mechanisms that are local, Indigenous-led, and accessible.



Quebec

Two engagement sessions took place in Québec City with 17 in-person participants and 13 virtual participants, representing the distinct perspectives and needs of First Nations and Inuit communities. Participants shared that more mechanisms must be developed to allow courts and police to communicate with community support systems. Participants highlighted the need for review boards to be implemented where decisions that are not in the best interest of Indigenous offenders or victims can be challenged. We also heard that youth funding is critical to improving future outcomes for Indigenous communities and must be a priority for any justice strategy. Finally, participants also spoke to the importance of services being provided in English, French and Indigenous languages, and that connection to culture and heritage, including language reclamation, is a key part of Indigenous community wellness.

Supporting Indigenous Justice Systems

Funding

Participants spoke to the need for infrastructure funding and urged Justice Canada to consider funding to address social determinants of justice, such as lack of housing and clean water on reserves. Participants shared that communities have begun to create infrastructure initiatives, such as tiny home projects, that create jobs and teach skills to community members while also creating more housing. Communities spoke to a desire to collaborate with other communities on projects such as these, but that collaborative funding is challenging to access.

We heard that short-term funding doesn't recognize that many programs take years to develop and become successful, and measures of success are complex and hard to quantify. Participants called for core funding that can be used at the discretion of communities to make fundamental improvements and highlighted the need for this funding to come with reduced reporting requirements. We heard that, communities lack physical space to offer services and programs and that infrastructure funding would allow communities to build offices and care facilities.

Jurisdictional issues are causing problems in Québec when it comes to funding programs. We heard that there is inconsistency in funding for programs and services



across Québec, and it can be challenging for programs to navigate the intricacies of the provincial/federal funding system. Participants requested a seat at the table when decisions are made regarding funding and suggested that more transparency around funding models—why certain programs do or do not receive funding, and a more comprehensive list of available funding—would help communities navigate funding more easily.

“Whenever I hear the courts of Quebec say to me, oh, we’re gonna change this because it’s gonna save money for the Ministry of Justice Quebec, but at the cost of what? It’s at the cost of services to the Indigenous people in my community.”

Elders

Participants emphasized the importance of Elders in the development and implementation of Indigenous systems and programs. We heard that Elders should be engaged during every step of the process, and they need to be compensated fairly for their time. Participants noted Elders do a lot of work for free, particularly in guiding and supporting community development projects and mentoring community members, and the practice of undervaluing an Elder’s time must shift.

We heard that Elders do important work with land-based healing and traditional foods and medicines. These programs must be funded and promoted, and must also be accessible to all community members, including those in correctional facilities. Elders need to be included in the list of available mental health supports for Indigenous people who are incarcerated or undergoing treatment, and Elders who do this kind of work must be paid at parity with other mental health professionals. Participants noted that often Elders are the only people capable of providing services to Indigenous people in their own language, and the importance of that connection cannot be overstated.

Language and Culture

Participants stressed the importance of offering services in Indigenous languages. We heard that for many people, particularly in remote and rural parts of Québec, neither French nor English are first languages which creates barriers to accessing support and





services. Additionally, we heard communities want funding to revitalize Indigenous languages in areas where that knowledge has been lost. Participants spoke to the success of programs aimed particularly at young children in revitalizing Indigenous languages, for example, Indigenous language in daycares, and primary school curriculums.

We heard that First Nations treatment centres are proving to be more effective for First Nations peoples because they focus on traditional healing and teachings and are not linked to colonial ideals or Christian values. Similarly, distinct supports need to be in place for Inuit communities. Participants stressed the importance of developing support services that operate from a culturally safe and appropriate worldview and healing modality. Participants noted that it can be challenging to convince community members to make use of the services that are available, and that having Indigenous people run programs for their own community members helps people access the help they need.

“Getting your community members to have trust in the services that are being offered, especially these prevention-based services. It’s not an easy task.”

