



# **Symposium on Indigenous Courts**

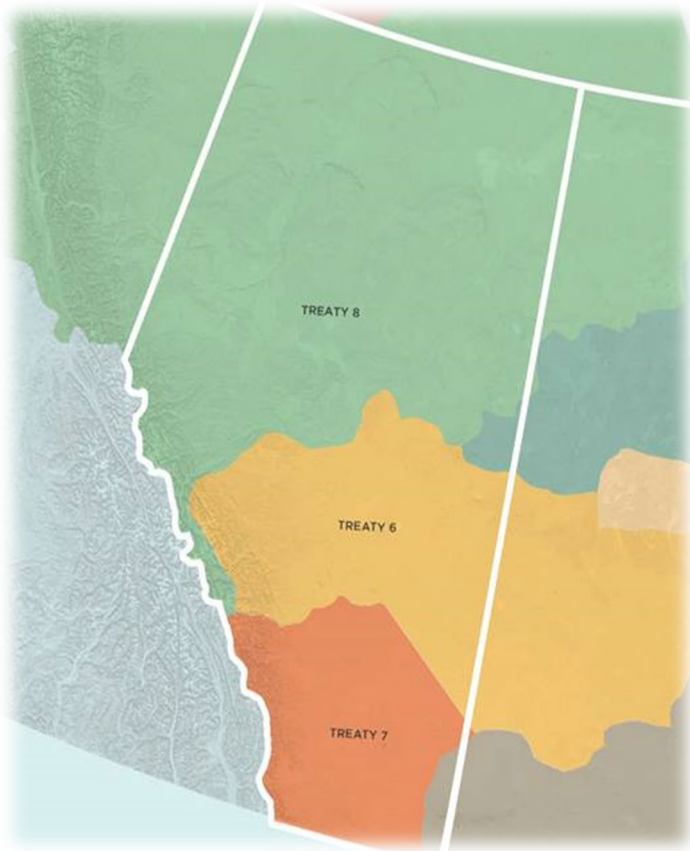
**Canadian Institute for the Administration of Justice**

**Ottawa: November 21-22, 2023**

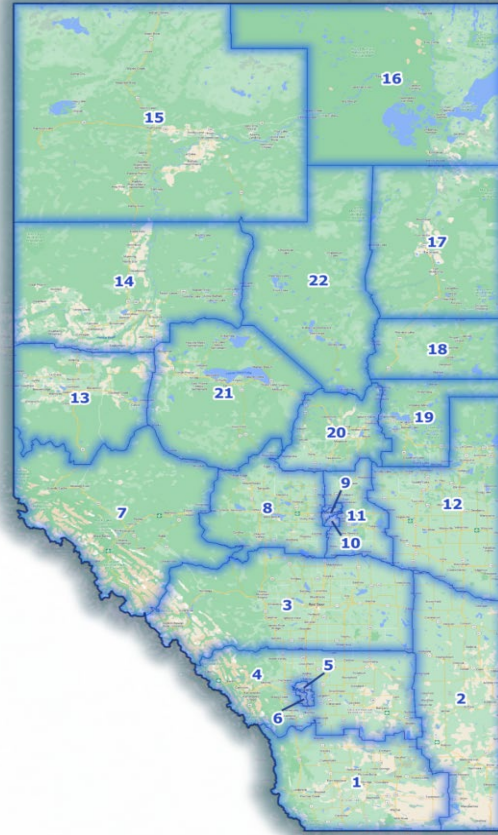
**Alberta Court of Justice  
Indigenous Justice Strategy**

**The Honourable Justice Derek Redman and Executive Legal Counsel, Clarissa Pearce**

# Indigenous Landscape in Alberta



Treaties 6, 7 and 8 (4 & 10)



Métis Nation of Alberta



Métis Settlements

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# Alberta Court of Justice Jurisdiction: Overview

