



RESEARCH AND
STATISTICS DIVISION

REVIEW OF NUNAVUT
COMMUNITY JUSTICE
PROGRAM: FINAL REPORT



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Review of the Nunavut Community Justice
Program: Final Report

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Statistics Division

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*The views expressed in this report are those of the
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Executive Summary

The Community Justice Program began in 1993 under the Government of the Northwest Territories and continued under the Government of Nunavut from April 1, 1999. The aim of the Nunavut Department of Justice is to support communities in taking greater responsibility for offenders and victims. The Department has also emphasized prevention and healing at the community level in an attempt to shift complete reliance away from the mainstream approaches involving formal charges, court appearances and incarceration. A significant aspect of this approach is the importance of *Inuit Qaujimagajatuqangit* (Inuit traditional knowledge – referred to as IQ) as a basic premise underlying the Program.

The review of the Nunavut Community Justice Program is based first on consultations with Community Justice Committees and other community programs¹ in four communities: Pangnirtung, Rankin Inlet, Arviat and Iqaluit. Second, the review involved interviews with key community members working directly or indirectly with the justice system in Nunavut. Third, available documents and statistics were reviewed as part of the process.

The Community Justice Program consists of a Director of Corrections and Community Justice, an Assistant Director of Community Justice; five Regional Community Justice Specialists, as well as a Community Justice Committee Coordinator for each community. The mandate, goals and objectives of the Community Justice Program address the need to strengthen community-based justice processes and outcomes, but also the need to increase community responsibility for and involvement in the handling of crime. *Inuit Qaujimagajatuqangit* is seen as part of the process.

Pangnirtung, Rankin Inlet and Arviat have relatively stable and effective Community Justice Committees. Although the Iqaluit Restorative Justice Society began operations in November 2003 and is still establishing itself, the Society is taking diversions from police and the Court. In all four cases, regardless of the strength of the committee, there are challenges that require remedial action. These problems are equally or more serious in other communities with less stable Community Justice Committees.

The report arrives at several conclusions based on the research findings. They are organized according to the three major questions that formed the basis for the terms of the project.

Is the Community Justice Program meeting its mandate and objectives as currently established?

Generally, it appears that the Community Justice Program is meeting its current mandate and objectives. Significant progress has been made by many Community Justice Committees in terms of handling referrals of youth and adult cases from the RCMP and the court. It also appears that many of the committees have the respect of their communities, Hamlet Councils, and other professionals in the community. Further, it appears that the most effective of the Community Justice Committees may be having an impact on re-offending in their communities.

¹ Consultations were held with the Rankin Inlet Spousal Abuse Program, and the Rankin Inlet Victim Support Program.

It is also possible that the work of some committees may even be reducing first offences, although this would be difficult to confirm in the scope of this review.

There are some concerns, however.

Community Justice Coordinators

In some cases, the Coordinator position appears to be a weak link in the process. This is a problem, in part, because it is difficult to attract qualified individuals to the job. There is general agreement that this is primarily due to the fact that the Coordinators are underpaid and that the jobs are only part-time. There is also inadequate funding to train the Coordinators properly. Until these problems are addressed and all Coordinators are able to perform their tasks effectively, the Regional Community Justice Specialists will continue to carry much of the burden of running the administrative aspects of the program.

Justice Committee Membership

The process for selecting and appointing members of the Community Justice Committees requires refinement and standardization to ensure that the most appropriate community members are on the committees. This matter is currently being addressed by the development of committee membership criteria.

The Role of Hamlets

While many of the Hamlets cooperate efficiently with the program, in some cases there may be a problem with the allocation of program funds. As well, some Hamlets are slow to provide the required financial statements regarding the program budget for the community.

Infrastructure

In many cases Community Justice Committees still do not have adequate, dedicated space where the committee can hold meetings, engage in counseling or mediation, or where the Coordinator can work. This is a serious issue, especially in view of the sensitive nature of the committees' work and the need for confidentiality.

Victim Involvement

There are concerns about the relationship between the community justice program and the policy directives of the RCMP. At the national and divisional RCMP Headquarters, restorative justice is defined as involving the victim in every case. Community Justice Committees, on the other hand, involve the victim when the victim agrees to participate and may otherwise counsel only the offender as long as the victim agrees. The committees, which often comprise mostly Elders, have been given the mandate to engage in community based justice according to Inuit ways. Traditionally, the victim was not involved in the process in many instances. This is a complex question and the explanation would require focused research beyond the scope of this review. However, examples are in evidence throughout this report.



The difference between the emerging official RCMP view and the approach of the Community Justice Committees is a potentially serious issue. To date, it appears that detachment commanders are setting the pre-charge referral policy in their communities. In many cases, this means that the police are diverting cases even though they know the victim may not be directly involved. In other communities, the RCMP may not be referring cases for this reason. It has been and may still be an issue in Iqaluit, for example. If Divisional Headquarters decides to force the issue, it may mean that detachment commanders will be required to stop pre-charge diversions.

Reporting

In some communities the reporting relationship between the committee, on one hand, and the RCMP and Crown Prosecutor, on the other hand, is not as effective as it should be. The police and the Crown Prosecutor always need to be apprised of the status of referrals as they are dealt with by the committees. This is not a serious problem as the reporting relationship works well in many communities and could easily be improved in the others.

Planning

The Specialists recently engaged in a five-year planning exercise. However, committees and Coordinators have not been involved in planning exercises with respect to their own communities. It is the belief of committees and community consultees that yearly planning by the committees would assist the program.

Outcome Measures and Monitoring

Outcome measures and effective monitoring procedures have not been put in place for the program. The implementation of the *Nunavut Community Justice Agreement Form* should help in terms of providing timely data on each case as it proceeds, as long as the Coordinators provide the information needed to monitor individual cases and, by extension, the program as a whole.

Do the mandate and structure of the Community Justice Program reflect the Program's current and future needs?

Generally the mandate and structure of the program are adequate to meet Nunavut's community justice needs. While there are some concerns regarding program operations and funding, the major concern may be the one about the differences between the RCMP and the Community Justice Committees in terms of their definitions of restorative justice or community justice. The question becomes one of whether the committees are authorized to proceed in ways that they define according to Inuit traditions. Specifically, the issue is whether victims must always be actively involved in the process.

Does the Community Justice Program provide effective alternatives to the formal justice system?

The consensus view is that the Community Justice Program is providing an effective alternative to the formal justice system. Further, community consultees in all categories agree that the program is improving as time passes. It should be said that, while some specific concerns were raised in both the consultations and in the interviews with key community members, there is general agreement that the program is performing a valuable function and that it holds potential for even greater positive impacts in the communities.

Summary of Recommendations

1. The present method of funding Community Justice Committees should be reassessed. Per capita allocation to communities may be inappropriate as some committees are not using their funds as effectively as possible, while other committees are effective but could use more funds. Nunavut Justice Headquarters, together with the Specialists, should take the following steps. First, each Specialist should engage in a yearly planning session with her committees². These sessions should be adequately funded and facilitated by a professional. Second, each committee should be assessed yearly on (a) its plans and their potential cost-effectiveness, and (b) the capacity of the committee to carry out the plan. Funds would then be allocated accordingly by Nunavut Justice Headquarters. While overall resources would remain limited, the process just described would help to rationalize the distribution of those resources.
2. Nunavut Justice Headquarters, together with the Specialists, should ensure that territory-wide program outcome measures are developed and implemented. Subsequently, the Community Justice Program should be assessed on a community-by-community basis each year. This need not be an elaborate or expensive exercise and can be done largely using data provided by the Coordinators (see Recommendation 3) and telephone interviews with key community members such as police, Crown Prosecutors, and elders.
3. Coordinators should keep complete and accurate records of all referrals to the committees. In particular, it is essential that Coordinators complete the *Nunavut Community Justice Agreement Form* in as much detail as possible. In addition, the Coordinators should record for each referral the following information on the role of the victim: (a) whether the victim gave permission for the referral to proceed; (b) whether the victim participated in the process; and, (c) if the victim participated, the specifics of her/his role. It is also important for the Coordinators to provide some detail on the nature of the intervention chosen by the committee. For example, did the committee engage in traditional counseling of the offender alone; mediation between the offender and the victim; family group conferencing; etc? Details about the intervention and about who participated in each intervention (for example, parents, committee members) would also be useful information to record. Finally, Coordinators should include on the form, or at least in their case records, the degree of

² At this time, all six Community Justice Specialists are women.



satisfaction or dissatisfaction with the process and the outcome by the offender and the victim. The reasons for these assessments should also be recorded.

4. Community Justice Committees should attempt to involve the victim in the community justice process. In cases when the victim chooses not to participate but does not disagree with the community justice process, Community Justice Committees should then decide, using their own criteria, whether to proceed with counseling for the offender. The RCMP and the Crown Prosecutors should respect the decisions of the committees and should continue to refer cases when the victim may not be directly involved, as just described and under the following conditions: a) the victim does not disagree with the community justice process in their case; b) the committee has determined that the victim's vulnerability is not increased by proceeding in this way and c) there is no risk of re-victimizing the victim by the case being processed through the committee rather than going through the court procedure.
5. Nunavut Justice should meet with the RCMP and, if necessary, with Public Safety and Emergency Preparedness Canada and Justice Canada regarding the emerging RCMP policy of diverting cases only if the victim will be involved in the process. In the interest of respecting Inuit approaches to managing problems in Inuit communities, Community Justice Committees should have the right to make the decision as to whether the committee will handle a case even if the victim chooses not to participate (but gives his/her consent to the community justice process).
6. Nunavut Justice should do a community-by-community assessment as to the need for a full-time Coordinator. In those communities where the workload is deemed to warrant a full-time Coordinator, adequate funding should be provided.
7. Coordinators should be paid at a standard rate that is competitive with other jobs of similar level in the communities. Coordinator positions should be made permanent and Coordinators should receive the full benefits package enjoyed by other Government of Nunavut employees.
8. Coordinators should have a standard job description that can be modified by individual Community Justice Committees to meet specific committee needs and approaches. Nunavut Justice Headquarters would be in a position to assess the modifications for approval.
9. Coordinators should be hired on the basis of standard criteria. Draft criteria have been prepared by one of the Specialists and are currently being circulated. Interviews should be undertaken by the Community Justice Committee together with the relevant Specialist.
10. Training should be an ongoing component of the Community Justice Program. Ongoing funding is needed to ensure that committee members, Coordinators and Specialists receive relevant training in a timely manner. Committee members require training in the *Youth Criminal Justice Act (YCJA)*, family group conferencing and, possibly, in the community justice forum approach. Coordinators require training in the techniques just mentioned, as well as money management and accounting, reporting, and planning and priority setting.

Specialists and the Assistant Director, Community Justice, must also be current in all these areas.

11. Community Justice Committees require dedicated space for their counseling and mediation activities. Coordinators need dedicated space to perform their administrative duties and keep files securely. Nunavut Justice should discuss the provision of this space with Hamlets and fund space rental where needed.
12. The current system of appointment to Community Justice Committees should be revised so that it is standard across Nunavut, fair and equitable, and ensures that the best candidates are appointed. The draft guidelines currently being shared should be considered seriously by all Committees and Hamlets.
13. Several Community Justice Committees do not have the understanding of their communities. Therefore, they lack the solid and active community support they need in order to operate most effectively. Those committees should attempt to bridge the gap by (a) making yearly presentations to their Hamlet Councils on their mandate and progress, and (b) engaging with the community through radio shows and social events. Community events can also be viewed as crime prevention activities.
14. Every Community Justice Committee in Nunavut should seriously examine and consider signing the draft *Diversion Protocol and Agreement* (see Appendix 4) which is currently being reviewed. If minor modifications are required in order to align the document with community needs and realities, this should be done.
15. Some committees have the capacity to implement and maintain land programs and other cultural programs (such as sewing classes) for youth and, possibly, adults. In cases when committees express an interest in maintaining a land or cultural program, and when those committees develop a sound plan and are judged by Justice Headquarters and the Specialists to have the capacity to handle such programs, Headquarters should make every effort to secure the required funds.
16. Justices of the Peace are sometimes reluctant to refer cases to the Community Justice Committees because they are unclear as to how the committees work. In those communities where Justices of the Peace are not referring cases, the committee should make a point of meeting with the Justice of the Peace and explaining its mandate and mode of operation. Together they should come to an agreement about case referral.
17. Coordinators should submit a copy of their status reports on referred cases to Crown Prosecutors, as well as to Community Justice Specialists and to police.
18. Community Justice Committees, Crown Prosecutors, Judges and Specialists should consider – at some future point – the possibility of committees taking on post-conviction counseling as part of judicial probation orders. At this time, with some exceptions, the capacity of committees is not up to this task.



19. The Rankin Inlet Victim Support Program needs funding to enable it to prepare victims for family group conferencing sessions run by the Community Justice Committee.



1.0 Introduction

1.1 Background

The Community Justice Program was developed by the Government of the Northwest Territories as part of the Community Empowerment Initiative of 1993. The responsibility for youth justice programming was moved from the Department of Health and Social Services to the newly developed Community Justice Division of the Department of Justice. With the creation of Nunavut on April 1, 1999, the program became a part of the Corrections and Community Justice Division in the Nunavut Department of Justice.

The Government of Nunavut has continued the commitment to a system of community-based justice. This means that Nunavut Justice aims, through its Community Justice Program, to support communities in taking greater responsibility for offenders and victims. It also means that the department has emphasized prevention and healing at the community level in an attempt to shift complete reliance away from the mainstream approaches involving formal charges, court appearances and incarceration.

As a basic premise, Nunavut Justice aims to ensure that *Inuit Qaujimagatuqangit*³ underlies any programs that it puts in place. The Department has established an IQ Working Group, consistent with a more general IQ initiative throughout the Government of Nunavut. The actualization of IQ in government departments is an ongoing task. It is guided, however, by a series of principles identified by the government task force. These principles include Inuit approaches to certain categories of action. In Nunavut Justice, for example, principles of inclusiveness and cooperative decision-making are valued. At the community level, respect for the wisdom of Elders and their approaches to handling interpersonal conflicts through counseling are recognized as being important. The categories and fuller details regarding their definition form Appendix 1 of this report.

The conditions and challenges facing Nunavut are in many ways unique within Canada. The Community Justice Program has therefore required innovation in its design and delivery; for example, the commitment to IQ. At a point almost five years after the establishment of the Nunavut Department of Justice, it is appropriate to review the program. The results should assist both Nunavut Justice and Justice Canada as they continue to work on addressing issues in Nunavut. The results may also be of interest to other jurisdictions – in Canada and internationally – which are working towards an effective community-based justice system.

³ Sometimes Inuit traditional knowledge is described as “The Inuit way of doing things: the past, present and future knowledge, experience and values of Inuit Society” (see *Terms of Reference of the Department of Justice Working Group*, Nunavut Department of Justice, Inuit Qaujimagatuqangit Working Group). *Inuit Qaujimagatuqangit* hereafter will be referred to as IQ.

1.2 Purpose of the Review

The Department of Justice Canada, in collaboration with Nunavut Justice, undertook this program review with the following objectives:

- a) to determine if the Community Justice Program is meeting its mandate and objectives as currently established;
- b) to determine if the mandate and structure of the Community Justice Program reflects the Program's current and future needs; and
- c) to determine if the Community Justice Program provides effective alternatives to the formal justice system.

The research for this project was undertaken by Dr. Scott Clark, Ottawa and James Arreak, Iqaluit.



2.0 Methodological Overview

2.1 Methodology

Research was conducted in four communities, namely, Pangnirtung, Rankin Inlet, Arviat and Iqaluit. While communities in the South Baffin (Iqaluit and Pangnirtung) and the Kivalliq (Rankin Inlet and Arviat) were visited, Community Justice Committees in the North Baffin and the Kitikmeot Region were not visited. The primary rationale for the selection of these communities was the need to balance effective coverage within the time allowed. As it happens, communities that are comparatively inexpensive to reach from Iqaluit are also ones that tend to be the most active and are the ones that are achieving success in their programming. Thus, limited opportunity to travel has meant that coverage of communities has been somewhat biased in favour of those with relatively strong Community Justice Committees. While information on committees experiencing problems (for example, problems concerning membership on Community Justice Committees) was obtained from the Community Justice Specialists and from other sources and is discussed in this report, the failure to consult directly with these Committees represents a limitation in the review and the report. Regional variation is a factor that should be considered in future consultations and analysis.

Data for this research were gathered through semi-structured one-on-one interviews as well as a number of group interviews with key community members and criminal justice professionals. Both in-person and telephone interviews were conducted with individuals while all group interviews (consultations)⁴ were conducted in person.

Group interviews were held with the following: Arviat Community Justice Committee; Iqaluit Restorative Justice Society; Pangnirtung Community Justice Committee; Rankin Inlet Community Justice Committee; Rankin Inlet Victim Support Program; Rankin Inlet Spousal Abuse Program. The latter two groups were interviewed together.

Meetings were held at the convenience of the committees and programs concerned. In the case of the Community Justice Committees, the Chair was always present, as was the Community Justice Coordinator, and as many committee members as possible. The interviews were semi-structured and were based on a schedule⁵ prepared by the researcher. The same schedule was employed for every Community Justice Committee session. A schedule prepared in advance was also used in the semi-structured interview session with the two Rankin Inlet programs.

James Arreak, Research Associate and Inuktitut speaker was present at all group interviews with the exception of Arviat. Mr. Arreak assisted by asking additional questions and by interpreting if required. Coordinators also interpreted when required and if they were able.

⁴ "Consultations" in the context of the research means "group interviews" or "group consultations."

⁵ Please see Appendix 6 for all interview schedules.

In the case of some members of some Community Justice Committees, the preference was to speak in Inuktitut at the group interviews. In those situations, either or both James Arreak and the Community Justice Coordinator interpreted the questions and the responses for the committee members and the principal researcher. All other interviews were conducted in English.

A total of 34 interviews with key community members and criminal justice professionals were conducted in-person (22), by phone (8), or both (4). The list of people consulted is included in Appendix 3. The methodological approaches utilized in the research for this review are summarized in Table 1 below.