Reforms to the Current System

Youth

Participants highlighted the need for more community-based support services designed for youth. We heard that in communities in Québec it can take up to two years to see a psychologist, and in that time, it is easy to lose youth to crime, addictions, and self-harm. Participants noted one of the ways to access services for youth is to go through CFS, but this can be triggering and retraumatizing for families. Participants spoke to the need for CFS to build trust in communities and undertake more cultural safety training to help make the agency a less frightening path to take to receive help.

We heard that changing the curriculum in schools so that youth learn about Indigenous culture and language from an early age improves outcomes for Indigenous youth and helps non-Indigenous youth to grow up with more cultural awareness. Participants



spoke to the need to fund both more Indigenous education in schools for everyone, as well as Indigenous-specific youth programming that helps youth connect back to land, culture, and traditions—and more importantly, with each other and community Elders.

Services

Participants suggested that there needs to be better communication between programs and services, and closer connection between service providers and community. In particular, communities are seeking more collaboration with policing services and greater recognition of the integral roles of Community Safety Officers and Public Security Directors in keeping communities safe alongside police. We heard that a formalized agreement regarding the intersection between provincial and federal policing services and community-based safety programs would allow communities to have a seat at the table and feel empowered to protect and care for their own citizens.

We heard that the judiciary needs to have a more fulsome understanding of the supports and programs that are available in the community and to make use of those programs for those who need support rather than incarceration. We heard that services should work together and find a holistic approach to caring for people that includes the community. We heard that parole officers and probation officers need better cultural awareness training so they can make better recommendations regarding conditions, release, and reintegration and help ensure success. Participants asked that service providers share information with community-based supports more readily so the community can be prepared to support both those being released, and the community members affected by the event.

Participants spoke highly of the ICW Program and the Indigenous Victim Support Worker Program but highlighted both are underfunded and need to be better supported. We also heard these two programs need to be better integrated into the way police and the judiciary interact with Indigenous people (both offenders and victims) throughout the justice system. Participants suggested that the judiciary refer clients to Indigenous services when appropriate, and workers should be notified as their clients' files progress through the system.

We heard that the people providing services to Indigenous clients must undertake extensive cultural safety training, and that this training must be Indigenous-led, region-specific, and land-based. Participants spoke to the limitations associated with the current training models, including the inadequacy of online training, the "check-box"



approach to Indigenous cultural competency training in many organizations, and the pan-Indigenous approach that does not account for the differences between distinctions and Nations. Participants stressed that training must be a requirement for all people working with Indigenous people in the justice system, and that it must be ongoing and in-depth to be meaningful.

“It’s much better if they go through a traditional method of healing or a more holistic way of dealing with the harm that may have been caused by that event.”

Accountability

Participants told us there is no easy mechanism to hold police or the judiciary accountable or to have a decision reviewed. We heard that by the time a case gets to court, it is too late to find an alternative path to healing and wellness. Participants stated there needs to be a way to request police officers review charges they lay, as well as a civilian oversight system that monitors police behaviour and bias in Indigenous communities.

We also heard that there is a need for a body or mechanism which allows ICWs and other support workers to ask the court to review conditions for bail, sentencing, parole and release. Participants stressed that complications arise when culturally insensitive decisions are made by the courts, especially around conditions that cannot be met in Indigenous communities, and the ways in which this leads to further charges and legal challenges when people breach conditions, and thus multiple charges. Participants urged the development of formal pathways of communication and oversight that can help ensure Indigenous people are treated equitably and with cultural competence.

Saskatchewan

Our in-person meeting was attended by 22 in-person and 32 virtual participants, and was held in Saskatoon. The discussion centred around self-determination and self-governance, and policing for First Nations and Métis communities across the province. The comments represented the distinct perspectives and needs of First Nations and





Métis communities. A follow up virtual discussion took place where we heard a lot about supports needed for victims and individuals transitioning out of correctional facilities. Overall, the sentiment in Saskatchewan was that First Nations and Métis communities have the desire to develop and implement their own justice systems. Moving away from colonial systems is necessary for growth and healing, but funding and resources remain key barriers to success. Participants reminded us that these priorities are rights and are entrenched in treaty agreements as well as echoed in the TRC-CTAs, and the government has a responsibility to create a framework through which communities can move towards a self-determined and self-governed justice system.