- **Criminal**
  - Over 95% of Criminal Matters are concluded in the Alberta Court of Justice
- **Family & Youth**
  - Court of 1<sup>st</sup> instance for all Child Protection Matters
- **Civil**
  - Claims up to \$100,000
- **Provincial Regulatory Offences**
- **Traffic Offences**
- **Fatality Inquiries**
- **Located in 72 Communities**



# Commissions and Inquiries

Independent Police Oversight Review  
 Review of Yukon's Police Force  
 Independent Police Review of Indigenous People and the Thunder Bay Police Service  
 Law Reform Commission of Canada: Aboriginal Peoples and Justice  
 Evaluation of the Fist Nations Policing Program  
 National Inquiry into Missing and Murdered Indigenous Women and Girls  
 Thunder Bay Police Services Board Investigation  
 Missing Women Commission of Inquiry  
 Thunder Bay Police Services Board Investigation  
 Independent Review of Ontario Corrections  
 113 Pathways to Justice: Recommendations of the Alberta Joint Working Group on Missing and Murdered Indigenous Women and Girls  
 Evaluation of the First Nations Policing Program  
 Miscarriages of Justice Commission (proposed)  
 Qikiatani Truth Commission  
 Tsuu'tina First Nation Inquiry  
 The Iacobucci Review  
 Ipperwash Inquiry  
 Task Force on Justice in Aboriginal Communities  
 Evaluation of the First Nations Policing Program  
 The Davies Commission: Inquiry into the Death of Frank Paul  
 Truth and Reconciliation Commission of Canada  
 Royal Commission on Aboriginal Peoples  
 Task Force on Police Services on Indian Reserves in Canada  
 Task Force on Federally Sentenced Women  
 Ipperwash Inquiry  
 Task Force on Aboriginal Issues  
 Val-d'Or Inquiry  
 Northern Policing Review (Pan-Territorial)

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# Cawsey Report

“The Aboriginal people and all levels of Government have concerns about the level of justice provided by the current criminal justice system to Aboriginal people. Unless more balance can be created, justice will remain elusive, and discontent will continue. The impact of the criminal justice system on Aboriginal people can be measured by the disproportionate number of Aboriginals in our correctional institutions. Aboriginals are often at the receiving end of what appears to them to be a foreign system of justice delivered by a large extent by non-Aboriginals.”

*Justice on Trial: Report of the Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta, Justice R.A. Cawsey, Chair (Alberta: Justice and Solicitor General, 1991)*

