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Canada

Ministère de la Justice
Canada

Evaluation of the Aboriginal Justice Strategy December 2016

Prepared by: Evaluation Division - Corporate Services Branch

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LIST OF ABBREVIATIONS

ACW	Aboriginal Courtwork Program
AJD	Aboriginal Justice Directorate
AJS	Aboriginal Justice Strategy
CJW	Community Justice Worker
The Department	Department of Justice Canada
FPT	Federal-Provincial-Territorial
FPT WG	Federal-Provincial-Territorial Working Group
Gs&Cs	Grants and Contributions
INAC	Indigenous and Northern Affairs Canada
KI	Key Informant
MJS	Mainstream Justice System
NHQ	National Headquarters
O&M	Operations and Maintenance
RCMP	Royal Canadian Mounted Police
TBS	Treasury Board Secretariat
TRC	Truth and Reconciliation Commission of Canada

EXECUTIVE SUMMARY

1. Introduction

The Department of Justice Canada (the Department) recently conducted an evaluation of its Aboriginal Justice Strategy (AJS) to assess the relevance and performance of the program, as outlined in the Treasury Board 2009 *Policy on Evaluation*. The AJS has been evaluated four times in the past, with the last evaluation in 2011. The evaluation covered AJS' activities, outputs and outcomes over the four years from 2012-13 to 2015-16. Issues covered by the evaluation included:

- ***Issue 1: Continued need for program:*** Assessment of the extent to which the program continues to address a demonstrable need and is responsive to the needs of Canadians.
- ***Issue 2: Alignment with government priorities:*** Assessment of the linkages among program objectives and (i) federal government priorities and (ii) departmental strategic outcomes.
- ***Issue 3: Alignment with federal roles and responsibilities:*** Assessment of the role and responsibilities of the federal government in delivering the program.
- ***Issue 4: Achievement of expected outcomes:*** Assessment of progress toward expected outcomes (including immediate, intermediate and ultimate outcomes) with reference to performance targets and program reach, program design, including the linkage and contribution of outputs to outcomes.
- ***Issue 5: Demonstration of efficiency and economy:*** Assessment of resource utilization in relation to the production of outputs and progress toward expected outcomes.

2. Program Description

The AJS is a federally led, cost-shared program that has been supporting Indigenous community-based justice programs that use processes, grounded in the principles of restorative justice and Indigenous Legal Traditions for 25 years. The programs supported by the AJS are unique in that the services offered by each program are based on justice-related priorities and designed to reflect

the culture and values of the communities in which they are situated. Although the primary focus for most community-based justice programs is diversion of offenders from the mainstream justice system (MJS), AJS programs also provide a range of other justice-related services from prevention to reintegration. The AJS has been renewed seven times, in 1996, 2002, 2007 (with enhanced funding), 2012, 2013, and most recently in 2014 extending its mandate until March 31, 2017.

The AJS is comprised of two funds: the Community-Based Justice Fund and the Capacity-Building Fund. The Community-Based Justice Fund is a national program that operates on a cost-shared basis with provincial and territorial governments. In 2015-16, AJS funding supported the operation of approximately 200 community-based justice programs. Annually, approximately 9,000 clients (offenders, victims, and other community stakeholders) are referred to AJS' community-based justice programs from over 750 communities across Canada.

The Capacity-Building Fund supports short term capacity-building and training projects related to building increased knowledge and skills for the establishment and management of community-based justice programs. Administered solely by the Department of Justice Canada (the Department), this fund is a proposal-based envelope of grant and contribution funding, delivered annually. Between 2012 and 2016, the Capacity-Building Fund supported 185 projects across Canada.

3. Methodology

Methods used to collect information for the evaluation included:

- a review of 27 key documents including examples of agreements, internal reports, program administration documents, program activity documents, meeting minutes, internal policy documents, and academic research papers;
- a review of program files to extract data on funded projects;
- surveys of police, Crown and Community Justice Workers (CJWs) in communities participating in the AJS;
- a review of the economy and efficiency of the AJS including an analysis of the program's impact on re-offending (recidivism rates), and a comparison of program costs against savings associated with diversion from the MJS;
- 31 key informant interviews with departmental and provincial and territorial government officials; and

- Six case studies in participating communities, examining in greater detail the operations and impacts of community-based justice programs funded by the AJS.

4. Findings

4.1 Relevance

The evaluation found that the conditions underpinning the AJS – overrepresentation of Indigenous people in the MJS and the inability of the MJS to address the problem effectively – are still in place today. There remains a need for programs and services that offer culturally appropriate, alternative means to better protect victims in Indigenous communities and to help steer offenders toward more productive and healthy lives. The AJS is designed for that purpose, and there is considerably more demand for community-based justice program funding than the AJS currently has available. The AJS is well aligned with federal government and departmental priorities to play an active role in helping to implement the Truth and Reconciliation Commission of Canada recommendations, several of which pertain directly to eliminating Indigenous overrepresentation and resourcing alternative justice strategies. In addition, the federal government is committed to improve the criminal justice system by an “increased use of restorative justice processes and other initiatives to reduce the rate of incarceration amongst Indigenous Canadians”¹. There is agreement among federal, provincial and territorial justice officials that there is a legitimate and important role for the federal government as the lead in supporting community-based justice programs in Indigenous communities.

4.2 Performance

The evaluation found that the AJS has succeeded in supporting the establishment of community-based justice programs in many Indigenous communities, and that these programs offer a range of types of alternative programming that are recognized as being culturally relevant to the people in those communities. For individuals accessing AJS-funded programs, recidivism rates are lower than for those not participating, and the evaluation found anecdotal evidence that the programs can help bring about transformational change in the lives of participants and in some cases improve community safety. MJS officials that have had experience working with the community-based justice programs, for the most part, indicated that they offer credible and effective alternatives.

¹ Minister of Justice and Attorney General of Canada Mandate Letter, November 2015.

However, for those officials that had limited experience with the programs did not express the same level of confidence in the programs.

The evaluation found a number of barriers to the achievement of anticipated AJS outcomes. The fact that a majority of Indigenous communities do not receive AJS support means that large numbers of Indigenous people who are in conflict with the law are involved with the MJS, which is unable to respond effectively to their particular needs, and may in fact be perpetuating the problem of overrepresentation. The evaluation also found a number of factors in AJS-supported communities that limit access to effective alternative programming. One is that the community-based justice programs rely heavily on referrals from police and Crown to enable offenders to take advantage of their programs, and referrals vary greatly from community to community. In some communities there is a strong, trust-based relationship between MJS officials and CJWs, while in others those relationships do not yet exist, sometimes because of the predisposition of MJS officials, their lack of awareness of the community-based justice programs, or their poor opinions of the programs. Data on referral proportions are not available, but there is a perception among federal, provincial, territorial and community officials that there remains a great deal of work to do to increase referrals. Steps are being taken to remedy this, such as a national Royal Canadian Mounted Police diversion initiative that is viewed as a step in the right direction.

Another set of factors the evaluation found relates to the capacity of the community-based justice programs. AJS funding enables communities to hire minimal staff to operate programs, along with volunteers or other staff paid through other sources. CJWs' work is complex, requiring knowledge of the justice system, health and social services, child and family services, mental health and addictions services, and a range of other areas of expertise. But they are reportedly underpaid compared to mainstream counterparts (e.g., probation officers, victim service workers or courtworkers), and have relied in many cases on annual renewals of the AJS for continued employment. Staff turnover is considered high for these reasons. In addition, training resources are very limited, and there are no guidelines in place, such as core competencies, to help recruit the best-suited people for the job. Finally, workloads are heavy just in covering off the basic functions of the programs, so there is often little time left for program development, including building relationships within the MJS. All of these factors impact program integrity and ultimately confidence in the community-based justice programs.

Departmental staff have encountered similar issues due to an extended period of short-term renewals of the program and staff and operating budget cutbacks in the Aboriginal Justice Directorate. The regional presence of the program is a key value because the Department is able to work more closely with provincial and territorial counterparts to support the programs in their

development of relationships with the MJS. In recent years, though, reduced staff complements and travel restrictions have meant that much of the very important on-site work has not taken place. At National Headquarters, considerable time and energy has been expended preparing for frequent program renewals instead of further developing the initiative, preparing training programs, developing policy and programs in concert with other complimentary areas of the Department, and developing a much-needed cross-departmental collaboration to recognize and act on the multidimensional nature of Indigenous overrepresentation.

The AJS was found to be an efficiently operated program and highly economical as far as costs relative to benefit. The evaluation found that administration costs for the AJS were low, especially taking into account the regional presence and efforts of Program Analysts and Regional Coordinators to support the community-based justice programs. An analysis of the comparative costs of AJS-funded programs against MJS courts demonstrates that there are cost savings to the justice system from the use of these programs. These cost savings exceed the cost of the AJS, while the program demonstrates its effectiveness in reducing recidivism rates among program participants. There seems little doubt that the benefits of the AJS exceed the costs. In this light, budget reductions through the evaluation period can be seen as limiting this benefit rather than saving money.

1. PURPOSE AND SCOPE OF THE EVALUATION

1.1. Focus of the Evaluation

The objective of the evaluation was to assess the relevance and performance of the Aboriginal Justice Strategy (AJS), as outlined in the Treasury Board 2009 *Policy on Evaluation*. The AJS has been evaluated four times in the past, with the last evaluation in 2011. The evaluation used existing AJS performance information and collected additional information to address the core evaluation issues and questions (see Appendix A).

The evaluation covered AJS' activities, outputs and outcomes over the four years from 2012-13 to 2015-16.

1.2. Evaluation Issues

The Treasury Board *Policy on Evaluation* identifies five issues to guide federal program evaluations, which were used for the evaluation of the AJS.

- ***Issue 1: Continued need for program:*** Assessment of the extent to which the program continues to address a demonstrable need and is responsive to the needs of Canadians.
- ***Issue 2: Alignment with government priorities:*** Assessment of the linkages among program objectives and (i) federal government priorities and (ii) departmental strategic outcomes.
- ***Issue 3: Alignment with federal roles and responsibilities:*** Assessment of the role and responsibilities of the federal government in delivering the program.
- ***Issue 4: Achievement of expected outcomes:*** Assessment of progress toward expected outcomes (including immediate, intermediate and ultimate outcomes) with reference to performance targets and program reach, program design, including the linkage and contribution of outputs to outcomes.

- ***Issue 5: Demonstration of efficiency and economy:*** Assessment of resource utilization in relation to the production of outputs and progress toward expected outcomes².

² Treasury Board Secretariat (2010). *Supporting Effective Evaluations: A Guide to Developing Performance Measurement*. Online: <http://www.tbs-sct.gc.ca/cee/dpms-esmr/dpms-esmr07-eng.asp>

2. PROFILE OF THE ABORIGINAL JUSTICE STRATEGY

This section of the report provides a description of the AJS structure, roles and responsibilities.

2.1. Aboriginal Justice Strategy

The AJS is a federally led, cost-shared program that has been supporting Indigenous community-based justice programs that use processes grounded in the principles of restorative justice and Indigenous Legal Traditions for 25 years. These programs are unique in that the services offered by each program are based on justice-related priorities, use restorative justice principles, and are designed to reflect the culture and values of the communities in which they are situated. Although the primary focus for most community-based justice programs is diversion of offenders from the Canadian mainstream justice system (MJS), AJS programs also provide a range of other justice-related services from prevention to reintegration. The AJS has been renewed seven times, in 1996, 2002, 2007 (with enhanced funding), 2012, 2013, and most recently in 2014, extending its mandate until March 31, 2017.

The AJS is comprised of two funds: the Community-Based Justice Fund and the Capacity-Building Fund. The Community-Based Justice Fund is a national program that operates on a cost-shared basis with provincial and territorial governments. In 2015-16, AJS funding supported the operation of approximately 200 community-based justice programs (through 110 funding agreements)³. Annually, approximately 9,000 clients (offenders, victims, and other community stakeholders) from over 750 communities⁴ across Canada are referred to AJS' community-based justice programs.

³ There are also a number of restorative justice programs not funded by the AJS in operation across Canada, funded by the communities themselves and by provincial/territorial governments.

⁴ Number of Communities Actually Served: Any communities whose residents were actually served by the Program in one of their activities listed in their approved work plan during the reporting period are included. The communities may include First Nation Reserves, cities, towns, villages, Inuit and northern villages/hamlets, and/or Métis settlements.

The Capacity-Building Fund supports short term capacity-building and training projects related to building increased knowledge and skills for the establishment and management of community-based justice programs. Administered solely by the Department of Justice Canada (the Department), this fund is a proposal-based envelope of grant and contribution funding, delivered annually. Between 2012 and 2016, the Capacity-Building Fund supported 185 projects across Canada.

2.2. Target Population(s)

AJS programs are located across Canada, including urban, rural and northern communities both on- and off-reserve. Indigenous people are the primary beneficiaries of the AJS, including men, women, two-spirited, transgendered persons and youth.

AJS community-based justice programs use various approaches to support the provision of a justice system that is more responsive and effective and to address the justice needs of the communities they serve. One of the ways in which programs attempt to support this outcome is through the tailoring of programs to address the specific needs of Indigenous groups by providing a range of culturally based services and programming, with the goal of increasing safety and reducing victimization.

2.3. Stakeholders

As a cost-shared program, the AJS works closely with provincial and territorial partners, Indigenous communities and non-governmental/non-profit organizations.

Provincial and Territorial Governments

As partners, provincial and territorial governments:

- provide a minimum of a 50% investment in the AJS community-based justice programs (fiscal and/or in-kind);
- provide integral program support and partnerships (e.g., victim services, corrections, probations, policing) on a regional basis;

- are members of and co-chair the AJS Federal-Provincial-Territorial Working Group (FPT WG), which serves as a policy forum for ongoing monitoring of inter-jurisdictional issues that concern the AJS; and
- provide referrals to AJS programs via the provincial/territorial court system (prosecutions and judiciary).

Indigenous Communities and Non-governmental/Non-profit Organizations

Indigenous communities and non-governmental/non-profit organizations are key stakeholders in that they:

- design and deliver AJS programs that meet the needs of Indigenous populations that they serve, with the majority of programs providing diversion processes, programs and services for offenders of federal-provincial-territorial (FPT) law;
- may contribute resources, both fiscal and in-kind to AJS programs;
- provide valuable information and feedback to the Department and provincial/territorial governments in regards to community justice needs; and
- partner with stakeholders at the national, provincial/territorial and community levels to ensure program effectiveness.

Given the nature of AJS involvement within the Canadian MJS, there are also a number of federal stakeholders that support the Strategy.

Federal Departments/Agencies

1. Royal Canadian Mounted Police

- Provides pre-charge referrals to AJS programs, and supports post-charge referrals in appropriate circumstances; and
- Participates in a number of AJS programs, including regular communication with programs, membership on AJS committees, and involvement in community justice panels.

2. Public Safety Canada

- Provides communities with law enforcement and policing services that complement AJS programs (including Indigenous policing services through the First Nations Policing Program).

3. Fisheries and Oceans Canada

- Provides referrals to AJS programs, in appropriate circumstances.

4. Correctional Service of Canada

- Works with AJS programs to support local justice committees in offender reintegration planning and in the creation of community safety plans.

5. Indigenous and Northern Affairs Canada (INAC)

- Works collaboratively with AJS programs on education or employment services, which assist Indigenous people in obtaining the skills they need to participate fully in the economy.

6. Health Canada

- Funds complementary health programs, to which AJS clients may be referred, and which Community Justice Workers (CJWs) work with in the delivery of community-based justice programs.

Other Departments/Agencies

1. Provincial/Territorial/Municipal Police Services

- Provide referrals to AJS programs, in appropriate circumstances.

2.4. Governance

The AJS is a federally coordinated initiative that is cost-shared with provincial and territorial governments and delivered in partnership with Indigenous communities. Each of the following stakeholders has various responsibilities associated with governing the AJS.

The Department's Aboriginal Justice Directorate (AJD) is responsible for developing and maintaining provincial and territorial partnerships, working together to assess and address emerging justice issues, gaps in service and negotiation of new programs. The AJD manages the federal funding allocation and contribution agreements signed under the AJS' two funding components, ensuring that funding agreements are fulfilled in accordance with the Transfer Payment Policy, its supporting legislation and policies/guidelines and program terms and conditions, and that planned activities and outcomes are achieved. Also, the AJD is responsible for providing policy advice and recommendations on the AJS as well as broader Indigenous justice policy issues.

Provincial and territorial governments are responsible for supporting AJS community-based justice programs through providing both direct and indirect resources; harmonizing their government policies and processes; managing and monitoring any resulting provincial/territorial funding agreements/grants; providing integral program support to recipients on a regional basis; and coordinating and fostering relationships and support between referral agencies that fall under provincial jurisdiction (Crowns, courts and corrections) and the community-based justice programs.

Indigenous communities and non-governmental/non-profit organizations (AJS funding recipients) are responsible for designing and delivering community-based justice programs that meet the needs of the specific communities they serve, as well as meeting the clauses set out in their funding agreement, including reporting and accountability requirements.

2.5. Resources

The following table presents the total number of AJS resources provided to the Department each year for fiscal years 2012-13 to 2016-17.