Supporting Indigenous Justice Systems

“The justice system is the first and last stronghold of the colonial powers. The ability to make laws, the ability to enforce those laws, the ability to adjudicate those laws, the ability to put sanctions in place for those who break those laws, these are all settler laws to protect the settler.”

Funding

Participants were vocal about the need to see an increase in funding that is better managed overall. We heard that communities want to be self-sufficient which requires upfront funding. This would enable communities to develop Indigenous institutes and programs to train and develop their own talent to create a cycle of local economy that can work towards self-sustainability. Participants cited concerns around how funds are managed once they reach Indigenous communities, and called for a reassessment of who is allocated funds and how they are distributed. Grassroot organizations suggested that at times bands and Nations receive funding for programs, but money does not reach the smaller, local organizations doing frontline work.

Participants also spoke to challenges around funding programs such as Gladue and legal aid where jurisdictional tensions can arise. It was felt that often no one knows whether a certain program is funded federally, provincially, or locally, and Indigenous communities struggle to navigate the system and find answers. We heard that the



funding guidelines need to be clear, and programs such as Gladue and legal aid must be fully funded by the provincial or federal government, rather than depending on Nations to allocate their own resources to develop a local program.

Self-Administered Policing and By-law Enforcement

“Self-administration is not self-government. Self-administration of a social program that used to be handled by Indian Affairs is not self-government, we have to start thinking about developing our own police act.”

Participants highlighted that the Saskatchewan Police Act does not recognize Indigenous police services, which is a major barrier for Nations to develop their own police force. In Saskatchewan, several Nations have put together community safety plans, but the provincial government is not supporting local Indigenous by-laws and public safety initiatives. Ultimately, Nations would like to be able to develop and enforce their own by-laws—both from a policing perspective and a judicial perspective—but in the meantime Nations need RCMP support to enforce by-laws. Participants also noted that there is no civilian oversight of RCMP decisions, so when by-laws are not enforced communities do not know where to go to lodge complaints. We heard that in the long term, having an Indigenous justice liaison in provincial and federal justice ministries to collaborate on justice matters would be ideal, but in the meantime an Indigenous Ombudsman must be made available to communities for both policing and justice matters.

We heard that there is a desire to return to People’s Courts and Elder-led Healing Circles. Participants were vocal about wanting to move away from the colonial system entirely and instead hand justice matters over to the community. Participants called on Justice Canada to fund training and support for Indigenous lawyers and judges to help bridge the two systems and give Indigenous systems a seat at the table. Participants highlighted the need to adequately fund Indigenous-led justice initiatives in order to pay staff at parity; we heard that often, Indigenous programs lose resources to organizations offering better pay and benefits. Participants noted that for self-administered programs to be successful long term, they must be able to hang on to trained, competent,



community-minded staff—and this can only happen if there is sufficient funding to pay them fairly.

Infrastructure and Resources

“Without mental health beds, without healing lodges, without treatment programs, we can’t move this forward.”

We heard that Justice Canada must not assume it knows why a program is struggling or why people are unable to access the treatment they need because the scenarios are different across Nations and communities. Participants noted that in some cases where the basic infrastructure exists for a program, there may be other challenges that arise, such as staffing or resources, which negatively affects a program’s ability to reach its full potential. We heard that funding needs to be allocated by communities rather than government bodies, so that those with the most in-depth knowledge of the issues facing those communities can direct resources effectively.

Participants stated communities want to develop culturally meaningful treatment programs for members struggling with mental health challenges and addictions. These programs would employ Elders and Knowledge Keepers to help connect clients to culture and include land-based healing modalities that use traditional medicines and activities to redirect people to balance and well-being. Participants worried that Justice Canada may not recognize these programs as reasonable alternatives to correctional facilities because of freedom of movement and access to support; however, participants urged that it is necessary to reframe justice through the lens of healing rather than punishment.