TABLE 1 METHODOLOGICAL APPROACHES UTILIZED IN THIS REVIEW		
Participant	Method of data collection	Location
Nunavut Justice officials	Interviews	Iqaluit and other Nunavut communities
Justice Canada officials	Interviews	Ottawa and Iqaluit
Community consultees working directly with the justice system e.g., Community Justice Committee Coordinators, Community Justice Specialists, RCMP officers, etc.	Interviews	All four focus communities, i.e., Pangnirtung, Rankin Inlet, Arviat and Iqaluit;
Community consultees not working directly with the formal justice system e.g., Hamlet officials	Interviews	All four focus communities, i.e., Pangnirtung, Rankin Inlet, Arviat and Iqaluit.
Community Justice Committees	Group consultations	All four focus communities, i.e., Pangnirtung, Rankin Inlet, Arviat and Iqaluit;
Other relevant program committees; i.e., the Rankin Inlet Spousal Abuse Program, and the Rankin Inlet Victim Support Program.	Group consultations	Rankin Inlet

In addition, a review of documentation provided by the federal and territorial departments (see Appendix 2) and a review of available statistical data were undertaken.

While the report focuses on the four selected communities: Pangnirtung, Rankin Inlet, Arviat and Iqaluit, throughout the report are references to a Nunavut-wide perspective. The primary information base for the wider analysis is community consultee interviews and documentation provided by federal and territorial governments. All interviews were open-ended and focused on what the interviewee felt was important for discussion.



The Community Justice Program was discussed with Community Justice Committees in the context of the particular community. Similarly, many key community consultee interviews at the community level were conducted with reference to the community of the participant. In the case of certain other key participants, such as Community Justice Specialists, the Chief Judge, the Nunavut Deputy Minister of Justice, the Justice of the Peace Coordinator, and RCMP members at Headquarters, the discussion referred to the Program in general.

2.2 Limitations to the Review

As mentioned above, neither the Community Justice Committees nor other community members in the North Baffin and the Kitikmeot Region were visited. Regional variation is a factor and therefore, the findings of this review are partial and reflect most closely only those communities visited.⁶

A further limitation concerns the lack of available data on diversions. The review was to have assessed diversions according to frequency, type of offence, age and gender of participants, involvement of the victim, approach used by the Community Justice Committee, and outcome. Generally speaking, this information, including basic data on the frequency of diversions, is not maintained in a systematic way at the community level.⁷ It is therefore difficult, if not impossible, to provide a quantitative analysis of diversions. The unavailability of relevant data is viewed as a deficiency and is raised in subsequent sections of this report.

Finally, the concept and application of IQ deserves further field research in order to more fully understand the dynamics of community justice in Nunavut. IQ is a unique and significant approach to justice programming. It is, however, a complex view of the world that is difficult to define in substantive terms. The efforts by the Government of Nunavut are themselves a “work in progress.” IQ is mentioned throughout this report because it is often referenced by justice officials and others working in the communities. Elders themselves generally do not refer to IQ, but it can be assumed that they simply practice it. It is important to understand in detail what the Elders mean when they practice IQ. What is the basis for their reasoning? What are their goals? Why do they do what they do? How have traditional approaches been modified to fit with contemporary realities? These questions require significantly more research than included in the scope of this review.

It should be noted that the Nunavut Community Justice Program is both achieving successes and continuing to meet challenges. The tendency for any program review is to emphasize the problems, and this report is no exception. However, it is important to realize that the Nunavut program is addressing crime and its related problems in ways that are unique and culturally sensitive. For example, elders speaking to youth and Community Justice Committees that are comprised of elders and members of the community. There have been innovative accomplishments and successes throughout Nunavut, including increasing numbers of

⁶ In light of this, future consultations and analysis may be undertaken as part of future projects.

⁷ While the RCMP keeps information on the frequency of diversions, it is unclear if complete records are kept for every community. Whatever data are held by the RCMP, the information was not made available for purposes of this review.

Community Justice Committee members who are familiar with a variety of counseling and mediation techniques. Federal and territorial funding support is contributing to these successes.



3.0 Mandate, Goals and Objectives of the Nunavut Community Justice Program

3.1 Mandate

Through the Community Justice Program, the Government of Nunavut has continued the commitment to a system of community-based justice. This means that Nunavut Justice aims, through its Community Justice Program, to support communities in taking greater responsibility for offenders and victims. It also means that the department has emphasized prevention and healing at the community level in an attempt to shift complete reliance away from the mainstream approaches involving formal charges, court appearances and incarceration. As a basic premise, Nunavut Justice aims to ensure that *Inuit Qaujimagatuqangit*⁸ underlies any programs that it puts in place.

The Program is funded in part by the Government of Canada which supports these commitments. The *Contribution Agreement* between Canada and the Government of Nunavut for the fiscal year 2003-04 stipulates the Program's mandate as follows:

The Program's mandate is to assist communities to build their capacity to address their own justice issues in a way that meets their own unique needs and maintains security in the community. As stated in the *Memorandum of Understanding on the Aboriginal Justice Strategy and the National Crime Prevention Strategy*, to assist the Inuit to assume greater responsibility for the administration of Justice in their communities, to reflect and include their traditional values within the justice system, and to help create a fair, just and supportive community alternative to the Criminal Justice System.

3.2 Goals

The *Contribution Agreement* lists the Program's goals as the following:

- a. to increase the capacity and role of the community to administer justice issues;
- b. to fund and provide other support to community justice committees;
- c. to help community members build their capacity to carry out community-based justice initiatives and to represent the Nunavut Department of Justice;
- d. to support victims of crime so that they have a meaningful role in the justice system, by providing funding and other support to community justice committees;
- e. to ensure access to justice for all residents, by providing funding and other support to community justice committees; and
- f. to promote safe communities, by providing funding and other support to community justice committees.

⁸ See footnote 3 above.

3.3 Objectives

The *Contribution Agreement* sets out the overall objectives for Canada's contribution to the Program for the 2003-04 fiscal year, as follows:

Nunavut shall operate a Community Justice Program that provides funds to communities for community justice committees for adult and youth diversion, victim support services, and crime prevention activities.

A more specific set of objectives is laid out in the draft *Diversion Protocol and Agreement* between each Community Justice Committee, the Crown Prosecutor's office, the RCMP, and Nunavut Justice⁹. They are as follows:

- Improve access to justice services in the community;
- Promote community participation in the delivery of justice programs;
- Enhance and preserve Inuit Qaujimajatuqangit and customary law;
- Encourage a more holistic approach to social problems;
- Encourage local participation and responsibility in resolving these issues;
- Develop a community-driven and locally-accountable Diversion Program that works in partnership with the existing criminal justice system;
- Promote a more effective use of the distinctive resources found in Nunavut communities;
- Encourage community-based resources to administer and deliver local justice services; and
- Promote a greater awareness and understanding of justice and related issues at the community level.

A copy of the draft *Diversion Protocol and Agreement* is included as Appendix 4.

3.4 Comment

It is clear in reviewing the mandate and goals for the Community Justice Program that there is significantly more to the program than simply responding to offenders and victims. The program also aims to ensure that IQ underlies the approaches taken, and that the community itself is encouraged to exercise its responsibility with respect to community problems. These cultural and community development aspects of the Community Justice Program are therefore considered in the review.

⁹ At the time of writing of this report, several Community Justice Committees had reviewed the draft *Protocol* and had signed it with few or no amendments. Other committees were still in the process of reviewing the draft.



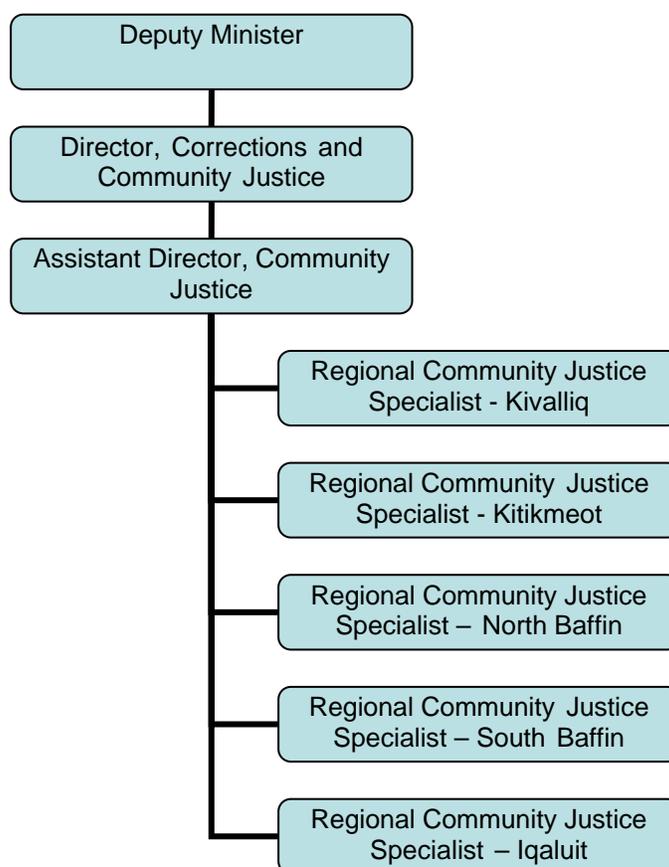
4.0 Structure and Operations of the Program

This section of the report outlines both the structure of the program and its various elements, as well as the operation of those elements and how they are intended to work together.

4.1 Structure of the Community Justice Program

The chart below indicates the structural elements of Nunavut Justice that are concerned with community justice.

Nunavut Justice – Community Justice Division



Each of the Regional Community Justice Specialists¹⁰ is responsible for the Community Justice Committees in her region¹¹. The regional community alignment is as follows:

- Kivalliq Region
 - Arviat
 - Baker Lake
 - Chesterfield Inlet
 - Coral Harbour
 - Rankin Inlet
 - Repulse Bay
 - Whale Cove

- Kitikmeot Region
 - Cambridge Bay
 - Gjoa Haven
 - Kugaaruk
 - Kugluktuk
 - Taloyoak

- North Baffin
 - Arctic Bay
 - Grise Fiord
 - Hall Beach
 - Igloolik
 - Pond Inlet
 - Resolute Bay

- South Baffin¹²
 - Cape Dorset
 - Clyde River
 - Kimmirut
 - Pangnirtung
 - Qikiqtarjuaq
 - Sanikiluaq

- Iqaluit
 - Iqaluit

¹⁰ Hereafter referred to as Specialist or Specialists.

¹¹ The Regional Community Justice Specialist responsible for Iqaluit is also the Victim Assistance Coordinator for all regions.

¹² South Baffin and North Baffin together form the Qikiqtaaluk Region.



4.2 Roles and Reporting Relationships

In terms of reporting relationships, each of the Specialists reports to the Assistant Director, Community Justice. Except for twice yearly status reports, the Community Justice Coordinators¹³ do not report to the Specialists, but to their own Community Justice Committees. Each committee has a chairperson selected by committee members. There does not appear to be a time limit on the Chairperson's tenure.

Regional Community Justice Specialists

The Specialists' primary role is to facilitate the work of the committees and the Coordinators through a variety of functions, including training, program planning, and liaising between Nunavut Justice and the communities and between federal programs and the communities. The Specialists' work with federal programs is essentially for purposes of securing funds. The Specialists also assist the Coordinators and their committees with administrative duties such as bookkeeping, as required.

More specifically, the Specialist job description identifies the following areas of responsibility¹⁴:

- Liaises and assists various community, regional and governmental officials and groups in relation to adult and youth community based justice programming.
- Provides guidance, consultation and assistance to [Nunavut] Department of Justice staff in the development and implementation of community-based justice programs and services to adult and young offenders.
- Provides guidance and assistance to contractors and [Nunavut] Department of Justice staff in relation to the provision of contracted services.
- Provides guidance, supervision and training to one or more Community Justice Workers or Community Justice Worker trainees.
- Monitors and evaluates community-based justice programs and open custody services to ensure effectiveness and efficiency.
- Provides service proposals and assists in financial forecasting.
- Provides assistance in other departmental program areas as requested by the Assistant Director, Community Justice.

Community Justice Coordinators

The Coordinators generally do not have job descriptions. However, a draft job description was prepared by one of the Specialists and was circulating at the time of writing of this report. It identifies the following tasks to take place either in direct relation to committee meetings or between meetings:

- Arrange meeting place and time.
- Take minutes and interpret when necessary.

¹³ Hereafter referred to as Coordinator or Coordinators.

¹⁴ These responsibilities are taken from the job description of the Iqaluit Regional Community Justice Specialist, but are representative of all Specialist job descriptions.

- Type minutes and send to members as well as Community Justice Specialist in English, Inuktitut or both languages.
- Work with chairperson and Community Justice Specialist on things that have to be done between meetings.
- Work with the Hamlet on any work that needs to be done (invoices for honorariums, purchase orders for committee expenses).
- Support and facilitate diversion work as agreed to by the committee and the person referred through diversion.
- Work with RCMP to make sure all the paper work is done for diversions.
- Work with chairperson to make sure that everything is prepared so that the committee can do its work.
- Possibly – Write up funding proposals for committee.
- Possibly – Supervise project staff for committee.

The role and capacity of the Coordinators is discussed at greater length later in this report under section 6.3 below.

Committee Chairpersons

A draft job description for committee Chairpersons has also been circulated to committees. It identifies the following responsibilities:

- Make sure meetings are called regularly and the work of the committee is done (work with coordinator on this).
- Work with the Community Justice Specialist on concerns of the committee.
- Sign invoices for the committee.
- Chair meetings.

Community Justice Committees

The membership of Community Justice Committees changes often in many communities (see the section on Committee Membership and Sustainability, below). In very general terms, however, it is reasonable to say that the majority of committee members are Elders, and that membership includes both men and women (with women in the majority). Some committees, such as Arviat and Iqaluit, are moving toward appointing a regular youth member.

There is no document that clearly identifies responsibilities for Community Justice Committees and each committee decides on its tasks, approaches, and levels of involvement in the justice system. Essentially the role of the committees is to provide a culturally appropriate alternative to those aspects of the formal justice system that involve the laying of a charge, a trial and sentencing. The primary means by which committees achieve this goal is by accepting referrals from the RCMP (pre-charge diversions) and from the Court (post-charge diversions). In defining



its position on referral acceptance, each committee makes its own determination as to the following factors:

- which type of referral to accept – whether pre-charge, post-charge or both;
- the number of referrals to accept;
- the type of offence for which referrals will be accepted – considered factors include youth or adult, the nature of the crime (e.g., property damage or personal), and the seriousness of the offence;
- the approach the committee will take to handle any given referral.

There is significant variation among committees with respect to their decisions about accepting referrals; for example, some committees accept only youth property referrals, while others may accept referrals concerning assaults between adults. While committee positions regarding referrals may vary, there appears to be some commonality regarding the criteria committees apply in their decision-making.¹⁵ The most common criteria applied by committees in making decisions on specific referrals appear to be the following:

- the caseload already facing the committee;
- the committee's perception of its ability to handle a particular type of case – some committees, for example, do not feel qualified to handle cases of interpersonal violence, particularly among adults;
- the extent of training taken by committee members in methods such as family group conferencing;
- the willingness of the victim to participate in the community justice process (in the case of youth, also the willingness of parents or supporters to participate);
- the committee's perception of the offender as a good candidate for community justice – is community justice likely to succeed with the individual being referred?

The resulting variation among communities means that a relatively small number, such as Pangnirtung and Cape Dorset, accept referrals of relatively serious cases. The local detachment of the RCMP in Pangnirtung, for example, will refer adult assault cases and, on rare occasions, cases of assault causing bodily harm. Other committees, however, may choose to limit their work to cases involving youth property offences.

4.3 Types of Intervention

There are four main approaches which may be employed by committees for dealing with referrals: traditional counseling; land and other cultural programs; family group conferencing; and community justice forum (mediation). Committees vary according to which type of intervention they may choose.

¹⁵ Whether the RCMP and the Court choose to divert a case to a particular committee is also based on decisions made by officials in those organizations. RCMP and Court decision-making is discussed later in this report.

Traditional Counseling

Traditional counseling is the approach most closely associated with IQ and perhaps the approach that comes most naturally to the Elders on the committees. Generally, traditional counseling is employed when a victim gives consent to the community justice process proceeding but chooses not to take part directly. Elders on the committee (the number varies) will then sit with the offender and talk to him/her. This approach is not intended to be confrontational or accusatory, but a supportive experience whereby the offender receives advice from experienced Elders. It is also true that an offender may first be reprimanded by the Elders for the crime he/she has committed and more generally for his/her lifestyle. The offender is almost always given a set of conditions to fulfill as part of the traditional counseling process. Conditions vary according to the individual's circumstances and whether he/she is a youth or an adult; however, they typically include an apology to the victim, restitution for property damage, and community service work (e.g., shoveling snow for elders).

Land Programs

Land programs are run by Community Justice Committees in some communities, such as Pangnirtung and Rankin Inlet. Land programs may involve youth or adults and may take place in summer or winter. Such programs usually involve a small group of male offenders spending varying lengths of time (from a few days to a few weeks) on the land pursuing traditional activities such as camping, hunting and equipment making. These activities take place under the guidance of one or more experienced hunters who are often also Elders. The approach involves placing the offender in an environment where he is removed from the stresses of family and community life, where he is challenged and is given the opportunity to rise to the challenge, and where he can learn traditional skills and cultural values. While Nunavut land programs have not been evaluated, Pangnirtung committee members have expressed the view that they are very effective in rehabilitating offenders, particularly youth. Land programs require funds in order to operate, however, and few committees have the capacity to develop the plans and proposals required for funding support. This point is addressed later in the report.

While land programs involve males, female offenders have fewer opportunities. Some Community Justice Committees (e.g., Arviat and Pangnirtung) organize Elder-led cultural programs such as traditional sewing classes for young women in trouble with the law. Sewing classes appear to be fairly infrequent, however, in spite of the view that they can be effective in rehabilitation.

Family Group Conferencing

Family group conferencing is an approach developed and taught throughout Canada by the RCMP. Many members of Community Justice Committees in Nunavut have attended training sessions. Among those who have had the training, the consensus is that family group conferencing is an effective way to handle community justice referrals in which both the offender and the victim participate. Committee members in the communities visited for this review consistently said that they wanted either initial or further training in family group conferencing. Family group conferencing is generally employed in youth cases. It involves a



relatively small group, typically consisting of the offender and an adult supporter (often a parent), the victim and an adult supporter, and between one and three members of the Community Justice Committee. The victim must consent to the process in order for it to proceed.

The committee members work to facilitate an understanding between the offender and the victim, in part so that the offender genuinely comes to apologize to the victim and the victim can think of forgiving the offender. Committee members may encourage the offender to improve his/her behaviour. As well, agreement is reached among all parties as to a reasonable sanction for the offender. This often involves an apology to the victim, restitution (in cases of property damage), and community service work. The latter often involves working for the Hamlet and is to be monitored by the Coordinator.