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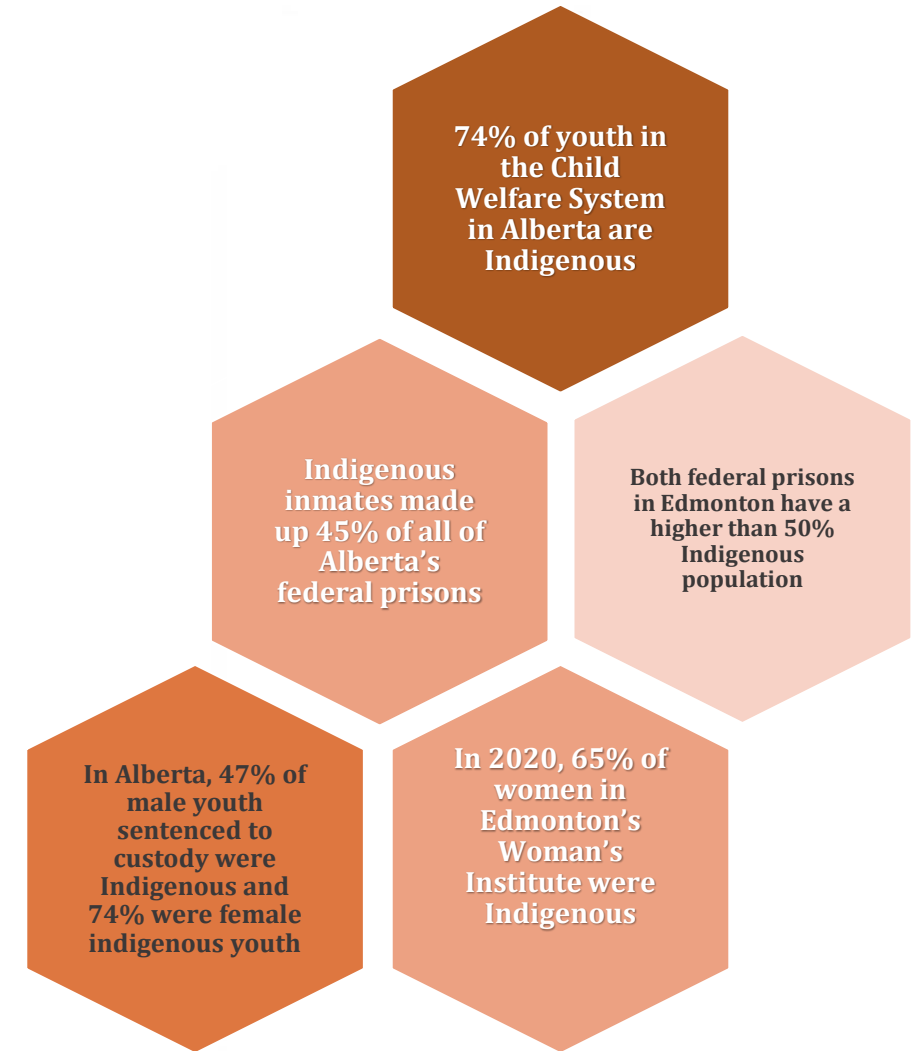
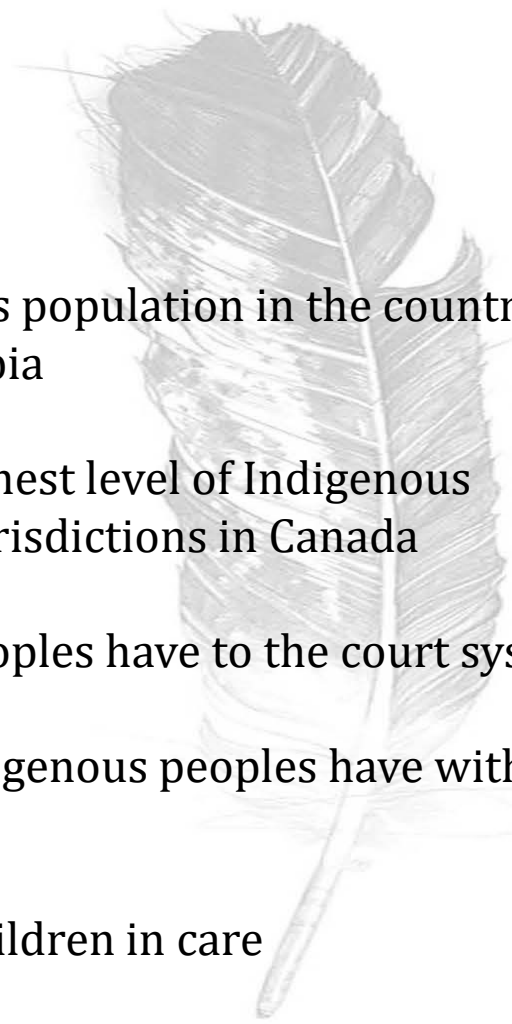
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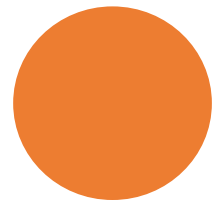
# Statistical Review

- Alberta has the 3<sup>rd</sup> largest Indigenous population in the country following Ontario and British Columbia
- At last reporting, Alberta had the highest level of Indigenous incarceration, surpassing all other jurisdictions in Canada
- General lack of access Indigenous peoples have to the court system
- Pervasive lack of confidence that Indigenous peoples have with the court system
- Overrepresentation of Indigenous children in care



# What is the Indigenous Justice Strategy (IJS)?

- commitment to work to provide a culturally relevant, restorative and holistic system of justice for Indigenous peoples that access the Court
- consists of 20 “responses” or concrete commitments on the part of the Court
- “Living Document”
- Evaluation and Accountability



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# Origins of the Indigenous Justice Strategy

## 2021-2024 Strategic Plan

Considering and designing in Late 2020/Early 2021

### Strategic Priority 5: Indigenous Initiatives:

The Court will work to provide a culturally relevant, restorative and holistic system of justice for Indigenous peoples that access the Court including accused persons, offenders, victims, families, youth and children as well as those Indigenous communities impacted by the actions of those who find themselves before the Court.

