
Vancouver Aboriginal Transformative Justice Services Society

300 - 2425 Quebec Street, Vancouver, BC



Simon Fraser University, Criminology Class Presentation, October 2023

VATJSS is located on the unceded, ancestral homelands of the

x^wməθk^wəyəm (Musqueam),

səlilwətaʔt (Tsleil-Waututh),

sḵwxwú7mesh (Squamish)

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k^wik^wəłəm (Kwikwetlem)

Introductions

Jenna Forbes,
Executive Director
Ts'msyen, Gitxan, Haida

Allie Pev,
Indigenous Resource Worker
Michif Nēhiyaw, Slovenian,
Treaty 6 territory

Today's Presentation

- History of VATJSS & our Philosophy
 - Indigenous Justice and the history within the Criminal Justice System
 - VATJSS Overview
 - Q&A
-

Our Philosophy

Crime is best viewed as a **violation of people and relationships**.

Conflict that emerges is an opportunity for positive **transformation** for the person who has been harmed, the person who has done the harm and the community.

Canadian Colonial Criminal Justice System

- Punitive
- Adversarial
- Reactionary

adawx

“Our way, our history”
Sm’algyax (Tsimshian language)

nêhiyaw wiyasiwêwina

“Cree human laws”
nêhiyawêwin (Cree language)

The Canadian common law legal system was imported from Europe through acts of imperialism and colonialism.

It has since been imposed on this land despite Indigenous governance systems existing here since time immemorial.

Indigenous people & the Criminal Justice System of Canada.

VATJSS

Established 1998

**“The Canadian criminal justice system
has failed the Aboriginal peoples of
Canada”**

-Royal Commission on Aboriginal Peoples (1996)

Indigenous adults accounted for about one-third of all adult admissions to provincial and territorial (31%) and federal (33%) custody, while representing approximately 5% of the Canadian adult population in 2020. Indigenous youth accounted for one-half (50%) of youth admissions to custody in 2020/2021, while representing about 8% of the youth population.

Adult and youth correctional statistics, 2020/2021

Indigenous people represent roughly 5% of Canada's population but 32% of those in federal prisons. Indigenous women account for 48% of the female inmate population.

Indigenous youth are overrepresented in both custody and community supervision, accounting for 50% of custody admissions and 42% of community supervision admissions.

“The proportion of Indigenous people doing time in Canadian prisons is climbing so rapidly that Indigenous people will soon account for 1 in every 3 federal inmates.”

-Dr. Ivan Zinger, Correctional Investigator of Canada, January 2020.

Indigenous Justice Programs

Department of Justice: Indigenous Justice Programs (IJP)

The Indigenous Justice Program (IJP) is a federally led initiative that is cost-shared with all thirteen provinces and territories and delivered in partnership with Indigenous communities.

The Program has been in operation for just over 30 years, since 1991.

Through this fund, the Indigenous Justice Programs (IJP) provide direct support to over **300 community-based justice programs across Canada, 30 across BC**. These funded initiatives are dedicated to addressing the underlying causes of crime while aligning with their community's justice values, traditions, and culture. These programs operate along various stages of the justice process, encompassing prevention, pre-charge, post-charge, post-sentence, and reintegration.

Does it work?

After 1 year IJP participants were 42.2% less likely to be reconvicted...

After 5 years IJP participants were 49.9% less likely to be reconvicted, compared to non-participants...

The IJP costs an estimated \$2,231 less per participant compared to the criminal justice system.

-2021 Evaluation of the Indigenous Justice Program

Indigenous Justice & Restorative Justice

Indigenous Justice & Restorative Justice

Indigenous Justice (IJ) is a holistic approach deeply rooted in Indigenous cultures and traditions. It aims to heal not only the victim, but the offender and the entire community affected by harm. IJ recognizes that harm disrupts the interconnected relationships within the community, and its practices often include traditional ceremonies and customs specific to Indigenous traditions. The emphasis is on restoring balance and harmony within the larger social fabric, making IJ a culturally rich and comprehensive model of justice tailored to Indigenous communities' specific needs.

Restorative Justice (RJ) primarily centers on victim-centered healing and restitution. It is adaptable to various cultural contexts and follows a structured process that brings the victim and offender together to address the harm caused. RJ focuses on repairing the direct relationship between the victim and the offender, often through the lens of how the person who caused harm can make it right to those they affected.

What we do at VATJSS

Justice Programs

Diversion Programs

Alternative Measures &
Extrajudicial Sanctions

Gladue Support

Pre & Post Gladue Report support,
advocacy & connection.

Indigenous Resources

Workers

Community corrections &
Drug Treatment Court

Poverty Reduction

Housing Support Workers

Addressing poverty reduction in relation to
crime prevention.