“This system is so entrenched and resistant to change, you almost do need to start from the ground up, you know, when you think about a forest fire burning down the forest and then, the regrowth and beauty that can create and the kind of an environment it can create. It’s similar here.”





Reforming the Current System

Training and Education

Participants spoke to the need for culturally appropriate training for police and court officials which includes alternatives to traditional court, sentencing, and conditions. We heard there is a disconnect between the training received by frontline workers regarding the history, culture, and experience of Indigenous people in Canada and how to apply that training to support better outcomes for Indigenous offenders.

Participants felt this type of training could help police officers and judiciary divert a charge or make use of community supports and resources, and help the justice system make actual, demonstrable changes to the way Indigenous cases are handled by non-Indigenous workers.

“A lot of our judges and crown prosecutors, they weren't really knowledgeable on the sentencing circle processes.”

Victim Supports and Transition Planning

We heard that the justice system is not just challenging and antagonistic for offenders but also retraumatizing for victims. Participants stressed that communication between courts and victims is inconsistent, and victims are often left wondering when they will have to come to court and what the potential impacts of trial might be. It was highlighted that while there are navigational supports in place for offenders, very few programs focus on helping victims understand the justice system.

Additionally, we heard that due to backlogs and court delays, victims are often left in a state of limbo as they wait for a trial to move forward. This can be especially traumatic if their abuser is out on bail.



“The whole system delays things for the victims, and they're living with this trauma. Wondering what's happening. You know, why is it taking so long?”

Victim services also noted that they are struggling with communicating effectively with other agencies. We heard that often police and corrections do not reach out to victim services directly, and it is up to the workers to ask for client information or to follow up on decisions. At times, workers are told that information is confidential, but the information they are seeking is relevant to the support they are providing to victims—for example, learning when an offender will be released from a correctional facility. Victim services also noted the need to be a part of release planning and the transition back into community so they can serve their clients better and prepare them ahead of release by designing a safety plan for victims who might be targeted.

“When dealing with a file and they have their investigation/police report, if they already have a good idea that it's something that may be referred to alternative measures, then maybe they could ask for that victim's contact information and put it into the report and then we'll all get it that way instead of having to reach out constantly.”

We heard that communities are often ill-equipped to provide transitional support to people being released from institutions, and that the lack of halfway housing available often means that people are released to homelessness. We heard that people have been released in the winter with inadequate clothing, no transportation, and nowhere to go. Community supports need both the information that people are being released so they can have a plan in place to support them and funding to ensure that people are safe and warm upon release. In some cases, people reoffend because they do not have any other supports in place and are afraid of being on the streets.

“We often hear about people being released, you know, who will reoffend because it's winter, because they need a place to stay. And jail is better than on the streets.”





Yukon

Two engagement sessions took place in Whitehorse,. 29 in-person and 14 virtual participants spoke to ways in which living in the North is vastly different from living elsewhere in Canada. We heard that the Yukon First Nations are collaborating and supporting each other as each community works to develop programs and policies that promote healing and reintegration rather than punishment.

Supporting Indigenous Justice Systems

Funding

We heard that funding must be consistent, long-term, and easily accessible. Participants spoke to funding being allocated based on population rather than need, or costs in the North. We heard that infrastructure funding must be included—many programs need buildings to operate out of and updated technology to do their jobs effectively. We also heard that a lack of housing in communities is driving up crime rates, and Justice Canada should consider housing as a component of justice reform.

We heard there is a desire to build healing lodges in the Yukon, but without sustainable funding it is impossible to plan large multiyear projects. Communities would need to build the capacity to develop and sustain institutions such as healing lodges, but they do not want to invest in those commitments if funding will be cut off and training and program development ultimately wasted.