### Priority 5.4:

Work collaboratively with Alberta Justice and Solicitor General to develop an Indigenous Justice Strategy



The Provincial Court of Alberta

Strategic Plan 2021 – 2024

#### Strategic Priorities of the Provincial Court of Alberta

1. Judicial Independence
  2. Access to Justice
  3. Judicial Education and Supports
  4. Technology and Infrastructure
  5. Indigenous Initiatives
  6. Therapeutic and Specialized Courts
  7. The Role of Justices of the Peace
  8. Public Respect and Awareness
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# Process



JUDICIAL ADVISORY GROUP



INDIGENOUS JUSTICE COMMITTEE



TWO YEARS OF MEETINGS WITH  
INDIGENOUS LEADERS,  
REPRESENTATIVES OF NATIVE  
COUNSELLING SERVICE, MEMBERS OF  
THE BAR AND OTHERS & MEETINGS  
WITH MANY PEOPLE, GROUPS,  
ORGANIZATIONS

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ACCESS TO JUSTICE



Indigenous

PRE-CHARGE DIVERSION



Bill C-92. An Act respecting First Nations, Inuit and Metis children, youth and families



Prov. Bill 22. An Act for Strong Families Building Stronger Communities



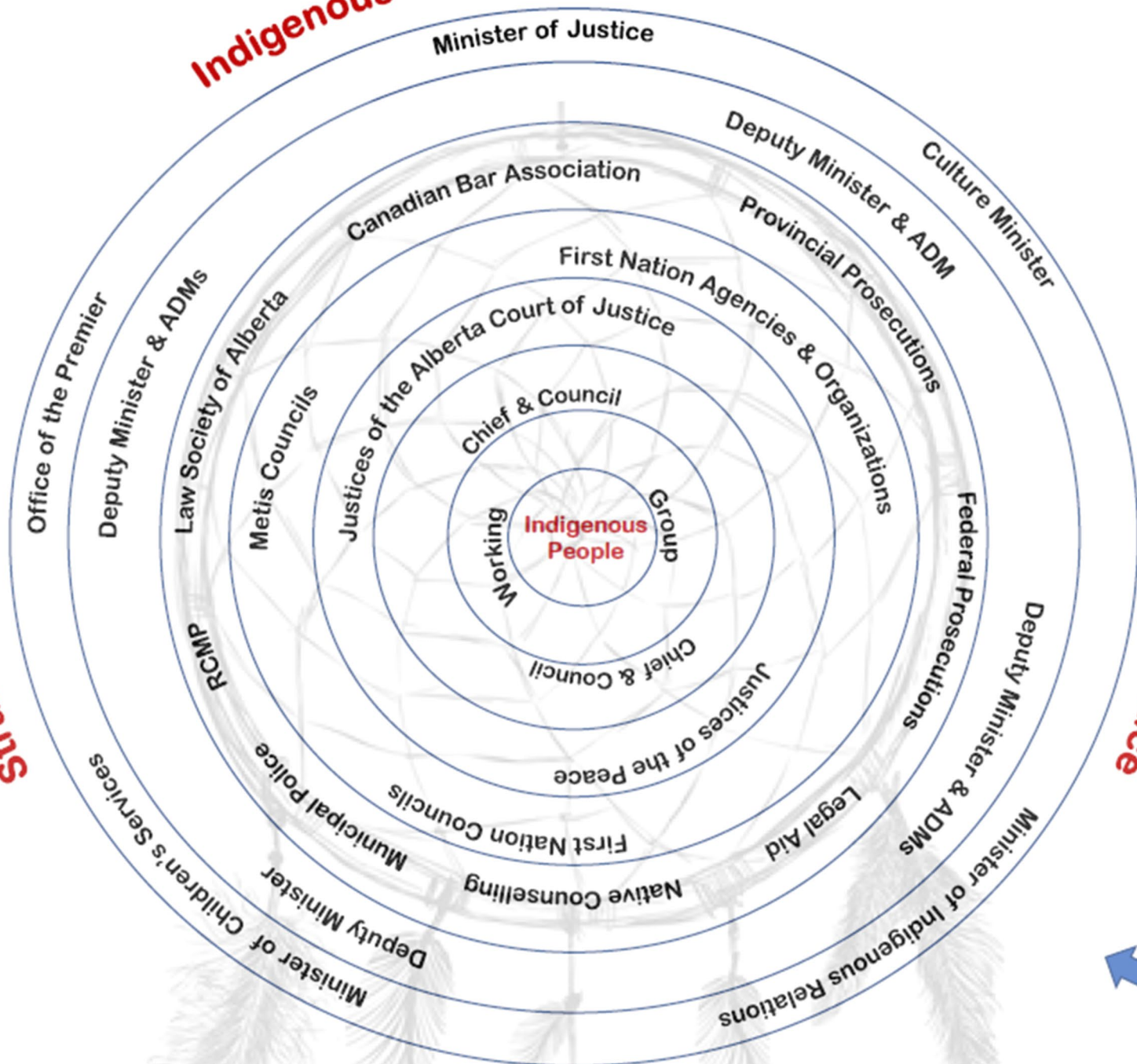
Education/Cross-Cultural Training



COURT PROCESSES



Strategy



Criminal Code of Canada s. 718.2(e) & 718.201; s. 717; s. 493.2



Youth Criminal Justice Act s. 38(2)(d)



Supreme Court of Canada R.v. Gladue R.v. Ipeelee R v. Barton



Indigenous Health & Wellness Courts



Peace Making/Keeping



Justice