Community Justice Forum

The community justice forum approach focuses on mediation. It is taught by the RCMP, although it has not been widely taught or used in Nunavut yet. Like family group conferencing, this approach involves the offender and the victim, and can proceed only with the victim's consent. A trained mediator runs the session and aims to achieve agreement and reconciliation between the offender and the victim. In Nunavut the community justice forum approach to mediation has been regularly applied only in Iqaluit. Since November 2003, with the start-up of the Iqaluit Restorative Justice Society, it has been used in the context of the Community Justice Program. The Iqaluit Society can call on about twenty trained mediators in the city, some of whom are members of the Society.

4.4 The Role of the Victim

Community Justice Committees, sometimes through their Coordinators, invite victims to participate in the community justice process in both pre-charge and post-charge diversions. The RCMP and Crown Prosecutors will also often confirm with the victim that he/she is amendable to the referral and the community justice process proceeding. In some cases, the victim may agree to the diversion taking place but will choose not to take part in the process. In such cases, the committee usually makes the decision to accept the referral and engage in traditional counseling with the offender.

Section 8.3 of the *Diversion Protocol and Agreement* (Appendix 4) states that “the safety and interests of the victim will be the first priority in the decision to divert matters.” However, the question of victim involvement is somewhat problematic in Nunavut. It appears that the RCMP may be in the process of adopting a strict policy position that will not allow referrals in cases where the victim is not a participant in the community justice process, regardless of whether he/she approves of the process but chooses not to participate directly. This issue is discussed further in later sections of the report.

Several other questions arise regarding the role of the victim. For example:

- What is the extent of victim involvement in the community justice process? (While this question is within the scope of the review, reliable data were not available.)
- What is the level of victim satisfaction with the community justice process, whether the victim participates directly or not? What are the reasons for satisfaction or dissatisfaction? Does this vary according to whether the victim is a youth or an adult, male or female?
- What does IQ say about the role of the victim and victim support?
- Are there additional ways that victims could be supported in their communities?
- What additional training or resources are needed to give greater support to victims, while still respecting IQ?

While many of these questions are beyond the scope of this review, they are significant and should be addressed through further research in the communities.



5.0 Community Case Studies

This section of the report summarizes the findings regarding each of the four focus communities of Pangnirtung, Arviat, Rankin Inlet and Iqaluit. The information presented here derives from various sources: consultations with the respective Community Justice Committees; in the case of Rankin Inlet, consultations with the Rankin Inlet Spousal Abuse Program and the Rankin Inlet Victim Support Program; interviews with community consultees; and documentation and statistics as available. The information from the consultations and interviews is presented in this section and in the subsequent section on the summary of key informant interviews as it was given to the researcher and is not analyzed in any systematic way. Analysis follows in later sections of the report.

It is worth noting again that the four selected communities are not necessarily representative of all Nunavut communities with respect to the operation or effectiveness of the community justice program.

5.1 Pangnirtung

The Pangnirtung Community Justice Committee is considered to be one of the most effective in Nunavut. Its membership has been very stable throughout the committee's life. Currently there are eight members on the committee, of whom four are women and four are men. The majority of committee members are Elders and have been on the committee for a number of years.

Committee members, the Regional Community Justice Specialist, the RCMP Detachment Commander, and the Hamlet agree that the program's mandate and goals are being met in Pangnirtung. These respondents perceive that the Community Justice Committee is contributing significantly to crime prevention and the safety of the community through traditional means of counseling offenders and victims. From the community's perspective, articulated through the Deputy Mayor, the committee is making the community a better place and preventing problems that the Hamlet would otherwise have to face in the future.

The Pangnirtung committee accepts pre-charge referrals from police in youth and adult cases, as well as post-charge diversions from the court. IQ is a basic principle and the committee engages in traditional counseling, which involves committee members speaking to the offender and imposing conditions such as apology, restitution and community service work. Traditional counseling with youth usually involves all the committee members, while adult counseling is generally done by three or four members.

The committee also uses an approach that involves both the victim and the offender. This is usually the committee's own adaptation of family group conferencing, and the aim is reconciliation. The committee makes its decision on a case-by-case basis whether to proceed with a referral in which the victim would be involved in the process. The decision is made according to the committee's understanding of the offence and the individuals involved. Like other effective committees, the Pangnirtung committee assesses the backgrounds, personalities

and present condition of the victim before making the decision to proceed. If the committee concludes for any reason that the community justice process, such as family group conferencing, would not benefit the victim or the offender, they will not accept the referral. In cases when a victim is asked but chooses not to participate, the committee may proceed with traditional counseling of the offender, as long as the victim has not indicated he/she is adverse to the diversion process altogether.

The Pangnirtung committee runs land programs for adults and youth. Generally repeat offenders are sent to a land program. It is significant to note that some offenders who previously engaged in the land program are now among the leaders of the program. The community sees this as a clear indication of the program's effectiveness. The committee has had success in getting funding from various sources such as the National Crime Prevention Strategy for its land programs and plans to continue to apply.

The local RCMP detachment has confidence in the Pangnirtung committee. The police regularly divert youth and adult cases to the committee, including common assaults and, occasionally, assaults causing bodily harm. As in all referrals, however, the victim must agree to the diversion before the police will choose this option. The detachment finds that the Pangnirtung committee is forthcoming with information on the status of referred cases.

The Committee's relationship with the Hamlet is good. The Hamlet of Pangnirtung realizes the value of the committee's work for the entire community and supports it as possible. There was a problem in the 2003-04 fiscal year in that funding did not reach the Hamlet in a timely manner and the Hamlet was obliged to pay for justice activities from its operating budget. While this proved difficult for the Hamlet, the problem was resolved and is unlikely to happen again.¹⁶

The Pangnirtung committee appears to be achieving success. The committee and the RCMP agree that there is a relatively low rate of re-offending among youth and adults who have been referred to the committee. Another indicator of the strength and credibility of the committee is the fact that couples will occasionally seek counseling from committee members even before they act in such a way as to attract the attention of the police.

The Pangnirtung Community Justice Committee expressed certain needs that, if met, would assist the committee in achieving its goals. Specifically, the committee requires dedicated space for meeting and counseling, and a funding and benefits package for a full-time Community Justice Committee Coordinator.

5.2 Arviat

The number of cases coming before the court in Arviat appears to have decreased significantly over the last two years. Community consultees see this as an indicator of success of the Arviat Community Justice Committee's handling of pre- and post-charge diversions.

¹⁶ The problem arose when the funding process between territorial and federal departments ran into difficulties and funds were not forthcoming in time for community-based operations.



The committee's emphasis has been on youth, although the committee would like to see more adult referrals for the less serious offences. The committee holds IQ as a fundamental principle. To date most of its counseling has been done traditionally; i.e., without the victim present (but with the victim's consent). Committee members would like more training in victim oriented processes, such as family group conferencing. Until the committee has this expertise, they will continue to do traditional counseling without the victim's involvement.

There is good cooperation between the committee and other groups and agencies in the community. The committee works closely with the school principal and one of the teachers, who are dedicated to seeing youth cases referred. Similarly, the committee works well with the RCMP detachment and the police divert cases regularly. The Arviat committee runs youth programs such as traditional sewing and igloo building, as well as crime prevention activities such as radio shows, crime prevention week, and a poster competition. These activities are all attractive from the perspective of the RCMP and the school.

As in Pangnirtung, the Hamlet of Arviat sees the benefits of the committee's work and is supportive in various ways. The Justice Committee has expressed concerns, however, about the way in which the Hamlet selects and appoints justice committee members. Specifically, the Committee perceives that the Hamlet Council occasionally appoints individuals who are related to Council members, but do not have the skills or experience that would recommend them for community justice work.

Over the next five years the Arviat committee wants to develop its land program for youth, run more family group conferences (involving the victim), add more Elders and a young person to the Committee, and take on more adult diversions (for less serious offences).

The committee indicated that its primary needs are the following: a full-time Coordinator with benefits and a higher rate of pay; higher honoraria for Committee members; more training in family group conferencing; and funds for improving its land program for youth.

5.3 Rankin Inlet

Rankin Inlet also has a strong Committee with a stable membership. The Committee accepts pre-charge and post-charge diversions for adults and youth, although the focus is more on youth. Post-charge diversions are from the Nunavut Court of Justice and from Justices of the Peace. The Committee takes various referrals, including property damage, shoplifting and minor assaults. The Committee has good relations with the Crown Prosecutor and local RCMP in terms of referrals and communications. A joint meeting between the Committee, the Crown Prosecutor and the police is always held before court to discuss post-charge referrals. Communication with the designated RCMP officer responsible for community justice is ongoing regarding pre-charge referrals.

IQ is an important principle for the Rankin Inlet Committee. The Committee runs a land program for youth and works with the Rankin Inlet Friendship Centre to involve youth in the program. The Committee engages in traditional counseling, in which the victim is not involved.

In the traditional counseling sessions, most or all committee members take part, as well as the Coordinator, the offender and his/her parents.

The committee also runs successful family group conferences, and has had training in this approach. Family group conferencing sessions involve 3-4 committee members, the Coordinator, the youth victim and his/her parents or supporters (for those youth who do not have parents available to participate), and the offender and his/her parents or supporters.

Over the next five years, the committee wants more training in family group conferencing as members want to involve the victim more regularly. Committee members also want to increase the number of traditional counseling sessions, and engage in cultural education for youth at risk.

The Rankin Inlet committee acknowledges that community awareness of the committee's work is not high and could be improved through community relations work and presentations to the Hamlet.

The committee indicated that its immediate needs are the following: more training in family group conferencing; a dedicated space for counseling and cultural education with youth; a full-time and adequately paid Coordinator with a benefits package.

Rankin Inlet Spousal Abuse Program

Two full-time counselors work for this program and there are 5-6 elders on the committee. The program is funded through and reports to the Friendship Centre in Rankin Inlet. Funding is from Nunavut Justice and Grants and Contributions at Justice Canada and the project is time limited as a pilot.

Both victims and abusers are counseled. Most clients are referred by the court, while some are referred by Crown Prosecutors on a post-plea basis. Currently the program is counseling ten abusers and four victims. Victims are usually the spouses of abusers referred by the court. When appropriate, the couple is counseled together. The counselors also hold group sessions for men.

Both the spousal abuse and the victim support programs (see below) are trying to build a network of referral so that individuals in need do not fall through the cracks. At this point, there is no real contact between the Spousal Abuse Program and the Community Justice Committee because the committee does not handle spouse abuse cases. As well, the Community Justice Committee is already very busy handling its own cases.

Rankin Inlet Victim Support Program

One full-time counselor works in the victim support program and there are Elders on the committee. Getting volunteers to commit time to the program is difficult, and the reason given is that most people are related in a small community like Rankin Inlet. The program is funded through and reports to the Friendship Centre in Rankin Inlet.



The counselor helps victims prepare for court, gives personal support, provides specialized counseling, and gives practical advice. The counselor currently has sixteen clients, referred by other agencies. The Counselor also builds trust relations with young women who might come to her as self-referrals.

The program is not mandated to prepare victims for family group conferencing sessions run by the Community Justice Committee. However, it is an idea that could be developed. At this point there is no real contact between the program and the Community Justice Committee.

5.4 Iqaluit

The Iqaluit Restorative Justice Society began operations with mainly new members in November 2003. Society members are working to regain the confidence of the police after an earlier Iqaluit justice committee was perceived to have failed to provide adequate service to the community because it did not adequately involve victims. The organization was established as a society in order to seek funding independently of Nunavut Justice and Justice Canada. There are nine active members, one of whom is a youth. IQ is taken seriously by the Society.

The Society accepts pre-charge and post-charge diversion for youth and adults. Since November, the Society has had six post-charge referrals and there have been a few pre-charge referrals. The Society is hoping that the police will divert more frequently as they regain confidence in the process and the Society.

The Society agrees with the RCMP that community justice (“restorative justice” in RCMP terms) should always try to involve the victim. The emphasis, therefore, has been on mediation. The Society is affiliated with about twenty trained mediators (the community justice forum model) in Iqaluit. Some mediators are on the committee, while others are not. As well as mediation, the Society occasionally engages in Elders’ panel counseling, also known as traditional counseling to other Community Justice Committees. In these instances the victim is not involved. The Society would also like to do family group conferencing, in which the victim would be involved.

The Society has established a sub-committee to design a protocol to guide its decisions as to which technique is most appropriate in any given case (i.e., family group conferencing, community justice forum, or Elders’ panel), bearing in mind that the victim is not directly involved in the Elders’ panel approach. When the newly hired Coordinator is trained in mediation and other aspects of community justice, and is familiar with the operations of the Society, pre-charge and post-charge diversions will be sent to him. He will then decide how each case will be handled.

Society members see mediation as containing elements of IQ. The mediator contacts the victim and the offender. Both must agree to a case being handled through the community justice process or it is sent back to the police or the Court. If the victim agrees to the community justice process but does not want to take part, then the Elders’ panel deals with the offender directly.

The Society specified its current needs as the following: dedicated space for their meetings, and mediation and counseling sessions (they currently rent space in the Elders' Centre, which is unsatisfactory for both groups); more training to ensure that all Society members are qualified in the community justice forum approach and family group conferencing.



6.0 Summary of Interviews with Key Community Members

This section of the report summarizes the findings from the interviews held in Nunavut with the results of the community consultations, document review and other interviews, contribute to the summary of findings that appears later in the report.

6.1 Nunavut Justice Headquarters

Nunavut Justice Headquarters personnel expressed confidence in the potential of the Community Justice Program. However, they also indicated concerns that can be summarized as follows.

There is concern that the program is inadequately funded. Similar to the findings in the four communities reviewed, interviewees at Nunavut Justice Headquarter also noted that additional funding is required for Coordinators' salaries, training of Coordinators and committee members, and space for meetings and counseling sessions. However, there is also concern that the existing funds are not being allocated in the most effective way. The present method of per capita allocation to communities may be inappropriate as some Community Justice Committees are not using their funds as effectively as possible, while other committees are effective but could use more funds. As well, Headquarters personnel believe that some communities may not be using the funds as intended. There is some concern that some Hamlets have allocated community justice funds to other Hamlet related needs. It is also perceived that some Hamlets are not completely cooperative in terms of providing financial information to the Coordinators, Committees and Headquarters.

There is recognition at Headquarters that as the program is a territory-wide initiative, territory-wide standards and planning must be in place, and that program outcome measures must be developed and implemented.

Headquarters is concerned that many communities are not aware enough or supportive enough of the Community Justice Committees and that a lack of voluntarism in the communities presents a challenge to the existing Community Justice Committees and to the program as a whole.

With respect to the role of the RCMP, Headquarters perceives some difference of opinion between Justice Committees, RCMP detachments and RCMP Headquarters as to the proper approach to doing community justice (particularly with regard to victim involvement). This could lead to problems for the entire program. From the Committee side, accountability to RCMP and Crown Prosecutors must be regular and effective.

6.2 Regional Community Justice Specialists

The five Specialists were interviewed separately. Following are the main points arising from those interviews.

The Specialists note that IQ is an important principle for all Community Justice Committees. IQ permits flexibility as far as the committees are concerned because it allows them to engage in either traditional counseling, which typically does not involve the victim, or restorative justice as defined by the RCMP, which does involve the victim.

Specialists also indicated that in many communities there is a low level of awareness of the Community Justice Committee. In communities where awareness is lacking, support for the Committee also tends to be low.

The Specialists maintain that funding is inadequate for Committees to develop capacity and to carry out their roles as effectively as possible. For example, while training for Justice Committee members and Coordinators is essential, the opportunities for training sessions is limited because of high travel costs and scarce financial resources.

The Specialists expressed concerns about financial planning and management for the program. They suggested that Headquarters should develop new criteria for the distribution of program funds. Currently this is done on a per capita basis; however, not all communities are using their funds effectively in terms of achieving their goals. Further, the Specialists see a need for Headquarters actively seeking additional funding for the program, protecting program funding, developing comprehensive program budgets, and maintaining efficient accounting and reporting practices.

Specialists assist the Committees in various ways, including training, organizing training by other professionals, liaising with RCMP and others, and drafting funding proposals. They also spend significant amounts of time preparing the financial books for purposes of the audits by Hamlets. This, however, is the responsibility of the Coordinators. The Specialists identified a need to respond to the fact that many Coordinators do not have the capability to perform their duties as this is a serious issue. The Specialists believe that Coordinator positions should be full-time, adequately paid, and meet reasonable hiring criteria. Until this happens, it will continue to be difficult to attract and/or retain qualified individuals to the position and the Specialists will be obliged to carry out some of the responsibilities of the Coordinators.

The Specialists believe that there are difficulties with the Committee appointments process in some Hamlets. In most cases, the process is essentially controlled by the Hamlet. Criteria for the appointment of Committee members and for the hiring of Coordinators are currently being developed and will be discussed in the near future among the Specialists before being taken to Headquarters and the committees. Sustainability is a challenge at the community level. Changing Committee membership often means that instead of reaching a plateau after a certain period of development, Committees often revert to the bottom of the learning curve.



It is important for reporting by Committees to RCMP, Crown Prosecutors and Nunavut Justice Headquarters to be standardized. The *Nunavut Community Justice Agreement Form* has recently been implemented and should help in this regard. (The form is included in this report as Appendix 5.) Specialists also agree that outcome measures are needed for the program and that record keeping will be an essential aspect of the exercise.

The Specialists have recently completed a five-year planning exercise. However, a similar exercise remains to be done with the committees. This task requires funding support and facilitation by a professional.

6.3 Community Justice Committee Coordinators

Coordinators' roles vary by community. Responsibilities may include setting up meetings for Committees, taking minutes, translating when required, providing financial information to the Hamlets, and liaising with RCMP, Crown Prosecutors, and Specialists. As well, a Coordinator may be expected to explain to offenders, victims and their parents the way in which the justice committee works. This may include a description of family group conferencing or traditional counseling, as well as the goals of the process.

In spite of the functions listed above, there is a lack of clarity regarding Coordinators' responsibilities. In most cases Coordinators do not have a job description and have never had their committee clearly explain its needs and expectations. This appears to be an area that needs work. While there should be territory-wide standards, individual committees may have additional special requirements for their Coordinators.

Coordinators report to the Community Justice Committee, although that reporting relationship appears to be informal. Coordinators also report to their Regional Specialists in the form of a twice yearly status report. Communications between Coordinators and Specialists is more frequent, however, as in most cases they talk regularly by phone and e-mail.

Relations between Coordinators and Hamlets are generally good; however, in some cases the Hamlets are not forthcoming with financial statements when required.