Transformative Case Manager

Advocacy in complex housing situations, and
longer term self sufficiency goals.

Alternative Measures

Adults

3 month Program

- Intake
 - Reach out to victim(s) if applicable
 - 2nd and 3rd appointments
 - Elder Consultation
 - Healing Plan
 - Check in until completion date
-

Downtown Community Court (DCC)

Adults

1 month- 6 weeks if victims participate

- Intake, create Healing Plan, connect to resources as soon as possible
 - Check in Weekly
-

Extrajudicial Sanctions

Youth 14-17

3+ month Program

- Same process as Alternative Measures but with Guardian Involvement
- Sometimes longer to accommodate school schedules, or probation orders.

Referrals

To be eligible the offender must be of Indigenous ancestry.

The offender must accept responsibility for the offence.

Crown Counsel/Probation/VPD must approve referrals.

**We cannot accept the following offences due to their more serious nature: Murder, sexual assaults, spousal assaults, or offences involving death*

Gladue Factors

R. v. Gladue

In 1999, a significant shift occurred within the Canadian criminal justice system through the landmark Supreme Court case, R. v. Gladue. This decision underscored the necessity of acknowledging and addressing the distinct challenges faced by Indigenous people within the legal framework. The unique systemic or background factors which may have played a part in bringing the Indigenous offender before the courts.

Systemic factors including the widespread discrimination that Indigenous people experience both in, and outside, the criminal justice system. The background factors could include poverty, unemployment, lack of opportunities and resources, lack of education, substance abuse, displacement, loss of culture. It is also important to acknowledge the profound and intergenerational impact of historical injustices such as residential schools and the Sixties Scoop and how it affected the individual, their family and the broader community.

Gladue Factors and Indigenous Justice

Many Indigenous justice traditions inherently incorporate and address the Gladue factors as an integral part of their approach. These practices have long recognized the complex history of social, and economic factors that contribute to Indigenous individuals' involvement in the criminal justice system. Indigenous justice systems prioritize community healing, reconciliation, and restoration, focusing on repairing the harm caused by crime. They do so by acknowledging the impact of systemic issues like poverty, lack of educational opportunities, substance abuse, and historical trauma on individuals and their communities. By their very nature, Indigenous justice practices already consider and respond to the Gladue factors, aiming to create a more holistic and culturally sensitive approach to justice that promotes healing and reintegration.

Gladue Support

Amber Katzel and Emily West

Referral comes from:

ICLC students, Crown, Defence, Probation
or Parole, Community Organizations,
Gladue Writers and Self-Referral

Pre-Care:

- Addressing immediate needs such as food, transportation and safety
- Assist in the development of recommendations in the Gladue Report
- One on one support navigating the Gladue Process and preparing to be Gladue Ready

After-Care:

- Provide full circle of care addressing mental, emotional, spiritual, physical and cultural needs.
- Support at court
- Referrals to individualized resources
- Advocate to address housing and homelessness needs
- Helping to meet the Healing Plan recommendations and or court ordered conditions

Indigenous Resource Workers

Allie Pev and Maggie Joseph

1. **Community Corrections *in the Vancouver Region***
 2. **Drug Treatment Court Vancouver**
-

IRW Community Corrections

Allie Pev
Referrals only from **Probation
Officers** and **Bail Supervisors**

- Assist Indigenous community members in completing their order(s)
 - Help connect to culture and community
 - Co-facilitate Respectful Relationships (RR)
-

IRW Drug Treatment Court

Maggie Joseph

Referrals from Drug Treatment Court
Vancouver

Ultimately, we
aid and support
the
(re)connection to
culture &
community

Contracted to Drug Treatment
Court of Vancouver (DTCV).

Working with Indigenous
community members completing
DTCV programming.

Connection to **culture and
community.**

New program in the beginning
stages of development.

*However the community member
envisions this;*

*at whatever rate they are comfortable
with;*

with whomever they are comfortable;

at any point in our work together.

Here at VATJSS we have our own housing support team. We currently have two Housing Support Workers and a Transformative Case Manager.

Housing Support Workers:

- Address immediate unmet needs
- Help fill out housing applications
- Help to plan future housing and security goals

Transformative Case Manager:

- Help in more complex situations
 - Advocacy
 - RTB Disputes
 - Support to self sufficiency
 - Long term ongoing support
-

Housing Supports

Full Circle of Care

Self-Care for staff

“The physical gift is the body... the emotional gift is nurtured and sustained by healthy kinships and relationships... the mental gift is nurtured by language, culture, teachings, laws, and Indigenous knowledge... the spiritual gift is that part of nêhiyawak in which spirituality connects them to the Creator.”

Nationhood Interrupted: Revitalizing nêhiyaw Legal Systems,
Sylvia McAdam (Saysewahum)

Questions?

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