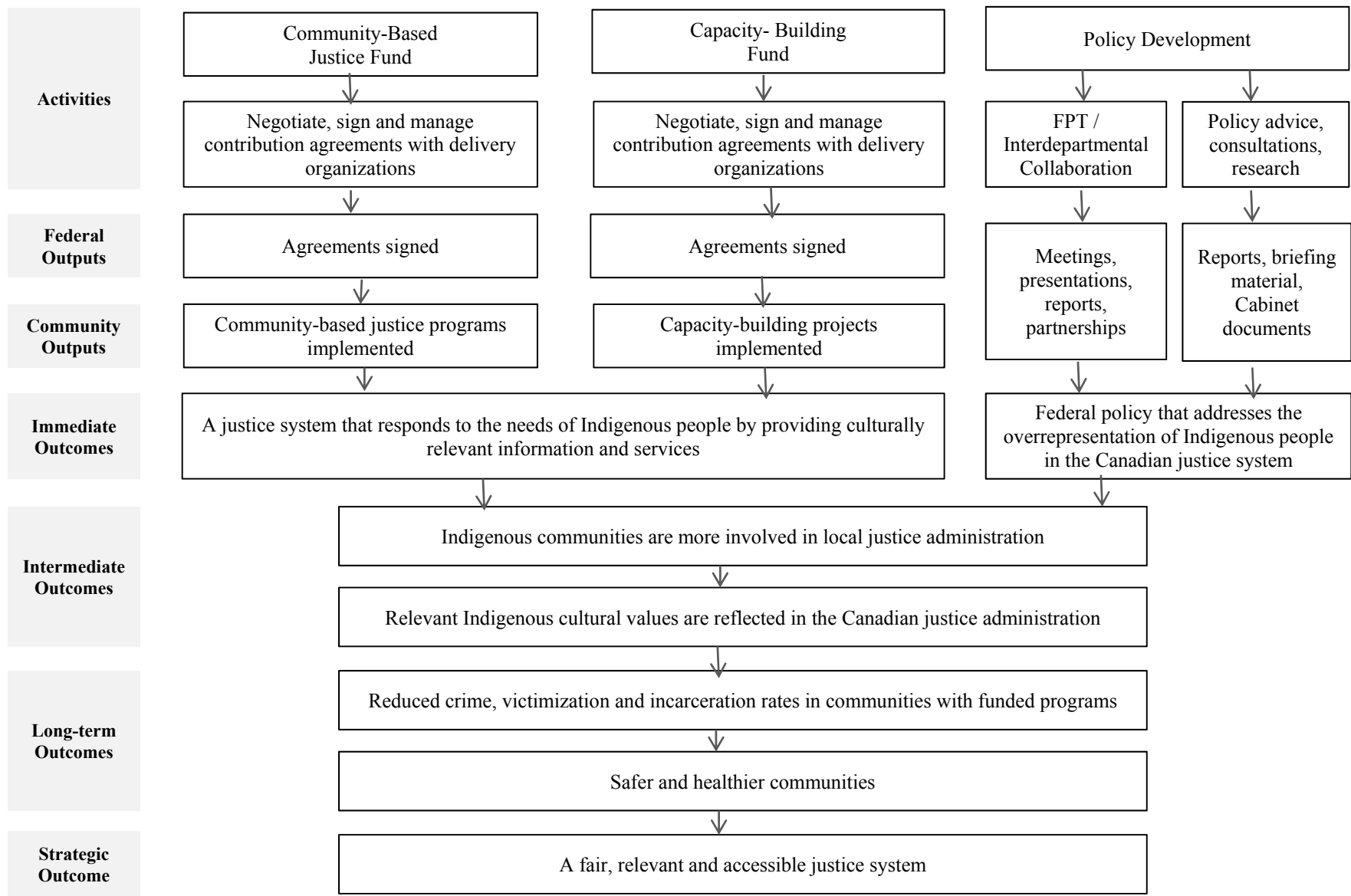
Table 1: AJS Resources Allocated to the Department

	2012-13	2013-14	2014-15	2015-16	2016-17	Total
Salary and Operations and Maintenance (O&M)	\$4,127,661	\$2,826,791	\$2,825,510	\$2,825,510	\$2,825,510	\$15,430,982
Grants and Contributions (Gs&Cs)	\$12,500,000	\$12,700,000	\$12,700,000	\$12,700,000	\$12,700,000	\$63,300,000
Total	\$16,627,661	\$15,526,791	\$15,525,510	\$15,525,510	\$15,525,510	\$78,730,982

2.6. Program Logic

The AJS logic model presents the program activities, outputs and expected outcomes, and depicts the logical relationships leading to the long-term outcomes. Below the model there is a description of activities, outputs and outcomes and how they are related.

Logic Model – Aboriginal Justice Strategy



2.6.1. Activities, Outputs and Outcomes

Federal Activities

The Community-Based Justice Fund supports community-based justice programs that offer alternatives (e.g., processes grounded in restorative justice principles and Indigenous Legal Traditions or activities throughout the justice continuum, including but not limited to, prevention, pre-charge, post-charge and reintegration) to the MJS in appropriate circumstances.

The Capacity-Building Fund supports communities in developing the knowledge and skills needed to establish and manage community-based justice programs.

The AJD also provides a policy development function in the form of advice and recommendations on the AJS' day-to-day program operations and renewal, as well as broader Indigenous justice issues. AJD works actively with provincial and territorial government partners in delivering the AJS at the local level, and leads an FPT WG that meets periodically to address AJS-related issues and to discuss possible policy and program approaches to addressing Indigenous overrepresentation.

To be eligible for funding, all initiatives or activities must have a clear link to the objectives of the AJS.

Federal Outputs

The AJD negotiates, signs and manages contribution agreements (for the Community-Based Justice Fund and the Capacity-Building Fund) or grants (for the Capacity-Building Fund only). For the Community-Based Justice Fund, these agreements can either be bilateral with the recipient organization or tripartite with the recipient organization and respective province or territory. Any of the following may be eligible for funding:

- First Nations, bands, Tribal Councils, local, regional and national Indigenous organizations;
- regional/municipal governments, including their agencies and institutions;
- non-profit community organizations, societies, and associations which have voluntarily associated themselves for a non-profit purpose;
- provincial and territorial governments (in the case of flow-through agreements for the Community-Based Justice Fund); and

- individuals (only for the Capacity-Building Fund).

Policy development functions include: participation in FPT working groups/interdepartmental collaboration (meetings, presentation, reports and partnerships) and providing policy advice, consultations and research in the form of reports, briefing materials and Cabinet documents.

Community Outputs

Initiatives or activities that are eligible for funding under the Community-Based Justice Fund include, but are not limited to:

- prevention or reintegration;
- diversion;
- dispute resolution or mediation;
- sentencing options;
- support to victims; and
- public awareness.

Initiatives or activities that are eligible for funding under the Capacity-Building Fund include those that:

- support the training and/or developmental needs of Indigenous communities that currently do not have AJS community-based justice programs;
- supplement the ongoing training needs of AJS community-based justice programs;
- support activities that improve reporting and/or the development of data collection systems in communities that have AJS programs;
- support the development of new Indigenous community-based justice programs, paying particular attention to current geographic/regional imbalances in programming; and
- support one-time or annual events and initiatives (as opposed to ongoing projects) that build bridges, trust and partnerships with the justice system and Indigenous communities.

Immediate Outcomes

A justice system that responds to the needs of Indigenous people by providing culturally relevant information and services - It is expected that the federal contribution that is provided through the AJS, combined with provincial/territorial contributions, will result in a more responsive MJS, that strives to bridge the gap between mainstream justice processes, and Indigenous people having increased access to and participation in culturally relevant, community-based justice programming. Culturally relevant justice processes, programming, information and services are provided that respond to the unique needs of Indigenous people in their communities. It is also expected that the federal contribution that is provided through the Capacity-Building Fund will allow Indigenous communities and organizations to increase their knowledge, skills and capacity to offer AJS programs or to improve the delivery of existing community-based justice programs.

Federal policy that addresses the overrepresentation of Indigenous people in the Canadian justice system - It is expected that the policy advice and recommendations provided by the AJD, combined with FPT collaboration on various working groups (including the AJS FPT WG), will contribute to policy development that supports the day-to-day program management and renewal of the AJS and contributes to broader policy development.

Intermediate Outcomes

Indigenous communities are more involved in local justice administration: It is expected that Indigenous communities, with support from the AJS, will be more involved in the local administration of justice services by designing and delivering community-based justice programs that reflect the unique needs of their respective communities. It is expected that these programs are recognized as an integral partner in the MJS, and their role in administering justice processes and services.

Relevant Indigenous cultural values are reflected in the Canadian justice administration: It is expected that the AJS will help provide the Canadian justice administration with additional tools to demonstrate the value of reflecting Indigenous cultural values in mainstream justice processes. Community-based justice programs provide culturally relevant programs that complement and provide alternatives to the MJS, which will in turn have a positive impact on the effectiveness of the justice system as a whole. Linkages will be established between community-based justice programs and the MJS, fostering an ongoing relationship that will improve the delivery of justice processes, programming, information and services in the community.

Long-Term Outcomes

In the long term, AJS programs effectively contribute to reducing crime, victimization and incarceration rates in communities with funded programs, as well as to safer and healthier communities: The AJS is in line with the Department's strategic outcome to provide a fair, relevant and accessible Canadian justice system. Through the achievement of the immediate and intermediate outcomes, AJS' long-term outcomes are to support cost-effective community-based justice programs that offer alternatives to the MJS to help reduce crime, victimization and incarceration in communities with access to AJS programs and contribute to safer and healthier communities.

3. DETAILED METHODOLOGY

The following section outlines the methodology used for the evaluation. The evaluation was conducted with both internal and contract resources. The issues and questions addressed in the evaluation are included in Appendix A and the data collection instruments are included in Appendix B.

3.1. Document Review

The document review provided information for almost all evaluation questions, as well as detailed information on what has been achieved at the community level. In total, 27 documents were reviewed for this line of evidence, including examples of agreements, internal reports, program administration documents, program activity documents, meeting minutes, internal policy documents, and academic research papers.

3.2. File Review

A file review was conducted of funded projects under the Capacity-Building Fund between 2012 and 2015. Descriptions of these projects were used to identify the types of activities undertaken by the five types of eligible funding categories as per the Terms and Conditions of the Fund. Every funded project was counted and the total funding for each project in each of the five categories was summed. Based on a description of funded activities, their exact type (e.g., workshops, conferences or meetings) was also categorized. Table 2 presents the data obtained.

Table 2: Total Number of Projects and Total Funding in each Eligible Funding Category

Capacity Building Fund Objectives	Count	Approved Amount (\$)
Training/development (with no community-based justice programs)	43	1,412,186
Training/development (for existing community-based justice programs)	69	2,033,318
Support reporting and data management (in current AJS communities)	45	296,790
New community-based justice programs (underrepresented and regional imbalance areas)	11	263,446
One-time/annual events (build bridges, trust, and partnerships)	21	886,465
Total	189	4,892,205

3.3. Surveys (Police/Crown and Community Justice Representatives)

Two national online surveys were administered for the evaluation. One survey for RCMP members, other police force members, and Crown counsel who work with the communities served by community-based justice programs. A second survey was administered for CJWs in the communities served by community-based justice programs. The surveys assessed level of awareness of the AJS, referrals to these programs, need for and effectiveness of AJS programs, and experience with the AJS.

The final response rate for the survey of CJWs was 68%, which is considered a very good response rate for an on-line survey⁵. The majority of respondents to the Crown and police representatives survey were RCMP officers in areas where there were AJS programs (73%), followed by Crown representatives (23%) and Aboriginal police representatives (4%).

Table 3: Types of Respondents to Crown and Police Representative Survey

	Number	Percent
Crown prosecutor or other type of attorney/Crown	44	23.2
RCMP	138	72.6
Aboriginal police (e.g., band, council)	8	4.2
Total	190	100.0

Respondents to the Crown and police representative survey were most likely to currently be working in Saskatchewan (39%), Alberta (10%), British Columbia (10%), Nunavut (9%), Manitoba (8%), and Yukon (7%). The distribution of respondents does not represent the

⁵ On-line survey providers such as Survey Monkey and Survey Gizmo estimate average response rates as ranging between 10-15% for external surveys to 30-40% for internal surveys: <https://www.surveygizmo.com/survey-blog/survey-response-rates/> and <http://fluidsurveys.com/university/response-rate-statistics-online-surveys-aiming/>

distribution of AJS programs across the country, which is important to keep in mind when interpreting survey results.

3.4. Economy and Efficiency Review

The evaluation assessed resource utilization of the AJS through three perspectives: economy, operational efficiency and allocative efficiency. Financial data and key informant (KI) interviews were examined to assess how resources were used and whether there are ways to increase the efficiency of how the AJS is being delivered. In addition, two analyses were undertaken to assess the impact the AJS-supported community-based justice programs have on the rate of recidivism of participants (see Appendix D) and costs related to processing a case through the MJS courts.

3.5. Key Informant Interviews

KI interviews sought to gather contextual information about the program to inform the analysis of the other lines of evidence. It covered most evaluation questions and focused on relevance and performance of the AJS.

Interviews with representatives from the AJD and other departmental staff were conducted at AJD National Headquarters (NHQ) in person and in the regions both in-person and by phone. Provincial and territorial representatives were also interviewed, usually by phone. The list of interviewees and their contact information was supplied by program representatives, after discussing the appropriateness of different types of respondents. The following groups of respondents and actual numbers of interviews were conducted:

- 12 representatives from the AJD, AJD Regional Coordinators, the Aboriginal Courtwork Program (ACW), the Policy Centre for Victims Issues, the Criminal Law Policy Section and the Aboriginal Law Centre; and
- 19 representatives from the provinces and territories participated through 15 interviews. Group interviews were used to enable representatives to be interviewed with colleagues or counterparts in another division.

The distribution of the selected respondents and completed interviews across the respondent groups was monitored to ensure that the final distribution achieved a good balance between internal and external stakeholders.

The interviews were semi-structured and did not last more than one hour in order to ensure a high response rate and to keep respondent burden to a minimum.

Once the interviews were completed, the interviewer input the data and information collected from the interview into a central database. The database allowed for the analysis of the qualitative information by interviewee group, as well as by evaluation question. This facilitated drawing out common themes by question across respondents either within specific stakeholder groups, or across groups.

3.6. Case Studies

Purpose and Approach

Six case studies were conducted across Canada (see Appendix C). Case studies focused on obtaining stakeholder assessments of progress with the local Indigenous community-based justice programs and their objectives, factors influencing progress, and identifying promising practices that may be applicable to other participating communities. The case studies obtained descriptive and evaluative information from a range of community members including Indigenous CJWs, justice committee members, community leadership, Elders, and representatives of health and social services, police and Crown serving the communities. In addition, the AJS administrative program files for the selected communities were reviewed.

Community Selection Strategy

Programs were chosen based on their suitability for case studies, in that they were recognized as representing well-developed AJS programs. Since there was no attempt to have the case studies be representative of the full population of AJS programs, an effort was made to enable the case studies to draw on the experiences of well-established programs to identify the strengths and weaknesses of different approaches to Indigenous community-based justice, the factors that can influence success, and examples of effective approaches that may benefit other similar programs across the country.

Programs were selected to ensure a fair regional representation, as well as ensuring a mix of urban, rural and remote communities that included Inuit, First Nation and Métis communities.

Programs Selected

1. *Tsilhqot'in Community Justice Program*: (Western, remote, First Nation on-reserve);
2. *Saskatoon Tribal Council Community Justice Program*: (Central, urban and rural, First Nation Tribal Council model);
3. *Métis Community Justice Program*: (Central, urban, Métis);
4. *United Chiefs and Councils of Mnidoo Mnising Community Justice Program*: (Ontario, rural, First Nation Tribal Council model);
5. *Elsipogtog Restorative Justice Program*: (Atlantic, rural, First Nation on reserve); and
6. *Kwanlin Dun First Nation Social Justice Program*: (North, urban, First Nation on reserve).

3.7. Methodological Limitations and Mitigation Strategy

Key Informant Interviews

KI interviews are used for many evaluations to obtain qualitative feedback on the program from key individuals but are vulnerable to sampling bias, response bias, sensitivity of respondents to the questionnaire and interviewer bias. To mitigate this, the evaluation ensured that the list of KIs to interview was a balanced list so that a knowledgeable pool of respondents and a variety of internal and external perspectives were gathered. Further, triangulation of KI evidence with other lines of evidence helped balance out any potential biases.

Case Studies

Case studies are useful to the evaluation as they illustrate impacts and insight into the program's work at the community level, and examine impacts in individual communities. Because of the importance of ensuring cultural sensitivity during data collection, all case studies were conducted by senior evaluators and/or Indigenous evaluators who were able to combine observational data collection with meetings with managers, CJWs and beneficiaries of AJS community-based justice programs.

Survey

Surveys can be very useful in evaluations to generate quantitative data from a large group of program representatives or stakeholders in a cost-efficient manner. However, surveys can be susceptible to threats to reliability and validity of the data collected (e.g., sampling bias, non-response bias, sensitivity of respondents to the questionnaire, interpretation of the questions). Online surveys can also be prone to low response rates or partially completed surveys, particularly when the respondent group is not highly engaged in the topic or receive frequent requests for feedback. To maximize the reliability of the survey data, the surveys were written in accessible language and were relatively short. To further maximize the response rate, reminders were sent to contacts for whom direct contact information was available. Time was also provided for external stakeholder contacts (e.g., police, RCMP, Crown) to follow internal procedures for participation in external evaluations.

As the survey sample was developed through referral sampling, the number of people the survey actually reached is unknown. Although invitations were sent to an unknown number of Crown representatives, Indigenous police representatives and RCMP officers, from what is known, it is clear that a great percentage of the targeted population did not participate in the survey, and there are certainly sample biases (e.g., number of participants from some provinces is not proportional to the number of programs). In some smaller provinces, however, the sample is likely representative of the whole population. For this reason, survey findings from the Crown and Police representatives cannot be generalized to the knowledge or attitudes of the population and weight could not be employed to balance the sample.

Economy and Efficiency Review

The two analyses undertaken to assess the allocative efficiency of the AJS also had a number of limitations that were mitigated as best as possible during the evaluation. Additional information on the methodologies, limitations and mitigation strategy used for these two analyses can be found in Appendix D.

For the recidivism analysis, a main limitation was the lack of a true experimental design, as practical and ethical constraints precluded the random assignment of persons to participant and comparison groups. Pre-existing differences between the participant and comparison groups could lead to differential outcomes with respect to re-offending. However, to mitigate this limitation, a

statistical approach⁶ that could control underlying differences between the participant and comparison groups was utilized.

With regards to the costing analysis, although the full costs of the AJS were included in the analysis, only estimates of some MJS court-based (court services, prosecution and legal aid) costs were included through examining public accounts. Additional costs associated with the administration of justice (e.g., police, probation, custody) and those borne by the community for both the AJS and the MJS were excluded from the analysis. This reduces the ability to understand the full impact of the AJS, although it provides an indication of potential cost savings for one point of contact with the MJS.

