

## 30/60/90 DAY DECISION NOTE

### Issue:

s.16

### Background:

- The Strategy was approved by Cabinet on February 26, 2020.  
s.12

- The Strategy was endorsed by the Province and the BCFNJC and announced to the public on March 6, 2020 at a signing ceremony in Nanaimo, BC.  
s.12; s.16

s.12

s.12

### Decision required:

- The Province is seeking approval to:

s.16

30/60/90 DAY DECISION  
NOTE

Issue:

- BC First Nations Justice Strategy (30-60 days)

Background:

BC First Nations Justice Strategy

- In September 2017, the Attorney General, Public Safety and Solicitor General, and the BC Aboriginal Justice Council (BCAJC), now the BC First Nations Justice Council (BCFNJC), signed an MOU, under which the partners agreed that they would make best efforts to develop an Indigenous Justice Strategy within two years of the signing of the MOU, which was not to preclude mutually agreed upon immediate actions improving outcomes for Indigenous people in the justice system.
- In March 2019, the BCAJC announced that they had received formal endorsement through resolutions from its three founding organizations, the First Nations Summit, the Union of BC Indian Chiefs and the BC Association of First Nations (collectively First Nations Leadership Council-FNLC), to change its name to the BC First Nations Justice Council (BCFNJC), to change its mandate to focus on First Nations specific justice issues and to develop a First Nations Justice Strategy.
- This change recognized that Indigenous peoples in BC (First Nations, Métis, and Inuit) have different cultures, priorities and histories with the Province, that the BCFNJC could not speak for all Indigenous groups and has resulted in the development of two Justice Strategies, one for the First Nations and one for the Métis.<sup>s.16</sup>

- s.16
- The BC First Nations Justice Strategy was approved by Cabinet on February 26, 2020<sup>s.12; s.13; s.16</sup>

- The Strategy was endorsed by the Province and the BCFNJC and announced to the public on March 6, 2020 at a signing ceremony in Nanaimo, BC.  
s.12

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## BRIEFING NOTE

### Stakeholder and/or Partner

Name: BC First Nations Justice Council

#### Description:

- The BC First Nations Justice Council was created in 2016 by the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs (collectively known as the First Nations Leadership Council). It has a dual mandate of advocating to address the overrepresentation of First Nations peoples in jails and of First Nations children in care. In 2017, the Justice Council signed an MOU with the Government of BC to jointly craft a new Indigenous Justice Strategy.
- On March 6, 2020, the BC First Nations Justice Council and the Government of British Columbia signed the BC First Nations Justice Strategy.

#### Issue(s)/Opportunities:

- POTENTIAL ISSUE/ASK: Will there be funding to continue to support capacity for the BCFNJC and for the implementation of the BC First Nations Justice Strategy including the expansion of Indigenous Justice Centres and the development of a Virtual indigenous Justice Centre?
  - SUGGESTED RESPONSE: The Province is committed to its partnership with the BCFNJC and to supporting the BC First Nations Justice Strategy. As we move forward to implementing this Strategy, staff in JSB will assist you in identifying funding requirements and seek approval for funding as per the Treasury Board process. I will need to enquire with finance as to the status of capacity funding but understand funds have been identified in the Ministry Service Plan; the amounts of which have been shared with you.

#### Key Contact:

- Doug White, Chair

## CORPORATE ISSUE/OPPORTUNITY NOTE

### Issue:

s.12; s.13; s.16

### Background:

- In January 2019, recommendation #16 of an external review of legal aid service delivery in BC was released (the Maclaren Report) supporting the iterative and scalable development of Indigenous Justice Centres (IJC) as culturally safe sites for wholistic legal aid service to Indigenous people.
- IJC support provincial commitments to:
  - Indigenous reconciliation and self-determination of Indigenous justice organizations and institutions;
  - Indigenous-led solutions to accessing culturally relevant justice, social and poverty services; and,
  - Providing services to Indigenous clients in geographic areas where services do not exist or are insufficient.
- The BC First Nations Justice Strategy was approved by Cabinet on February 26, 2020 and announced to the public on March 6, 2020 at a signing ceremony in Nanaimo, BC.<sup>1</sup>
- Strategy #4 called for investing in a network of IJC, as well as strategies #5 and #6 to deliver legal services and Gladue report programming from IJC.
- The BCFNJC originally proposed the creation of up to 15 IJC to be implemented at a rate of 3 IJC per year.<sup>5.12</sup> the network of up to 15 IJC was also supported in BCFNJS strategy #4.
- The first 3 IJC became operational prior to the release of the BCFNJS.
- The 3 IJC were selected through expressions of interests provided to the BCFNJC. The 3 sites selected were Prince George, Prince Rupert and Merritt/Nicola Valley.
- The 3 IJC were fully staffed and operational by March 2020. Prince Rupert and Prince George held 'soft-openings' in January and in February 2020, respectively.
- The 3 IJC were implemented through partnerships with existing organizations in geographic areas expressing service needs. If services already exist in a community, a referral will be made to those service providers that already exist.
- Due to the COVID-19 pandemic, in-person IJC services were suspended within weeks of start-up, and service levels have been significantly impacted. The COVID-19 pandemic continues to affect staff's ability to engage community members face-to-face, as many Indigenous communities are on self-imposed lockdown. The reliance on service provision by video and/or telephone limits trust building and the ability to engage with and to draw from the insights of Elders. Considering the importance of in-person