POST-CHARGE DIVERSION

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# Media Release

as translated into Blackfoot, Dene, French, Michif-Cree and Plains Cree

O'makoiyis – The Provincial Court of Alberta aiyaaksi pótákiya omaanistaak sá páki'ihpowaiyi omahksiitapoht sápo'ohssa niitsítapii paitapiiyssin psskskátákissa culturally relevant, restorative, kii holistic system of justice for miiksii Niitsitapiikowaiks isstapoossa Court.

Iiksíma'kápi ótssitsiníkssi anohk Aawákaasii Kísóm Naatsípoi aiyaanissoonis, Chief Judge of the Provincial Court of Alberta Derek Redman ai da'pohtaaním the Court's Indigenous Justice Strategy. The Indigenous Justice Strategy to'tsiwa miiksi iitsiksíksskinnioapaópi Naapiyao kákihtsimaiksi oótsítomatápssaak sá pistotsiima'ahsa miiksi Niitsitapiinaiks – naatokistoiyi niitsi sámówa ánnowa Province kii Mátoh pókópiimiiya miiksii iitainawasiiks legal kii service organizations aiyiik ao't sátogkoiyii miiksi ao'ohkowai ímmotsiiks. The Indigenous Justice Strategy istsítstsii ma'ahkitsowaatohtao maiyiiksistotówahssi miiksi kánnao miyanist iitsitapii. Ásaak aniyao'pai istsikaanapi, sikhaksi stótsimaani. Omahkohts ksii pótápo'ohpi miiksi ao toípoiyyissa. Nistapi iik ai táp ai sopowátsi stóto'ohssiiya mii Court ótannissa ótaakomtáp aiyistsiiíssa kii óohpokai sápisstóysiima'ahsa niitsipiiks kii ótso'ohkowihipowaiyi oóno'ohk ánist sókítákihpowaiyi óno'ohks sta'to'ohpowaiyi oma'ahk ótoom ápótsi'ihpowaistsi.