Programs for Healing

“Ours is the traditional system. If that's what it could be called. Ours is about humanity, and it's about relationship. When someone breaks the law, it's an indication that they've broken...somehow, they've come out of balance, and so we need to help them get back into balance.”

We heard from participants that communities do not want funding for more colonial justice models—they do not want to build courthouses and jails—they want to focus on



developing infrastructure and resources that promote healing. We heard that better funding for diversion programs and community, land-based healing programs is necessary to help community members reconnect to their culture and heal from trauma. Participants stressed that basing all supports in Whitehorse is not a viable solution rather communities must have the funding to create their own care facilities.

Participants shared while communities in the Yukon are working together, collaborating, and learning from each other, each Nation has a unique way of supporting its members and developing its programs, and a solution that works for one Nation may not apply to other Nations in the area. As an example, we heard each Nation would like funding to create and sustain an Elders' Council where each Council would have different functions and different ways of meeting and making decisions based on the history and culture of the individual Nation. Nations want to be responsible for allocating their own funding and determining how and when to fund different projects.

“Every community has First Nations history. They have deep traumas. They have also a deep connection to each other and land. So, I think if we go back to land-based healing it could be a way to start moving forward.”

Reforms to the Current System

Education and Youth

“We can't talk about justice without talking about education, prevention, connection.”

We heard that education is a major component of successful justice outcomes. Participants spoke to the challenges of supporting youth in schools who struggle with neurodivergence including attention-deficit/hyperactivity disorder (ADHD) and the permanent, brain-based disability, FASD. They noted resources are limited in the Yukon and often children who cannot keep up in a conventional classroom do not have the



supports they need to stay in school. In addition, we heard that students often cannot stay in their communities to complete high school and this disruption can affect whether students stay in school.

“There's not high schools in all of our communities. There's only high schools in 3 of the communities. So, the kids, they graduate from... grade 9 or grade 8 now, and they leave their communities, their whole family, and everything you're related to.”

Participants talked about the challenges associated with getting students to school every day when school is far from their home communities and the frustrations with poor technological connectivity in the North. We heard that students in rural and remote areas struggle to keep up with coursework that is increasingly requiring them to be able to easily access the internet, and that these added challenges lead to higher drop out rates.

Participants said once youth stop attending school, they often end up connecting with other youth and committing petty crimes. These crimes lead to their removal from the community for court sentences and when youth leave communities, they do not come back the same. We heard losing one's connection to land and culture at an early age has lasting consequences for how they later connect to community and their well-being. It was highlighted that the very best metric for youth success is the connection they feel to their community and their families.

“Whenever you send one of our young people out of the community, they don't come back. They come back physically, but they're not the same.”

We heard for youth in particular, police and members of the judiciary must consider diversion and community-based sentences rather than removing children from their communities. Participants reminded Justice Canada that traditionally Elders would oversee any community breaches and teach youth about balance and community



responsibilities. They urged a return to a model that connects youth to community supports and offers them mentorship and healing rather than punishment and isolation.

Cultural Care

Participants spoke to the importance of culturally appropriate consequences to wrongdoing and the opportunity to heal. We heard Clan leaders should be able to sit with judges on sentencing panels and give advice on the best way to heal and reintegrate an individual with their community. We also heard services should be consistent across the territory—you should not have better outcomes if you live in a community that has better support programs. Participants are looking for programs and services to be equivalent in all communities in the Yukon and those services should also be equivalent to what is available in Southern Canada. While participants recognize that program details must be tailored to each Nation and community, the programming available and the legal structures in place to accommodate alternative sentencing should be consistent.

“Section 720 of the Criminal Code allows that minimum jail sentences don't need to apply if the province or territory has an approved treatment program² so that, if the person is found guilty, would ordinarily be facing a jail sentence, instead, they can go into treatment. There is a problem which is our Indigenous programs are not considered ‘approved’ treatment programs.”