⁶ A survival analysis, using a Cox Proportional Hazards Model, was used to assess the occurrence and timing of an event (in this case recidivism), while accounting for the possibility that in some cases the event may not take place. Survival analysis can control the differences in the background characteristics of the two groups examined, which in this case helps minimize the bias that might arise from the quasi-experimental design.

4. FINDINGS

4.1. Relevance

4.1.1. Continued Need for AJS

The AJS was created in 1991 to address the disproportionate rate of victimization, crime and incarceration among Indigenous people in Canada. The Strategy supports Indigenous community-based justice programs that offer alternatives to the MJS that reflect local Indigenous culture and values. Documents reviewed for the evaluation indicate a continued need for the AJS. Indigenous people continue to be overrepresented as offenders in the MJS, including both the provincial/territorial and the federal correctional systems.

Indigenous adults are overrepresented in admissions to provincial/territorial correctional services, as they accounted for a little over one-quarter (26%) of custodial admissions in 2014-15, while representing 3% of the Canadian adult population⁷. Indigenous adults also accounted for 22% of admissions to federal custodial sentences in 2014-15. This was even more pronounced for Indigenous women who accounted for a higher proportion of female admissions to provincial/territorial sentenced custody (38%) and federal sentenced custody (31%) than did Indigenous males (24% of provincial/territorial and 22% of federal admissions).

Correctional admissions data also demonstrate a disproportionate number of Indigenous youth (ages 12-17) entering the system⁸. Indigenous youth comprise 7% of the youth population, yet records show that in 2014-15 there were over 5,700 Aboriginal youth admitted to correctional services in nine jurisdictions, representing 33% of admissions. This overrepresentation was found to be particularly true for Indigenous females⁹. For example, although only 7% of the male and female youth populations in Canada are Indigenous, in 2014-15, Indigenous female youth

⁷ Canadian Centre for Justice Statistics report entitled *Adult correctional statistics in Canada, 2014/2015*.

⁸ Statistics Canada (2015). Youth correctional statistics in Canada, 2014/2015. <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14317-eng.htm>

⁹ Ibid

comprised 44% of all female youth in the correctional system, while Indigenous male youth comprised 29% of all male youth in the correctional system¹⁰. Moreover, sentencing principles in the *Youth Criminal Justice Act* mandate that courts consider alternatives to custody, particularly in the case of Indigenous youth. However, in 2014-15, 52% of Indigenous youth admitted to correctional services were admitted to custody, whereas the comparable figure for non-Indigenous youth was 42%. Conversely, 48% of Indigenous youth were admitted to community supervision compared to 57% of non-Indigenous youth.¹¹

The literature also suggests that efforts through the *Youth Criminal Justice Act* and Gladue¹² guidelines have not had the intended effects. Although rates of incarceration for both Indigenous and non-Indigenous youth have decreased since 2003, the drop has been much more significant for non-Indigenous offenders, meaning that rates of Indigenous overrepresentation continue to be an issue¹³. Indigenous youth are overrepresented not only in custody, but also in secure detention (remand or custody while awaiting trial) and community dispositions (supervision by probation)¹⁴.

Indigenous people, in particular women, are more likely to be victims of crime as well. Data from various sources show that Indigenous people are overrepresented as both offenders and victims of crime: “One in three (30%) Indigenous people reported that they or their household had been the victim of at least one of the eight crimes measured by the General Social Survey in the 12 months preceding the survey¹⁵. In comparison, fewer than one in five (19%) non-Indigenous people reported that they or their household had been victimized. The differences between Indigenous and non-Indigenous people were most pronounced for break-ins and sexual assaults, with the rates for Indigenous being more than double those for non-Indigenous people¹⁶”.

Violent victimization rates were especially high among Indigenous people and Indigenous women in particular. In 2014, the rate of violent victimization among Indigenous women (220 per 1,000 people) was double the violent victimization of Indigenous men (110 per 1,000 people), triple the rate of non-Indigenous women (81 per 1,000 people), and over triple the rate of non-Indigenous

¹⁰ Statistics Canada (2015). Youth correctional statistics in Canada, 2014/2015. <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14317-eng.htm>

¹¹ Ibid

¹² Section 4.2.2 of this report explains the origin and significance of Gladue guidelines.

¹³ Calverley, Cotter, & Halla, 2010; Munch, 2012; Rudin, 2008; Rudin & Zimmerman, 2014.

¹⁴ Finseth, S. & Peterson-Badali, M. (2015).

¹⁵ Canadian Centre for Justice Statistics report “Criminal victimization in Canada, 2014”.

¹⁶ Ibid

men (66 per 1,000 people)¹⁷. Indigenous people are also nearly twice as likely as their non-Indigenous counterparts to be repeat victims of crime.

Community Perspective

The evaluation asked AJS CJWs about the nature and extent of criminal justice issues in their communities. FPT justice officials were also asked about whether the conditions remained to demonstrate an ongoing need for alternative Indigenous justice approaches. Both of these groups indicated strong support for the continued need. In addition to the demonstrated, ongoing issue of overrepresentation of Indigenous peoples in the MJS, KIs also mentioned the need for collaboration between the federal and provincial governments to adequately address the need to reduce Indigenous overrepresentation.

Among CJWs, a majority said that discrimination/bias in the justice system was an issue to a large or very large extent (74%), that there were still gaps in services in general, and particularly gaps in services that focused on healing and reconciliation, and that there were still high rates of crime and victimization in Indigenous communities. FPT government KIs pointed to their awareness of recent data on Indigenous overrepresentation (such as the recent report from the Canadian Centre for Criminal Justice Statistics), and to their own observations of ongoing issues or overrepresentation in Indigenous communities, as the basis for their belief that there is a continued need for programs and services that provide alternative justice approaches.

Demand for Funding

Continued need is also reflected in the level of demand for AJS funding. The AJS supports approximately 200 community-based justice programs across the country, and with very few exceptions, those programs have been in continuous operation since they first received funding in the 1990s. Approximately 9,000 clients (offenders, victims, and other community stakeholders) are referred annually to AJS programs from over 750 communities across Canada, including urban, rural and northern communities, both on- and off-reserve. The AJS has been unable to consider new programs/communities because of the short-term and unstable nature of its funding and a concern about setting expectations for future funding that could not be assured. Further, in recent

¹⁷ Boyce, J. (2016). Juristat report entitled *Victimization of Aboriginal people in Canada, 2014*. Boyce cautioned that the 220 per 1,000 and 110 per 1,000 statistics must be used with caution given the possibility of sampling error.

years, the Community-based Justice Programs Fund has focused on government priorities such as violence against Indigenous women and girls, regional gatherings and training.

Applications to the Capacity-Building Fund from communities both with and without an AJS-funded program have been steadily well above available funding year after year. On average, more than 25% of all applications (a total of 103 applications) could not be funded during the evaluation period even though they met program criteria, and that proportion was as high as 30% in 2013-14. The reasons for the high percentage in 2013-14 included the fact that AJD was in a program renewal period; this was a period of workforce adjustment and no other departmental program funds were available that year. In the evaluation period, funding for capacity-building projects totaled about \$4.6 million. If we assume that the dollar value of unfunded applications was similar to the value of the funded applications, this would mean that there was additional demand valued at more than \$1 million in the period.

Although in some years the AJD was able to fund projects beyond its available envelop through a Deputy Minister-approved transfer of funds from other program sources, the extent of unfunded applications has still been high. The fact that this additional funding has been approved reflects the Department's recognition that there is a need worth addressing.

Demand is also indicated by regular contacts to the program from communities seeking funding to expand existing community-based justice programs, or to start new ones. For example, KIs and survey respondents indicated a host of emerging justice needs, which could be addressed by the AJS:

- need to identify and share training and best practices regionally and nationally;
- need for involvement in family violence and violence against women;
- need to address Gladue recommendations;
- need for more services and supports for victims of crime;
- need for reintegration services after individuals complete sentences;
- need for more programming or specific programming for vulnerable groups (e.g., offenders with disabilities such as Fetal Alcohol Spectrum Disorder and youth);
- need to address recommendations from the Truth and Reconciliation report;
- need for policy work/advice; and

- need for support in working out agreements and getting cooperation from the MJS.

Together, these indicators suggest that there is a substantial number of communities looking to address overrepresentation through alternative community-based justice programs.

4.1.2. Alignment with Government Priorities

The ongoing failure of the MJS to meet the specific needs of the Indigenous population and acknowledge Indigenous perspectives was noted in the 2005/2006 Annual Report of the Office of the Correctional Investigator¹⁸. It has been, and continues to be, a priority for the federal government to encourage culturally appropriate alternative justice measures within Indigenous communities. A number of federal initiatives, including the AJS, ACW, and First Nations Policing Program (under Public Safety Canada) have been implemented to address these concerns.

The federal government has taken steps aimed at improving the lives of Indigenous people on-reserve. The 2012 Speech from the Throne noted that the Canadian government will “continue to work in partnership with Aboriginal peoples to create healthy, prosperous, self-sufficient communities”¹⁹. The previous administration was committed to promoting justice, in particular by supporting victims. Canada’s Economic Action Plans during this period proposed measures to continue to reduce violence against Indigenous women and girls, protect and support victims, and provide law enforcement and the justice system with the means needed to protect communities and promote justice²⁰. Specifically, the Economic Action Plan 2012 proposed \$11.9 million for the Family Violence Prevention Program in 2012-13. Canada’s commitment to supporting Indigenous communities is also highlighted in Budget 2013, which announced a total of \$872 million in investments for Indigenous and northern communities. This was aimed at allowing them to participate more fully in Canada's economy and benefit from its growth. Of the total investment, \$11 million was directed towards the AJS in 2013-14²¹.

In 2015, Indigenous issues, use of restorative justice, and reducing incarceration became greater priorities and, by extension, the role of the AJS. The 2015 Speech from the Throne directed the government “to renew, nation-to-nation, the relationship between Canada and Indigenous peoples,

¹⁸ The Correctional Investigator Canada. Annual Report of the Office of the Correctional Investigator 2005-2006. Ottawa, p. 11.

¹⁹ <http://www.lop.parl.gc.ca/ParlInfo/Documents/ThroneSpeech/41-2-e.html>

²⁰ <http://www.budget.gc.ca/2014/docs/plan/pdf/budget2014-eng.pdf>.

²¹ <https://www.aadnc-aandc.gc.ca/eng/1363964630328/1363964850834>

one based on recognition of rights, respect, co-operation and partnership” and to “work co-operatively to implement recommendations of the Truth and Reconciliation Commission (TRC) of Canada”²². The TRC’s Call to Action #30 seeks to “eliminating the overrepresentation of Aboriginal people in custody”. This extends to Action # 31, which discusses how sufficient and stable funding is needed so alternatives to imprisonment can be provided to Indigenous persons:

“We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.”²³

In addition to this, several priorities in the Minister of Justice and Attorney General of Canada’s 2015 Mandate Letter directly relate to the AJS, as the Department’s only community-based Indigenous justice program. These include addressing gaps in services to Indigenous people and reviewing changes in the criminal justice system and sentencing reforms; and increased use of restorative justice processes and other initiatives to reduce the rate of incarceration amongst Indigenous Canadians.

Finally, as a result of the role AJS’ community-based justice programs have in holding offenders accountable, the AJS was identified as one of the federal government’s responses to violence against Indigenous women and girls²⁴.

4.1.3. Alignment with Departmental Strategic Outcomes

The AJS aligns with the Department’s strategic outcome to provide “a fair, relevant and accessible Canadian justice system”. This strategic outcome is a shared responsibility among a broad range of players, including Parliament, the judiciary, federal departments and agencies, partners in provincial, territorial, and municipal governments, a broad range of non-governmental organizations and stakeholders, and ultimately all Canadians.

The AJS meets the Department’s 2016-17 Expected Results by providing “a justice system that responds to the needs of Aboriginal people by providing culturally relevant information and

²² Government of Canada, Making Real Change Happen, 2015.

²³ http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

²⁴ Government of Canada, Action Plan to Address Violence and Violent Crimes Against Indigenous Women, 2014.

services”²⁵. According to current departmental plans and priorities, the Department’s mission is “to ensure a more accessible, equitable and efficient justice system for Canadians”²⁶. AJD’s Standard Operating Procedures indicate that “in achieving its broad policy objectives, the Programs Branch uses a variety of grants and contributions programs to test various approaches to improve Canada's justice system, to contribute to policy development, and to support its mandate. Through partnerships with non-profit organizations, community organizations, cities, provinces and territories, as well as other federal departments, just to name a few, the Department collaborates with others to deliver targeted support for Canadian children, youth, Aboriginal people, victims”²⁷.

4.1.4. Alignment with Federal Roles and Responsibilities

The federal government holds the policy mandate for Indigenous justice, while the administration of justice in most areas is the responsibility of the provinces and territories. The AJS is delivered in a manner consistent with this constitutional division of powers, in that the Department co-funds the delivery of community-based justice programs in the area of Indigenous justice. KIs, including provincial and territorial justice officials, agreed that the Government of Canada has the responsibility for First Nation, Métis and Inuit justice because of its responsibility for Indigenous people and of the shared jurisdiction in the area of justice. A majority of provincial officials said that the federal government should take on an even bigger role in this area than it currently does because of the extent of the problem of overrepresentation. Roles proposed for the Department, in addition to providing support to bolster the existing program or creating new programs to increase reach, included:

- supporting collaborations and partnerships with other departments (e.g., RCMP);
- ensuring better coordination of all Indigenous programs within the Department;
- providing support to increase buy-in from the MJS at the local level (e.g., participating in discussions or negotiations with local law enforcement, Crown, RCMP);
- providing mechanisms to ensure best practices and lessons learned could be shared nationally;

²⁵ Department of Justice. 2016-17 Report on Plans and Priorities. http://justice.gc.ca/eng/rp-pr/cp-pm/rpp/2016_2017/rep-rap/p3.html

²⁶ Ibid

²⁷ AJD SOP CHAPTER 1 - Program History and Context, p.2

- having AJD Regional Coordinators provide training, support and mentoring to build capacity; and
- establishing a set of possible core competencies for CJWs to help guide AJS programs in their efforts to hire and provide training.

4.2. Performance – Achievement of Expected Outcomes (Effectiveness)

4.2.1. A Justice System that Responds to the Needs of Indigenous People by Providing Culturally Relevant Information and Services

This outcome is composed of a few elements. The first element concerns whether or not available AJS programs and services are culturally appropriate and of sufficient quality to constitute a response to the needs of Indigenous people. The second is the degree of accessibility to those services, including their availability and their linkages within the communities and with the MJS.

Cultural Appropriateness

The AJS is designed to be very flexible, allowing and enabling communities to develop justice-related programs and services in keeping with local needs and tailored to local cultures and traditions. Some Indigenous communities are comprised of more than one culture (e.g., Prince Albert Grand Council includes 16 First Nations, some of which are Cree, Saulteaux or Dene), each with their own unique cultures and traditions. KIs indicated that they believe cultural relevancy is inherent in the AJS design because the programs are determined and delivered by the communities. More than 73% of CJWs surveyed indicated that their programs were being adapted to fit the needs of their communities, provided culturally relevant community-based justice alternatives to the MJS, and reflected values of healing and reconciliation. Crown and police representatives were less positive about how culturally appropriate the existing programs were: only 33% of Crown representatives and 21% of police force representatives felt that the community-based justice programs were helping address the issue of a lack of culturally appropriate services and supports for Indigenous people. This could be due to a number of factors, such as the need to increase access to cultural services and Elders and a lack of cultural understanding on the part of the MJS. Those involved in the six programs that were the focus of case studies, including some community members and program clients, emphasized that the cultural components of the programs are what makes them more effective and relevant than MJS options.

The programs' flexibility encourages both cultural relevance and a wide variation in types of programming, including prevention, pre-charge diversion options, alternative sentencing approaches, and reintegration programs, such as wilderness camps with a spiritual component. For example, one of the community-based justice programs, the United Chiefs and Council of Mnisig, accepts pre- and post-charge diversions and provides advice on sentencing to youth and adult band members. The program also employs traditional law principles of accountability, healing, and making amends in order to develop a plan of action for offenders who have accepted responsibility for their offences. The twelve-session victim empathy program incorporates Anishinabe justice principles and approaches. The Indian Youth Friendship Society in Thunder Bay, Ontario, operates an Indigenous Community Council Program that is a diversion program for Indigenous youth and adults. It offers culturally appropriate and meaningful conditions, such as treatment, therapy, ceremonial and other traditional activities. The Aboriginal Legal Services program based in Toronto provides Gladue services for Indigenous offenders in the Waterloo, Wellington and Sarnia regions. Gladue reports are prepared to assist the court in taking into account the unique circumstances of Indigenous defendants when determining sentencing.

Program Quality and Value

AJS and provincial/territorial justice officials working with Indigenous communities indicated that there is considerable variation in the quality of the programs, with some viewed as very strong and well organized and others requiring improvement. Stakeholders highlighted a number of factors that influence program quality:

- the ability of communities to supplement AJS funding from community resources to expand and enhance programs and services;
- the level of training and experience of program managers and staff, which is seen as varying considerably;
- staff turnover, which is viewed as frequent due mainly to the short-term program mandate and uncertain renewals, along with relatively low-pay scales;
- a lack of resources for systematic, ongoing training of CJWs and other service providers;
- a lack of recognized core competencies for the various types of programs and services, resulting in a reported wide variance in the experience, training and abilities of CJWs; and
- contingent on buy-in from referral sources, particularly the police and Crown, who must use discretion when determining whether they will send a file to the community-based justice

program or not. Much of this is based on their awareness and confidence in the community-based justice program to adequately address the matter at hand.

These factors are often capacity issues, which AJS has attempted to address through its Capacity-Building Fund, but this is limited in terms of resources and the ability of Regional Coordinators to provide support and mentoring to build capacity at the community level. These views are echoed in literature that points to inconsistency in Indigenous-specific program offerings (as a result of staff shortages, overworked staff, and staff turnover) and a need for program development in several areas²⁸.