Coordinators hold varying views on their pay and job status. The Coordinators are casual, part-time employees and, as such, receive an hourly wage and no benefits. Some Coordinators, particularly mothers with school age children, find part-time employment adequate. Others, however, believe that their part-time status does not give them enough time to do their jobs effectively, and that it does not provide enough income to make the job worthwhile. The hourly wage rate for Coordinators is set by individual Community Justice Committees. The rate varies from \$18.00 to \$25.00 per hour. This is an area that Nunavut Justice should consider standardizing across all committees.

Coordinators in general believe they need further training. This would include training on the new *Youth Criminal Justice Act (YCJA)* and family group conferencing. Many feel that one training session is not enough. Coordinators suggest that training should be taken by Coordinators and other Committee members together.

6.4 Nunavut Court of Justice Officials

For purposes of this report, this category of community consultees includes the Chief Judge of the Nunavut Court of Justice, the Justice of the Peace Coordinator, one Justice of the Peace in Arviat, and a court worker in Pangnirtung.

The Chief Judge believes that there are some successes in the Community Justice Program; for example, in Arviat the number of cases arriving at court has decreased significantly in the last two years. Thus, the program's potential is being realized, at least in some communities. The Chief Judge expressed the view that in those more successful communities, Community Justice Committees could deal with lower level sexual assault cases and spousal abuse cases, as long as the committee is capable and all parties agree. The Chief Judge feels that courts do not do a good job handling such cases because they drive a wedge between people in the community. Community Justice Committees, on the other hand, are focused on reconciliation and support.

The Chief Judge sits with Elders at sentencing in many communities. This works well. Often these Elders are members of the Community Justice Committee, although the Community Justice Committee mandates do not cover this activity. The Chief Judge has also appointed youth panels to assist in sentencing in Arviat and Iqaluit.

In terms of development, the Chief Judge indicated strongly that the program needs more funding in order to hire full-time, reasonably paid Coordinators. As well, Community Justice Committees could use more training in methods for dealing with victims; for example, family group conferencing. The Chief Judge also expressed the view that victim-offender mediation is needed in major crime cases. With the proper training, stable Community Justice Committees could take on this role.

Generally, Justices of the Peace believe that diversion to Community Justice Committees is a good thing. However, many will not refer cases to a Committee because they are unclear as to how the committee works. This would suggest that communication between Justice Committees and Justices of the Peace should be improved. Some Justices of the Peace work with the police, the school and social services to make decisions regarding pre-charge diversion of youth.

The Justice of the Peace Coordinator believes that Justices of the Peace could play a more active role in community justice through referring cases to the Justice Committees (allowed by the *YCJA*), training Committees in legal matters, and sitting as members of Committees. He also believes that Justices of the Peace could help the Committees by facilitating meetings (especially when the Coordinator is less effective in this task), and could assist by following up on a case once the sanction has been decided; for example, when a youth has been assigned community service work.

Court officials agree that standard outcome measures are required for all Community Justice Committees. Currently the only measure of effectiveness is re-offending, although even this is not well recorded by Community Justice Committees. Judges and Justices of the Peace want to



know if the Program is having an impact on rates of offending, charging rates, and court appearances¹⁷.

The Justice of the Peace Coordinator expressed the view that the process whereby committee members are appointed by Hamlets is problematic, as indicated by high turnover rates and the general ineffectiveness of some committees. A possible approach would involve Nunavut Justice identifying potential committee members, who would then be vetted by the Hamlet.

6.5 Crown Prosecutors

Crown Prosecutors operate from the Regional Office of Justice Canada in Iqaluit. They are increasingly diverting post-charge cases to Community Justice Committees. They agree, however, that pre-charge diversions are more effective, mainly because this approach addresses cases in a more timely manner. Currently, a diversion protocol agreement is being drafted for the Justice Committee, RCMP, Justice Canada and Department of Justice Government of Nunavut (see Appendix 4). Crown Prosecutors believe that this draft protocol is a good document and that it will add clarity to the diversion process for all parties.

Criteria for post-charge diversion are set out in the *Federal Prosecution Service Deskbook*. These “Preconditions to Diversion” (section 14.2.2.) are reflected in the draft protocol. The Crown Prosecutors in Nunavut advise that they follow the criteria closely. Generally they will divert property offences and low-level violence cases. It was observed that Crown Prosecutors cannot divert spouse abuse cases, although it would make sense in some cases.¹⁸ It does not appear that spousal violence cases are being diverted in Nunavut, either by the Crown Prosecutors or the RCMP. It should also be noted that the *Youth Criminal Justice Act* obliges Crown Prosecutors to divert youth cases whenever possible.

A significant concern is that delays often affect the post-charge diversion model. Typically, it is at least two to three months after an incident before a case gets to court. By that time, the problems or conflicts leading to the incident may well have dissipated or been forgotten. There are many reasons for delays, most of which are beyond the control of the Court. The fact that the Court party must fly to communities over a vast area naturally presents challenges, especially in weather conditions that are often prohibitive. Nor is this preventable by the Community Justice Committees, but it does make their job more challenging.

Crown Prosecutors indicated that they are not adamant about victim involvement in the community justice process, although they would prefer to see it in appropriate cases (i.e., in crimes with victims). Crown Prosecutors try to consult the victim before recommending diversion.

¹⁷ These are not the only way to measure a Community Justice Committee’s impact in their community, for example, there may be an increased sense of access to the justice system.

¹⁸ The *Deskbook* leaves open the possibility of diverting spousal violence cases in exceptional cases, which are defined by several conditions, foremost among them the complainant’s wish to consider an alternative to prosecution. Refer to section 28.3.1 in Part VI.

With respect to future directions, Crown Prosecutors would like to see Committees having greater involvement with youth through post-conviction counseling. One Crown Prosecutor asked one of the stronger Community Justice Committees if the Committee would be willing to take on post-conviction counseling as part of a judicial probation order. The response was that the Committee already had its hands full. This is something that might be considered in the future if Committees are able to develop the capacity to take on such counseling. Court observation by the researcher in 2000 suggested that at least one judge had been specifying post-conviction counseling as part of probation orders. In the case of one committee, at least, its lack of capacity in this regard meant that the conditions of those particular probation orders were not being entirely met. While the problem was rectified, it demonstrated the need for judges to communicate more effectively with Community Justice Committees.

Crown Prosecutors see that the capacity of Committees is limited. Committees need full-time, well paid Coordinators. Coordinators and committee members require training; for example, with respect to the *YCJA*. As well, Crown Prosecutors are concerned that the Community Justice Committees do not have enough profile and support in their communities. This is important if they are to be successful.

Communications between Crown Prosecutors and Committees are generally good and meetings are usually held before court to discuss possible diversions. These discussions take place either in the community the evening before Court day, or by telephone the week prior to Court.

6.6 Defence Counsel (Legal Aid)

Each region has a legal services society (Kitikmeot, Kivalliq, North Baffin, South Baffin/Iqaluit). The legal aid lawyers and court workers report to these bodies. Funding comes from the Nunavut Legal Services Board.

Legal aid lawyers do not have much contact with the Community Justice Committees, although they are supportive of cases being referred. They are concerned that the effectiveness of Committees varies by community, as do the outcomes for referrals sent to the Committees. Legal aid lawyers are also concerned that the judges generally do not visit Community Justice Committees or get to know the communities.

Some defence counsel believe that the RCMP policy of not referring spouse abuse cases should be reviewed. It was suggested that many first offence domestic violence cases could appropriately go to the Community Justice Committees because the Committees have the potential to handle relatively minor cases of this type.

6.7 RCMP

There appears to be significant variation among detachments in terms of diversions to Community Justice Committees. As well, the views of divisional Headquarters vis-à-vis the individual detachments are somewhat unclear with respect to restorative justice policy and practice. Some of the main points from discussions with RCMP officers at the detachment level and divisional Headquarters are outlined below.



Some detachments regularly divert youth and adult cases to the Community Justice Committee. In other communities the police are reluctant to divert cases, or do so only on a very limited basis. The explanation for the differences varies. In some communities the Committee does not have the capacity to handle referrals and the police are naturally reluctant to divert. In other communities, while the Committee may have the ability to handle referred cases, the commanding officer is not committed to community justice.

A further factor affecting decisions whether to refer cases concerns the approach taken by individual Committees in dealing with referrals. In particular, many Committees engage in traditional counseling, and thus do not always involve the victim in the process. Some RCMP members view this as a reason not to refer cases, while others accept the Committee's direction and refer cases anyway.

The RCMP officer responsible for Community Justice across Nunavut advised that the "V" Division Headquarters' position is that community justice must be defined as "restorative justice"; that is, the victim must be involved in all cases. It appears that "V" Division Headquarters is increasingly aiming to influence detachments to take this approach and to avoid referrals unless there is direct victim participation. This would be regardless of the victim's approval for traditional counseling to proceed without his/her involvement. The responsible officer also indicated that "V" Division Headquarters is being directed by Headquarters in Ottawa that victim involvement is the definitive RCMP policy position. This is consistent with the fact that RCMP members are trained only in restorative justice as defined by the RCMP. The definition of community managed justice is a crucial issue that is discussed further in the concluding section of this report.

In three of the communities visited for this study – Pangnirtung, Rankin Inlet and Arviat – the police are referring cases regularly to the Community Justice Committees and are respecting the approaches taken by the Committees insofar as they employ traditional counseling. In Iqaluit, police are beginning to refer simple cases to the Iqaluit Restorative Justice Society after a prior loss of confidence in the ability of the previous Committee to handle referrals.

In the communities where the police regularly refer cases to the Community Justice Committee, the relationship is very good. This is indicated by the willingness of police to divert cases, and the degree of regular communication between the police and the committees and Coordinators.

6.8 Hamlet Officials

Nunavut Justice officials, including the Specialists, have indicated that relations between the Hamlets and the Community Justice Committees and their Coordinators are not always effective. However, in three communities visited for this study – Pangnirtung, Rankin Inlet and Arviat – the relationship is very good. Iqaluit is unique in that the recently established Iqaluit Restorative Justice Society is a registered body that is funded directly by the Government of Nunavut, rather than through the municipality.

In communities where the relations between the Hamlet and the Community Justice Committee are effective, the municipality sees the work of the Committee as improving the health of the community. The Coordinators in those communities are efficient in getting financial information to the municipal Finance Officers and, in turn, the Finance Officers are efficient in preparing financial statements for Nunavut Justice Headquarters.

For many of the other communities, generally there is a lack of awareness of the Committees' work by the Hamlet Councils. Hamlet officials would therefore like to see presentations by the Community Justice Committees to Councils with respect to the work being done by the Committees.

Hamlets vary in terms of the provision of office and meeting space for the Committees. This is something that should be considered in all communities, as the Committees are often in difficult circumstances with respect to space for holding their meetings and their counseling or mediation sessions.

Fiscal year 2003-04 was problematic for some municipalities as Nunavut Justice and Justice Canada were late in reaching an agreement for Aboriginal Justice Strategy funding. Consequently, the federal share of community justice funding arrived late to Nunavut Justice and then to the communities. In several cases the municipality proceeded to spend the anticipated funds on the Community Justice Committee but, in so doing, incurred a debt for a significant period. Both federal and territorial officials will work to ensure the problem does not reoccur.

Hamlets are responsible for recommending new Community Justice Committee members to the Minister for appointment. Generally individuals are identified as the result of coming forward in response to a local advertisement. If the applicant is a responsible citizen with no criminal record, the recommendation is usually made. Some Hamlet officials admit that this can lead to inappropriate appointments, occasionally based on family relations. One of the Specialists is currently taking the lead in developing a standardized set of criteria for membership selection and appointment.



7.0 Program Funding and Accountability

The Nunavut Community Justice Program is funded by Nunavut Justice and from various sources within the federal government. Some federal funds have a cost-sharing requirement, while others do not. The funds are described below.

7.1 Nunavut Justice and the Aboriginal Justice Strategy

The Community Justice Committees are funded on an individual basis potentially from various sources. Their major sources of funds are the Nunavut Department of Justice and the Aboriginal Justice Strategy of Justice Canada. Prior to the 2003-04 fiscal year, communities had separate Contribution Agreements with Nunavut Justice and the Aboriginal Justice Strategy. This was problematic in that Nunavut Justice could not be sure that the federal share of community funds was being directed at Nunavut's community justice priorities. There was a feeling in Nunavut Justice that the federal department was not necessarily interested in promoting the Nunavut view of community-based justice and that federally funded projects therefore might not complement the Nunavut vision. As well, the double reporting was onerous for committees. In 2003-04, the federal government began to transfer its share of the funds directly to Nunavut Justice under a Contribution Agreement. Now each Hamlet only signs one Contribution Agreement, which is with Nunavut Justice.

Government of Nunavut (GN) and Aboriginal Justice Strategy (AJS) contributions by community and region for fiscal year 2004-05 are shown in Table 1.

TABLE 1 GOVERNMENT OF NUNAVUT (GN) AND ABORIGINAL JUSTICE STRATEGY (AJS) CONTRIBUTION FUNDING TO COMMUNITIES 2004-05¹⁹			
Community and Population Counts (as of 2001 Census)	GN Funds Committed	AJS Funds Committed	Total Funding
Cambridge Bay (1,351)	\$ 30,500	\$ 25,500	\$56,000
Gjoa Haven (879)	22,000		22,000
Kugluktuk (1,201)	27,000		27,000
Kugaaruk (605)	16,000		16,000
Taloyoak (648)	19,000		19,000
Kitikmeot Total (4,684)	\$114,500	\$25,500	\$140,000
Arviat (1,559)	30,500	4,400	34,900
Baker Lake (1,385)	30,500	4,000	34,500
Chesterfield Inlet (337)	13,000		13,000
Coral Harbour (669)	19,000	19,000	38,000
Rankin Inlet (2,058)	36,000	25,000	61,000
Pullarvik (Pelly Bay) (496)			
Repulse Bay (612)	16,000	5,000	21,000
Whale Cove (301)	13,000		13,000
Kivalliq Total (7,417)	\$158,000	\$57,400	\$215,400
Cape Dorset (1,118)	27,000	27,000	54,000
Clyde River (708)	19,000	10,000	29,000
Qikiqtarjuaq (488)	16,000		16,000
Kimmirut (397)	16,000	5,000	21,000
Pangnirtung (1,243)	30,500	30,500	61,000
Sanikiluaq (631)	16,000	10,000	26,000
South Baffin Total (4,585)	\$124,500	\$82,500	\$207,000
Arctic Bay (639)	16,000		16,000
Grise Fiord (148)	10,000		10,000
Hall Beach (543)	16,000		16,000
Igloolik (1,174)	27,000		27,000
Pond Inlet (1,154)	27,000	22,000	49,000
Resolute Bay (270)	13,000		13,000
North Baffin Total (3,928)	\$109,000	\$22,000	\$131,000
Iqaluit (4,220)	\$45,000		\$45,000
Nunavut Total (24, 834)	\$551,000	\$187,400	\$738,400

The contribution funds from the GN and the AJS are meant to cover basic operations of the Community Justice Committees – rental of space, honoraria for committee members, Coordinators' salaries, and office supplies. Training costs are covered specifically for the purpose of a particular training session by various possible sources, including the GN, the AJS, or the federal Department of Justice Grants and Contributions Fund.

The funds are provided to communities annually more or less on a *per capita* basis by Nunavut Justice. Committees, with the help of their Coordinators and the finance departments of the Hamlets, are required to submit reports with audited statements to Nunavut Justice Headquarters

¹⁹ Source: Nunavut Justice.



twice annually. Only if the reports are satisfactory do the Hamlets (and Committees) receive the next installment of their yearly funding. The intent of this procedure is to ensure that the Hamlets are managing the money properly, and that the Committees are engaging in activities consistent with Nunavut Justice policy. There was a problem in this regard in 2003-04. In that fiscal year, the \$8,000 originally allocated by Nunavut Justice to Qikiqtarjuaq was re-allocated to Pangnirtung. The assessment by Nunavut Justice was that Qikiqtarjuaq was not using its funds to their full potential, while Pangnirtung could legitimately use more funds. Pangnirtung's total contribution therefore increased by \$8,000 in 2003-04. As the above Table indicates, however, Nunavut Justice is satisfied in 2004-05 that Qikiqtarjuaq is capable of using its funds effectively and has allocated \$16,000 to the community.

Regular twice yearly reporting is also meant to ease the burden of reporting for the Hamlets and committees. Yet difficulties in reporting remain in some cases. Specialists and Coordinators have indicated that some Hamlet financial officials do not provide audited statements in a timely manner. This affects the efficiency of reporting to Headquarters as part of the twice yearly reporting and payment schedule. Specialists have also indicated that some Coordinators may be inefficient in terms of the preliminary step of providing financial information to Hamlet financial officials. In these cases, the Specialists assist the Coordinators with the task, although it is clearly the responsibility of the Coordinators. (The issue of Coordinator capacity is discussed elsewhere in the report.)

7.2 National Crime Prevention Strategy

The National Crime Prevention Strategy, a federal program recently moved to the new Department of Public Safety and Emergency Preparedness, is also a potential source of funds. Both Hamlets and community organizations can apply for funds under this initiative. The Community Mobilization Fund is the funding component of the National Crime Prevention Strategy that is most relevant to relatively small-scale communities and their projects. The Community Mobilization Fund can vary yearly in terms of its maximum allowable per community. In 2003-04, the maximum allowable was \$50,000, while in 2004-05 it is \$25,000. In 2002-03, the Community Mobilization Fund supported seven projects in Nunavut for a total of \$211,260, and in 2003-04, nine projects for a total of \$212,930. The total allocation for Nunavut under the Community Mobilization Fund is \$280,000.

In 2001, Cape Dorset Community Justice Committee had received Community Mobilization Fund money to mount a program of traditional activities aimed at youth. In 2003-04, it appears that the Pangnirtung Community Justice Committee (through the Hamlet) was the only Community Justice Committee successful in being funded through the program. It was funded \$25,000 in 2003-04 to run its youth and adult summer land program. The Pangnirtung committee intends to apply for funding for the same purpose again in 2004-05.

Grants through the Community Mobilization Fund are not cost-shared with Nunavut Justice, nor do they require reporting by the receiving agency (although the National Crime Prevention Strategy advises that most agencies submit a final report by their own choice).

Other components of the National Crime Prevention Strategy also fund projects in Nunavut. However, these are larger projects that would not normally be contemplated by Community Justice Committees. Thus far, the larger-scale funding has been to Pauktuutit for an abuse prevention program (\$300,000 over three years), the John Howard Society in Iqaluit for a business action program on educating youth about shoplifting (\$64,520), and the middle school in Iqaluit for an affected behaviour support system (\$69,650). Hamlets and Community Justice Committees have not received funding under these schemes.