- **Media Release in the Blackfoot Language**



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# Responses

- Providing educational opportunities so as to ensure broad-based understanding of the history, heritage, and laws of local communities as well as an understanding of and, where appropriate, the participation in cultural activities
  - The Path
- Ensuring Bench Books on bail, sentencing and Indigenous child protection are prepared and up to date.
- Development of manual to assist Justice's and Justices of the Peace to explain legal processes and terminology in plain language



## The PATH

Your Journey  
Through  
Indigenous  
Canada



AVision Insight



# Responses

- Engaging in collaborative relationship building with the leadership of Indigenous communities and Indigenous service providers
- Conducting meetings on at least an annual basis between the leadership of the Courts and the leadership of Treaty 6, 7 and 8 as well as with the leadership of the Métis Nation of Alberta and the Métis Settlements
- Creating resource for Justices containing land acknowledgments for Treaty 6, 7 and 8 as well as Alberta as a whole

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# Responses

- Addressing access to justice issues by working to understand the structures, systems and processes that impede access amongst Indigenous peoples
  - Includes geographical barriers, technological barriers, language barriers and resource barriers
- Observing the National Day for Truth and Reconciliation
- Encouraging Indigenous applications for employment in various capacities within the court system

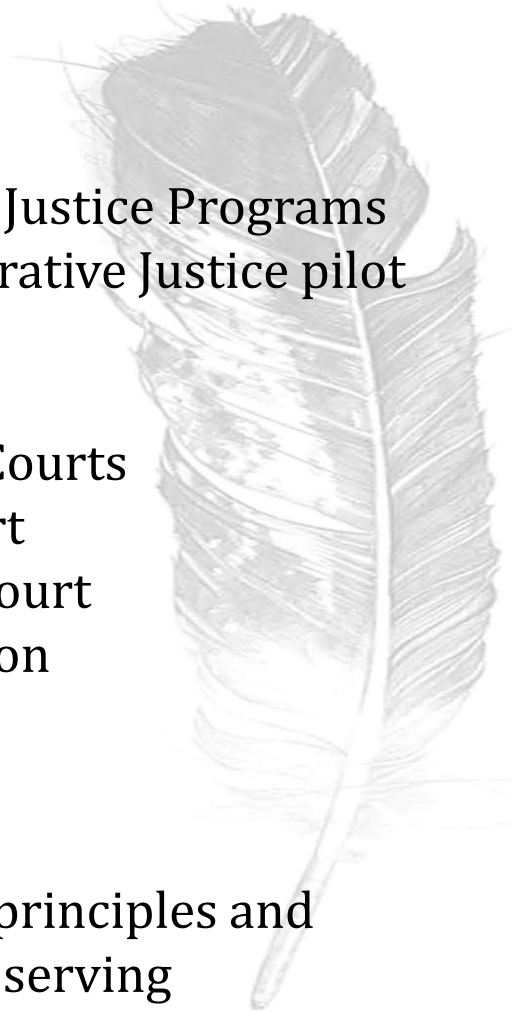


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# Responses

- Establishment of Restorative Justice Programs
  - Wiyasow Iskweew Restorative Justice pilot project
- Development of Indigenous Courts
  - Calgary Indigenous Court
  - Edmonton Indigenous Court
  - Alexis Nation Sioux Nation
  - Siksika Nation
  - Tsuut'ina First Nation
- Incorporation of Indigenous principles and cultural practices into courts serving Indigenous Communities



[Indigenous court officially opens at Alberta provincial courts | CTV News](#)

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# Indigenous Judicial Shadowing Program

- An opportunity for lawyers, articling students and law students who identify as Indigenous to gain exposure and insights into the workings of the front lines of the judicial system through meeting with and shadowing Justices of the Court of Justice and Justices of the Peace.
- Pairs the participants with a Justice of the Court of Justice or Justice of the Peace for a 2–5-day period



25 Justices

29 Lawyers,  
Law Students  
and Articling  
Students  
Participating

Commenced  
February 2023

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**merci**

hay hay

**nitsiniiyi'taki**

**miigwech**

**marsi**

thank you

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