

**COURT SERVICES SASKATCHEWAN ABORIGINAL COURTWORK PROGRAM**  
**CONSULTATION STRATEGY EXTERNAL EXECUTIVE SUMMARY**

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*June 2020*

***Introduction:***

The Saskatchewan Aboriginal Courtwork Program (SACWP) is under review to ensure continued program effectiveness and viability. Research and stakeholder discussions held over the last six years have generated some options for a renewed program. The aim is to ensure the ongoing provision of timely, accredited, equitable and culturally competent courtwork services to Aboriginal youth and adults facing criminal charges and those involved in child protection proceedings. With the assistance of the SACWP Advisory Committee, Court Services is consulting with stakeholders about future options to ensure an effective and relevant program.

**Saskatchewan Courtwork Program History:**

The SACWP has a strong history of Aboriginal inclusive service delivery and evaluations have consistently shown that services are valued by clients, Aboriginal leadership and justice personnel. The program is cost-shared by the Saskatchewan Ministry of Justice and Justice Canada. Since 1994, services have been provided through a network of aboriginal carrier agencies such as Tribal Councils, Friendship Centres and Metis institutions. Throughout most of this period the program has been a relatively stable and effective front-line service, notwithstanding challenges such as turnover, recruitment and retention, coverage and compensation.

Aboriginal Courtworkers have been providing information, counselling, liaison, and referral services to indigenous people appearing before Saskatchewan courts for more than four decades from 1969 to 1987 and from 1995 to its present state. Courtworkers report to their Aboriginal carrier agencies who retain responsibility for their supervision and management.

**Saskatchewan Courtwork Program Governance & Administration:**

Program oversight rests with the Saskatchewan Aboriginal Courtwork Program Advisory Committee. The committee is comprised of independent chair, two First Nation and Metis representatives and a provincial official who are appointed to three year terms by the Minister of Justice. Aboriginal carrier agencies are selected by the Advisory Board to deliver services, with courtworkers employed by Aboriginal community-based organizations.

The Ministry of Justice provides a Director and a full-time accounting assistant to support the SACWP. The Director is responsible for the design, development, coordination and administration of the program under the direction of the Advisory Committee. The Ministry also provides policy and program advice as well as financial, technical and administrative support. Database development and IT services are currently contracted with an outside agency, but plans are underway to move the database to a larger platform that is housed internally.

### **Current Program Delivery:**

The Saskatchewan Aboriginal Courtwork Program has a strong history of Aboriginal inclusive service delivery and evaluations have consistently shown that services are valued by clients, leadership and justice personnel. In 2016, after a difficult provincial budget, provincial government funding diminished to an equal cost-share with the federal partners. As a result, by September 2018, the number of funded courtworker positions decreased to 14.5 full and part-time court workers. (11.5 criminal and three family). At the same time, court point coverage decreased from 76% to 38% of Saskatchewan Provincial Court criminal circuit points.

Anecdotal evidence suggests that these reductions have put a significant strain on the courts and contributed to delays, adjournments and appearances as well as lost opportunities to constructively intervene in the troubled lives of vulnerable people. This has in turn contributed to a deterioration in the quality and efficacy of justice provided by the courts. In court locations where services are no longer provided there has also been a surge in “redirects” of questions and inquiries that used to be fielded by courtworkers to Court Services staff. Other noticeable impacts have been on the turnover of staff and the ability to recruit and retain qualified staff in part-time positions.

Current Program delivery is offered by these Carriers for the noted court locations.

- Prince Albert Grand Council: La Ronge, Pinehouse, Southend, Cumberland House, Deschambeault Lake, Sandy Bay, Pelican Narrows
- Prince Albert Indian and Metis Friendship Center: Prince Albert, Montreal Lake
- North West Professional Services: North Battleford, Cut Knife
- Saskatoon Tribal Council Urban First Nations: Saskatoon, Beardy’s, Rosthern
- File Hills Qu’Appelle Tribal Council: Fort Qu’Appelle, Indian Head
- Ile a la Crosse Friendship Center: Ile X, Buffalo Narrows, La Loche, Beauval
- Onion Lake Justice: Lloydminster, Onion Lake
- Kapachee (Criminal): Regina
- Kapachee (Family): Prince Albert, Saskatoon, Regina
- Yorkton Tribal Council: Yorkton, Melville, Kamsack, Canora, Broadview

The 2020-21 budget brought a slight increase by expanding the total funded courtworker positions up to 20.5 full and part-time positions to address immediate pressures.