7.3 Grants and Contributions Funds, Justice Canada

Since 1997-98, the Programs Branch at Justice Canada has funded several projects on a contribution basis. Some of these contributions have been for significant amounts, although generally they are not given directly to Community Justice Committees or Hamlets. However, Community Justice Committees benefit from the contributions as they are often intended for funding workshops and training sessions, as well as travel to those sessions. For example, the Programs Branch recently funded Nunavut Justice to hold a community development and capacity building workshop for Community Justice Coordinators from North and South Baffin. The contribution amounted to approximately \$80,000. The Rankin Inlet Spousal Abuse Counseling Program has also been funded through this initiative during its three-year pilot phase.

7.4 Victims Assistance Fund

The federal government established the Victims Assistance Fund under federal legislation. From this, the federal Department of Justice includes four Crown Witness Coordinators who work with victim witnesses involved in court cases in Nunavut. In addition, funds are available to community groups wanting to work with victims.

The Minister of Justice for Nunavut approved just over \$35,000 to help the needs or concerns of victims for Nunavut. Nunavut Justice has recently sent out calls for proposals. Proposals received have been to provide traditional counseling and to provide Abuse Prevention-Building Healing through a Family Support Approach. These focus on developing public awareness materials that are based on Inuit Qaujimatuaqangit guiding principles and traditional beliefs about healthy relationships, and providing training to a group of community members who have experienced trauma or abuse and are engaged in a healing process.

7.5 Youth Criminal Justice Act Implementation Funding

Nunavut Justice received \$75,700 in fiscal year 2003-04 through the Youth Justice Renewal Fund, which is part of the federal strategy for implementation of the *Youth Criminal Justice Act* (YCJA). This money did not flow directly to the Community Justice Committees, as it was intended for purposes that departmental Headquarters would normally handle (e.g., workshops on the YCJA, a publication, technology transfer). In fiscal year 2004-05, funds in the amount of \$90,140 have been provided to Nunavut Justice to develop and implement a reintegration program to allow youth from the secure custody facility to re-enter community life in a supportive way. An additional \$37,500 has been notionally allocated under the Youth Justice



Renewal Fund for purposes of implementing the *YCJA*. These funds are available to Nunavut Justice.

The Community Justice Committees are expected to play a significant role in the new approach to youth justice and have indicated they could use resources to develop this capability. *YCJA* training has taken place for some Committee members and Coordinators. Representatives of Youth Justice Policy in Justice Canada led an information session on the legislation in Iqaluit. Several community representatives and Justices of the Peace were sponsored by Justice Canada to attend the session. However, several Committees have identified the need for further information sessions on the *YCJA*, as well as funds to establish land and cultural programs for youth.

7.6 Other Funding

Community Justice Committees vary in their ability to secure funds. The Pangnirtung committee is exceptionally effective in this regard. It was noted above that the Pangnirtung committee has applied for and received National Crime prevention Strategy funds for its land program. This Committee has also managed to secure \$13,000 from Brighter Futures, a Health Canada initiative, for one year of parenting and traditional sewing classes, as well as \$15,000 from the Aboriginal Healing Foundation for a summer land program. In part, the success of the Pangnirtung committee is due to the stability of its membership, and its trial-and-error experience in planning projects and drafting proposals.

The Pangnirtung approach to fund-raising is an accomplishment that should be shared with other committees. In particular, the Pangnirtung Committee appears to be skillful at designing programs, identifying potential funders, and drafting the relevant proposals. The Specialists may want to include fund-raising as a topic at regional training sessions.



8.0 Summary of Findings

8.1 Funding Levels and Allocations

Community Justice Committees and other community consultees consistently cited inadequate funding as a serious issue. The Committees would like increased funding for a variety of program and administrative possibilities. The most commonly expressed needs are the following:

- dedicated space for office work and meetings, including confidential counseling and mediation sessions;
- land and cultural programs;
- higher honoraria for committee members. Currently Committee members and chairpersons receive \$50 per meeting and \$75 per meeting, respectively;
- full-time, competitive salaries with benefits for Coordinators (Coordinators are currently on part-time casual status with no benefits and a relatively low hourly wage);
- more training for committee members, especially in mediation, family group conferencing and the *YCJA*;
- more training for Coordinators in mediation, family group counseling, the *YCJA*, financial management and accountability, reporting, and planning and priority setting.

A significant question regarding funding levels is simply this: Are the available funds adequate to realize the full potential of the Community Justice Program? The major source of funding for the Community Justice Committees – the combined Nunavut Justice and AJS funding – averages about \$29,500 per community in fiscal year 2004-05. Given the realities of high living and travel costs in Nunavut, Committees are challenged to develop and maintain programs such as land programs for youth, and to engage in ongoing training for Committee members and Coordinators. Thus, activities are sometimes limited to traditional counseling undertaken in the community, which requires no training and costs relatively little.

On the other hand, while additional resources might help to start new activities such as land programs, it would appear that not all Committees have the capacity and the stability to take on more than they are presently doing. Some committees are exceptions to this characterization. Pangnirtung, for example, is capable not only of running a successful land program but also of finding additional funds for that purpose. Most committees do not appear to have that level of capacity in either regard.

Nunavut Justice currently makes its yearly funding allocations to communities essentially on a per capita basis. An advantage to this approach is that it respects the equality of the communities and recognizes the potential of all communities to be equally effective in using the funds. A disadvantage is that the per capita approach does not allow for differences among communities with respect to the funds they can actually utilize. These differences may be due to varying degrees of committee capacity, or to some other reason. The reallocation of \$8,000 in 2003-04 funds from Qikiqtarjuaq to Pangnirtung is a case in point.

8.2 Capacity Issues

During the course of the research for this review, community consultees working in different parts of the system and at different levels expressed concerns about the ability of others in the system to manage three important sets of tasks: 1) money management and accounting, 2) reporting, and 3) planning and priority setting. There may be a significant capacity issue with respect to these functions. In particular, it appears that many Coordinators do not have the capacity to perform some of their most important duties efficiently and effectively. It is then left to the Specialists to do the work, or at least to invest significant amounts of time assisting the Coordinators.

It is reasonable to assume that the Specialists will be assisting both Coordinators and Committee members build capacity in their respective areas of responsibility during a developmental period. However, as one Specialist describes it, the developmental period does not end in most communities. The normal model of community development involves a learning curve and then a leveling out as the group and the individuals settle into their jobs. In the case of Community Justice Committees and Coordinators, however, the graph appears as a wave – learning curves leading to peaks, and then falling again into troughs. The main reason for this appears to be a problem with sustainability. Many communities experience high turnover rates among Committee members and Coordinators. Each time this happens, the Specialist must once again begin the training process. This is particularly challenging as the Specialists have limited travel budgets to visit and spend time with the various committees in their regions. Specialists normally visit their communities once, or at most twice, per year.

The most commonly cited reason for the apparent inability of many Coordinators is rooted in the lack of attractiveness of the job. Community consultees consistently agreed that it is difficult for Community Justice Committees to attract and retain people with the education, experience, inherent skills, and motivation to do the Coordinator job effectively. Informants said that this is due to the fact that the job is a part-time casual position with relatively low pay and no benefits. Informants also say that there is inadequate funding to fully train the Coordinators. It should be noted that some Coordinators perform their duties effectively and are satisfied with their wages and a part-time job.

It is questionable whether the Coordinators' jobs warrant full-time status. While this may be appropriate for the Coordinators of some particularly active committees such as in Pangnirtung or Cape Dorset, a part-time Coordinator would be sufficient in most cases. It is difficult to know precisely what is expected of Coordinators because in most cases they do not have job descriptions and have never had their duties clearly explained to them by their Committees. One of the Specialists has made the effort to draft a generic job description for Coordinators. It is presently being reviewed by the other Specialists and may be taken to Committees with a view to having them accept and implement it.

The key finding here is that some personnel in the Community Justice Program may not have the capacity to carry out their jobs completely and effectively. The problem may lie in a need for more training, or in some other area. The Nunavut Department of Justice may decide to look into this problem in order to identify specific needs and solutions for improvement. Without



performance standards and regular personnel evaluation and feedback, however, this may prove to be a difficult task.

8.3 Committee Membership and Sustainability

Specialists, Coordinators and other community consultees noted often that the process by which volunteers are appointed to Community Justice Committees can be problematic. As it tends to operate now, interested volunteers submit their names to Hamlet administrators who, in turn, submit the names to the Hamlet Council. In several communities (for example, Arviat) the Hamlet advertises for volunteers on posters in the community. Volunteers are subjected to a criminal record check before being accepted by Council and their names sent to the Nunavut Minister of Justice for appointment.

Problems with the appointments process may simply be inherent in small communities. The relatively few people who are interested or able to volunteer are often busy with numerous community activities. The result is that most Community Justice Committees are usually short of members and are willing to accept almost anyone who volunteers. This sometimes leads to committee members who may not have the skills or the proper motivation to work effectively on community justice issues.

Two other problems are related to the first. New committee members are often persuaded by family members to apply and join. In itself this is not necessarily problematic. However, it can present difficulties if the family members (a) carry their domestic disagreements to the committee table, or (b) act together to deal with a case in an inappropriate way because the client in question is also a family member. Community consultees advise that such situations are not unusual. The second related problem is that individuals who join the Community Justice Committee for the wrong reasons – whether responding to a family member on the Committee or for some other inappropriate motivation – often fail to pull their weight on the Committee, or leave the Committee altogether soon after joining. Again, this is problematic for the Specialists who are constantly trying, with scarce resources, to bring the Committees up to certain levels of efficiency and effectiveness.

The Specialist for the Kivalliq Region has developed sets of guidelines referring to committee membership, the role of the committee Chair, the hiring of Coordinators, and conflict of interest. The guidelines may be adopted by Hamlets and Community Justice Committees in the Kivalliq. The draft guidelines have been shared with the other Specialists and may be more widely adopted if seen as acceptable. With respect to Committee membership, the draft guidelines propose that each community would have a three-person selection committee comprising one member of the Community Justice Committee, one member of Hamlet Council, and one respected community person to be selected jointly by the Committee and the Hamlet. It remains to be seen if the proposed guidelines will be adopted in the Kivalliq and elsewhere.

8.4 Training

Most committees have benefited from having some members and, in some cases, Coordinators trained in family group conferencing and/or the community justice forum approach. Generally this training is done by a trainer with the RCMP. Some committee members and Coordinators have also had information sessions on the *YCJA*. Specialists usually take part in training sessions.

Training may be one of the most important aspects of the program and is frequently requested by Community Justice Committee members, Coordinators and Specialists (especially the newer Specialists). However, it is difficult to provide training on a regular basis, primarily because of the high costs associated with travel. A training session, even on a regional basis and for a select few participants from the region's communities is very costly – costly enough, in fact, that special funding is required in most cases (for example, from the Justice Canada Grants and Contributions fund).

The fact of infrequent training sessions has significant implications. First, with high turnover rates among the members and Coordinators of some committees, the result is that many do not receive the training they require to do their jobs as effectively as they should. This refers to committee members' abilities to carry on effective family group conferencing or to make decisions regarding youth justice according to the *YCJA*, but it also refers to the ability of Coordinators to carry out their administration and coordination duties effectively. Second, the fact of infrequent training opportunities can negatively affect the decision of talented individuals in their decision to apply for the position of Coordinator.

The Specialists and other Nunavut Justice officials view training sessions as an important developmental aspect of community justice. While this study did not assess the cost-benefits of training in any detailed manner, it appears from the views provided by Community Justice Committee members, Coordinators, Specialists, and other community consultees that training is essential to the effective operation of the program and is an area that warrants increased investment. This applies to both Committee members and Coordinators. Training may represent the single most important component of the program in which to invest additional funds.

8.5 Planning and Monitoring

It appears that the Community Justice Committees and Coordinators do not actively engage in planning their future goals and strategies. The Specialists recently held a five-year planning session among themselves. While this is good, Committees and Coordinators should also engage in planning. It would be difficult to do this jointly among committees because of high travel costs; however, an important goal may be for each committee to engage in planning each year. The Specialists could do this when visiting their communities. These kinds of sessions would also help to educate the Coordinators in planning and management techniques.



It is also important for Nunavut Justice to develop outcome measures. This is acknowledged by senior management in the Department. Without some guideposts by which to assess quality and measure success, it is difficult to know how the program is working, and how to identify and solve problems.

8.6 The Diversion Process

Community Justice Committees handle various types of diversions and take various approaches in doing so. Committees take both pre-charge referrals from the police and post-charge referrals from the Court. They handle both youth and adult cases of varying levels of seriousness. Significantly, the *YCJA* has stressed community based programming for youth, a fact that should mean even more diversions to the Committees.

It is difficult to get a clear picture of the numbers of diversions in most communities. It is therefore also difficult to see diversions broken down by age, gender, type of offence, disposition, the method of handling the case, and whether the victim was involved. Generally, it appears that Coordinators do not record this kind of information. This may be one of the most serious gaps in their work.

The period April 1, 2003 to September 30, 2003 is typical of community justice activity. The mid-year report for that period was produced for the Nunavut Justice – AJS funding agreement by Nunavut Justice Headquarters on the basis of information provided by the Specialists. The Specialists, in turn, rely on the Coordinators for timely information. For the four focus communities selected for this study, the report provides the following information with respect to alternative measures and diversions:

- **Arviat:**

18 referrals, all of which were for minor offences; youth and adult referrals.

- **Rankin Inlet:**

18 referrals, of which seven were incomplete by September 30, 2003; youth and adult offenders referred by RCMP and the Court. The committee does traditional counseling, asks for apologies, and assigns community service.

- **Pangnirtung²⁰:**

pre-charge diversion – one male youth, three male adults; post-charge diversion – none. The Pangnirtung Committee applies traditional counseling, community service, restitution, apology, curfew, land program, and family group counseling for couples in

²⁰ The South Baffin region is characterized by the most complete statistics of all the regions. However, while the South Baffin statistics indicate the number of referrals by pre-charge and post-charge, and by youth and adult, they do not indicate specific age, type of offence, the committee's disposition, the method of handling the case, and whether the victim was involved. While Pangnirtung numbers appear low for the period of April to September 2003, numbers were higher from October 2003 to March 2004.

cases of spousal assault. The committee deals with the following types of offences: break and enter, property damage, mischief, theft, minor consumption, traffic violations, careless use of firearms, uttering threat, assault, minor relational assault.

- **Iqaluit:**

the Iqaluit Restorative Justice Society was not activated until November 2003.

Fortunately, the deficiencies in information collection may be remedied in the near future. Committees have started to use the *Nunavut Community Justice Agreement Form* (see Appendix 5). Parts of the document are completed by the RCMP or the Crown Prosecutor, and the Justice Committee, respectively. Basic data on a case is provided by the RCMP or the Crown Prosecutor and the committee indicates whether the diversion was completed or not, and (if completed) what was done. The offender also signs the document, acknowledging responsibility for the offence.

When completing the *Nunavut Community Justice Agreement Form* on behalf of their Committees, it will be important for Coordinators to include notes on the process. Detailed notes on each diversion, including information on victim involvement, would assist committees, Coordinators and Specialists in fine tuning program elements. These ideas are specified below in the Recommendations section.

The new *Protocol Agreement* (see Appendix 4) between Community Justice Committees, the local RCMP detachment, the Crown Prosecutors' Office, and Nunavut Justice will also clarify responsibilities and expectations, and will thus help committee-RCMP-Crown Prosecutor relations run more smoothly. The Protocol has been signed by some Community Justice Committees (in some cases, with modifications). In other communities, such as Iqaluit, the Committee was still reviewing the draft at the time of report writing. The consensus is that the draft Protocol is a good document and that it can be signed with little or no amendment.

The extent to which police and the Court divert cases to Committees depends on several factors. First, the Committee must have the capacity to handle referrals effectively. Second, the Committee must have the confidence of the police and the Crown Prosecutor that it can handle the case in such a way that its efforts will have a positive effect on the offender, the victim and the community.

Crown Prosecutors are generally supportive of post-charge diversion. They often meet with Community Justice Committees and Coordinators when they arrive in communities for Court. A meeting prior to Court, usually during the evening before Court sits the next day, establishes an agreement between the Crown Prosecutor and the Committee as to which cases it would be appropriate to refer. Again, however, the Crown Prosecutor must have confidence in the Committee's ability to handle the cases properly. The level of Crown Prosecutor confidence is reflected in the number of post-charge diversions that are made in a community.



At a logistical level, Crown Prosecutors have expressed concern that they are not informed as to the status of a diversion. They need to know this so that when an offender's name appears on the docket a second time for the same offence, the Crown Prosecutor will know how to respond. A protocol is currently being devised to handle this problem. It will be important for Coordinators to update the status of a case and to provide the information to the Crown Prosecutor in a timely manner.

Police also need a high degree of confidence in a Committee before they will divert cases. Confidence levels vary significantly across Nunavut. Generally, in those communities with a strong Community Justice Committee – for example, in Pangnirtung, Rankin Inlet and Arviat – the Detachment Commanders are willing to refer cases regardless of the approach deemed appropriate by the Committee for individual cases.

In three of the four focus communities for this study, victim involvement in the community justice process does not appear to be an issue that would influence a detachment officer's decision to divert. However, there is a concern at "V" Division Headquarters that some Committees are not practicing "restorative justice" because restorative justice, by RCMP definition, must involve the victim. Many committees do try to involve the victim as often as possible. It appears that the stronger Committees very much like family group conferencing or the community justice forum approach. In cases when the victim is not involved in the counseling process, it is because he/she has declined to take an active part in the process but has not disallowed community justice from taking place with respect to his/her case. Usually Committees will proceed to counsel the offender in these instances (traditional counseling).

The RCMP definition of "restorative justice" and the related policy implications for the Nunavut Community Justice Program is a significant issue that may lead to serious problems for the program and the work of Community Justice Committees.



9.0 Conclusion

Conclusions are based on the research findings above. They are organized according to the three major questions that formed the basis for the terms of the project. However, when reading the conclusions the reader should bear in mind the limitations of the review as described earlier in the report, particularly the limitations with respect to the number of communities visited by the researcher.

Is the Community Justice Program meeting its mandate and objectives as currently established?

The lack of data at this time makes it difficult to come to a definitive conclusion. However, generally, it appears that the Community Justice Program is, at least in part, meeting its current mandate and objectives. Significant progress has been made by many Community Justice Committees in terms of handling referrals of youth and adult cases from the RCMP and the court. It also appears that many of the Committees have the respect of their communities, Hamlet Councils, and other professionals in the community. Further, it appears that the most effective of the Community Justice Committees may be having an impact on re-offending in their communities. It is also possible that the work of some committees may even be reducing first offences, although this would be difficult to confirm in the scope of this review.