Positive views on the quality and value of community-based justice programs by most CJWs were echoed by a small sample of program clients interviewed as part of the case studies. They talked about how important the cultural and spiritual elements were to their experiences with the programs, and how transformational these had been. A mother of one youth client in Ontario indicated that since having her child participate in one of the Anger Management programs, she has seen a significant improvement in the youth's overall attitude to life and respect within the household. The youth is now more likely to speak to the parent regarding how he is feeling, and therefore contributing to more positive relationships and preventing further outbursts. In another case, a client served by the Métis Justice Institute in Manitoba had been dealing with domestic violence from a partner and was referred to victim services through the program. The victim has found that the services have helped her gain control of her life again. She was set up with a therapist and referred to appropriate services. Another client from Eastern Canada had a plan of action that included a letter of apology and volunteering time in the community. Through participation in a community-based justice program, the client did not receive a criminal record, and to this date has not repeated his involvement with the justice system and is reportedly viewed as a positive influence in the community.

However, CJWs recognize that there is work to be done to establish better linkages with MJS officials and to demonstrate to those officials that the programs offer viable alternatives.

Program Accessibility

Community members living outside their home communities, including major urban centres, might be referred back to programs in their home communities. However, in some regions, including Saskatchewan, an adult offender file cannot be referred back to his/her home community.

²⁸ Finseth, S. & Peterson-Badali, M., 2015.

The offender is expected to be served by the program located in the community where the offence occurred and where the victim resides, if such a program exists. The purpose is to reinforce accountability to the community where the offence took place, and to ease the burden on the victim – rather than have the victim travel to the offender’s home community, the offender must travel to the victim’s home community.

There is little doubt that the AJS has contributed greatly to the creation and support of community-based justice programs, and by helping to put the programs in place, has enhanced the response of the MJS to Indigenous needs in that respect. However, many other communities continue to exist without access to community-based justice programs in spite of the departmental objectives, and further highlight the gaps in coverage indicated in previous sections, as well as the repercussions of these gaps. The AJS is currently examining the issue of unserved and underserved communities with a view to identifying their numbers and locations.

In assessing the contribution of the AJS, most KIs expressed the view that in AJS-supported communities, the MJS offered an alternative and more positive set of options for Indigenous people referred to the programs. However, they almost uniformly raised the issue of “coverage”, pointing out that many Indigenous communities, and therefore many Indigenous people, do not have access to such alternatives and are left to work within the existing MJS.

Referrals

When a person who is eligible for AJS programs first enters the MJS, he/she has three main ways to access AJS programs: “Community referrals” where community members make self-referrals or are referred by a community agency including schools; “Pre- and Post-charge” referrals which can come from the Crown, police or judges; and “Reintegration” which can come from corrections officials. Many residents of communities with access to community-based justice programs do not access those services because referrals do not take place. According to all the sources consulted for the evaluation, problems with referrals from the MJS are a primary barrier to the success of the AJS.

The challenge in examining referrals is to understand how many Indigenous people entering the justice system are not referred, and why. The evaluation did not have access to definitive information in this regard, but the recidivism analysis, the survey of Crown and police and a separate survey of CJWs all help shed some light.

Referral information was provided from seven of the eight programs included in the recidivism analysis conducted for this evaluation. In those communities, Crown, police, court and the Department of Fisheries and Ocean made up 98.8% of all referrals to AJS programs. Community members' referrals were at 0.4%, and self-referrals accounted for 0.8%. When comparing the referral sources between the participant and comparison groups, there were no significant differences. This highlights that most referrals (almost 99%) come from police, Crown, the courts or other government officials. If they are not making referrals, access to the AJS programs would be severely restricted.

The decision to refer to an alternative community-based justice program is discretionary unless mandated by the court. When agencies refer to such a program, it is reasonable to infer that they consider the programs to be suitable alternatives to the MJS, and that a degree of collaboration exists such that they are aware of the community-based justice programs and trust their quality. Survey results indicate that police and Crown do not divert all eligible individuals to community-based justice programs as an alternative to charges being laid, and that some officials do so very little if at all. It is unknown in how many cases police decide to give unofficial warnings to individuals for minor offences, and how many of those individuals end up in community-based justice programs through other means.

The evaluation included a survey of police and Crown serving Indigenous communities (often not exclusively). About 50% of Crown respondents and 68% of police said they were “a little”, “to a small extent” or “somewhat” aware of community-based justice programs in their area of responsibility. This alone demonstrates limitations to the likelihood of referrals. The same respondents were asked how often they refer Indigenous cases that are eligible. Sixteen percent of Crown and 40% of police said “almost never”, and another 25% (Crown) and 33% (police) said they refer less than half the time in eligible cases. Crown were more likely to report referring cases all the time or almost all the time (41%) compared to police (13%).

Among police who said they never or almost never refer, the most common reason given is that they did not believe that community-based justice programs were an appropriate alternative (42%), that cases were not eligible²⁹ (27%), and that there was a lack of services or supports of particular types in the community to refer people to (26%). The percentages for Crown representatives were similar: 50% said they did not refer because they felt the programs were not appropriate

²⁹ Although the question asked why respondents were not referring eligible participants to the AJS programs, comments in the text boxes indicated that some MJS representatives were using their own eligibility criteria when deciding to refer, such as number of previous offences and seriousness of the offence.

alternatives, 29% said no cases were eligible, and 26% mentioned staff turnover in the CJWs position as a barrier.

The figures for non-referrals do not necessarily indicate that the programs are considered of low quality, although capacity issues were highlighted in some cases. As one survey respondent explained, “the needs of the accused are far greater and immediate than what a particular community is able or willing to address”. Some respondents provided specific explanations such as that the program in their area is often in flux due to changing staff (or is currently inactive), or that the program appears to be disorganized and poorly run. Other reasons for lack of referrals ranged from lack of awareness of the programs, lack of understanding of need for alternative programs, to other barriers such as services not covering specific types of offences or offenders. A few police/Crown survey respondents indicated that if they knew more about the programs or if the programs covered more offences or provided more services for different types of offenders, they would be more likely to refer individuals to the programs.

On the other hand, 20% of police and almost half of Crown attorneys responding to the survey said they often refer people to the programs, predominantly because they recognize that they are more culturally appropriate and they believe there is a greater likelihood that participants will not reoffend. CJW survey respondents were asked about referral rates, and their assessments of referral frequency were close to those of the police and Crown respondents, indicating that they had a good idea of how often MJS stakeholders actually referred eligible individuals to their programs. One of the strongest variations in views between CJWs and police representatives was the perception among CJWs of the prevalence of discrimination against Indigenous people in the MJS – few police identified this as an issue. According to KIs, both the reality and the perceptions of discrimination may be hindering positive working relationships, and may contribute in some cases to reducing the likelihood that MJS stakeholders will refer to alternative community-based justice programs. This may indicate that more awareness-raising on Indigenous cultural values and systemic discrimination is required, as well as increased knowledge and awareness of the legal expectation that alternatives are to be considered, and how the community-based justice programs can provide culturally appropriate alternatives for Indigenous peoples.

Departmental and justice officials interviewed concurred with CJWs surveyed that referrals were a significant hurdle in some communities. They said that the discretionary nature of referrals in most cases is a barrier, and that establishing a positive and trusting working relationship with police and court officials requires knowledge and skills that not all CJWs have, and even with experienced people, these relationships are built over time. A number of factors were identified as creating challenges in building good working relationships with the MJS, including high staff turnover

(CJWs, police and Crown), insufficient resources to allocate to that aspect of the job, an inherent lack of trust that has to be overcome, a lack of guidance from senior police and Crown managers at the national, regional and local levels to advocate for greater use of alternative programs, and variations in program quality.

4.2.2. Federal Policy that Addresses the Overrepresentation of Indigenous People in the Canadian Justice System

Policy Advances

The main policy advance in recent years cited by observers has been changes to the *Criminal Code* to recognize how unequal life chances contribute to offending and victimization among Indigenous people, and to recognize the value of sentencing alternatives. The Supreme Court expanded recognition of these factors in its Gladue ruling³⁰. But while courts are expected to apply Gladue principles in sentencing, there is limited funding available from the Department for the provision of services to prepare Gladue reports to guide sentencing. Gladue programs exist in some courts, including some in Ontario funded through the AJS, and some community-based justice programs provide Gladue report services on an ad hoc basis. FPT interview and case study respondents highlighted the lack of meaningful enforcement of Gladue principles.

Six recent AJS-funded programs do provide Gladue-related services. For instance, under the Community Based-Justice Fund, the United Chiefs and Councils of Mnídoo Mnísing Gladue Caseworker Program provides Gladue services for Aboriginal offenders in the Manitoulin District, with the objective of reducing the overrepresentation of Aboriginal offenders in the prison system. Aboriginal Legal Services of Toronto Inc. has a funding agreement with the Department to manage the Gladue Caseworker Program. The Program provides Gladue services for offenders in the Waterloo, Wellington and Sarnia regions. The Indian Youth Friendship Society also has a funding agreement through AJS to manage the Gladue Services Program in Thunder Bay, Ontario. All three of these programs assist the court in taking into account the unique circumstances of Aboriginal defendants when determining sentencing³¹.

³⁰ Section 718.2(e) of the *Criminal Code*, often referred to as the “Aboriginal sentencing” section, requires the court to take into account circumstances facing Indigenous peoples in sentencing offenders. In 1999 the Supreme Court of Canada ruled that the section applies to all Indigenous people regardless of where they live in Canada [R. vs Gladue (1999) 1 S.C.R. 688].

³¹ Program descriptions reviewed by policy and regional coordinators. July 2015.

Gladue-related Capacity Fund projects in the evaluation period include:

- Siksika Nation: The Siksika Nation Gladue Report Writer Training Project coordinates and hosts a two-day training workshop on Gladue report writing for members of the Aboriginal and mainstream justice serving communities.
- Council of Yukon First Nations: The Gladue Training and Mentorship Project supports the Yukon Community Justice coordinators and courtworkers to gain skills and knowledge of the Gladue principles and practices, and to assume greater responsibility for providing the courts with Gladue Reports.
- Council of Yukon First Nations: The Yukon Gladue Research and Resource Identification Project collects and analyzes data specific to Yukon's current ability to offer and support non-custodial sentencing options to Aboriginal offenders pursuant to s.718.2e) of the Canadian *Criminal Code*. The Project also develops materials to help judges, lawyers, Aboriginal courtworkers and CJWs in the nine Yukon AJS-supported programs.

Although these projects provide evidence that some Gladue-related services are being developed and implemented, according to KI respondents and case study observers, they represent exceptions to the norm.

Need for Greater Coordination

In examining federal policy related to overrepresentation, the evaluation looked at activities including cross-government collaboration and integration, and any results of these activities in terms of legislation or other policy outcomes. An important context for this examination is the realization among many justice officials at all levels of government and in Indigenous communities that overrepresentation is a problem requiring a multi-faceted solution. Enhancements to the justice system, such as increased access to diversion and Indigenous programs, may be able to moderate the extent of overrepresentation, and community-based justice programs can make a positive difference for individual clients. However, according to available literature³² and to all the sources drawn upon for this evaluation, governments and communities will need to adopt a more integrated and holistic approach to affect a significant decrease in overrepresentation and to make a lasting difference. Health and mental health services, child and family services, cultural and spiritual leaders, law enforcement, criminal justice and correctional services will need to work closely

³² Sources reviewed included Finseth, S. & Peterson-Badali, M. (2015). Meeting the Needs of Aboriginal Youth in the Ontario Justice System: A Qualitative Investigation, University of Toronto, p. 105; Clark S. (2015). Aboriginal Overrepresentation in the Criminal Justice System: Causes and Responses, p. 53.

together with community leaders to address underlying problems while minimizing harm in response to criminal behavior.

The Department has a number of policy areas and programs that are intended to contribute to a responsive and fair criminal justice system. These include the AJS, Federal Victims Strategy, ACW, Legal Aid, and the Indigenous Law and Criminal Law Policy groups. Within the Department, there have been recent efforts to better coordinate these related policy and program areas, but there is still room for improvement. For example, some KIs indicated there were still opportunities to collaborate and share information within the Department and with other departments and agencies at the national level. At the operational level, there is considerable crossover and some confusion over responsibilities, and this is seen as requiring management attention nationally.

Interviews and case studies pointed to situations where CJWs are performing some of the functions of courtworkers and provincial probation officers, and other situations where disagreements are occurring among these same functional areas over mandates and responsibilities. It is unknown how widespread these problems are, but they are known to departmental managers, and solutions are currently being discussed or in the process of being implemented. For example, the AJS ACW collaborative working group has a mandate to identify:

- common objectives and possible collaboration of ACW and AJS to improve program services and efficiency;
- ACW and AJS needs for which the respective programs identify a benefit in working together; and
- recipient needs, within and beyond the ACW and AJS programs.

Across federal departments/agencies, there is reportedly recognition of the holistic nature of Indigenous justice issues and the need for greater coordination, as well as optimism about the federal government's approach to working with Indigenous communities. But coordination remains at an early stage of development, with department and agency mandates reinforcing a silo approach. For example, in the last year, there have been efforts in the Department to work with the RCMP to more systematically make use of AJS alternative programs at the local level. Two pilots of an initiative are currently underway to maximize opportunities for the pre-charge diversion of Indigenous offenders, in concert with the RCMP (NHQ and regional detachments), provincial/territorial partners and Indigenous organizations. The goal of the initiative is to develop

an approach in the respective jurisdictions, which will increase diversions and provide models for potential replication across the country.

- In Nova Scotia, the RCMP, Nova Scotia Department of Justice, Mi'kmaw Legal Support Network, and the Department have worked together to review pre-diversion rates over the past five years, and develop and implement a strategy for improving numbers province-wide. In response, an information campaign has been developed and is currently being rolled out at all 52 RCMP detachments across the province through co-presentation by representatives of the RCMP, Nova Scotia Department of Justice, and Mi'kmaw Legal Support Network. Importantly, the RCMP has committed to a percentage increase year-over-year in pre-charge diversion rates, starting in April 2016, to be monitored through to March 2019. In support of this initiative, "RJ icons" are being installed in all RCMP car desktops to provide immediate access for officers to information on restorative justice policy, procedure and contacts. It has also implemented the practice of a monthly review of pre-charge diversion statistics, followed by quarterly reports to senior officials on results.
- In Manitoba, the RCMP, Manitoba Justice, and the Department have worked together to develop a Manitoba-specific strategy to increase pre-charge diversions. It is agreed that the RCMP will be piloting activities in the communities of Dauphin and Winnipegosis, Opaskwayak Cree Nation, and Pine Creek First Nation. Discussions are currently underway with the Manitoba Métis Federation, the Manitoba Keewatinowi Okimakanak, and the Southern Chiefs Organization, respectively, as the AJS-funded community-based justice programs associated with the sites. The intention is to involve the Indigenous organizations in further planning and seek their comments on a draft information package. Working in concert, the group is developing a strategy and complete information package so that presentations can be rolled out for RCMP detachments and communities by fall 2016.

Representatives of the FPT justice departments meet periodically as members of the AJS FPT WG. A prevailing view among KIs was that although FPT WG discussions were useful and important, the ideas that emerged did not appear to lead to policy and program changes. KIs pointed to the fact that the AJS FPT WG is not part of the Department's structure of committees of senior officials, and therefore has no effective mechanism through which to move its ideas forward or make decisions.

The Indigenous justice policy function has resided outside the AJD in recent years, and the focus has been on comprehensive lands claims, specific claims, self-government and other rights-based issues, as opposed to community-level programming. There has been very limited research or

policy support from the Indigenous Law and Criminal Law Policy groups in developing enhancements to Indigenous community-based justice policy and programming. AJD is not able to take on a greater policy function because the most immediate concern has historically been a short-term mandate and frequent preparation for renewal.

4.2.3. Indigenous Communities are More Involved in Local Justice Administration

This outcome is premised on the belief that putting in place locally delivered programs and services will result in communities having greater control over the administration of justice for their people, within the limits of the *Criminal Code* and sentencing legislation. The evaluation found that in communities with AJS community-based justice programs, there are alternative programs in place that have been accessed by about 9,000 individuals annually. As section 4.2.5 describes in more detail, an analysis of recidivism rates indicates that program participants are about 40% less likely to reoffend than those eligible but not participating, and that this effect carries over well past the time of the offences in question (at least eight years, which is the limit of the analysis). The programs have proven in many cases to be successful in reducing recidivism and improving the lives of participants. The evaluation found that because most referrals to these programs and services come from police and court officials, decision-making authority still rests with those making the referrals. Community control over justice administration is therefore limited in scope, but once the referrals are made, the community gains considerable control in how the cases are managed.

In participating communities, there is a recognized increase in community involvement in the administration of justice, directly related to the degree of success in establishing relationships with the MJS. Where programs are in place and being used by the MJS, CJWs and other community participants point to the use of healing circles, sentencing circles, culturally and spiritually based programs and community forums as representing a meaningful adaptation of the administration of justice to local needs.

Case study respondents described a prevailing perspective in their communities that when a community member commits a crime, it is the whole community that suffers, and the whole community needs to be part of the solution. This was exemplified in Elsipogtog First Nation, where the program's healing plans are developed through consultations by a justice committee that is composed of cultural representatives and highly regarded leaders within the community. Another case which exemplifies community ownership is a referral from Elsipogtog Victim Services, for a victim of domestic abuse. The victim had noted that since the incident, she has felt a tremendous

amount of support from the program, alongside members of the community who are aware of her situation – resulting in a feeling that the community is working together to heal this person - a powerful feeling. Punky Lake Wilderness Camp Society also has a justice committee composed of community representatives from the seven participating communities. They also provided examples of the importance of community ownership of issues through the use of a healing circle to solve an ongoing long-standing historical conflict between two communities. Through collaborative efforts from the MJS and the program, the two communities were brought together to implement restorative justice frameworks. This was in response to realization on the part of the communities that for the restorative model to work, they had to all take responsibility for each other. Their programs in that context represent an acknowledgement of this perspective within the MJS response. Case study respondents also indicated that there is a ripple effect of involvement among community members, and a strong identification with the programs as “theirs”. CJWs said that this identification often results in more public trust in the administration of justice.