We heard there are no treatment programs that are approved by the territorial government, making Section 720 of the *Criminal Code* ineffective. If charges go to court, the courts do not have a lot of discretion in how to sentence offenders. Participants requested that the territory recognize healing lodges and addictions treatment centres as reasonable alternatives to correctional facilities and open the possibility of being ordered to attend treatment rather than going to jail. This would also require the development of local healing lodges, where there are currently none in the

² Subsection 720(2) provides that the sentencing of an offender may be delayed with the consent of the Attorney General and the offender, to permit the offender to attend a treatment program.



Yukon. This issue is exacerbated by the fact that support programs and mental health supports are limited in institutions, so people sent to correctional facilities do not have the opportunity to heal while they are incarcerated. In addition, a lack of transitional services means even if a healing journey is begun in institutions, communities often lack the resources to help community members maintain their well-being once they are released. Participants highlighted the importance of community programming for reintegration and requested that funding be made available to help bridge the gaps post-release.

Justice System Professionals

In addition to in-person conversations within the provinces and territories, sessions were held with three groups of subject matter experts: the IJP; the Indigenous Courtwork Program; and the Missing and Murdered Women and Girls and 2SLGBTQIA+ (MMIWG2S+) Urban Indigenous Action Group. These conversations centred largely on barriers and issues frontline workers and program developers and deliverers experience. In addition to sharing their experiences, participants provided best practice models they use to help alleviate the barriers they face when supporting Indigenous people within the justice system. It is important to note that meetings with the subject matter experts differed in structure and in focus from the regional meetings. As such, the outcomes of these meetings have not been included in the summaries provided above for the regional sessions.

MMIWG2S+ Urban Indigenous Action Group

The discussion with the MMIWG2S+ Urban Indigenous Action Group focused on the unique experiences of urban Indigenous people, particularly the experiences of Indigenous women, girls and 2SLGBTQIA+ people and the justice system. With approximately 44.5% of Indigenous people in Canada living in urban settings according to the Statistics Canada 2021 Census, an Indigenous Justice Strategy must provide funding that can adequately support the needs of this diverse group. More data collection on urban Indigenous incarceration rates, post-release outcomes and recidivism was highlighted as a mechanism required to gain more knowledge of the true scope of need and how to address not only justice related factors, but also social



determinants that play a key role in Indigenous people's involvement with the justice system.

The group discussed some social determinants that contribute to an Indigenous person's involvement in the justice system such as domestic violence and sexual exploitation. Victims of domestic violence or sexual exploitation are at a higher risk of incarceration when they stand up for themselves and face a system that unfairly penalizes them. It was stressed that an IJS must promote the well-being and safety of victims of violence and sexual exploitation, especially when they encounter police and the court system. Participants highlighted systemic racism within the justice system as a leading factor to overrepresentation, and that systemic racism needs to be eradicated not only in the justice system but across all systems to improve the social determinants that contribute to overrepresentation.

The group felt that the scope of the IJS is too wide and should focus on community-level supports and initiatives, such as community councils and peacebuilders, addiction support, and family reunification. They also highlighted that the 2SLGBTQIA+ community must be reflected throughout the strategy and their needs fully considered. It was suggested that the strategy should address jurisdictional issues, which are the cause of many problems faced by women and 2SLGBTQIA+ people. The group stated that the strategy should be co-developed and must take an intersectional approach to both considering the problems and forming solutions that work for everyone.

The Indigenous Justice Workers Program and the Native Justice of the Peace Program were some of the examples brought forward as required enhanced funding and availability across the country. The group would also like to see better representation of women and Indigenous people in positions of power to help create space for women and 2SLGBTQIA+ voices to be heard.

Indigenous Courtworkers Working Group

Participants shared that the Indigenous Courtwork Program needs to shift from a reactive to proactive approach. Rather than connecting with clients only after they have been arrested and are in custody, Courtworkers should be contacted before charges are laid to help navigate possible diversion options and help Indigenous people feel safe



from first contact. Participants noted that clients are often afraid to self-identify because they feel they will not be treated fairly.