There are some concerns, however.

Community Justice Coordinators

In some cases, the Coordinator position appears to be a weak link in the process. This is a problem, in part, because in some communities qualified individuals are not attracted to the job. There is general agreement that this is primarily due to the fact that the Coordinators are underpaid and that the jobs are only part-time. There is also inadequate funding to train the Coordinators properly. Until this problem is addressed and all Coordinators are able to perform their tasks effectively, the Regional Community Justice Specialists will continue to carry much of the burden of running the administrative aspects of the program.

Justice Committee Membership

The process for selecting and appointing members of the Community Justice Committees requires refinement and standardization to ensure that the most appropriate community members are on the Committees. This matter is currently being addressed by the Specialists as they review the membership criteria proposed by the Specialist for the Kivalliq Region.

The Role of Hamlets

While many of the Hamlets cooperate efficiently with the program, in some cases there may be a problem with the allocation of program funds. As well, some Hamlets are slow to provide the required financial statements regarding the program budget for the community.

Infrastructure

In many cases Community Justice Committees still do not have adequate, dedicated space where the Committee can hold meetings, engage in counseling or mediation, or where the Coordinator can work. This is a serious issue, especially in view of the sensitive nature of the committees' work and the need for maintaining confidentiality.

Victim Involvement

There are concerns about the relationship between the Community Justice Program and the policy directives of the RCMP. At the national and divisional RCMP Headquarters, restorative justice is defined as involving the victim in every case. Community Justice Committees, on the other hand, involve the victim when the victim agrees to participate and may otherwise counsel only the offender as long as the victim agrees. The Committees, which often comprise mostly Elders, have been given the mandate to engage in community based justice according to Inuit ways. Traditionally, the victim was not involved in the process in many instances. This is a complex question and the explanation would require focused research beyond the scope of this review.

The difference between the emerging official RCMP view and the approach of the Community Justice Committees is a potentially serious issue. To date, it appears that detachment commanders are setting the pre-charge referral policy in their communities. In many cases, this means that the police are diverting cases even though they know the victim may not be directly involved. In other communities, the RCMP may not be referring cases for this reason. It has been and may still be an issue in Iqaluit, for example. If Divisional Headquarters decides to force the issue, it may mean that detachment commanders will be required to stop pre-charge diversions.

Reporting

In some communities the reporting relationship between the Committee, on one hand, and the RCMP and Crown Prosecutor, on the other hand, is not as effective as it should be. The police and the Crown Prosecutor always need to be apprised of the status of referrals as they are dealt with by the Committees. This may not be a serious problem as the reporting relationship works well in many communities and could easily be improved in the others.



Planning

The Specialists recently engaged in a five-year planning exercise. However, committees and Coordinators have not been involved in planning exercises with respect to their own communities. It is the belief of Committees and community consultees that yearly planning by the Committees would assist the program.

Outcome Measures and Monitoring

Outcome measures and effective monitoring procedures have not been put in place for the program. The implementation of the *Nunavut Community Justice Agreement Form* should help in terms of providing timely data on each case as it proceeds, as long as the Coordinators provide the information needed to monitor individual cases and, by extension, the program as a whole.

Do the mandate and structure of the Community Justice Program reflect the Program's current and future needs?

Generally the mandate and structure of the program are adequate to meet Nunavut's community justice needs. While there are some concerns regarding program operations and funding, the major concern may be the one about the differences between the RCMP and the Community Justice Committees in terms of their definitions of restorative justice or community justice. The question becomes one of whether the Committees are authorized to proceed in ways that they define according to Inuit traditions. Specifically, the issue is whether victims must always be actively involved in the process.

Does the Community Justice Program provide effective alternatives to the formal justice system?

The consensus view is that the Community Justice Program is providing an effective alternative to the formal justice system. Further, community consultees in all categories agree that the program is improving as time passes. It should be said that, while some specific concerns were raised in both the consultations and the key community member interviews, there is general agreement that the program is performing a valuable function and that it holds potential for even greater positive impacts in the communities.



10.0 Recommendations

1. The present method of funding Community Justice Committees should be reassessed. Per capita allocation to communities may be inappropriate as some committees are not using their funds as effectively as possible, while other committees are effective but could use more funds. Nunavut Justice Headquarters, together with the Specialists, should take the following steps. First, each Specialist should engage in a yearly planning session with her Committees. These sessions should be adequately funded and facilitated by a professional. Second, each Committee should be assessed yearly on (a) its plans and their potential cost-effectiveness, and (b) the capacity of the Committee to carry out the plan. Funds would then be allocated accordingly by Nunavut Justice Headquarters. While overall resources would remain limited, the process just described would help to rationalize the distribution of those resources.
2. Nunavut Justice Headquarters, together with the Specialists, should ensure that territory-wide program outcome measures are developed and implemented. Subsequently, the Community Justice Program should be assessed on a community-by-community basis each year. This need not be an elaborate or expensive exercise and can be done largely using data provided by the Coordinators (see Recommendation 3) and telephone interviews with community consultees such as police and Crown Prosecutors.
3. Coordinators should keep complete and accurate records of all referrals to the committees. In particular, it is essential that Coordinators complete the *Nunavut Community Justice Agreement Form* in as much detail as possible. The Coordinators should record for each referral the following information on the role of the victim: (a) whether the victim gave permission for the referral to proceed; (b) whether the victim participated in the process; and, (c) if the victim participated, the specifics of her/his role. It is also important for the Coordinators to provide some detail on the nature of the intervention chosen by the Committee. For example, did the committee engage in traditional counseling of the offender alone; mediation between the offender and the victim; family group conferencing; etc? Details about who participated in each intervention (for example, parents, committee members) would also be useful information to record. Finally, Coordinators should include on the form, or at least in their case records, the degree of satisfaction or dissatisfaction with the process and the outcome by the offender and the victim. The reasons for these assessments should also be recorded.
4. Community Justice Committees should attempt to involve the victim in the community justice process. In cases when the victim chooses not to participate but does not disagree with the community justice process, Community Justice Committees should then decide, using their own criteria, whether to proceed with counseling for the offender when the safety and well-being of the victim are in no way compromised.

5. The RCMP and the Crown Prosecutors should respect the decisions of the Committees and should continue to refer cases when the victim may not be directly involved, as just described.
6. Nunavut Justice should meet with the RCMP and, if necessary, with Public Safety and Emergency Preparedness Canada and Justice Canada regarding the emerging RCMP policy of diverting cases only if the victim will be involved in the process. In the interest of respecting Inuit approaches to managing problems in Inuit communities, Community Justice Committees should have the right to make the decision as to whether the committee will handle a case even if the victim chooses not to participate (but gives his/her consent to the community justice process as described in point 4 above).
7. Nunavut Justice should do a community-by-community assessment as to the need for a full-time Coordinator. In those communities where the workload is deemed to warrant a full-time Coordinator, adequate funding should be provided.
8. Coordinators should be paid at a standard rate that is competitive with other jobs of similar level in the communities. Coordinator positions should be made permanent and Coordinators should receive the full benefits package enjoyed by other Government of Nunavut employees.
9. Coordinators should have a standard job description that can be modified by individual Community Justice Committees to meet specific Committee needs and approaches. Nunavut Justice Headquarters would be in a position to assess the modifications for approval.
10. Coordinators should be hired on the basis of standard criteria. Draft criteria are currently being circulated. Interviews should be undertaken by the Community Justice Committee together with the relevant Specialist.
11. Training should be an ongoing component of the Community Justice Program. Nunavut and Canada should provide funds to ensure that Committee members, Coordinators and Specialists receive relevant training in a timely manner. Committee members require training in the *YCJA*, family group conferencing and, possibly, in the community justice forum approach. Coordinators require training in the techniques just mentioned, as well as money management and accounting, record keeping, reporting, and planning and priority setting. Specialists and the Assistant Director, Community Justice must also be current in all these areas.
12. Community Justice Committees require dedicated space for their counseling and mediation activities. Coordinators need dedicated space to perform their administrative duties and keep files securely. Nunavut Justice should discuss the provision of this space with Hamlets and should fund space rental where needed.



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13. The current system of appointment to Community Justice Committees should be revised so that it is standard across Nunavut, fair and equitable, and ensures that the best candidates are appointed. The draft guidelines currently being shared should be considered seriously by all Committees and Hamlets.
 14. Several Community Justice Committees do not have the understanding of their communities. Therefore, they lack the solid and active community support they need in order to operate most effectively. Those Committees should attempt to bridge the gap by (a) making yearly presentations to their Hamlet Councils on their mandate and progress, and (b) engaging with the community through radio shows and social events. Community events can also be viewed as crime prevention activities.
 15. Every Community Justice Committee in Nunavut should seriously examine and consider signing the draft Protocol. If minor modifications are required in order to align the document with community needs and realities, this should be done.
 16. Some Committees have the capacity to implement and maintain land programs and other cultural programs (such as sewing classes) for youth and, possibly, adults. In cases when Committees express an interest in maintaining a land or cultural program, and when those Committees develop a sound plan and are judged by Justice Headquarters and the Specialists to have the capacity to handle such programs, Headquarters should make every effort to secure the required funds.
 17. Justices of the Peace are sometimes reluctant to refer cases to the Community Justice Committees because they are unclear as to how the Committees work. In those communities where Justices of the Peace are not referring cases, the Committee should make a point of meeting with the Justice of the Peace and explaining its mandate and mode of operation. Together they should come to an agreement about case referral.
 18. Coordinators should submit a copy of their status reports on referred cases to Crown Prosecutors, as well as to police.
 19. Community Justice Committees, Crown Prosecutors, Judges and Specialists should consider – at some future point – the possibility of Committees taking on post-conviction counseling as part of judicial probation orders. At this time, with some exceptions, the capacity of Committees is not up to this task.
 20. The Rankin Inlet Victim Support Program should be funded to enable it to prepare victims for family group conferencing sessions run by the Community Justice Committee.



Appendix 1

Key Inuit Qaujimajatuqangit Concepts

*(Terms of Reference of the Department of Justice Working Group,
Nunavut Department of Justice,
Inuit Qaujimajatuqangit Working Group)*



Key IQ Concepts

Pijitsirniq: The concept of serving and providing for family and/or community.

- This principle applies to every division of the Department of Justice.
- All Department of Justice staff will endeavour to serve each other in the workplace.

Ajiiqatigiinni: The Inuit way of decision-making.

- This principle applies to everyone at all times.
- Decisions should be made through meetings and direct communication.
- Important communications and decisions will not be made by e-mail.
- Inuktitut will be anyone's choice of language at any time.

Pilimmatsaniq: The passing on of knowledge and skills through observation, doing and practice.

- The workplace will be accommodating and flexible.
- Accommodating or making room for new (things) practices that needs to be implemented.
- Inuit staff must be given opportunities to develop skills on the job during regular hours through mechanisms such as cultural training and programs.

Piliriqatigiinni: Working together for a common cause.

- Through collaboration and mutual understanding in the workplace.
- Inuit and non-Inuit staff will work together from the basis of their own knowledge and experience to develop mutual understanding and a balanced approach to the provision of programs and services.

Avatittinnik Kamattiarnik: The concept of environmental stewardship.

- We must apply this principle because of its value to our personal and cultural survival.
- This principle helps us to ground ourselves in the strengths of our ancestors.
- It reflects the unique aspects of our culture: e.g. the Inuit ability to survive in the extreme Arctic environment.
- Respecting Inuit practice and relationships with wildlife and the natural environment. Need to collect this information and knowledge and to develop an information source.

Qanuqtuurniq: The concept of being resourceful to solve problems.

- It is important to recognize that we must constantly explore many different opportunities in order to find the best ways to move forward.
- This is the basis of persistence.

Tunnganarniq: Fostering good spirit by being open, accepting and inclusive.

- We must follow this at all times, in our words, our actions, in the example we give, in what we do, and in how the workplace is organized.
- We must make the workplace people friendly, welcoming and open.

Ippigusuttiarniq: Caring for others and taking their situations and who they are into account.

Angiqatigiinniq: The tool for proceeding forward with clear understanding.

Ikajuqatigiinniq: Assistance and cooperation when it is called for, in any shape or form, without barriers.

Qaujimautittiarniq: Sharing of information through various initiatives and methods.

Uppiriqattautiniq: It is the foundation for fair treatment, honest commitment to work together, and the source of harmonious environment.

Tukisiumaqatigiinniq: Like its meaning, conscious understanding of others is the basis of mutual relationships.

Ilainnasiunniginniq: This principle reminds us to be sensitive to all people because we are uniquely different from one another.

- Our grandparents and parents have taught us that there are individuals who are dominant and others who are dominated, but that we should treat them equally.

Ilajjuttigiinniq: To encourage others is important for their goodwill.

- I encourage you to do well in whatever you are doing.
- I hope you will be successful in your hunt.
- The teaching is –putting down an individual has a consequence to the greater whole. As the example is used with dogs in a traditional sense. One dog that is not encouraged and supported equally detaches from the rest of the team and therefore does not perform the expectations.

Aaqqiumatitsiniq: To keep order in place.

- As for the workplace, the supervisor or manager should be attentive to the wishes and concerns of the employees.

Iqqaqtuijjiqattariaqannginniq: We are not to judge other people.

- Our ancestors taught us never to be judgmental towards someone's past that we were never part of. If a new couple were partnered, the husband was totally discouraged from judging his wife's past. If the wife happened to express her past activities to her new partner, which he doesn't approve of, he is not to keep bringing it up.



Piviquattitiniq: It is important to give people their opportunity for participation and contribution.

- The opportunity must be there for staff and members to attend meetings and sessions on relating to cultural and language issues.

Silatuniq: Inuit wisdom is –the wisdom to know how to apply your knowledge.

- If you asked an Inuit Elder on any question, he/she will give you an answer without checking into secondary information. Silatunikumut isumaginngiqqaujaraluani uqausirijunnattautigijanga.

Ajuqsatittinginniq piviqarialinnik: To support a place for growth, development and success.



Appendix 2

Documents Reviewed for this Report



Documents Reviewed for this Report

Government of Nunavut, Department of Justice, *Capacity Building for Nunavut's Justice of the Peace Program and Community Justice Committees to support the Youth Criminal Justice Act*, 2003.

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Victims Assistance Committee of Nunavut, *Second Annual Report*, March, 2003.

Regional Community Justice Specialists, Nunavut Department of Justice, *Quarterly Reports on the Activities of the Community Justice Committees*, 2002-2004.

Stubbs, Valerie, draft document entitled *Justice Committee Appoints, Coordinator Job Description*, 2003.



Appendix 3

Key Community Members Consulted and Committee and Program Consultations



Community Consultees Interviewed

Klara Aglukark
Coordinator, Arviat Community Justice Committee

Kristina Alariaq
Community Justice Specialist, South Baffin
Cape Dorset

Lena Angnako
Coordinator, Kanguit Justice Committee (Pangnirtung)

Cecelia Ayaruak
Coordinator, Rankin Inlet Community Justice Committee

Judge Beverly Browne
Chief Judge
Nunavut Court of Justice

Andrew Carter
Youth Justice Implementation Coordinator
Nunavut Justice

Tim Cavanaugh
Defence Counsel, Keewatin Legal Aid Centre Society

Judy Chan
Crown Prosecutor
Justice Canada

Cst. Chris Coles
RCMP Community Justice Liaison, Iqaluit

Koovian Flanagan
Assistant Director, Community Justice
Nunavut Justice

Rachel Furey
Acting Coordinator
Iqaluit Restorative Justice Society
and
Crown Prosecutor
Justice Canada

Myna Ishulutak
Community Justice Specialist, Iqaluit
and
Victim Assistance Coordinator
Nunavut Justice

Todd Johnson
Finance Officer
Hamlet of Arviat

Bessie Joy
Community Justice Specialist, Kitikmeot
Cambridge Bay

Adamie Komoartok
Deputy Mayor and Court worker
Pangnirtung

Mary Krimmerdjuar
Community Justice Specialist, North Baffin
Pond Inlet

Guenther Laube
Director, Northern Region
National Crime Prevention Centre
Department of Public Safety and Emergency Preparedness
Yellowknife

Ron McCormick
Director, Corrections and Community Justice
Nunavut Justice

Brad McIsaac
Director, Maliganik Tukisiniakvik
(Baffin Region legal aid society)

Richard Meredith
Regional Director
Justice Canada Nunavut Regional Office

Cst. Dominic Milotte
RCMP, Rankin Inlet

Sgt. Bill Mooney
RCMP, Arviat



Dave Pike
Justice of the Peace
Arviat

Cpl. Law Power
RCMP Detachment Commander
Pangnirtung

Mireille Provost
Program Manager
Innovations, Analysis and Integration Directorate
Programs Branch
Justice Canada

Nora Sanders
Deputy Minister
Nunavut Justice

Neil Sharkey
Justice of the Peace Coordinator
Nunavut Court of Justice

Doug Strader
Manager, Community Corrections
Nunavut Justice

Valerie Stubbs
Regional Community Justice Specialist, Kivalliq
Rankin Inlet

Cpl. Wills Thomas
RCMP Community Justice Liaison, Nunavut

Mark Thompson
Regional Program Manager
National Crime Prevention Centre
Department of Public Safety and Emergency Preparedness
Iqaluit

Lyn Toner
Comptroller and Acting Senior Administrative Officer
Hamlet of Rankin Inlet

Rick Van Horn
Senior Administrative Officer
Hamlet of Arviat

Steve White
Crown Prosecutor
Justice Canada

Committee and Program Consultations

Arviat Community Justice Committee

Iqaluit Restorative Justice Society

Pangnirtung Community Justice Committee

Rankin Inlet Community Justice Committee

Rankin Inlet Victim Support Program

Rankin Inlet Spousal Abuse Program



Appendix 4

Draft *Diversion Protocol and Agreement*



Diversion Protocol and Agreement

BETWEEN:

THE _____ JUSTICE COMMITTEE
of the Hamlet of _____ in Nunavut
(Called “the Committee”)

And

THE ROYAL CANADIAN MOUNTED POLICE
(Called “the RCMP”)

And

JUSTICE CANADA (Nunavut Territory)
Government of Canada
(Called “Justice Canada”)

And

THE DEPARTMENT OF JUSTICE
Government of Nunavut
(Called “GN Justice”)

1. Definitions

In this protocol and agreement:

Adult means a person 18 years of age and over;

Young Person means a person at least 12 years old but under 18.