Barriers to Community Involvement

However, there are barriers to increased community involvement. There are gaps in services and many communities do not have access to AJS programs. Among those that do, there is sometimes a reluctance to refer clients to them by the MJS, as outlined in the section on referrals above. As well, CJWs say they have too large a caseload and too many responsibilities to be able to do outreach in the community to the extent that they would like. Managing their core functions is often all they can handle, unless funds are available for additional workers from other sources. There is a heavy reliance on Elders and community volunteers, and often little time to engage them as effectively as they would like. This concern was echoed by FPT justice officials, who noted that funding for the programs has increased only modestly, and at times has reduced over the history of the program, in the face of increasing costs and increasing caseloads for some programs³³.

Interview and survey respondents offered a number of ways that community involvement in the administration of justice could be enhanced. First and foremost was the need for greater training of CJWs to help them do their jobs as effectively as possible. The limited funding available for

³³ Total funding under the Community-Based Justice Fund diminished slightly through the evaluation period, starting at \$11.4 million in 2011-12, and decreasing to \$10 million in 2015-16. Between 2000 and 2010, total community-based justice funding increased gradually from close to \$6 million to almost \$12 million, but since then it has remained the same or has diminished. No figures for community justice program caseloads or expenditures were available, but CJWs indicate that caseloads have gradually increased as programs and MJS relationships have developed, and that administrative expenses tend to increase over time, presumably in line with inflation.

capacity building is one of the factors contributing to this gap. This is in spite of high demand for training, information-sharing activities, and sharing of best practices. Training derives primarily from the Capacity-Building Fund, one-time contributions or grants for only a small number of communities each year, and AJD officials acknowledge that often the more advanced communities are successful in obtaining the funding because they have greater proposal writing experience.

There is a perceived value among CJWs and FPT justice officials in bringing CJWs together for training and information exchange, especially to enable less developed programs to learn from more experienced ones. Several KI respondents raised the issue of the value and economy of larger national conferences in place of smaller groupings of programs. AJD funds annual regional gatherings of CJWs through the Capacity-Building Fund and on an ad hoc basis, regional officials bring CJWs together for workshops, but these are infrequent. Several provincial justice officials pointed out that although CJWs operate in parallel with MJS officials, such as probation officers, courtworkers and victim assistance workers and have comparable roles, they receive much less support than their counterparts in terms of training and core competency management, pay scales and work benefits. KIs felt that the integrity of the community-based justice programs could be increased by remedying some of these issues.

FPT officials also pointed to the lack of an ongoing mandate and stable AJS funding year by year. In a program that is indeterminate in duration or funded for a five or ten-year period, funding recipients are able to make long-term plans, offer stable employment to managers and staff, and allocate time to put in place effective management strategies. The AJS has not been able to offer the funded communities this kind of stability. Frequent turnover among CJWs (especially frontline staff) is seen by most observers as an inevitable consequence. Their point of view is that this state of affairs often prevents communities from being able to offer an alternative justice response that is well integrated with the MJS.

Some Promising Approaches

From the sources of information for this evaluation, a number of practices were identified as having potential to improve the ability of communities to successfully administer alternative justice processes. Some of these have to do with the way that communities plan and implement their programs and services. One example is the implementation of community-integrated case management strategies, such as “hubs” in Elsipogtog First Nation in New Brunswick, and similar integrated approaches being developed at the Kwanlin Dun First Nation in the Yukon. The “hub” is an evidence-based, collaborative problem solving approach originating in Saskatchewan. It

draws on the combined expertise of relevant community agencies to address complex human and social problems before they become policing problems.

Another example is a resource database (funded by the Capacity-Building Fund) that provides access to over 650 service providers that have been vetted by the Manitoba Métis Federation, which their staff indicated they can access and refer clients to services much more efficiently than before.

Also viewed by participants as an important element of effective programming is a strong link between community-based justice programs and the local Indigenous government. This is in place at Elsipogtog and Kwanlin Dun, and is inherent in the programs operated by provincial or regional organizations, such as the United Chiefs and Council of Mnídoo Mníising, the Manitoba Métis Federation and the Saskatchewan Tribal Council.

A key message from CJWs is the importance of broad community engagement in designing and maintaining community-based justice programs, and that this derives primarily from promoting recognition of offences as a community problem rather than an individual one. Related to that is the idea of integrating community-based justice programs into a broader community governance approach that includes a range of policy and program areas. In one case study, Elsipogtog First Nation, the broad governance approach described above means that individuals involved with the law are treated in a similar fashion to those with other health and social problems through a more holistic approach. In that same community and at Kwanlin Dun, a reserve-based court is being negotiated so that all related programs and services can be directly tied to the formal court process. This approach parallels recommendations on government support for community-based justice where the need has been identified for a cross-government, better coordinated approach.

Another innovation that appears effective for multi-community arrangements is the careful documentation of:

- case files for each community it serves;
- interventions and their results;
- lists of services and service providers available;
- files with training that have been developed (e.g., training on how to organize and run effective healing or sentencing circles, how to get community buy-in); and
- descriptions of best practices.

This written information can then be shared across sites and with any new CJWs such that training, best practices and community engagement materials developed in one site can be used in other sites. The Saskatoon Tribal Council program also uses a coordinator to develop and share resources across all communities it covers, which is considered cost effective. The coordinator then serves as a repository for knowledge of communities and interventions but also trains any new CJW and supports them as they learn the role, shortening the time it takes for them to be comfortable in the role while the director of the program can focus time on outreach and advocacy.

A number of successes were identified through the AJS case studies associated with promising alternative approaches to justice. Programs have developed community-driven plans to ensure the victim, the community and family are satisfied with decisions and outcomes (e.g., Elsipogtog, Punky Lake Wilderness Society, United Chiefs and Council of Mnidoo Mnising). Several success stories provided by AJS programs spoke of a healing circle including apologies to the community, while another developed an isolation and personal wellness plan to ensure the offender was accountable for his actions and willing to work on himself. Overall, the outcomes have reportedly been positive and offenders have been able to access diversion from the MJS and into the community for healing decisions.³⁴

These types of enhancements are viewed positively, but they can be a challenge for many communities that have limited resources beyond what the AJS and the provinces and territories provide. The Saskatoon Tribal Council has found it effective in the past to have a presence at court to quickly identify and approach potential clients, thus decreasing reliance on referrals from MJS representatives. However, as demand for services increased and AJS funding remained stagnant, this service was discontinued and more individuals reportedly fell between the cracks. KIs consulted for this evaluation were clear that broader access to alternative justice programming and substantial improvements in program quality and effectiveness are not possible with existing resources. To the contrary, rising costs and demand for services with stagnant resources are viewed as likely to weaken effectiveness.

4.2.4. Relevant Indigenous Cultural Values are Reflected in the Canadian Justice Administration

The intention of the AJS is that community-based justice programs offer alternatives to the MJS that reflect local cultural values, and that the MJS will recognize the suitability of these programs

³⁴ More description of the six case study community-based justice programs are provided in Appendix C.

and refer clients to them. We saw in section 4.2.1 that the AJS has succeeded in supporting community-based justice programs in many communities and that these programs are viewed by CJWs and community leaders as reflecting local Indigenous values. We also saw that some MJS officials recognize the value and validity of these programs as culturally appropriate alternatives, but that many do not, and that referrals from the MJS are a real challenge to the success of the community-based justice programs.

The existence of community-based justice programs provides an opportunity for the MJS to reflect Indigenous cultural values, with success in some communities and the beginnings of progress in others. Where the programs are not as advanced (often when they lack resources from their communities and rely solely on AJS funding), MJS recognition and referrals are less frequent. And of course, in communities without AJS-funded programs, there is reason to believe that the justice system does not reflect Indigenous cultural values.

Case study participants and some comments accompanying survey responses indicated that there is a perceived divide between the MJS and the kind of justice delivered by community-based justice programs. The focus for most communities is to provide a way to reconnect with their culture and traditions, as a key component of the path to greater individual and community well-being. The assumption is that the MJS will never provide such opportunity, so the most that can be hoped is that justice is increasingly administered by the communities themselves, either through referrals or by establishing courts in the communities themselves. Evidence for this evaluation indicates that there remains considerable room for improvement in having the MJS reflect Indigenous cultural values.

4.2.5. Reduced Crime, Victimization and Incarceration Rates in Communities with Funded Programs

Overrepresentation

It is anticipated that successful AJS programming will help to reduce crime and victimization and will help to reduce the number of Indigenous people taken into custody through the MJS. However, there are many factors beyond community-based justice programming that work against that

outcome, including poverty, unemployment, high rates of victimization³⁵, poor living conditions in Indigenous communities, health and mental health issues associated with intergenerational trauma, and a MJS that can be insensitive to these factors. As discussed earlier in this report, Indigenous people are overrepresented in correctional facilities³⁶.

Correctional services statistics indicate that there has been a reduction in adult Indigenous custodial admissions between 2010-11 and 2014-15 (see table below). However, the percentage decrease in adult custodial admissions among Indigenous adults (20% over the five years) is less than the percentage decrease among adult non-Indigenous admissions (22%). Ultimately, the issue of overrepresentation continues with Indigenous adults, representing approximately 26% of all adult admissions, while only representing 3% of the Canadian adult population.

Table 4: Indigenous Adult Custodial Admissions to Provincial and Territorial Correctional Services, 2010-11 to 2014-15

	2010-11	2011-12	2012-13	2013-14	2014-15	% decrease
Indigenous Adult Admissions	64,285	66,819	52,011	51,668	51,463	20%
Non-Indigenous Adult Admissions	185,834	184,153	155,812	148,897	145,336	22%
Total Adult admissions ³⁷	250,119	251,972	207,823	200,565	196,799	21%
% of Indigenous Adult Admissions	26%	26.5%	25%	26%	26%	0%

Sources: Statistics Canada, 2016, Cansim Tables 251-0022.

With regards to Indigenous youth, there has been an even more significant decrease in admissions to provincial/territorial correctional services (both custody and community services) between 2010-11 and 2014-15. However, the decrease was not as pronounced as non-Indigenous youth (45% compared to 54%). The following table also indicates that the representation of Indigenous youth in provincial/territorial correctional services has grown from 29% in 2010-11 to 33% in

³⁵ Indigenous people are 10% more likely than non-Indigenous people to be in households that are victimized by crime (20% vs. 30%) according to a Canadian Centre for Justice Statistics report entitled *Criminal victimization in Canada, 2014*.

³⁶ Indigenous adults accounted for 26% of admissions to provincial/territorial correctional facilities and 22% in federal facilities in 2014-15, while representing 3% of the Canadian adult population. Indigenous youth represent 33% of admissions to correctional services, yet comprise only 7% of the Canadian youth population.

³⁷ The table does not include admissions where the Indigenous identity was unknown.

2014-15, even though the overall number of youth admissions to correctional services has decreased (51%) during this period.

Table 5: Indigenous Youth Admissions to Provincial and Territorial Corrections³⁸, 2010-11 to 2014-15

	2010-11	2011-12	2012-13	2013-14	2014-15	% decrease 2010-15
Indigenous Youth Admissions	10,411	10,578	7,667	6,853	5,718	45%
Non-Indigenous Youth Admissions	25,519	22,715	16,471	13,802	11,739	54%
Total Youth Admissions ³⁹	35,930	33,293	24,138	20,655	17,457	51%
% of Indigenous Youth Admissions	29%	32%	32%	33%	33%	

Sources: Statistics Canada, 2016, Cansim Tables 251-0012.

Although there is no direct causal evidence, FPT government efforts to reduce reliance on custody as a sentencing option and to provide viable alternatives such as AJS programming may be contributing to this improvement.

Incarceration and victimization data in specific communities are not known, so comparisons between AJS-supported communities and those with no such programs are not possible. However, the evaluation did examine recidivism rates among individuals who were referred to AJS-funded community-based justice programs and services, comparing those who attended the programs against those who were referred but did not participate. This analysis was a repeat of similar recidivism analyses conducted for three previous AJS evaluations, and a summary of the analysis is presented in Appendix D.

AJS Influence on Recidivism


Individuals participating in AJS-funded programs are significantly less likely to re-offend than those referred but did not participate. The analysis used a Cox Regression to compare the program and comparison groups of offenders. Table 6 below shows the annual comparative figures for each year after program completion up to eight years. Participants were 43% less likely to re-offend than non-participants after one year and remained substantial at 37% after eight years, suggesting that in a high proportion of cases the community-based justice programs are having a lasting

³⁸ This includes both custodial and community services.

³⁹ The table does not include admissions where the Indigenous identity was unknown.

positive impact on the lives of those individuals who participated. These findings are very close to those reported in the 2011 AJS evaluation and in the two earlier evaluations.

Table 6: Recidivism Rates

Recidivism Rates				
Time after Program Completion ⁴⁰	Cumulative % of Offenders who have Re-offended		Likelihood of Participant Group to Re-Offend Over Comparison Group (%)	
	Participant	Comparison	Likelihood Each Year (%)	% Difference Year 1 Versus Year 8
1 year	11.9	20.7	-42.51	-43%
2 years	17.6	29.8	-40.94	
3 years	20.4	34.1	-40.18	
4 years	23.0	38.0	-39.47	
5 years	24.7	40.5	-39.01	
6 years	26.7	43.2	-38.19	
7 years	28.1	45.3	-37.97	
8 years	29.6	47.3	-37.42	-37%

Note: Recidivism rates are fitted from the Cox Proportional Hazards Model and are based on the average characteristics of the national sample: number of prior drug convictions (mean=0.2), number of prior violent convictions (mean=1.2), number of prior non-violent convictions (mean=2.1), and age (mean= 30).

These findings are supported by the perceptions of CJWs and some police and Crown who refer to the programs, and by participants in the case studies, all of whom consider that the alternative, culturally relevant programming offers a more effective way to help many offenders than the MJS. This means that approximately 9,000 individuals who participate in AJS-funded community-based justice programs each year have access to programs that offer a real opportunity for change. In participating communities, the AJS is succeeding in helping to reduce crime, incarceration and victimization by reducing recidivism rates.

Program Completion

There are a number of factors that influence a participant’s ability to complete the program. According to CJWs surveyed, having positive peer associations (79%), a bond with family (72%), being a youth (69%), being employed (62%), and having housing stability (62%) were considered some of the biggest factors helping a person succeed in a community-based justice program. Police and Crown representatives surveyed reported similar results; however, they found age a less

⁴⁰ The period of study was for anyone referred to one of the AJS programs participating in the study between 2004 and 2012.

influential factor (49%). Police reported housing stability to be very important (89%), whereas it was considered less important for Crown representatives (57%). Other important factors included having positive relationships with CJWs, having strong support from others, demonstrating maturity/motivation, as well as having a safe, positive environment. Specific to youth are issues around isolation once they leave the communities to participate in the programming. Youth often find it difficult to participate and complete the programs without the support from their families and other support systems⁴¹.

In terms of the programs themselves, CJWs surveyed indicated that the most important factors contributing to participants' success included a recognized and established program to refer people to, availability of different types of services (for example, programs with a spiritual component, or those that offer pre-charge diversion), as well as the level of contact and interaction within the programs. Having a safe and positive environment was also considered an important aspect of Indigenous culturally specific programming.

Other Success Factors

The success of the program and its ability to generate improvements in the community were also seen as being influenced by factors internal and external to the program. For example, perceived barriers to improvement included high turnover of CJWs and a lack of services to refer individuals to, as well as a lack of collaboration with other support services, such as education, to offer seamless support. In addition, outcomes were influenced by other crises in the community including housing and drug use, the level of support received from the MJS, and the overall quality of life/opportunities in the community such as employment levels⁴².

However, observers consulted for the evaluation also cautioned that there remains a great deal to be accomplished to improve the overall situation for Indigenous people in conflict with the law and for the communities they live in. The evaluation found that a majority of Indigenous communities do not have access to alternative community-based justice programs of the type supported by the AJS. Even in communities supported by the AJS whose programs are considered successful by FPT justice officials, crime and victimization are still serious problems, and in one case study, community perceptions of safety by CJWs and other justice officials had deteriorated in recent years despite success for some individuals. Their perception of the value of the AJS, aside from the clear benefit to participating individual clients and their families and communities, was

⁴¹ Finseth, S. & Peterson-Badali, M. (2015). Meeting the Needs of Aboriginal Youth in the Ontario Justice System: A Qualitative Investigation, University of Toronto, p.2.

⁴² Ibid.

expressed as “how much worse it would have been without the programs”. Case study participants emphasized the challenge of recovering as communities from many years of discrimination and systemic abuse, and the fact that the AJS, while important and beneficial, is just one component of a larger and broader effort that is required.

4.2.6. Safer and Healthier Communities

The AJS seeks to help make communities safer and healthier by supporting community planned and delivered alternative justice programs and services. Together with other measures, the Department seeks to support a fair, relevant and accessible justice system (a strategic outcome for the Department as a whole). The high degree of overrepresentation of Indigenous people among Canadians in conflict with the law and in custody is widely understood to relate both to ineffective MJS responses and to a range of root causes related to Indigenous health and wellness. AJS programs typically address cultural and spiritual aspects of the lives of clients, with a view to addressing those root causes and helping individuals towards a healthier path of life. Family and community members and victims of crime are often included in the administration of justice, and as the offenders take responsibility for their actions and undertake to make amends, the community as a whole is seen to be healed as well.

In the previous sections, the extent of the AJS contribution to improved conditions in Canada’s Indigenous communities has been examined and found to be substantial in many participating communities. Individuals participating in AJS-funded community-based justice programs were found to be about 40% less likely to reoffend than offenders who were referred but did not participate in the programs. Virtually all CJWs surveyed believe the AJS-supported programs are leading to increased community health and safety, with about half of them (54%) saying this is the case to a large or very large extent. All case study respondents, including some program participants, pointed to the benefits in terms of spiritual renewal, reconnection with culture and traditions, reconciliation with victims and the broader community, to individuals who participate in community-based justice programs, and to the fact that a high proportion who participate fully are able to stay out of the justice system in the future and get involved in more productive lifestyles. They also point to positive outcomes for victims of crime by having them involved in the solutions, and often by having their losses recovered in some fair way.

At the same time, participating communities and the other evaluation sources recognize that the AJS is not the whole solution, that crime, especially related to alcohol and drug abuse, continues to be a huge problem, and that the communities are not as safe as they should be. Given the breadth

and depth of the problem the AJS seeks to address, and given that a majority of Indigenous offenders do not have access to AJS programs, safer and healthier Indigenous communities remain a work in progress.