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<sup>1</sup> Province of British Columbia, First Nations organizations, Province endorse new First Nations Justice Strategy, *News Release*, March 6, 2020, [https://9c56a069-86c3-43b1-ad5b-8cdb6fae3682.filesusr.com/ugd/43baff\\_50a6fe2ed7464dfa80120183e6e1ac87.pdf](https://9c56a069-86c3-43b1-ad5b-8cdb6fae3682.filesusr.com/ugd/43baff_50a6fe2ed7464dfa80120183e6e1ac87.pdf).

communication for Indigenous clients, the COVID-19 pandemic is expected to continue to hinder client service levels.

- IJCs use traditional and holistic Indigenous approaches in the delivery of services. They provide legal support and advocacy based on a legal client model. Justice services focus on criminal and child welfare law using a legal clinic approach, guided by the principles of restorative justice and healing. They will also provide social and poverty support services that focus on mental health, addictions, and housing services.
- Going forward, IJCs intend to form the foundation for a culturally appropriate network of justice and related social services for Indigenous people. They are also part of a long-term effort to change the way that Indigenous people interact with the justice system.

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- The Indigenous Justice Policy and Legislation Division (IJPLD) works in partnership with the BCFNJC supporting the development and implementation of the BCFNJS and its related priority initiatives.

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<sup>2</sup> It is anticipated that access to JUSTIN will also require an application to the Judicial Access Policy Working Group, as well as approval from the judiciary.

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## CORPORATE ISSUE/OPPORTUNITY NOTE

### Issue:

- Legal Aid Services for Indigenous Clients

### Background:

- On February 26, 2020, Cabinet approved the Strategy of the BC First Nations Justice Council (BCFNJC).
- On March 6, 2020, it was released publicly at a signing ceremony in Nanaimo, BC.
- BCFNJS Strategy #5 calls for providing legal aid services through a newly established provincial Indigenous legal services entity, under the control of the BCFNJC.
- At present, legal aid services for Indigenous people are provided primarily by Legal Aid BC (LABC).
- Strategy #5 also calls for creating a workplan to transition legal aid services for Indigenous people in BC away from LABC to newly established Indigenous controlled entity. The workplan will identify how the transition will result in increased access to justice for Indigenous accused and outline clear criteria and standards for legal aid services.
- On September 30, 2020, IJPLD, LABC and the BCFNJC held a facilitated meeting to discuss the transition of both Gladue services and legal aid services for Indigenous peoples away from LABC to an Indigenous controlled entity.
- IJPLD, LABC and the BCFNJC agreed to form a working group to establish a timeframe and the parameters for the transition of legal aid services for Indigenous clients.

### Issue/Opportunity:

- Development of a framework and workplan to transition legal aid services to an indigenous led organization, as identified in Strategy #5 of the BC First Nations Justice Strategy.



## CORPORATE ISSUE/OPPORTUNITY NOTE

### Issue:

- Obtaining funding to implement a Virtual Indigenous Justice Centre (VIJC).

### Background:

- The BC First Nations Justice Council (BCFNJC) has implemented 3 Indigenous Justice Centres (IJC) in Prince George, Prince Rupert and Merritt/Nichola Valley.
- IJCs provide legal support and advocacy based on a legal client model. Justice services focus on criminal and child welfare law using a legal clinic approach, guided by the principles of restorative justice and healing. They will also provide social and poverty support services that focus on mental health, addictions, and housing services.
- Due to unprecedented COVID-19 pandemic impacts, Indigenous service providers are facing critical resource challenges.
- The COVID-19 pandemic continues to affect IJC staff's ability to engage community members face-to-face, as many Indigenous communities are on self-imposed lockdown.
- In response to the COVID-19 pandemic, the BCFNJC has proposed establishing a Virtual Indigenous Justice Centre (VIJC) to deliver legal services virtually to Indigenous peoples across the province.
- It is intended that, post-Covid, the VIJC will continue to operate to alleviate geographic gaps in service delivery.
- In January 2019, recommendation #16 of an external review of legal aid service delivery in BC was released (the McLaren Report) supported the iterative and scalable development of Indigenous Justice Centres (IJCs) as culturally safe sites for holistic legal aid service to Indigenous people.
- On March 6, 2020, the BCFNJC released the BC First Nations Justice Strategy (BCFNJS) and the Province endorsed.<sup>1</sup> Strategy #4 called for investing in a network of IJCs that could deliver legal services and Gladue report programming.