Victim means the person who suffered or incurred a loss as a result of the offender's actions;

Offender means the person who committed the action that is the object of Diversion;

Prosecution means the RCMP or Crown Counsel;

Pre-charge Diversion means any matter referred to the Committee by the RCMP rather than laying a charge before the Court;

Post-charge Diversion means any matter referred to the Justice Committee by Crown Counsel after a charge has been laid and thereby avoiding a formal court process and requiring Crown Counsel to end the Prosecution once the offender has complied with the Diversion;

Diversion Agreement means the agreement entered into by the Committee, the offender, and where applicable, the victim, regarding the disposition of the matter referred to the Committee.

2. Introduction

The formal criminal justice system has taken away a lot of responsibilities from Nunavummiut by dealing with most criminal offences, whether serious or not. The expectation that the justice system alone will resolve these problems may be one of the reasons why there is an increase of criminal activities in communities. It is now recognized that in many circumstances the formal court process is not necessarily the most adequate way to deal with certain offenders.

It is important that local responsibility and accountability be restored. One way is for the justice system to slowly withdraw from some matters that may be better dealt with by the community. Alternative forms of justice should be encouraged and take place in cooperation with the Prosecution authorities that are responsible for the fair enforcement of the law.

Diversion is a course of action whereby the community can act in a responsible role for what happens locally and for restoring balance and harmony. Through Diversion, the Justice Committee can instead handle some cases that would otherwise go through the formal court process. With Diversion as an alternative, the Justice Committee can contribute to create a



fair, just, and supportive community in a manner that is consistent with its traditional values, and provides an alternative to Prosecution in court.

The purpose of this Diversion Protocol is to define the roles and the process to be used in diverting criminal matters to the Justice Committees. However, the Justice Committees shall not be limited by this Diversion Protocol from engaging and intervening in a broad range of other community justice activities that promote safety, restore harmony and help to create a fair justice system within their communities, including crime prevention measures, meeting with families, post-sentencing counselling, and referrals from other agencies and individuals.

3. Objectives

The parties agree to the following objectives of the Diversion Program:

- Improve access to justice services in the community;
- Promote community participation in the delivery of justice programs;
- Enhance and preserve Inuit Qaujimajatuqangit and customary law;
- Encourage a more holistic approach to social problems;
- Encourage local participation and responsibility in resolving these issues;
- Develop a community-driven and locally-accountable Diversion Program that works in partnership with the existing criminal justice system;
- Promote a more effective use of the distinctive resources found in Nunavut communities;
- Encourage community-based resources to administer and deliver local justice services;
and
- Promote a greater awareness and understanding of justice and related issues at the community level.

4. The Committee

4.1 The Committee will have five (5) or more members. The Committee will try to make sure that it has a fair representation of the broad segments of the community.

4.2 The Committee shall choose a coordinator who will attend each committee meeting.

4.3 The coordinator will ensure that minutes of meetings are recorded and will provide reports as required to the other parties of this Protocol.

4.4 Three (3) members of the Committee can decide whether to accept a case for Diversion.

4.5 If the Committee decides not to accept a case, a written report outlining the reasons will be provided to the Prosecution within a reasonable time.

4.6 Members of the Committee will not disclose to the public any confidential information they receive in the course of the Diversion Program.

4.7 The coordinator shall keep all written information about the case in a secure and private place.

5. Eligibility for Diversion

- Any offender may be considered for Diversion.
- The offender must accept responsibility for his or her wrongdoing.
- The offender must be willing to participate in the Diversion process, to discuss the matter with the Committee and to follow the decision of the Committee.

6. Matters which may be Subject to Diversion

The following types of offences may be diverted to the Committee:

6.1 All offences under Territorial legislation;

6.2 All Summary Conviction Offences;

6.3 Crown- Election Offences in circumstances where the Crown elects, or would normally be expected to elect, to proceed summarily, subject to the provisions of section 7 (i.e. Spousal, Sexual or Child Abuse offences);



6.4 Break-and-enter offences, except in cases where an offence provided for in Section 7 (i.e. Spousal, Sexual or Child Abuse offences) was committed in the course of the Break & Enter offence;

6.5 Other Federal Regulatory Offences after Crown Counsel has consulted with the proper law enforcement officers;

6.6 Other offences in exceptional circumstances on the recommendation of the RCMP and with the written consent of Justice Canada.

7. Exceptions

The following offences will not be diverted to the Committee, except in accordance to Federal Prosecution Policies:

- Sexual assaults;
- Spousal abuse;
- Child abuse matters; and
- Other offences which Prosecution policies restrict for Diversion.

8. Guidelines for Deciding to Divert Matters

8.1 Consultation between the Justice Committees and the Prosecution, either the RCMP or Crown Counsel, regarding the types of cases the Committees are prepared to handle shall be encouraged, and shall occur regularly. Consultation on individual cases shall also be encouraged.

8.2 The RCMP will make decisions where Pre-charge Diversion is being considered and will decide in conformity with RCMP Operational policies currently in application in Nunavut and RCMP policies that may be in force at a national level. Crown counsel will make decisions where Post-charge Diversion is being considered and will decide in conformity with Federal Prosecution policies.

8.3 The Prosecution will examine the case upon completion of the investigation and will satisfy itself that all of the following conditions have been met before diverting it to the Committee:

- That there is enough evidence against the offender. Where Pre-charge Diversion is being considered, the RCMP must be satisfied that there are reasonable and

probable grounds to lay an information. In Post-charge Diversion Crown Counsel must be satisfied that there is a reasonable prospect of conviction.

- That Diversion would be appropriate having regard to the needs of the offender and the interests of the community and the victim.
- That the Prosecution has made every reasonable effort to consult the victim, if any, before deciding whether to divert the case. The safety and interests of the victim will be the first priority in the decision to divert matters.
- That the offender has been advised of his or her right to consult with a lawyer and is aware that he/she does not have to accept Diversion.
- That the offender is willing to accept responsibility for his or her actions and freely consents to participate in Diversion.

8.4 If the offender agrees to participate in Diversion he/she will be asked to sign a consent form and the matter will be referred to the Committee to decide whether it will accept the case. The Prosecution will provide a summary of the circumstances of the offence and relevant background information about the offender to the Committee.

8.5 Repeat offenders may be considered for Diversion.

8.6 An offender who has previously failed to follow a decision of the Committee may be considered for Diversion.

9. The Diversion Process

9.1 If the offender agrees to Diversion, the Prosecution will provide information in the investigation file to the Committee.

9.2 The Committee decides to accept or not accept the matter for Diversion.

9.3 The Committee will consider contacting the victim and invite them to participate in the process if he/she feels comfortable in doing so. The Committee may consider recommendations or information they have received from the Prosecution when deciding to contact the victim.

9.4 If the victim agrees, copies of a Victim Impact Statement, if any, will be provided to the Committee by the Prosecution.

9.5 The Committee will meet as soon as possible with the offender and other parties if anyone else is involved. The goal of the process will be to reach a consensus on how to deal with the problem created by the offence and to restore, if possible, harmony and balance within the community.



9.6 The Committee may make any decision regarding the disposition of the case that is appropriate in the circumstances, except for fines and imprisonment. If the offender does not agree to comply with the decision, Diversion will not proceed further

9.7 The Committee will decide on the duration of the Diversion agreement but will not exceed 60 days except for exceptional circumstances.

9.8 The Committee may review a matter where an agreement was reached if it feels that a decision should be changed.

9.9 The Committee will provide a copy of the Diversion agreement and a report to the referring agency (RCMP or Crown Counsel) within 14 days of its completion.

9.10 If the Committee believes an offender has failed to follow a Diversion agreement, it will immediately notify the referring agency (RCMP or Crown Counsel) so that the matter may proceed through the court.

9.11 If the matter proceeds to court the Prosecution will not use any information gained through the Diversion process as evidence against the accused. However, for sentencing purposes, the court may be advised that Diversion was tried but did not work.

9.12 The Prosecutor shall make no mention of the fact that the offender's charge was diverted to the Program unless the Court inquires as to the reason for the delay in Prosecution

10. Diversion Related to Young Persons

The Diversion Protocol also applies to Young Persons who have committed criminal offences and is subject to of the provisions of the *Youth Criminal Justice Act*.

11. Amendments to This Protocol

At any time, one of the parties may give notice to the other parties advising that they wish to propose changes or amendments to the current Protocol. The parties agree to meet as soon as possible thereafter to discuss the Protocol amendments with the view of solving the issue to the satisfaction of all parties.

12. Termination of This Protocol and Agreement

At any time, one of the parties may cancel this Protocol Agreement for any reason by providing sixty days (60) written notice to the other parties. Termination may be effective immediately or at the time given in the notice. When cancellation occurs, this Protocol Agreement ceases to exist and is of no further effect.

THE _____
JUSTICE COMMITTEE members have
signed this Protocol Agreement this _____
day of _____ 200__.

THE RCMP, by its
duly authorized officer, has signed
this Protocol Agreement this _____
day of _____ 200__.

Committee Chairperson

JUSTICE CANADA, by its
duly authorized official, has signed this
Protocol Agreement this _____
day of _____ 200__.

Committee Member

**DEPARTMENT OF JUSTICE OF
NUNAVUT**, by its duly
authorized official, has signed this Protocol
Agreement this _____
day of _____ 200__.

Committee Member



Appendix 5

Nunavut Community Justice Agreement Form



DEPARTMENT OF JUSTICE DIVERSION AGREEMENT FORM

- Page 1 -

one copy to Justice Committee, one copy to person, one copy to parent if under 18

TO BE FILLED OUT BY RCMP OR CROWN COUNSEL

RCMP Detachment/Crown Office _____ **File#** _____
Contact Person _____ **Phone** _____
Date Sent to Committee _____ **Fax** _____

Precharge Diversion

Court (Post-Charge) Diversion

Review by Court Date _____

Name of Person _____ **D.O.B** _____

Address _____ **Phone** _____

Offense(s) _____ **Criminal Code** _____

Summary of Offense(s) - Prosecutor Information Sheet Included

In the case of a young person, the parent or guardian has been informed on this date _____ that this matter will be diverted.

TO BE FILLED OUT BY JUSTICE COMMITTEE

This Diversion has been:

Accepted

Date set to see Person _____

Not Accepted

Coordinator or Chairperson _____

Date _____

Justice Committee _____

Contact Person _____ **Phone** _____ **Fax** _____

When Justice Committee decides to accept Diversion, fax page one back to the RCMP or Crown Counsel.

DEPARTMENT OF JUSTICE DIVERSION AGREEMENT FORM

- Page 2 -

one copy to Justice Committee

TO BE FILLED OUT BY RCMP OR CROWN COUNSEL

Name of Person _____ File Number _____

Offense(s) _____

CIRCUMSTANCES OF THE OFFENCE(S) or attach 1624 notes or the Prosecutor's Information Sheet and Victim Impact Statement if any

Peace Officer's signature

Date

Community _____



DEPARTMENT OF JUSTICE DIVERSION AGREEMENT FORM

- Page 3 -

one copy to Justice Committee, one copy to person, one copy to parent if under 18

TO BE FILLED OUT BY RCMP OR CROWN COUNSEL

Name of Person _____ File # _____

Justice Committee _____ Date _____

AGREEMENT

I acknowledge responsibility for the offenses that resulted in this diversion. I have been advised of my right to seek advice from a lawyer. I understand the requirements of this agreement and agree to participate of my own free will. I understand the Justice Committee will report back to the RCMP and if I do not complete this diversion, the matter may proceed through court.

Person

Date

*****INUKTITUT & INUINAQTUUN TRANSLATIONS to come*****

DEPARTMENT OF JUSTICE DIVERSION AGREEMENT FORM

- Page 4 -

one copy to Justice Committee

TO BE FILLED OUT BY RCMP OR CROWN COUNSEL

Name of Person _____ **File #** _____

Justice Committee _____ **Date** _____

RCMP Detachment/Crown Office _____ **Fax** _____

TO BE COMPLETED BY JUSTICE COMMITTEE

This Diversion was:

Completed

Describe what happened on this Diversion .

Not Completed

Comments:

Coordinator or Chairperson

Date

When Justice Committee completes the Diversion, fax page four back to the RCMP or Crown Counsel.



Appendix 6

Consultation Guidelines and Interview Guides



Consultation Guidelines

Community Justice Committees

Consultations with each Community Justice Committees will be structured but open-ended. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review. The consultation sessions will be facilitated by Scott Clark and James Arreak. Mr. Arreak will provide Inuktitut interpretation as required.

General Community Information

- What do you see as the main problems in the community? (This may lead to a discussion about alcohol abuse, spouse assault, lack of facilities, etc.)
- What kinds of offences mainly occur?
- Is the offending mainly by youth or adults?
- Are there community programs or facilities (other than the Community Justice Committee) that help with crime prevention or with victims and offenders – either directly or indirectly?
- If so, are these effective? (Elaborate.)

Background Information on the Committee

- How long has this Committee existed?
- How many members are there?
- Is this a good number? If not, why?
- What is the process by which individuals become members of the Committee?
- What are the membership criteria? Who set up these criteria? Are they appropriate?
- What is the current make-up of the Committee in terms of age and gender?
- Does each Committee member know how he/she is appointed to the Committee and the length of his/her appointment?
- Does the Hamlet recommend people to become members? If so, is this a problem in any way?
- Does the Committee actively recruit members?
- Does the Committee have guidelines to help identify who can become a member?
- Is it a problem to retain individuals as Committee members? If so, how does the Committee address this problem?
- Does the Committee deal with youth or adults or both?
- Does the Committee handle pre-charge referrals? Post-charge referrals? Other types of referrals from other agencies (specify)?
- How many of each type of referral does the Committee handle?
- What facilities does the Committee have for doing its job (e.g., office space, computer)?
- How often does the Committee meet as a whole?

- Does the Community Justice Committee have sub-committees? If yes, what are those sub-committees and what do they do? Is having sub-committees an effective way to deal with issues?

Community Justice Committee – Roles and Challenges

- What do you see as the mandate and role of the Community Justice Committee?
- Does the Committee have a Mission Statement? If so, how was it developed?
- Does the Committee have clear goals?
- In overall terms, do you think the Committee is as effective as it could be in meeting the goals?
- Specifically, what does the Committee do now?
- What do you think the Committee should do?
- What types of cases and clients does the Committee handle now? Why is that?
- Does the Committee intend to handle different types of cases or clients in the future? If not, why? If yes, on what does the change depend (e.g., greater capacity, more training)?
- What approaches and techniques does the Committee use in its work?
- What training or workshops has the Committee or its members had in order to help understand its role or do its work more effectively?
- What are the capacity limits of the Committee (e.g., volunteer hours, number of cases, skills, funding, infrastructure, organizational development)?
- Does the Committee have enough capacity to take on added responsibilities under the YCJA?
- Are there specific program development needs that would enable the Committee to carry out its mandate more effectively?
- Does your Committee need more opportunities to communicate with other Community Justice Committees in order to share ideas and develop skills?
- If so, how could this be done?
- Are current guidelines and agreements with government departments and agencies (territorial and federal) sufficient and effective in assisting the Committee to do its work? If not, why? What improvements could be made?
- Is additional funding required? If yes, how much additional funding is required and how would it be used to carry out the mandate of the Committee?
- How does the Committee account for its revenues and expenditures? Is this effective? If not, how could the Committee's accounting practices be improved?
- What does the Committee need to be able to do its job better?

Coordinator and Regional Justice Specialist

- Does the Committee have a Coordinator?
- If so, is the Coordinator full-time or part-time?
- What do you see as the role of the Coordinator?
- Does the Coordinator have a job description? If not, why?
- How does the Committee provide supervision and support to its Coordinator?
- Is the Coordinator able to do his/her job effectively?



- What could help him/her to be more effective?
- What do you see as the role of the Regional Justice Specialist?
- Is the Specialist able to do her job effectively?
- What could help her to be more effective?
- [Two especially important issues will be training and opportunities to share information and experiences for Community Justice Committees and Coordinators. These issues and others will be discussed extensively.]

The Community Justice Committee and the RCMP

- Describe the relationship between the Committee and the RCMP with reference to diversion.
- Is the relationship effective? If not, how could it be improved?
- Is there a diversion protocol in place? If not, why?
- If there is a protocol, does it include the Crown? If not, why?
- Is the protocol adequate and effective? If not, why? If yes, what enables it to work effectively?
- Does the RCMP work with the Committee in other ways? If yes, what are those ways?
- What does the Committee need in order to work more effectively with the RCMP?
- What does the RCMP need in order for the relationship to be more effective?

The Community Justice Committee and Judges / Crown Prosecutors / Legal Aid Lawyers

- Are there working relationships between the Committee and the Judges, Crown Prosecutors and legal aid lawyers who visit the community?
- If so, what is the nature of the relationships?
- Are they effective? If not, how could they be improved?
- What is the nature of the relationships between the Judges/Crowns/legal aid lawyers and the community itself?
- Are they effective? If not, how could they be improved?
- Does the Judge sit with elders in your community? If not, why? If yes, is this effective? How is it effective?

The Community Justice Committee and Victims

- Does the Committee involve the victim in the diversion process? If not, why?
- If yes, how is the decision made to involve a victim? Are certain victims involved and not others? Are certain offences included and not others?
- Does victim involvement depend on whether the referral is pre-charge or post-charge? If yes, why?
- What are the numbers of victims who have been involved in the diversion process according to nature of the offence, gender, age?
- What is the nature of a victim's involvement?
- Has the involvement of victims in the process been successful? If not, why?

- If yes, what are the indications of success?
- Is the Committee involved in dealing with victims and offenders other than through the diversion process?

The Community Justice Committee and Corrections

- Is there a working relationship between the Committee and community corrections (e.g., the Community Corrections Officer)? If not, why?
- How could the relationship be established or improved?

The Community Justice Committee and the Community

- How does your community view the Community Justice Committee?
- Does the Committee work cooperatively with other committees, groups (e.g., healing teams) or individuals (e.g., elders) in the community? If not, why? If yes, what are those other committees, groups or individuals and what is the nature of the relationship? Are these relationships effective?
- Does the Committee share resources such as training or office space with other community committees or groups? If not, why? If yes, what is shared? Are these arrangements effective?
- What is the nature of the Committee's relationship with the Municipality?
- Is there a primary contact person at the Municipality (e.g., SAO, representative on the Committee)?
- Does the Municipality provide support to the Committee? If not, why? If yes, what kinds of support are given (e.g., long distance phone, meeting space, photocopying, training)?
- Does the Municipality advise the Committee regularly of the status of the Committee's budget?
- Is the Committee aware of its yearly budget?
- Are there ways in which the relationship with the Municipality could be improved?
- Do you think the Committee is effective in meeting the needs of the community?