4.3. Performance – Demonstration of Efficiency and Economy

As per the Treasury Board 2009 *Policy on Evaluation*, the evaluation included an analysis of the efficiency and economy of the AJS. This involved KI interviews to assess whether there are alternative ways to deliver the Strategy to increase its effectiveness; analysis of resources to determine how they were used; analysis of the operational efficiency of the Community-Based Justice Fund and Capacity-Building Fund; and an analysis of recidivism rates and cost implications on the MJS.

Economy

An analysis of economy focuses on inputs and whether they are optimized (or minimized). Economy is achieved when the cost of the resources that are used approximates the minimum amount needed to achieve the expected outcomes. This analysis examined the relation between planned and actual expenditures for the AJD, which is the responsibility centre within the Department for the administration and delivery of the AJS.

Table 7: AJD Allocated Resources and Expenditures for the AJS 2012-2016

	Salary ⁴³	O&M	Gs&Cs ⁴⁴	Total
AJD Allocated Resources	\$7,027,782	\$2,472,145	\$50,551,752	\$60,061,679
AJD Expenditures	\$3,345,281	\$580,871	\$49,929,778	\$53,855,930
Difference (Amount not Spent)	\$3,682,501	\$1,891,274	\$621,974	\$6,195,749
% Not Spent	52%	77%	1% ⁴⁵	10%

Source: Department Financial System

⁴³ Salary expenditures adjusted to include only those associated with the management of Gs&Cs. Chief Financial Officer costs, corporate costs and evaluation costs were excluded.

⁴⁴ Demand for funding exceeded available funds by a considerable margin throughout the evaluation period. In 2015-16 an additional \$250K was allocated from the Programs Branch using available funds from other programs.

⁴⁵ The 1% not spent was due to a small number of communities not being able to spend all of their contributions in particular funding streams.

Table 7 indicates that during the reference period (2012-2016), a total of \$54M was spent by the AJD on the AJS, an amount 10% less than the \$60M allocated (budgeted). The ability of the AJD to fully expend resources identified through TBS authorities was impacted by a number of government-wide and departmental spending limitations and reallocations (e.g., travel and staffing restrictions, Deficit Reduction Action Plan which led to a \$2M cut, and workforce adjustment). For all of these reasons, AJD only spent \$54M of the \$60M allocated. As indicated in the table, most of the unspent funds were taken from salaries (\$3.3M spent vs. \$7M allocated).

The fiscal restraint had an impact on human resource management within the AJD. It resulted in hiring freezes and difficulties in recruitment at various times. It also meant that the program had a reduced presence in the regions, and Regional Coordinator and Program Analyst positions were reduced and consolidated. In practical terms, a key result was that the bulk of regional staff time was spent managing program funding agreements, rather than performing important AJS program development functions and supporting communities in their implementation of programs and services.

AJS relations with the provinces and territories are positive and collaboration is taking place at the national and regional levels, but this is greatly limited by heavy demands on FPT staff with limited staff complements. Some provincial and territorial respondents felt that the Department could do more work to encourage collaboration with the MJS, including working with the RCMP to encourage diversion as an accepted practice, and working with provincial officials to encourage more routine Crown acceptance and use of community-based justice alternatives. AJD officials, including Regional Coordinators, have found themselves unable to take on these functions beyond existing levels because of budget cutbacks and the need for employees to focus with regular frequency on program renewal rather than on program enhancements or planning activities⁴⁶.

In section 4.2.2, it was noted that there is a shared understanding at the FPT and local levels of the need for a more holistic approach to Indigenous justice, and that there is important work for the Department to undertake in fostering stronger cross-departmental and multi-disciplinary collaborations. With AJD officials focusing attention on program renewal and without a longer-term commitment to the AJS with sufficient policy and regional-level resourcing, these enhancements have not yet been possible.

⁴⁶ This issue is described in more detail in Section 4.3.

Operational Efficiency

Operational efficiency can be defined as the extent to which the costs of producing program outputs are reasonable. In the context of this evaluation, operational efficiency was assessed by calculating the administrative costs associated with the Gs&Cs, and the factors explaining this ratio. The total salary and O&M expended by the AJD to administer the two Funds⁴⁷ between 2012 and 2016 was estimated to be \$3,258,706 ($\$3,926,152 \times 83\%$ ⁴⁸).

Given that Gs&Cs commitments made by the two AJS Funds in this period was \$49,929,778, for each administrative dollar spent (salary and O&M), \$15.32 of AJS funding was made available to support Indigenous communities.

The total operating costs (the amount of salary and O&M spent to administer the AJS Funds and to support communities through Gs&Cs) was \$53,188,484. The administrative costs expressed as a percentage of total operating costs were:

- $\$3,258,706$ (AJD salary and O&M) / $\$53,188,484$ (total operating costs) $\times 100 = 6\%$.

The administrative efficiency ratio (salary and O&M as a portion of Gs&Cs) awarded was:

- $\$3,258,706 / \$49,929,778 = \$0.06$.

This means that for every dollar invested in Gs&Cs, the Department spent \$0.06 in administrative costs to support the delivery of the two Funds. Although a systematic comparison with other federal Gs&Cs programs is beyond the scope of this evaluation, the \$0.06 in administrative costs per dollar of Gs&Cs, the resulting efficiency ratio, is modest considering that the components of the two Funds involve a significant amount of interaction with funding applicants and recipients to process and monitor the Gs&Cs⁴⁹.

⁴⁷ The Community-Based Justice Program Fund and the Capacity-Building Fund

⁴⁸ The total salary expended was \$3,345,281 and the total O&M expended was \$580,871, the total AJD resources expended between 2012 and 2016 was \$3,926,152. An estimated 83% of the AJD resources were used in the direct administration of the two Funds. The other 17% is expended on policy activities to support the AJS, thus was removed from the calculation for operational efficiency.

⁴⁹ The efficiency ratio is based on the resources expended. If the full allocated resources could have been expended, the efficiency ratio would have been 0.15. Although there are no known benchmarks regarding the administration costs of G&C programs in Canada, one comparison point used by many researchers is the charity sector. The most extensive study conducted in Canada about charity organizations indicated that on average, administrative

Qualitative evidence indicates that the ratio of administration costs should be assessed in light of the structure of the AJD, which is a decentralized program. According to interviews and administrative data, although regional delivery involves costs of staffing the regional presence, there are net benefits. It allows AJD regional staff to work more closely (in person in many instances) with provincial representatives at the regional level. Regional staff also have direct linkages with service providers, allowing AJS to have a regional and local perspective, including awareness of unique regional and community realities. It has the added benefit of providing the Department as a whole with presence on the ground and a center of regional expertise that the Department can draw on. Direct linkages with providers allow a more adapted delivery to communities, including risk-based project monitoring. Case study respondents clearly indicated that they appreciated the regional presence of the program, and provincial/territorial representatives consider it critical to the AJS' success, particularly in fostering relationships with the MJS and in troubleshooting communities with challenges in implementing effective programs. In this context, the AJS' administrative cost ratios are deemed acceptable.

This type of regional presence is unique within the Department, but regionalized delivery of community-based justice programs is common practice for Indigenous programs in other federal departments such as Indigenous and Northern Affairs Canada (INAC)⁵⁰ and Health Canada, with differing levels of departmental involvement and support. The AJD has been the main point of contact for community engagement and is considered by the program to be one of the best departmental models to build nation-to-nation relationships.

Service Standards

The Department has a set of service standards⁵¹ for Gs&Cs which covers the AJS. The degree of achievement of service standards is another indicator of efficiency. Table 8 below outlines the

costs absorbed by charitable programs represent 16% of their expenditures. Only 65% of charities' expenditures go to programs. The study was based on data from 69,230 organizations in Canada. Source: Sharpe, D. *A portrait of Canada's charities: the size, scope and financing of registered charities*. Toronto: Canadian Center for Philanthropy, 1994.

⁵⁰ For example, the Education Partnership Program at INAC offers an example of the value of a regional presence. While the Program is managed entirely at NHQ, much of the work takes place in the regional offices. The officers develop relationships with leaders in the communities they serve, receive proposals and submit them to NHQ for approval, and manage the resulting funding agreements. Besides the Program, they may also have a similar role for other funding programs in the region, so they gain wide experience in working with their communities across a range of program areas.

⁵¹ Service Standards for Departmental Funding Programs include the following: acknowledgement of receipt of proposals, within 7 calendar days; official written notification of the funding decision, within 120 calendar days

percentage of time that the AJD met the departmental service standards in the administration of Fund projects.

Table 8: AJS G&C Service Standards Achievement (2012-2016)

Fiscal Year	Percentage of time the Acknowledgement Standard was met	Percentage of time the Funding Decision Standard was met	Percentage of time the Payment Standard was met⁵²
2010-11	94%	99%	no data available
2011-12	89%	91%	no data available
2012-13	97%	90%	85%
2013-14	91%	95%	95%
2014-15	94%	90%	78%
Average	93.0%	91.5%	86.0%

Between 2010 and 2015, the AJD met the service standards between 86% and 93% of the time. In total, in comparison to other departmental funding programs, performance results were similar for the five years. Provincial and territorial officials reported a high degree of satisfaction with the administration of the AJS.

Allocative Efficiency

The focus of allocative efficiency is to examine the relationship between resources spent and the outcomes achieved, that is, whether the resources consumed were reasonable for the outcomes achieved in light of the activity's context and priorities. The evaluation assessed the allocative efficiency of the AJS by assessing the costs avoided by MJS courts by referring offenders to AJS community-based justice programs⁵³. The MJS was used for comparison as it is the only alternative for the majority of AJS-funded program participants.

AJS Costs

The costs of AJS-funded programs were calculated based on the amounts allocated from the Department and cost-shared contributions from the provinces and territories for the 2014-15 fiscal year. Total program spending was averaged over the recorded number of clients for each program

of the Program's receipt of proposal; and payment processed within 28 calendar days after the completion of the requirements outlined in the contribution agreement or the grant letter.

⁵² Payment service standards is based on a random sample of projects.

⁵³ Appendix D provides the details of the comparative cost calculations.

during the fiscal year. The following definitions were used in estimating the costs per client of AJS-funded programs:

- Costs for AJS-funded programs were defined as the total funds allocated to programs from FPT governments, including administrative costs of the program, in 2014 dollars. The total allocations were \$25,591,255⁵⁴.
- Clients were defined for the purposes of this analysis as offenders referred to an AJS-funded program who participated whether or not they successfully completed the program. The total number of clients was 9,039.

MJS Court Costs

For comparative purposes, the costs of the MJS were also calculated. Recognizing that the main point of diversion from the MJS for participants of AJS programs is the courts, spending including court expenditures, legal aid and prosecutions were used to determine the costs of the MJS (\$1,650,268,754). Policing and corrections costs were excluded from this analysis. The following definitions were used in estimating the costs per client of the MJS:

- Court costs were defined as the total court expenditures processed in courts in 2014-15 (\$455,886,823). The total number of criminal cases processed in courts in 2013-14 was then projected for 2014-15 (\$393,295). The total court costs per total criminal cases resulted in an estimated cost of approximately \$1,159 per case in 2014 dollars.
- Prosecution costs were defined as the total federal and provincial expenditures related to processing *Criminal Code* offences (\$837,950,931). The total number of criminal cases processed in courts in 2013-14 was also projected for 2014-15 (\$393,295). The total prosecution costs per criminal case were estimated as \$2,131 in 2014 dollars.
- Legal aid costs were considered to be the sum of all provincial and territorial legal aid plans' direct legal service expenditures in the areas of criminal law in 2014-15 (\$356,431,000). The number of cases receiving legal aid was calculated as the total number of approved criminal legal aid applications for all provincial and territorial legal aid plans (\$311,158). The average legal aid cost per criminal case was therefore calculated to be approximately \$1,145 in 2014 dollars.

⁵⁴ The number of clients was not reported for three programs, so they were removed from the calculations.

To the greatest extent possible, only the costs that would differ between the AJS-funded community-based justice programs and the MJS were compared. Policing costs were excluded from analysis, as these costs are often the same whether an offender is referred to an AJS program or proceeds through the MJS. Post-sentencing costs were also excluded as no data on how sentencing differed between AJS program participants and offenders in the MJS was available. Additional community-based justice program costs were also excluded.

AJS and MJS Cost Comparison

Costs per participant in the MJS were taken as the sum of the court, prosecution and legal aid costs per case, which totaled approximately \$4,435 in 2014-15, while the mean of the average cost per participant of the AJS programs in 2014-15 was \$2,831. Therefore, AJS provided immediate savings to the MJS in the amount of \$1,604 per program participant ($\$4,435 - \$2,831$) or \$14,498,556 for the full cohort in 2014-15 ($\$1,604 \times 9039$).

Although there were some methodological limitations (see Appendix D) in the comparative cost analysis, the AJS community-based justice programs are a cost-efficient alternative to the MJS. This is especially true when considering the future cost savings to the MJS produced by AJS programs through reduced rates of recidivism on the part of program participants. Since the recidivism study found lower rates of recidivism among AJS-funded program participants than the comparison group, the cost savings of the AJS to the MJS extend into the years beyond program participation.

Present Value and Future Cost Savings

The present value, in 2014 dollars, of the longer-term (eight-year period of study) cost savings associated with the AJS were calculated based on the rationale that the differences in the participant and comparison groups' rates of re-offending result in fewer instances of AJS-funded program participants being involved in the MJS in the future, which reduces the amount of required future court, prosecution and legal aid expenditures. To estimate the value of these cost savings, the incremental reduction in the average recidivism rates between program participants and the comparison group were calculated each year for eight years following program participation. Table 9 presents these incremental reductions in recidivism rates. The incremental reduction in the yearly recidivism rate can then be calculated as an average cost savings to the MJS each year over the eight-year period in question, for each AJS-funded program participant. Since the recidivism study found the program participants in the study were 8.8% less likely to re-offend after one year than

the comparison group, and the average cost per case in the MJS was estimated at \$4,435, the cost savings per program participant, in 2014 dollars, one year later would be:

$$\$4,435 \times 8.8\% = \$390$$

The following table provides the cost savings per program participant in each of the eight years following program participation.

Table 9: Incremental Reductions in Recidivism Rates of AJS Program Participants and Resulting Cost Savings

Time After Program Completion	Cumulative Percentage Who Have Re-Offended		Incremental Percentage Who Have Re-Offended	Cost Savings Per Program Participant to the MJS Each Year (2014 \$)	Discounted Cost Savings Per Program Participant to the MJS Each Year (2014 \$) <i>i</i> = 8%
	Participants	Comparison Group			
1 year	11.9	20.7	8.8	390.30	361.39
2 years	17.6	29.8	3.4	150.80	129.29
3 years	20.4	34.1	1.5	66.53	52.81
4 years	23.0	38.0	1.3	57.66	42.38
5 years	24.7	40.5	0.8	35.48	24.15
6 years	26.7	43.2	0.7	31.05	19.56
7 years	28.1	45.3	0.7	31.05	18.12
8 years	29.6	47.3	0.5	22.18	11.98
Present value of cost savings per AJS-funded program over eight years:					659.68

Finally, the total present value (in 2014) of the eight years of cost savings per participant was calculated using the cost savings per participant per year, and the TBS-accepted real social discount rate for federal cost-benefit analysis of 8% per year. The following formula for calculating the present value was applied:

$$\sum_{i=0.08}^{n=8} \frac{\text{cost savings per program participant to the mainstream justice system each year}}{(1 + i)^n}$$

Using this formula, the present value of the cost savings per AJS-funded program participant over the eight years following program participation was \$660⁵⁵, while the cost savings achieved the year of program participation was \$1,604⁵⁶, for a total present value of savings of \$2,264⁵⁷.

As AJS-funded programs served thousands of participants each year, these cost savings per participant would contribute to much greater total savings. As an example, in 2014-15, 9,039 clients were served by AJS-funded programs. Assuming the present value of the cost savings per participant to the MJS over eight years is \$2,264, the total savings of one year's cohort to the MJS (e.g., 2014-15) would be:

$$\$2,264 \times 9,039 = \$20,464,296^{58}$$

This suggests that, in 2014-15, approximately \$20.5M in present and future cost savings to the MJS were achieved through AJS-funded programs. As the costs of AJS-funded programs, numbers of clients served, and reductions in participant recidivism rates tend to remain relatively steady over time, it is reasonable to assume that the future cost savings incurred each year would be similar.

In summary, given that the AJS offers cost savings greater than its costs when clients move from the MJS to community-based justice programming, and that clients of AJS programs have reduced recidivism rates and other life benefits, there appears to be little question that the federal government's investment in the AJS has a net benefit from the point of view of efficiency.

⁵⁵ Total discounted cost savings per participant, using a discount rate of 8%.

⁵⁶ The difference between cost of the MJS per participant and AJS cost per participant.

⁵⁷ Add the above two together for total PV savings. (\$660 + \$1,604 = \$2,264).

⁵⁸ Total present value savings of an entire cohort of AJS (9,039 participants).

5. CONCLUSIONS, RECOMMENDATIONS AND MANAGEMENT RESPONSE

The findings presented in Section 4 point to the following set of conclusions about the relevance and performance of the AJS.

5.1. Relevance

The evaluation has found that the conditions underpinning the AJS – overrepresentation of Indigenous people in the MJS and the inability of the System to address the problem effectively – are still in place today. There remains a need for programs and services that offer culturally appropriate alternative means to better protect victims in Indigenous communities and to help steer offenders toward more productive and healthy lives. The AJS is the only departmental community-based justice program for Indigenous persons. It is designed for that purpose, and there is considerably more demand for community-based justice program funding than the AJS currently has available. The Strategy is well aligned with federal government and departmental priorities to play an active role in helping to implement the TRC recommendations, several of which pertain directly to eliminating Indigenous overrepresentation and resourcing alternative justice strategies. There is agreement among FPT justice officials that there is a legitimate and important role for the federal government as the lead in supporting community-based justice programs in Indigenous communities.