The current intake process for client referral is informal in most provinces which causes gaps in service. The referral process needs to be mandatory, especially for legal aid lawyers. In addition to mandatory referrals, every courthouse needs to have promotional material which speaks to what the program is and how to connect with a worker. It was also highlighted that judiciary staff need better training on the Indigenous Courtwork Program, and an Ombudsman should be created to ensure judiciary accountability where cases believed to have been mishandled can be reviewed.

Participants shared the need for workers to have a recognizable and culturally appropriate lanyard to identify themselves as signage often confuses people when trying to locate a worker in the courthouse. It was also noted that those with lived experience in the justice system should be eligible to be employed as ICWs and court processes should be based in communities where there are supports for offenders and victims, especially for those in remote and fly-in communities. Each community should be funded on a long-term basis to operate and administer their own justice practices, such as sentencing circles.

While the program should be made mandatory across the country, participants agreed that standardization would not work as each region is unique as are the needs of the people.

Data collection was identified as an important mechanism to demonstrate effectiveness of the program, not only to funders but to community services providers and clients.

The legislative reforms identified by the group included: removing mandatory minimum sentences; reviewing fine-based punishment; victim surcharges; the bail system and conditions of release; and the use of risk assessment tools.

ICWs also provided a comprehensive ICW Report to Justice Canada following the engagement session. The contents of the ICW Report are not included in the summary above but will inform the development of the IJS.



Indigenous Justice Program Workers

The conversations with IJP workers focused on the need to review and consider the Five Pillars Approach to reinventing the criminal justice system. The “Five Pillars” include: Maslow’s hierarchy of needs; Healers and traditional practitioners guided by Advisory Council; Mentorship; Community; and Governance.

The IJP workers emphasized the need for better funding of diversion and reintegration programs that offer cultural teachings, including the need to fund community infrastructure and human resource capacity. Participants suggested that funding should focus on youth programming, Indigenous-led healing and addictions services to decrease wait times and increase success rates, and the creation of more transitional housing. IJP workers discussed that a core pillar of crime prevention is poverty reduction, and that reforms need to meet people’s basic needs; individuals need to have access to housing, food, cellphones, bus tickets, etc. It was suggested Friendship Centres be supported to develop and implement community-based justice programming via long-term sustainable funding. Participants identified a need for culturally appropriate training within the support services being offered in urban areas.

Participants noted that transportation to court and to support services must also be funded and provided to better support access to justice. Language of service was flagged as a barrier and participants suggested that Indigenous language translation services should be available in courtrooms. Participants also identified a need to create safe spaces for victims of crime outside the courtroom for meeting with legal supports and to officially appear or testify. The development of an independent Victim’s Association to offer services and supports was recommended by participants.

With regards to transforming community safety, the participants recommended supporting the creation of policing units that include mental health practitioners and special constables to help navigate situations in a culturally appropriate manner. When discussing sentencing and reintegration, IJP workers stated that correctional services should inform communities when citizens are released from facilities so that appropriate services and care can be provided. They further recommended that a Section 81/84 client tracking system be developed. They also emphasized the need to streamline the federal and provincial/territorial funding application processes.



It was mentioned that police, Crown counsel, and justice-related support services must be able to work together more effectively and share information more easily.

Participants also suggested the creation of an online regional database to identify cultural activities, highlight healing opportunities, and identify justice-related services to help people navigate the system—both for offenders and victims. Participants noted that better linkages need to be created between rural community agencies and urban frontline services. The RCMP and police need to be better informed about pre-charge opportunities available and be encouraged to utilize restorative justice practices. To enhance collaboration and standardization, it was suggested that funding be provided for an annual gathering of Indigenous justice workers and their colleagues for networking, information sharing and training.

With regards to self-determination and administration of justice, the IJP workers emphasized that there must be a review of the way Indigenous by-laws are enforced. Furthermore, there needs to be consideration towards developing a process for individuals to become judges within their community; not necessarily lawyers, but social workers and others with qualifications or levels of experience who can become community judges in Indigenous-led Wellness Courts.