s.16; s.17

### Issue/Opportunity:

- IJCs use traditional and wholistic Indigenous approaches in the delivery of services. They form the foundation for a culturally appropriate network of justice and related social services for Indigenous people.

s.17

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<sup>1</sup> Province of British Columbia, First Nations organizations, Province endorse new First Nations Justice Strategy, *News Release*, March 6, 2020, [https://9c56a069-86c3-43b1-ad5b-8cdb6fae3682.filesusr.com/ugd/43baff\\_50a6fe2ed7464dfa80120183e6e1ac87.pdf](https://9c56a069-86c3-43b1-ad5b-8cdb6fae3682.filesusr.com/ugd/43baff_50a6fe2ed7464dfa80120183e6e1ac87.pdf).

**MINISTRY OF ATTORNEY GENERAL  
JUSTICE SERVICES BRANCH  
INFORMATION BRIEFING NOTE**

**PURPOSE:** For **INFORMATION** for Mark Sieben,  
Deputy Solicitor General, Ministry of Public Safety and Solicitor General.

**ISSUE:**

- Monthly briefing to Deputy Solicitor General, March 2, 2021, on the portfolios of the Indigenous Justice Policy and Legislation Division (IJPLD) including:
  - BC First Nations Justice Strategy
  - Indigenous Justice Centres
  - BCFNJC Funding
  - Métis Justice Strategy
  - Gladue

**BACKGROUND AND DISCUSSION:**

- BC First Nations Justice Strategy

s.12; s.13; s.16

- Briefings and Introductions:
  - February 3, 2021 – IJPLD facilitated an introduction meeting with the BCFNJC and ADM Wayne Rideout, Policing and Security Branch
  - February 10, 2021 – IJPLD met with Norma Davignon, Senior Advisor to Deputy Minister of Justice, Yukon Government to provide background and more comprehensive information for her on the First Nations Justice Strategy. Norma will share with the Council of Yukon First Nations and inquire if they would like a briefing from the BCFNJC to discuss building alliances on a National Justice Strategy.
  - February 22, 2021 – At the request of Minister Eby, IJPLD coordinated and attended a briefing with, ADM Cheryl May, Housing to provide an update on housing projects related to Indigenous people and for the BCFNJC to provide an update on their Strategy.
  - March 10, 2021 – ADM Kurt Sandstrom, IJPLD staff are meeting with federal ADM Laurie Wright and her colleagues s.16  
s.16
  - March 12, 2021 – Minister Eby, the BCFNJC and JSB are meeting with Minister Lametti to discuss Indigenous Justice Strategies.

- March 15, 2021 – the next BCFNJC and MNBCJC collaboration meeting scheduled.
- Indigenous Justice Centres
  - s.12; s.13; s.16
  - January 13, 2021 – ADM Danine Leduc (LBR) and Colleen Spier met to discuss areas of alignment on the IJC's.
    - February 9, 2021 – IJPLD facilitated an introduction meeting with staff from the Ministry of Labour and the IJC Provincial Director Renzo Caron.
- BCFNJC Funding
  - s.16; s.17
- Métis Justice Strategy
  - On January 5, 2021, an embargoed copy of the Metis Justice Strategy with an accompanying Executive Summary were provided to social sector assistant deputy ministers. The ADMs were asked to identify staff to be included in consultations, which will take place throughout March and April 2021.
- Gladue Transition
  - February 8, 2021 – Minister Eby convened a meeting between the Province, BCFNJC and LABC and the parties agreed to an April 1, 2021 transition date.
  - Gladue Steering Committee meetings with Doug White, Kurt Sandstrom, Mark Benton and Chief Judge Gillespie are no longer taking place at the request of Doug White. IJPLD and BCFNJC will keep Chief Judge Gillespie apprised through ADM Sandstrom's bi-weekly meetings.
  - Working group meetings have been scheduled to take place bi-weekly and have been expanded to include members who represent Crown Counsel, BC Corrections and BC Defense Counsel.

**PREPARED BY:**

Beverley Salkus  
Manager, Justice Strategies & Initiatives  
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Erna Mazer  
Indigenous Justice Program Analyst  
Justice Services Branch

**APPROVED [DATE] BY:**

Richard J. M. Fyfe, QC  
Deputy Attorney General  
Ministry of Attorney General and Housing.