5.2. Performance – Achievement of Expected Outcomes

5.2.1. Effectiveness of Community-Based Justice Programs

The evaluation has found that the AJS has succeeded in supporting the establishment of community-based justice programs in many Indigenous communities, and that these programs offer a range of types of alternative programming that are widely recognized as being culturally relevant to the people in those communities. For individuals accessing AJS-funded programs,

recidivism rates are lower than for those not participating, and the evaluation found anecdotal evidence that the programs can help bring about transformational change in the lives of participants and in some cases improved community safety. The AJS demonstrates success in achieving progress toward its intended outcomes in many communities and shows an ability to make a real positive difference where the conditions are in place. However, the fact that a majority of Indigenous communities do not receive AJS support means that large numbers of Indigenous people who are in conflict with the law are still faced with a MJS that is not able to respond effectively to their particular needs, and may in fact be perpetuating the problem of overrepresentation.

5.2.2. Access to Community-Based Justice Programs

The evaluation also found a number of factors in AJS-supported communities that limit access to effective alternative programming. One is that the community-based justice programs rely heavily on referrals from police and Crown to enable offenders to take advantage of their programs, and referrals vary greatly from community to community. In some communities, there is a strong, trust-based relationship between the MJS and the community-based justice programs. In others, those relationships do not yet exist because of the predisposition of MJS officials, their lack of awareness of the community-based justice programs or concerns over their quality. Data on referral proportions are not available, but there is a perception among FPT and community officials that there remains a great deal of work to accomplish in order to increase referrals. Steps are being taken to remedy this situation, such as a national RCMP diversion initiative that is viewed as another step in the right direction.

Recommendation 1:

The AJD work with the MJS to increase awareness of and confidence in the AJS to ensure referrals are being made when appropriate.

Management Response:

Agreed. The AJD acknowledges that a collaborative relationship that results in referrals from MJS officials (e.g. Police and Crown) is the cornerstone of success of the AJS. However, referrals have frequently been cited as an ongoing challenge resulting from lack of awareness or confidence in community-based justice programs. Police and Crown confidence in community-based justice programs is largely based on the knowledge and experience of the CJW responsible for delivering the community-based justice program.

Consecutive short-term mandate and long-standing program integrity issues have resulted in high turnover in CJW in AJS programs, which has led to instability in the program delivery and inconsistent referrals from the MJS.

The AJD has already begun working with the RCMP to help increase referrals to community-based justice programs. It will also pursue opportunities to support awareness building activities focused on developing partnership and building confidence in referral agencies, which is essential to the community-based justice program model.

5.2.3. Stability of Funding

The capacity of some of the community-based justice programs is also impacting the level of access to alternative programming. This relates to both human resources and training. AJS funding enables communities to hire minimal staff (in some cases, only a single part-time person) to operate programs along with volunteers or other staff paid through other sources. CJWs work is complex, requiring knowledge of the justice system, health and social services, child and family services, mental health and addictions services, and a range of other areas of expertise. But the CJWs are reportedly underpaid compared to mainstream counterparts (e.g., probation officers, victim service workers or courtworkers), and have relied in many cases on annual renewals of the AJS for continued employment. Staff turnover is considered high for these reasons.

AJD staff have encountered similar issues due to an extended period of short-term renewals of the program and staff and operating budget cutbacks. The regional presence of the program is viewed by AJD, provincial and territorial partners and CJWs as a key value because the Department has eyes and ears on the ground and can support the programs in linking better with the MJS. In recent years, though, reduced staff complements and travel restrictions have meant that much of the very important on-site work has not taken place. At NHQ, considerable time and energy has been expended preparing for frequent program renewals instead of further developing the initiative, preparing training programs, developing policy and program planning in concert with other complimentary areas of the Department as well as a much needed cross-departmental collaboration to recognize and act on the multidimensional nature of Indigenous overrepresentation.

Recommendation 2:

The AJD seek stability of funding for the AJS to address program integrity issues in community-based justice programs and to enable effective collaboration within the Department and with the MJS.

Management Response:

Agreed. The AJD will pursue opportunities to address program integrity issues as well as the need for new community-based justice programs.

The AJD will continue to foster and improve horizontal partnerships within the Department, for example, with the Aboriginal Courtwork Program. Joint opportunities for collaboration and research with provinces and territories and other government departments (i.e. Public Safety) will continue to be identified.

5.2.4. Enhancing the Capacity of Community-Based Justice Programs

The evaluation found that there is considerable variation in the quality of the programs, with some viewed as very strong and well organized and others requiring improvement. Stakeholders highlighted a number of factors that influence program quality, including the level of training and experience of program managers and staff; a lack of resources for systematic, ongoing training of CJWs and other service providers; and a lack of recognized core competencies for the various types of programs and services, resulting in a reported wide variance in the experience, training and abilities of CJWs.

The AJS has attempted to address these capacity issues through its Capacity-Building Fund. However, the impact has been limited in terms of resources, the ability of Regional Coordinators to provide support and mentoring to build capacity at the community level, and the one-time contributions or grants from the Capacity-Building Fund that are accessible to a small number of communities each year. AJD officials acknowledge that often the more advanced communities are successful in obtaining the funding because they have greater proposal writing experience.

There is a perceived value among CJWs and FPT justice officials in bringing CJWs together for training and information exchange, especially to enable less developed programs to learn from more experienced ones. This can be done through regional training events, webinars or online forum that increase access to training. In summary, the AJS demonstrates success in achieving progress toward its intended outcomes in many communities and shows an ability to make a real positive difference where the conditions are in place. But access is limited in many AJS communities due to lack of referrals from the MJS, and community-based justice programs are not accessible at all in a majority of Indigenous communities in Canada. In AJS communities, there are barriers to greater effectiveness related to program capacity, and the AJD has limited ability to help improve capacity with existing resources and with its current short mandate. Importantly, the

AJS is only one component of a broader cross-government and community initiative that is required to address the root causes of Indigenous overrepresentation.

Recommendation 3:

To enhance the capacity of Indigenous communities, the AJD focus Capacity-Building Fund resources on supporting activities that promote the development of a community of practice and have the greatest reach/impact on community-based justice programs.

Management Response:

Agreed. The AJD is committed to taking a more strategic approach to utilizing its capacity-building funding to maximize its funding and reach the maximum number of recipients. Regional training opportunities for example, provide jurisdictions with opportunities to bring community-based justice programs and other justice stakeholders together and focus on provincial/territorial priorities or emerging justice issues.

5.3. Performance – Demonstration of Efficiency and Economy

The AJS is an efficiently operated program and is highly economic as far as costs relative to benefit. The evaluation found that administration costs for the program were low, especially taking in account the regional presence and efforts of Program Analysts and Regional Coordinators to support the community-based justice programs. An analysis of the comparative costs of AJS-funded programs against MJS courts demonstrates that there are cost-savings to the justice system from the employment of the community-based justice programs. These cost savings exceed the cost of the AJS, while demonstrating its effectiveness in reducing recidivism rates among program participants. There seems little doubt that the benefits of the AJS exceed the cost. In this light, budget reductions through the evaluation period can be seen as limiting this benefit rather than saving money.

The other area in relation related to efficiency has to do with the short-term program mandates and the frequent requirements for policy and program managers and staff to focus on program renewal. Besides the costs in terms of staff presence on the ground, the costs of these renewals (in staff time and effort) appear to demonstrate inefficiency. A series of AJS evaluations has shown no major areas of concern related to program effectiveness or lack of FPT support for the program that might warrant the short-term mandates.

**Appendix A:
Evaluation Issues and Questions**

Evaluation Issues and Questions

Evaluation Issues	Evaluation Questions
Relevance	
Continued need for Aboriginal Justice Strategy (AJS)	1. To what extent is there a continuing need for the AJS?
	2. Are there any emerging needs?
Alignment with government priorities and departmental strategic outcomes	3. To what extent are the AJS objectives aligned with Government of Canada priorities?
	4. To what extent are the AJS objectives aligned with the strategic priorities of the Department of Justice?
Alignment with federal roles and responsibilities	5. To what extent do the AJS activities/objectives align with federal roles and responsibilities?
A justice system that responds to the needs of Aboriginal people by providing culturally relevant information and services	6. To what extent have the AJS community-based programs contributed to a justice system that responds to the needs of Aboriginal people by providing culturally relevant programming, information and services?
	7. Has the AJS contributed to increasing access to community-based programs for Aboriginal people?
	8. To what extent has the AJS increased knowledge, skills and capacity to offer community-based programs (new and enhanced)?
	9. To what extent has there been increased capacity for networking and collaboration at the community level?
Federal policy that addresses the overrepresentation of Aboriginal people in the Canadian justice system	10. To what extent has there been increased federal, provincial and territorial collaboration and integration to address Aboriginal overrepresentation in the Canadian criminal justice system?
	11. What policy activities were undertaken to address the overrepresentation of Aboriginal people in the Canadian justice system?
Aboriginal communities are more involved in local justice administration	12. To what extent do the AJS programs increase Aboriginal community involvement in the administration of justice services?
	13. Are there other ways that the AJS programs could be more involved in the administration of justice services?
	14. What are some promising practices?
Relevant Aboriginal cultural values are reflected in the Canadian justice administration	15. To what extent are the community-based justice programs recognized as a culturally relevant alternative to the mainstream justice system?
	16. To what extent have the community-based programs established links with the mainstream justice system?

Evaluation Issues	Evaluation Questions
	17. To what extent have links with the mainstream justice system improved the delivery of community-based justice programming and services?
Reducing crime and incarceration rates in communities with AJS programs	18. To what extent is the AJS contributing to reduced rates of crime and incarceration among Aboriginal people in communities operating AJS programs?
	19. What factors contributed or prevented individuals from completing AJS programs?
Safer and healthier communities	20. To what extent and in what ways do AJS programs contribute to increasing community safety and community wellness?
Design and delivery	21. Are there any best practices or lessons learned in the delivery of the AJS?
	22. Since the last evaluation, has the data collection system been adequate to support AJS monitoring and reporting requirements?
	23. How has the cost-shared design contributed to the efficiency of the AJS?
Economy	24. How did the resources used affect the results achieved?
Operational efficiency	25. Are the Community-Based Justice Fund and the Capacity-Building Fund being administered efficiently?
Allocative efficiency	26. What cost savings were achieved for the mainstream justice system as a result of the AJS?

Appendix B:
Data Collection Instruments

Key Informant Interview Guides

AJS Evaluation Interview Guide – Master⁵⁹

CONTACT INFORMATION

Position	
Telephone Number	
Region	

Introduction

My name is [insert name] and I am part of an independent consulting team working with Justice Canada to conduct an evaluation of the Aboriginal Justice Strategy (AJS). The purpose of the evaluation is to assess the relevance and performance of the AJS over the last five years. Your thoughts and opinions on the AJS are important for this evaluation, so we would be grateful if you would take time to participate in this interview. The information we gather through this interview will be grouped with other responses to ensure no one can identify a person's unique responses. We know that some of the questions may not be relevant to you and if that is the case, let me know and we can skip those questions. We also want to make sure that you have a chance to raise any issues you think are important about the AJS. The interview will take about 45-60 minutes.

Background

Before we proceed, I'd like to give you a bit of background on the AJS to make sure you understand what the evaluation is focused on.

The AJS consists of two funding components:

- The Community-Based Justice Fund supports community-based justice programs that offer alternatives to the formal justice system; and
- The Capacity-Building Fund supports the development of increased knowledge and skills needed for the establishment and management of community-based justice programs.

⁵⁹ Justice Canada respondents are to be asked all questions in the guide. The questions highlighted in blue are intended for Justice Canada officials only.

In addition, the AJS has a policy function centered in Ottawa with key contributions from five Regional Coordinators and their staff.

The objectives of the AJS are to:

- contribute to a decrease in the rate of victimization, crime and incarceration among Aboriginal people in communities operating AJS programs;
- assist Aboriginal people to assume greater responsibility for the administration of justice in their communities;
- provide better and more timely information about community-based justice programs funded by the AJS; and
- reflect and include Aboriginal values within the justice system.

Interview Questions

Before we begin, could you please tell me about your familiarity with the AJS (e.g., role, interactions)? How long have you been in this role?

A. Relevance

1. In your opinion, does there continue to be overrepresentation of Aboriginal people in terms of victimization, crime and/or incarceration rates compared to the general population?
 - a. What makes you say this?
2. Is there a need for the Government of Canada in general and Justice Canada in particular to continue to be involved in Aboriginal justice?
 - a. Why do you think so?
 - b. Is there a continued need for the AJS in particular?
3. In your opinion, are there new or emerging justice needs in line with the objectives of AJS that are not addressed by the AJS but would be appropriate for Justice Canada to address?
 - a. If so, what are those needs?
 - b. Can the AJS be adapted to meet those needs, and if so, how? Or is another mechanism within Justice Canada required?

B. Performance

The following questions will ask you about the extent to which certain outcomes are occurring in AJS community-based justice programs. For these questions, please use the following scale:

- 1- *Not at all*
- 2- *A little*
- 3- *To a moderate extent*
- 4- *To a great extent*
- 5- *To a very great extent*

4. To what extent has AJS-supported communities in developing the knowledge and skills needed to establish and manage community-based justice programs? Why do you say this? Can you please provide an example?
 - a. Are you aware of any gaps that should be filled by AJS in this area?
5. To your knowledge, to what extent do AJS-funded community-based programs incorporate community cultural values of healing and justice? Can you tell me why you think this is the case?
 - a. Are there any gaps that should be filled by AJS in this area?
6. In your opinion, to what extent has the AJS contributed to increased access to community-based justice programs and services for Aboriginal people in Canada? Why do you say that?
 - a. Are there ways that access can be further enhanced?
7. In your opinion, to what extent has the Capacity-Building Fund helped increase community capacity to deliver existing and/or new programs and services? Why do you say that?
 - a. Are there any ways AJS could further help increase community capacity to deliver those types of programs or services?
8. To what extent has AJS assisted in supporting more collaboration and integration at the community level between justice professionals and Community Justice Workers to improve Aboriginal justice? Please describe (federal-provincial-territorial, Crown, police, communities).
 - a. In what ways, if any, has the AJS contributed to such an increase?

- b. Are there any gaps which could be filled by AJS in terms of supporting these collaborations and integration?
 - c. [*internal stakeholders only*] How, and how effectively, is the AJS integrated with other programs relevant to Aboriginal justice within the Department?
9. To what extent has the AJS undertaken policy activities to address the high rates of victimization, crime and incarceration among Aboriginal people? (research, consultation, policy advice, new initiatives, legislation). Why do you say that?
- a. Are you aware of any key gaps in this area?
10. In your opinion, to what extent are Aboriginal people in participating communities more involved in the administration of justice as a result of the AJS? Why do you say that?
- a. Are there ways that local participation could be further enhanced? Please describe.
 - b. Are you aware of any barriers to participation?
11. Can you describe community justice strategies that are particularly effective in enhancing local Aboriginal involvement in the administration of justice that you are aware of?
12. To what extent have formal and informal partnerships between AJS community programs and the mainstream justice system been created or maintained? To what extent are they effective at supporting AJS objectives? Why do you say that?
- a. Are you aware of any barriers to strengthening those partnerships? If so, please describe these.
 - b. Can you point to benefits from strong linkages between community justice programs and the mainstream justice system? (referrals, enhanced services, better case outcomes)
 - i. How are those benefits realized?
13. Overall, in your opinion, to what extent has the AJS support contributed to improvements in safety and wellness for participating communities? Please explain. *Probe for changes in the perceptions of community members.*
- a. Are there any remaining gaps which should be addressed by AJS?
14. Can you describe any other key longer-term benefits for communities participating in AJS?

- b. What factors would you say influence any improvements in communities, or a lack of improvement? (program participation/completion; program effectiveness, external factors)

C. Design and Delivery

- 15. Is the cost-shared design of the Strategy appropriate considering federal-provincial-territorial roles and responsibilities? Please explain.
- 16. Do you have any suggestions for improving the way in which the AJS is being delivered that would improve its performance in the achievement of objectives and/or increase its effectiveness?

D. Economy and Efficiency

- 17. To what extent would you say AJS resources are allocated efficiently?
 - a. Are you aware of any cost-savings or cost reallocations within the Strategy which would have improved efficiency in the last five years?
 - b. Can you think of any ways to improve efficiency of AJS?
- 18. Do you have any additional comments you would like to make about the AJS?

Thank you for taking the time to contribute to the AJS evaluation

Case Study Protocols

JUSTICE CANADA EVALUATION OF THE ABORIGINAL JUSTICE STRATEGY

Community Case Study –Community Justice Worker Interview Guide

Community	
Region	
Key Informant Name	
Title/Role	
Consultant Name	
Date of Interview	

Introduction

Thank you for agreeing to this interview. My name is [insert name] and I am part of an independent consulting team working with Justice Canada to conduct an evaluation of the Aboriginal Justice Strategy (AJS). The purpose of the evaluation is to find out if the AJS is meeting communities' needs and how it is working in the different communities. Your thoughts and opinions are important for this evaluation.

The information we gather through this interview will be grouped with other responses to ensure no one can identify a person's responses. We know that some of the questions may not be relevant to you and if that is the case, let me know and we can skip those questions. We also want to make sure that you have a chance to raise any issues you think are important about the AJS. The interview will take about 45-60 minutes.

Do you have any questions before we start?

Note to interviewer: Prior to interview, identify through a review of the project files the names/types of activities offered in this community.

1. It would be helpful if we could start by just getting your official title and a description of your role and responsibilities. How long have you been in this position? Which Aboriginal communities do you work with?

Community Background Information

2. In most of the topics I will be covering, I will be asking about programs and activities for alternative justice delivery in Aboriginal communities with AJS-funded programs. It would help me to know what you think are the most pressing current justice issues in the communities you work. Can you tell me about the key issues faced by these communities? For example, are there issues with overrepresentation in the justice system?
3. Would you say these issues are less, the same, or worse since 2011?
4. How is your Aboriginal community justice program designed to help the communities address these issues?

Now I have a few questions specifically on the AJS programs and activities provided in the community.