The Community Justice Committee and IQ

- What are the traditional Inuit values and practices used by the Committee?
- How is the practice of traditional ways of justice important in supporting a healthier, safer community with less crime?
- Is IQ effective? If not, why? How could it be made more effective?
- Do other departments and agencies (the Crown, RCMP, Nunavut Justice, federal Justice) support the use of IQ in dealing with crime prevention and criminal offences? If not, why? How could this be improved?



Planning for the Future

- Does the Committee see its responsibilities as working within the formal justice system, or as providing alternatives to the formal system, or both?
- Does the Committee want to change its approach? If so, how?
- What does the Committee want to achieve over the next five years?
- Does the Committee have a process in place for planning the next five years? What process would the Committee use to set out goals and measures of success?
- Will the Committee be doing a planning exercise? If not, why?

General Observations and Comments

- What are the problems facing this Community Justice Committee?
- How could these problems be solved?
- What does the Committee need to be able to do its job better?
- Does the Committee have special successes that could be shared and that might benefit other Community Justice Committees?



Interview Guide

Coordinator – Community Justice Committee

Interviews with Coordinators will be structured but open-ended. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review.

Community Background Information

- What are the main problems in the community?
- What kinds of offences occur here?
- Is the offending mainly by youth or adults?
- Are there community programs or facilities (apart from the Community Justice Committee) that help with crime prevention or with victims and offenders?
- What are the relationships between these programs or facilities and the Community Justice Committee?
- Could these relationships be improved? If so, how?

Roles of Committee and Coordinator

- What is the mandate and role of the Community Justice Committee?
- Describe the activities of the Committee. (This is a detailed discussion covering all aspects of Committee activities.)
- Do you have a job description? If not, why not?
- Describe your role as Coordinator in the activities of the Committee; e.g., family group conferencing. (This is a detailed discussion.)
- Describe your role as administrator for the Committee. (This is a detailed discussion.)
- What are some of the challenges you face in your job?
- What training have you had to develop your skills for this job? How did you get this training (from whom, which organization, who paid)?
- Have you received training or mentoring to help you understand your role with the Community Justice Committee? If so, how did this occur?
- Do you get enough supervisory and resource support from the Community Justice Committee? If not, why?
- Are there ways the level of support from the Committee could be improved?
- What do you need to enable you to do your job better?
- What does the Community Justice Committee need to enable it to do its job better; e.g., training?

Community Justice Committee –Goals and Relationships

- Does the Committee have clear goals? If so, what are they?
- In overall terms, is the Committee effective in meeting its goals? If not, why?
- Does the Committee work with other groups or individuals doing community based work in your community? If so, what are those relationships? Could they be improved?
- Should the Community Justice Committee work more closely with other community based groups or individuals? If so, which ones and in what ways?
- Are there ways the Community Justice Committee could improve?

Coordinator’s Working Relationships

- Describe your working relationship with the Regional Justice Specialists.
- Are there ways your relationship with the Specialists could be improved?
- Describe your working relationship with the SAO and the Hamlet office.
- Are there ways your relationship with the SAO and the Hamlet office could be improved?
- Describe your working relationship with the RCMP.
- Are there ways your relationship with the RCMP could be improved?
- Are there other individuals or groups with whom you have a working relationship? If so, what are those relationships? Could they be improved?

Committee’s Relationships with RCMP/Judges/Crowns

- Is the working relationship between the Committee and the RCMP effective? If not, how could it be improved?
- Are there working relationships between the Committee and the Judges and Crown Prosecutors?
- If so, what is the nature of these relationships? Are they effective? If not, how could they be improved?

Other Information/Comments

- Other comments or observations about community based justice in this community.

Regional Community Justice Specialists

Interviews with Regional Community Justice Specialists will be structured but open-ended. They will be conducted individually with each Specialist, although discussions will also take place with the Specialists as a group. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review.



Background Information

- Length of time as a Regional Community Justice Specialist in Nunavut.
- Which region are you in and which communities do you serve?
- What are the main problems in the communities?
- What kinds of offences mainly occur?
- Is the offending mainly by youth or adults?
- Are there community programs or facilities (other than the Community Justice Committees) that help with crime prevention or with victims and offenders?
- If so, are these effective? (Elaborate.)

Working Roles and Relationships

- What is your role as Regional Community Justice Specialist?
- What do you see as the mandate and role of Community Justice Committees?
- Describe your relationship with the Community Justice Committees.
- Do Committees have clear goals?
- In overall terms, are the Committees effective in meeting their goals?
- Specifically, what do the Committees in your communities do?
- What approaches and techniques do they use?
- What are the problems facing Community Justice Committees?
- How could these problems be solved?
- What do you see as the role of Coordinators?
- Are the Coordinators doing their jobs effectively?
- If not, what could help them be more effective?
- What is your view of the roles being played by the Hamlets in your region?
- How could the roles of the Hamlets be improved (e.g., regarding the management of the Contribution Agreements).

Capacity and Training / Development

- What job-related training and skill development have you received?
- As a Regional Community Justice Specialist, what do you need to enable you to do your job better?
- What are the capacity limits of the Community Justice Committees (e.g., volunteer hours, number of cases, skills, funding, infrastructure, organizational development)?
- Do the Committees have enough capacity to take on added responsibilities under the YCJA?
- What do Community Justice Committees need to enable them to do their jobs better?
- Are there specific program development needs that would enable Committees to carry out their mandates more effectively?
- [Two especially important issues are likely to be training and opportunities to share information and experiences for Community Justice Committees and Coordinators. These issues and others will be discussed extensively.]

RCMP

- Describe your working relationship with the RCMP.
- Are there ways in which your relationship with the RCMP could be improved?
- Describe the relationship of the Community Justice Committee with the RCMP in each of the communities, with specific reference to diversion (including whether or not there is a protocol in place).
- Are these relationships effective? If not, how could they be improved?
- What do the Committees need in order to work more effectively with the RCMP?
- What does the RCMP need in order for the relationship to be more effective?

Judges / Crown Prosecutors / Legal Aid

- Describe your working relationship with the judges, Crown Prosecutors and legal aid.
- Are there ways in which these relationships could be improved?
- Are there working relationships between the Community Justice Committees and the Judges, Crown Prosecutors and legal aid in your communities?
- If so, what is the nature of these relationships?
- Are they effective? If not, how could they be improved?
- What is the nature of the relationships between Judges/Crowns/legal aid and the communities themselves?
- Are these relationships effective? If not, how could they be improved?

Relationship between Specialists and Justice Headquarters

- What is the nature of your relationship with Justice Headquarters in Iqaluit?
- Does HQ support you adequately as a Specialist? If not, what improvements are required?
- Specifically, is there adequate communication between Specialists and HQ Corporate Services? Community Corrections? Policy and Planning Division? If not, what are the implications? How could the situation be remedied?

Relationship between Specialists and Federal Partners (Aboriginal Justice Directorate and National Crime Prevention Centre)

- What is the nature of the relationship between you as a Specialist and (i) the Aboriginal Justice Directorate, and (ii) the National Crime Prevention Centre?
- Are there problems with the relationship? If so, what are they? How could the problems be addressed?
- What support do these agencies provide to the Community Justice Committees in your region?
- Is the support adequate? If not, what additional support is required?
- Are there other improvements that could be made in the relationships that would improve the ability of Committees to carry out their mandates?



General Observations

- What are the limitations of the Nunavut Community Justice Program?
- What are the Program's strengths?
- Could the Program develop greater effectiveness without an increase in funding? If so, how?

Other Information/Comments

- Other comments or observations about community based justice in this community.

Mayors/Councilors/Senior Administrative Officers

Interviews with hamlet mayors, councilors and SAOs will be structured but open-ended. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review. When possible, SAOs will be interviewed separately from Mayors/Councilors. SAOs may also take part in the interviews with Mayors/Councilors.

Community Background Information

- What are the main problems in the community?
- What kinds of offences occur here?
- Is the offending mainly by youth or adults?
- What programs or facilities help with respect to crime prevention?
- What programs are available for offenders and victims?

Community Justice Committee

- Does the Hamlet Council have an agreement with the Nunavut Department of Justice to handle funding for the Community Justice Committee (Contribution Agreement)?
- What are the Council's responsibilities with respect to the Contribution Agreement?
- What are the Council's responsibilities with respect to the Community Justice Committee?
- Does the Council work directly with the Community Justice Committee on any aspect of the community justice process? If so, specify.
- What are the SAO's responsibilities with respect to the Contribution Agreement?
- What are the SAO's responsibilities with respect to the Community Justice Committee?
- Does the SAO communicate regularly with the Community Justice Committee? If so, how is this done (e.g., through the Coordinator)?
- Does the Council (or the SAO) provide the Community Justice Committee with a monthly financial report relating to the Contribution Agreement? If not, why?
- Does the Hamlet provide support to the Community Justice Committee and the Coordinator through the provision of meeting space, computer, etc? If not, why?
- What is the mandate and role of the Community Justice Committee?

- Is the Community Justice Committee effective in fulfilling its mandate? If not, why?
- Are there ways the Community Justice Committee could improve?
- Regarding the Contribution Agreement, does the amount of time and effort required make it viable for the Hamlet?
- How does the Contribution Agreement for justice compare with other Contribution Agreements administered by the Hamlet (e.g., Addictions, Lands Officer, Economic Development) in terms of effectiveness and viability.
- How could the Contribution Agreement for justice be improved?
- Is the relationship between the Hamlet/SAO and the Community Justice Committee satisfactory from the perspective of the Hamlet and the SAO?
- If not, why not?
- How could the relationship be improved?
- Is there a need for the Hamlet Council and the Community Justice Committee to improve communications and/or to work together more closely? If so, how could this be done?
- Is the Hamlet's relationship with Nunavut Justice in Iqaluit satisfactory? If not, why?
- How could it be improved?
- Is the Hamlet's relationship with the Regional Justice Specialist satisfactory? If not, why?
- How could it be improved?

RCMP

- Is the RCMP effective with respect to crime prevention and community based solutions? If so, what do they do?
- Are there ways the RCMP could improve their effectiveness in the community?

Other Information/Comments

- Other comments or observations about community based justice in this community.

RCMP Officers

Interviews with RCMP officers will be structured but open-ended. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review.

Background Information

- Rank.
- Number of years service in RCMP.
- Length of time in this community.
- Length of time in Nunavut .
- Length of time in the North.



General Assessment of the Community

- Crimes by type and frequency.
- Comparison of offending by youth and adult.
- Particular issues facing the community.
- Availability of programs and facilities for crime prevention.
- Availability of programs for offenders and victims.
- Is the detachment or the officer engaged in community activities? If so, what are they?

Community Justice Committee

- Does the detachment have one officer assigned to be the contact with the Community Justice Committee? If so, is this effective?
- Are cases diverted to the Community Justice Committee? If no, why not?
- Youth or adult diversions or both?
- Pre-charge or post-charge diversions or both?
- What types of cases are diverted?
- Frequency of diversions.
- How does the officer make the decision to divert?
- Does the RCMP involve the victim in the decision to divert? If so, how? If not, why not?
- Does the RCMP involve the victim either during or after the diversion process? If so, how? If not, why not?
- What approaches does the Committee use in working with offenders and victims?
- Does the officer play a role in the process once a case is diverted? If so, what is it (e.g., present in mediation or counseling)?
- What kinds of conditions and results does the RCMP expect once the Community Justice Committee has taken over a case?
- How are the conditions and results monitored by the RCMP?
- Will the RCMP comply if the Committee wishes to refer cases back?
- Is there an ongoing communication between the detachment and the Community Justice Committee? If so, what is the nature of the communication process? If not, why not?
- What is the mandate and role of the Community Justice Committee?
- Would you say that the processes being used by the Community Justice Committee are *restorative justice*?
- Do you think the Community Justice Committee is effective in reducing recidivism or deterring crime?
- Are there ways the Community Justice Committee could improve?
- Is there a need for the detachment and the Community Justice Committee to improve communications and/or to work together more closely? If so, how could this be done?
- Describe the working relationship between the detachment and the Regional Justice Specialist. Could it be improved? If so, how?

Other Information/Comments

- Other comments or observations about community based justice in this community.

Justices of the Peace

Interviews with Justices of the Peace will be structured but open-ended. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review.

Background Information

- Length of time as a JP.
- Length of time as a JP in this community.
- What training have you had as a JP?

Community Based Justice

- What are the main problems in the community?
- What kinds of offences occur here?
- Is the offending mainly by youth or adults?
- Are there community programs or facilities that help with crime prevention or with victims and offenders?
- Do you have a working relationship with the Community Justice Committee?
- If no, why not?
- If yes, describe the nature of the relationship.
- What do you see as the mandate and role of the Community Justice Committee?
- Do you think the Committee is effective in fulfilling its mandate? If not, why?
- Are there ways the Community Justice Committee could improve?
- As a JP, what do you need to enable you to do your job better?
- What does the Community Justice Committee need to enable it to do its job better; e.g., training?

Judges/Crowns/RCMP

- As a JP, describe your relationship with the Judges, the Crown Prosecutors and the RCMP.
- Are these relationships effective? If not, how could they be improved?
- Are there working relationships between the Community Justice Committee and the Judges and Crown Prosecutors?
- If so, what is the nature of these relationships? Are they effective? If not, how could they be improved?
- What is the nature of the relationships between the Judges/Crowns and the community itself?
- Are they effective? If not, how could they be improved?



Other Information/Comments

- Other comments or observations about community based justice in this community.

Legal Aid Lawyers

Interviews with legal aid lawyers will be structured but open-ended. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review.

Background Information

- Length of time as a legal aid lawyer in Nunavut.
- Which communities do you serve?

Community Based Justice

- What are the main problems in the communities?
- What kinds of offences mainly occur?
- Is the offending mainly by youth or adults?
- Describe the process by which you interact with your clients.
- Are there problems in the process? If so, what are they and how could they be fixed (e.g., lack of time available to spend with clients prior to court)?
- Are there community programs or facilities that help with crime prevention or with victims and offenders?
- What do you see as the mandate and role of Community Justice Committees?
- Do you think the Committees are successful in achieving their mandates?
- Do you have a working relationship with Community Justice Committees?
- If no, why not?
- If yes, describe the nature of the relationship.
- With respect to post-charge diversions, do you inform your clients that in order to be referred they must understand that what they did was wrong and accept personal responsibility for their actions?
- If a client admits responsibility but is ultimately referred back to court by the Community Justice Committee, can he/she still plead not guilty? Is this a problem? If so, how could it be remedied?
- Are there ways the Community Justice Committees could improve?
- As a legal aid lawyer, what do you need to enable you to do your job better?
- What do Community Justice Committees need to enable it to do their job better; e.g., training?

Judges/Crowns/RCMP

- As a legal aid lawyer, describe your relationship with the Judges, the Crown Prosecutors and the RCMP.
- Are these relationships effective? If not, how could they be improved?
- Are there working relationships between the Community Justice Committees and the Judges and Crown Prosecutors?
- If so, what is the nature of these relationships? Are they effective? If not, how could they be improved?
- What is the nature of the relationships between the Judges/Crowns and the community itself?
- Are they effective? If not, how could they be improved?

Other Information/Comments

- Other comments or observations about community based justice in this community.

Crown Prosecutors

Interviews with Crown Prosecutors will be structured but open-ended. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review.

Background Information

- Length of time as a Crown Prosecutor in Nunavut.
- In which communities do you most often prosecute cases?

Community Based Justice

- What are the main problems in the communities?
- What kinds of offences mainly occur?
- Is the offending mainly by youth or adults?
- What do you see as the role of Community Justice Committees?
- Do you have a working relationship with Community Justice Committees?
- If no, why not?
- If yes, describe the nature of the relationship.
- From your perspective, is there a problem with respect to paperwork (especially post-charge paperwork)? Is the Community Justice Committee responsible for certain paperwork? If so, what is it? Are all parties doing what is required of them? If not, how could this be improved?
- What is the mandate and role of the Community Justice Committees?
- In overall terms, are the Committees effective in carrying out their mandate? (Elaborate on this point.)



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- Do you think pre-charge diversion and/or post-charge diversion are effective in the communities where they are applied? (Elaborate.)
 - Which is preferable (if either) – pre-charge or post-charge diversion? Why?
 - Are there ways the Community Justice Committees could improve?
 - As a Crown, what do you need to enable you to do your job better?
 - What do Community Justice Committees need to enable it to do their job better; e.g., training?

RCMP and Judges

- Describe the process by which you interact with the RCMP in the communities in which you prosecute cases.
- Are there problems in the process? If so, what are they and how could they be fixed (e.g., lack of time available to spend with local RCMP officers prior to court)?
- Are there working relationships between the Community Justice Committees and the Judges?
- If so, what is the nature of these relationships? Are they effective? If not, how could they be improved?
- What is the nature of the relationships between you and the community itself?
- Are they effective? If not, how could they be improved?

Other Information/Comments

- Other comments or observations about community based justice in this community.

Judges

Interviews with Judges will be structured but open-ended. A set of information needs (listed below) will be addressed. Discussions that range beyond the information needs listed here will be included in the analysis as long as they are relevant to the program review.

Background Information

- Where do you normally preside?
- Are there certain types of cases over which you would normally preside?

Community Based Justice

- Do you have a working relationship with any Community Justice Committees?
- If so, in which communities?
- What is the nature of the relationship?
- What do you see as the mandate and role of the Community Justice Committees?
- Do the responsibilities of Committees vary from community to community? If so, provide examples.

- Do you think the Community Justice Committees are effective in carrying out their mandates? If not, why?
- Are you supportive of pre-charge diversion to the Community Justice Committees?
- If not, why not?
- Are you supportive of post-charge diversion to the Community Justice Committees?
- If not, why not?
- Do you believe pre/post-charge diversion has been effective where it has been tried? (Elaborate with examples.)
- Do Elders sit with you at sentencing?
- If no, why not?
- If so, do you make these arrangements through the Community Justice Committee?
- Is Elder participation effective? If so, in what ways?
- After court, do you ever discuss a case just heard with the Elders with whom you sit? If so, is this beneficial?

- Do you think the Community Justice Committees are having a positive effect within the formal justice system? If so, how?
- Do you think the Community Justice Committees are having a positive effect in their communities in terms of alternatives to the formal justice system? If so, how?
- In your view, are there ways the Community Justice Committees could improve?
- What do the Community Justice Committees need to enable them to do their jobs better; e.g., training?
- Are there changes that would enable you to do your job more effectively as part of the community justice process?

Other Information/Comments

- Other comments or observations about community based justice in Nunavut.