When discussing corrections, participants identified a need to increase the number of Indigenous justice workers in correctional facilities, especially those who work with clients on reintegration, transition planning, re-entry planning and helping people connect with cultural teachings. It was also noted that security assessment metrics for corrections must be re-evaluated. Training that is specific to the area being served must be developed, acknowledging that every Nation is distinct, and their needs are different.

Participants shared that reporting mechanisms for funding and program delivery are time consuming, and there should be consideration towards a re-evaluation of the reporting aspects. The IJP workers highlighted that programs need teams of people, and that there should be four justice workers in every community; one person cannot do the job alone.



Online Engagement

An online platform was created to provide an anonymous space for anyone to express their opinions and contribute to the development of the Indigenous Justice Strategy. The platform was available from October 6, 2023 to January 19, 2024 and received more than 1,426 site visits and 149 account registrations.

The platform included two questions:

1. Share your perspectives and insights on specific actions to reform the current criminal justice system. From the perspective of your region, community, Nation and government, share the specific legislative, program, or policy actions to support these priorities:
 - cultural awareness, understanding, and trauma-informed practices
 - specialized supports and services for women, 2SLGBTQI+ individuals, and victims and survivors of crime
 - restorative justice and wellness-focused approaches in the justice system
 - integrated services and wrap-around supports
 - culturally appropriate intervention and prevention programs
2. Share your perspectives and insights on specific actions to support the revitalization and reclamation of Indigenous Justice Systems. From the perspective of your region, community, Nation and government, share the specific legislative, program, or policy actions to support these priorities:
 - support communities in exploring their own laws, legal systems, and traditions
 - support communities in establishing and managing their own justice-related institutions and services
 - support the recognition and enforcement of Indigenous laws
 - create opportunities for knowledge-sharing and collaboration between Indigenous communities working on justice-related matters
 - create mechanisms for collaboration and integration across the justice and social service sectors



- create mechanisms for ongoing collaboration between communities and provincial, territorial and federal governments on justice and well-being related matters

Registered users could freely post their ideas and read and respond to other users' ideas. We received 28 responses: 25 ideas and 3 improvements. The following summarises information received.

Question 1: Responses to the first question highlighted:

- a significant amount of funding is required for culturally appropriate services, and
- the elimination of barriers to access funding.

One participant commented:

“The Ontario Native Women's Association (ONWA), Inuuqaitgiit, Ontario Federation of Indigenous Friendship Centres (OFIFC), TI, and Odawa all provide these services in Ottawa but are not adequately funded. There are several reports with recommendations that need to be actioned on. An understanding of the intersections of justice, that justice is not just court and jail, it is the police, victim services, housing, employment, education, child welfare, and every system that an individual interacts with.”

Another participant suggested interactive workshops as a method to inform Canadians about trauma and a way to provide cultural awareness training:

“One way is through Blanket exercises, as so many people do not know the true Canadian History and the different ways of genocide that have been used over the many years with our Indigenous people. I feel this will help people to have more empathy and understanding towards Indigenous people and intergenerational trauma. [...] We must heal our people in communities where they have lost those teachings and others. We need to return to how our ancestors nurtured their children before the different



devastating ways tore them apart.”

Question 2: Responses to the second question highlighted:

- the need for more healing programs
- the need for First Nations CFS to re-evaluate its mandate and consider how funding would be better spent on prevention, access to treatment centres, Indigenous social workers, and Indigenous Knowledge Keepers to help with trauma.

“Land use is fundamental for the health and identity for our people. It plays a essential role in wellness and wholistic approach to healing. It is key component in reintegration.”

“Healing Lodges are needed here in Manitoba. There are a few but are majorly backlogged on a waitlist. [...] We need the justice system here in Canada to be more indigenous centred.”

“There are way too many indigenous children being apprehended from their homes. The entire child and family services sector needs to be reformed.”