### **Research on SACWP Program:**

Research on the strengths, challenges and key issues facing the program was initiated with a discussion paper prepared by Jonathan Rudin in 2013. The paper made a number of key observations including that: the SACWP has a strong history of Aboriginal inclusive service delivery, and services are valued by clients, Aboriginal leadership and justice personnel; the need for a court work service is clear from the number of over-represented amongst accused as well as those in custody; SACWP is impacted by factors such as a growing demand for services in some regions and a decline in others, new processes in criminal (therapeutic) courts, changes in client profiles, and new technologies.

Further work was conducted by Joe Blayone in 2013-14 in consultations with members of the Advisory Committee, judiciary, courtworkers, crown prosecutors, Aboriginal carrier agency representatives and Legal Aid defence counsel. Blayone explored six major areas of concern: recruitment and retention, training, communication, administration/finance, service delivery, the use of technology, and opportunities for changes, improvements and future development.

The goal is a renewed courtwork program that:

1. provides good client services, ones that are culturally competent and trauma-informed;
2. treats courtworkers well in terms of pay, benefits, supervision and training;
3. features legally supervised workers with paralegal skills and credentials;
4. fairly accommodates First Nation and Métis governance interests; and
5. is administratively sound and relatively efficient

It is timely to seek the views of key stakeholders in the next few months to refine options and develop a longer term approach to the current SACWP model. These conversations will be carried out through the spring/summer of 2020 and no doubt informed by the recent changes brought on by COVID-19.

The SACWP Program Review seeks to collaborate with our partners, stakeholders and clientele on the following questions and renewal options. Renewal options must consider:

- **program administrative viability;**
- **quality and accessibility of services including options for expanded/refocused client service, including criminal and family courtwork;**
- **courtworkers who are well-supported with training, competent supervision and equitable consideration in terms of pay and benefits consistent with their responsibilities;**
- **First Nation and Metis people are involved in the governance and delivery of services.**

To frame this discussion and seek your ideas we suggest the following questions

- **How do courtworker services best serve clients given recent Public Health guidelines regarding COVID-19?**
- **Which services need to be immediately expanded to address pressing client needs?**
- **How do we ensure the involvement of First Nation and Metis people in program governance and service delivery?**

We are also interested in your views about **what type of program structure might make the most sense for the current service delivery**. There are many models across the country with each jurisdiction being distinct, including our long-time Saskatchewan model. Here are some models to consider:

- **Contractual Model:** The current SACWP model is a provincial/indigenous hybrid. It combines indigenous service delivery with a small provincial administrative group that receives valuable support from other branches and divisions within the Ministry. (Saskatchewan, Yukon)
- **Court Services Model:** Provincial employees are employed by Court Services within the Ministry of Justice and may also receive guidance from an advisory board comprised of Indigenous representatives. (Manitoba, Northwest Territories)
- **Regional Community Model:** This brings together existing service providers under a single non-profit or multiple non-profit regional models to employ courtworkers and offer services in selected communities. (Alberta, Ontario, Quebec)
- **Commission or stand-alone separate entity:** Courtworker services are delivered by a Provincial-wide agency model. There is some consideration for setting out goals, objectives, board membership and governance in legislation (British Columbia, Nova Scotia, Nunavut).

This table considers the key program elements essential for a quality services considered against the various program delivery models. By scoring each element (1-5, with 5 the highest) it is an interesting way to think about how the program structure is able to contribute to the success of the program delivery,

<b>Program Model</b>	<b>Administrative Soundness</b>	<b>Quality &amp; Accessibility of Services</b>	<b>ACWs supported, training, direction</b>	<b>Accommodates FN&amp;M Governance</b>	<b>Total</b>
Contractual Model					
Court Services Model					
Regional Community Model					
Commission/Stand Alone Entity					

**Summary and Next Steps:**

The current SACWP is considered a valuable program but it faces a number of challenges to remain relevant and sustainable. We are looking forward to hearing your ideas about how we move forward.