**APPROVED February 25, 2021 BY:**

Beverley Salkus on behalf of  
Colleen Spier  
Executive Director  
Justice Services Branch

**APPROVED [DATE] BY:**

Kurt Sandstrom  
Assistant Deputy Minister  
Justice Services Branch

**ATTACHMENT(S)**

Appendix A - IBN - Strategy Implementation Workplan Next Steps

**MINISTRY OF ATTORNEY GENERAL  
JUSTICE SERVICES BRANCH  
INFORMATION BRIEFING NOTE**

**PURPOSE:** For INFORMATION for internal and external Working Group Members

**ISSUE:**

To support working group members in briefing their executives on next steps for implementation of the BC First Nations Justice Strategy (the Strategy).

**SUMMARY:**

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- There are certain initiatives that required immediate action at the time of the signing of the initial MOU in September 2017, such as the implementation of Indigenous Justice Centres and the transition of Gladue services from LABC to a First Nations controlled agency. These priorities have proceeded outside of the Workplan development.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Consultation with partner ministries is ongoing. Working groups had representation from eight ministries: Ministry of Attorney General, Ministry of Public Safety and Solicitor General, Ministry of Indigenous Relations and Reconciliation, Ministry of Children and Family Development, Social Development and Poverty Reduction, Ministry of Mental Health and Addictions, Advanced Education and Skills Training, Ministry of Finance. Briefings with ADMs and DMs also took place for Citizens' Services, Ministry of Education, Ministry of Health, Ministry of Labour, as well as the federal government.

**Prepared by:**

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**Approved by:**

Colleen Spier  
Executive Director  
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**Attachment(s)**

Implementation Workplan Master Timeline and Next Steps

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**From:** May, Cheryl OHCS:EX  
**Sent:** February 1, 2021 8:01 PM  
**To:** Papadopoulos, Nikki OHCS:EX  
**Subject:** RE: QUESTION | FW: Connecting FNJC and BC Housing

Yes please and John.

Thanks,

Cheryl

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**From:** Papadopoulos, Nikki OHCS:EX  
**Sent:** February 1, 2021 2:21 PM  
**To:** May, Cheryl OHCS:EX  
**Subject:** QUESTION | FW: Connecting FNJC and BC Housing

Hi Cheryl,

The MO has requested that the DAG coordinate the following meeting below. Should this meeting just include yourself and BC Housing?

*The MO has requested that we please coordinate an intro meeting for the BC First Nations Justice Council and BC Housing. This was discussed at the last meeting with Minister and FNJC. The thought is that FNJC would be able to update BC Housing on the Justice Strategy and that BCH would be able to update on housing projects related to Indigenous people and any BCH-owned space that may be available.*

*Both Doug at FNJC and Sara at BCH know this is coming forward.*

Regards,  
Nikki

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**From:** Engelbrecht, Maya AG:EX <[Maya.Engelbrecht@gov.bc.ca](mailto:Maya.Engelbrecht@gov.bc.ca)>  
**Sent:** February 1, 2021 11:53 AM  
**To:** Papadopoulos, Nikki OHCS:EX <[Nikki.Papadopoulos@gov.bc.ca](mailto:Nikki.Papadopoulos@gov.bc.ca)>; Fast, Courtney AG:EX <[Courtney.Fast@gov.bc.ca](mailto:Courtney.Fast@gov.bc.ca)>  
**Cc:** Ramsay, Launa P OHCS:EX <[Launa.Ramsay@gov.bc.ca](mailto:Launa.Ramsay@gov.bc.ca)>; Valentinuzzi, Emma AG:EX <[Emma.Valentinuzzi@gov.bc.ca](mailto:Emma.Valentinuzzi@gov.bc.ca)>  
**Subject:** Connecting FNJC and BC Housing

Good morning, Courtney and Nikki

The MO has requested that we please coordinate an intro meeting for the BC First Nations Justice Council and BC Housing. This was discussed at the last meeting with Minister and FNJC. The thought is that FNJC would be able to update BC Housing on the Justice Strategy and that BCH would be able to update on housing projects related to Indigenous people and any BCH-owned space that may be available.

Both Doug at FNJC and Sara at BCH know this is coming forward.

Nikki – please could you reach out to BCH for some times?

Courtney – once Nikki has a few suggestions – please could you reach out to Gaelene for availability?

If you have further questions, please let me know.

Thanks to you both!

-M

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**From:** May, Cheryl OHCS:EX  
**Sent:** February 22, 2021 3:31 PM  
**To:** Spier, Colleen AG:EX  
**Cc:** Sandstrom, Kurt AG:EX  
**Subject:** FNJC social side

Hi Colleen,

Nice to see/hear you again this morning – hope you are doing well. I just wanted to check in about the interest of the FNJC to have a broader social sector discussion across multiple ministries – is there anything in the works to try and address that need? Any internal updates on the ADM secretariat that was mentioned?

Thanks,  
Cheryl

Cheryl May  
Acting Associate Deputy Minister  
Housing, Construction Standards, and Multiculturalism  
Ministry of Attorney General and Minister Responsible for Housing  
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