5. Could you please describe the working relationships you have with the mainstream justice system? (Crown, police, courts?)
 - a. Are you satisfied with the way these relationships work at present?
 - b. Have the relationships changed in recent years? If so, why?
 - c. Are there particular barriers to the effectiveness of these relationships? Please describe.
 - d. What improvements would you like to see, if any? (referrals, supports, follow-up)
6. Who do you work with in the communities? (justice committee, Chief and Council, local police, health services, social services, Elders, employers, families)
 - a. Are there partners that are particularly helpful in furthering your objectives? Please explain.
 - b. Have the community partnerships changed in recent years? If so, why?
 - c. Are there community partnerships you would like to see improved? If so, in what ways?
 - d. Are there other partnerships you would like to establish?
 - e. Are there any particular barriers you experience in the communities in achieving your program's objectives? Please describe.
7. In the communities in question, have you seen a change in the type or number of program participants (offenders) in recent years? Please describe.

8. Looking at referrals to your program in particular, in your opinion, what proportion of people was referred to the program, of those that could have been?
 - a. Have referrals increased or decreased in recent years? If so, why?
 - b. What do you think are the main barriers to getting more referrals?
 - c. Are there steps you could take to improve referrals? Please describe.
9. Do you think that the Aboriginal community justice program has helped make communities safer? If so, how? How can you tell?
10. What best practices would you share with a community that was just starting an AJS program?
 - a. Based on your experience, what lessons learned would you share, if any?
11. Lower recidivism rates (or re-offence) are a clear kind of benefit that a program like yours can bring. Are there other benefits you can point to? Please provide examples.
 - a. For offenders
 - b. For victims
 - c. For the community as a whole
 - d. For community services (health, social services, police, other)
12. Are there any community-level statistics that you collect regarding the rates of crime, victimization and case outcomes? If so, could we use this data for the evaluation? (if so collect a copy)
13. Has your community received any additional supports through the AJS for a capacity-building project? If so, what was the project? To what extent did the project help enhance the capacity for their community-based justice program?
14. Do you have any other comments about the local Aboriginal community justice program that you would like to share?

Case Example

We are interested in understanding how individual cases work their way through the community justice process, and how the process can lead to benefits for individuals and the community. Without providing names, please walk us through a recent case that you think made good use of

your program, and describe what the impacts of the process have been. We are interested in the legal aspects, and in the interactions the offender and victim(s) may have had with others in the community, including a justice committee, the police, social services, health and wellness service providers, educators, or others.

Thank you for your participation.

Community Case Study –Police/Crown Representative Interview Guide

Community	
Region	
Key Informant Name	
Title/Role	
Consultant Name	
Date of Interview	

Introduction

Thank you for agreeing to this interview. My name is [insert name] and I am part of an independent consulting team working with Justice Canada to conduct an evaluation of the Aboriginal Justice Strategy (AJS). The purpose of the evaluation is to find out if the AJS is meeting communities’ needs and how it is working in the different communities. Your thoughts and opinions are important for this evaluation.

The information we gather through this interview will be grouped with other responses to ensure no one can identify a person’s responses. We know that some of the questions may not be relevant to you and if that is the case, let me know and we can skip those questions. We also want to make sure that you have a chance to raise any issues you think are important about the AJS. The interview will take about 45-60 minutes.

Do you have any questions before we start?

Note to interviewer: Prior to interview, identify through a review of the project files the names/types of activities offered in this community.

1. It would be helpful if we could start by just getting your official title and a description of your role and responsibilities. How long have you been in this position? Which Aboriginal communities do you work with?

Community Background Information

2. In most of the topics I will be covering, I will be asking about programs and activities for alternative justice delivery in Aboriginal communities with AJS-funded programs. It would

help me to know what you think are the most pressing current justice issues in the communities you work. Can you tell me about the key issues faced by these communities? For example, are there issues with overrepresentation in the justice system?

3. Would you say these issues are less, the same, or worse since 2011?
4. In which ways is your Aboriginal community justice program designed to help the communities address these issues?

Now I have a few questions specifically on the AJS programs and activities provided in the community.

5. Could you please describe the working relationship you and your colleagues have with the local community justice program? In what ways do you collaborate?
 - a. Are you satisfied with the way this relationship works at present?
 - b. Has the relationship changed in recent years? If so, why?
 - c. Are there particular barriers to the effectiveness of this relationship? Please describe.
 - d. What improvements would you like to see, if any? (referrals, supports, follow-up)
6. In the communities in question, have you seen a change in the type or number of program participants (offenders) in recent years? Please describe.
7. Do you refer people to the Aboriginal community justice program? If so, can you describe typical referrals?
 - a. What makes it more or less likely that you will refer people to the program?
 - b. Are there reasons why you might not refer people to the program even though they might meet the program criteria?
8. In the communities in question, has there been a change since 2011 in the types of partnerships or collaborations between key people in the community and in the justice system? If so, please describe this change.

Probe for partnerships at the community level with police, RCMP, judges, prosecutors, lawyers, AJS program staff, who are involved in the Community Justice Committee.

- a. In what ways do the different people work together?

- b. Are there any barriers to establishing effective partnerships between communities and the justice system? Please describe.
 - c. What effect do these partnerships or collaborations have on the effectiveness of the community justice services?
9. Do you think the local Aboriginal community justice program has helped make communities safer? If so, how? How can you tell?
10. What best practices would you share with a community that was just starting an AJS program?
- a. Based on your experience, what lessons learned would you share, if any?
11. Lower recidivism (or re-offence) rates are a clear kind of benefit that a program like AJS can bring. Are there other benefits you can point to? Please provide examples.
- a. For offenders
 - b. For victims
 - c. For the community as a whole
 - d. For community services (health, social services, police, other)
12. Are there any community-level statistics that you collect regarding the rates of crime, victimization and case outcomes? If so, could we use this data for the evaluation? (if so collect a copy)
13. Do you have any other comments about the local Aboriginal community justice program that you would like to share?

Thank you for your participation.

Sharing Circle for Community Members or Community Justice Committee

Discussion Guide

Community	
Region	
Date	
Consultant	
Participant profile	
Total participants in group	
Number of youth	

Introduction

Thank you for coming to this discussion group. My name is [name]. As you may know, Justice Canada provides funding to Aboriginal communities for programs and activities in the area of justice to put in place a justice system that is better suited to the needs of those communities, and to provide communities with more say about how the justice system works for them. Your community has a justice program that includes (*briefly describe the programs and services*). I am part of an independent consulting team working with Justice Canada to conduct an evaluation of the Aboriginal Justice Strategy (AJS).

We hope to have a good discussion about these programs and activities where everyone who wants to talk can feel comfortable to do so. I will ask a number of questions and take some notes as we talk. You are all invited to make a comment either in response to my question or in response to something someone else says. There are no right or wrong answers – each of you may have had different experiences with the programs or have different opinions – so we want to hear from all of you.

Your participation in this discussion group is completely voluntary and whether you agree or not to participate will not affect your relationship or your community's relationship with Justice Canada. The information you provide will be handled in accordance with the *Privacy Act*. We will not identify any individuals in the notes we prepare on this discussion group.

The discussion will take about one to one and a half hour. Do you have any questions before we start?

Note – We will identify with the community contact if it would be appropriate to have one of the Elders attending to say an opening prayer or sweet grass ceremony if this is the community custom.

Before we move onto the questions, perhaps you could introduce yourselves and tell us a little bit about what you do in your community.

First, I would like to start by asking you questions about justice programs.

1. What do you feel are the biggest issues in your community in terms of justice and crime? For example, are there high numbers of Aboriginal people in jail or high numbers of victims of crime? Have these changed since 2011?
2. What kinds of services are you aware of in your community that can help prevent crime or help victims of crimes or people who committed crimes? *Prompt with names and list of community activities and programs from the Community Work Plan*
3. Part of the idea of the Aboriginal community justice programs is to help communities have a justice system in line with local culture, traditions and values. Do you think this is true of your community justice program? Please explain.
4. Are the justice programs and activities helping:
 - The community?
 - Victims of crime?
 - Offenders?
 - Others?
5. What works well with the local justice activities and programs?
 - a. How would you improve them?
6. Overall, do you think the local community justice program has helped improve safety in your community? Why or why not?

7. Do you have any other comments about the justice system in your community that you would like to share?

Thank you for your participation.

**Evaluation of the
Aboriginal Justice Strategy
Survey of Community Justice Workers**

Introduction

Goss Gilroy Inc. (GGI) is working with Justice Canada to conduct an evaluation of the Aboriginal Justice Strategy (AJS). The goal of the evaluation is to better understand the need for the programs and impacts at the community level. This survey will give us important information about how the programs are or are not working for the communities.

The information from this survey will be grouped with other responses so that no one can identify your responses. Your responses are confidential, and no responses will be attributed to any person in any reporting. All information will be kept according to the *Privacy Act* and other applicable privacy laws.

Thank you in advance for your participation.

Please note that many of the questions refer to a five-year time period (the scope of the evaluation). If you have not been in your position for at least five years, please use the time frame during which you have been in your position.

1. How many years of experience do you have working as a Community Justice Worker in your community?
 - a. Less than 1 year
 - b. 1-2 years
 - c. 3-5 years
 - d. 6-10 years
 - e. 11 or more years

2. What do you feel are the **biggest** issues in your community in terms of justice and crime?
Please check all that apply.

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
a. Large percentage of community members accused of crimes or in prison						
b. Large percentage of community members are victims of crime						
c. High rates of crime in the community						
d. Not enough services and supports that fit with aboriginal cultures						
e. Not enough services that focus on healing and reconciliation						
f. Discrimination/bias in the justice system						
g. Not enough support for Aboriginal victims of crime						
h. Not enough communication between criminal justice professionals						
i. Other (please specify: _____)						

3. [only show options selected in Q2] How well is the AJS currently helping with these issues?

	Not at all	A little	Somewhat	A lot	Entirely	Unsure
a. Large percentage of community members accused of crimes or in prison						

b. Large percentage of community members are victims of crime						
c. High rates of crime in the community						
d. Not enough services and supports that fit with aboriginal cultures						
e. Not enough services that focus on healing and reconciliation						
f. Discrimination/bias in the justice system						
g. Not enough support for Aboriginal victims of crime						
h. Not enough communication between criminal justice professionals						
i. Other (please specify: _____)						

4. Do you get referrals to the AJS Program from:

Referrals from	Never	Sometimes	Often
a. Police?	#	#	#
b. Crown?	#	#	#
c. Community Agencies?	#	#	#
d. Families, friends?	#	#	#
e. Schools?	#	#	#
f. Businesses?	#	#	#
g. Elders?	#	#	#

Referrals from	Never	Sometimes	Often
h. Chief and council?	#	#	#
i. Corrections?	#	#	#
j. Courts?	#	#	#
k. Self-referrals?	#	#	#

5. [if never or sometimes in Q4] To the best of your knowledge, what are some of the reasons you are **not** getting referrals from:

Reason	Police	Crown	Community Agencies	Families, friends	Self-referrals
a. No cases are eligible	#	#	#	#	#
b. They do not know what happens after people are referred	#	#	#	#	#
c. They do not know where to refer people	#	#	#	#	#
d. They do not think that the community-based justice program is a good alternative	#	#	#	#	#
e. They do not have confidence in the ability of the community-based justice program to handle the individual	#	#	#	#	#
f. Other (please specify: _____)	#	#	#	#	#

6. [if often in Q4] What are some of the reasons police, Crown attorneys and other criminal justice professionals refer individuals to the program?

Reason	Police	Crown	Community Agencies	Families, friends	Self-referrals
a. Program meets a need	#	#	#	#	#

Reason	Police	Crown	Community Agencies	Families, friends	Self-referrals
b. Those who commit crimes want to be part of the program	#	#	#	#	#
c. Victims of crime want to be part of the program	#	#	#	#	#
d. They believe that people are less likely to commit another crime after taking part in program	#	#	#	#	#
e. They believe that the alternative Aboriginal system is more culturally appropriate for the offenders	#	#	#	#	#
f. They believe that victims are less likely to be victims again because of the program	#	#	#	#	#
g. They believe that the program helps make sure there is less crime in their community	#	#	#	#	#
h. Other (please specify: _____)	#	#	#	#	#

7. In the last five years, how have your collaborations or partnerships with police, Crown attorneys and other criminal justice professionals changed?
 - a. Have decreased a lot
 - b. Have decreased a little
 - c. Have stayed the same
 - d. Have increased a little
 - e. Have increased a lot
 - f. Not sure

8. In what ways do you work with police, Crown attorneys and other criminal justice professionals?

Please check all that apply

- a. Periodic joint planning of policing in the community
 - b. Pre-referral consultation for individual cases
 - c. Referrals
 - d. Post-referral follow-up
 - e. Other (please specify: _____)
9. Are your partnerships/collaborations with the police, Crown attorneys and other criminal justice professionals helping improve the services in the communities?
- a. Not at all
 - b. A little
 - c. Somewhat
 - d. To a fair degree
 - e. To a great degree
10. [if Q9 is c-e] In what ways do your partnerships/collaborations improve the services delivered in the communities?
- a. Help decrease crime rates
 - b. Better options available when an arrest is made
 - c. Victims/witnesses more likely to come forward
 - d. Improved collaboration with the local justice committee
 - e. Police are more accepted in the community now
 - f. Police are seen as more fair
 - g. Community members are more satisfied with police force
 - h. Better relationship with offenders
 - i. Other (please specify: _____)
11. In your opinion, to what extent are the AJS community-based justice programs helping support the following achievements:

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
a. Community-based justice programs are changed to fit the community's needs						
b. Increasing integration of justice-related services at the community level						
c. Providing culturally relevant community-based alternative to justice programs						
d. Community-based justice programs reflect values of healing and reconciliation						
e. Capacity in funded community-based programs has increased						
f. Justice professionals are referring Aboriginal individuals to the community-based justice programs						
g. Lower recidivism rates among individuals who participate in community-based justice programs						
h. Decrease in victimization rates in communities with community-based justice programs						
i. Decrease in case backlog in the mainstream justice system						
j. Increased community health and safety						

12. In what ways **could** the community-based justice programs become more involved in the administration of justice?

Please select all that apply

- a. Increase awareness of the program among justice stakeholders
- b. Increase awareness of the program among community members
- c. Decrease turnover among Community Justice Workers
- d. Increase access to more alternative justice remedies
- e. Increase cultural sensitivity in programs and services
- f. Increase collaborations with justice stakeholders
- g. More training of community-level workers
- h. Increase capacity of Community Justice Workers
- i. Other (please specify: _____)
- j. None, currently involved at the right level

13. In your opinion, to what extent do the following factors help the success of a person in an Aboriginal justice community-based justice program?

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
a. Youth/young age						
b. Number of previous convictions						
c. Housing stability						
d. Bond with parents/family						
e. Employment						
f. Positive peer associations						
g. Other (please specify: _____)						

14. In your opinion, to what extent do the following aspects of the program contribute to success of the community-based justice program?

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
a. Early involvement of Aboriginal Courtworker						
b. Participating in a community-based justice program						
c. Level of contact/interaction with participant (e.g., frequency and degree of participation)						
d. Having a recognized/established program to refer people to						
e. Types of services offered						
f. Other (please specify: _____)						

15. In your opinion, what are some of the elements that make a community-based justice program successful? (e.g., types of services offered, partnerships and/or collaboration with mainstream justice professionals and the Community Justice Workers, support of the community for the program).

Evaluation of the Aboriginal Justice Strategy

Survey of Law Enforcement and Crown Representatives

Introduction

Goss Gilroy Inc. (GGI) is working with Justice Canada to conduct an evaluation of the Aboriginal Justice Strategy (AJS). The goal of the evaluation is to better understand the need for the programs and impacts at the community level. This survey will give us important information about how the programs are or are not working for the communities as well as for police and Crown representatives.

The information from this survey will be grouped with other responses so that no one can identify your responses. Your responses are confidential, and no responses will be attributed to any person in any reporting. All information will be kept according to the *Privacy Act* and other applicable privacy laws.

Thank you in advance for your participation.

Please note that many of the questions refer to a five-year time period (the scope of the evaluation). If you have not been in your position for at least five years, please use the time frame during which you have been in your position.

The next series of questions will help us make sure you get questions relevant to your role and that we group your responses with others similar to you.

1. Are you currently a law enforcement or Crown representative?
 - a. Crown prosecutor or other type of attorney/Crown representative
 - b. RCMP representative
 - c. Aboriginal police representative (e.g., band, council)
 - d. Other police force representative
 - e. Other (please specify: _____)
2. Please select the province or territory in which you work:
[include a drop down list of provinces and territories]

3. How aware are you of the community-based justice programs under the AJS?
 - a. Not at all (if selected, end the survey)
 - b. A little
 - c. To a fair degree
 - d. To a great degree
4. Which of the following communities with community-based justice programs have you worked with? (please select from the list below all that apply)

Insert list based on region respondent is from.

The next series of questions will focus on the Aboriginal communities you have identified above.

5. How many years have you worked with the Aboriginal communities?
 - a. Less than 1 year
 - b. 1- 2 years
 - c. 3-5 years
 - d. 6-10 years
 - e. 11 or more years
6. [if Q5 is b-d] For cases that are eligible, how often are you referring Aboriginal people to the community-based justice programs? (e.g., adult and youth diversion, victim support services, crime prevention activities)
 - a. Never
 - b. Almost never (1-24% of the time)
 - c. Some of the time (25-49% of the time)
 - d. Most of the time (50-69% of the time)
 - e. Almost all the time (70-89% of the time)
 - f. All the time (90-100% of the time)

7. [if c-f in Q6] What are some of the reasons you refer individuals to the community-based justice program?

Please select all that apply

- a. They are meeting a need
 - b. Offenders/accused ask to be part of the program
 - c. Victims ask to be part of the program
 - d. You believe that the Community Justice Worker can refer them to the right programs
 - e. You believe that offenders/accused are less likely to re-offend after participating in community-based justice programs
 - f. You believe that the alternative Aboriginal system is more culturally appropriate for the offenders
 - g. You believe that victims are less likely to be re-victimized through community-based justice programs
 - h. You believe that community-based justice programs help decrease crime levels in communities
 - i. Other (please specify: _____)
8. [if a or b in Q7] What are some of the reasons you do not refer individuals to the community-based justice programs?

Please select all that apply

- a. No cases are eligible
 - b. You are unsure what happens after an individual is referred
 - c. There are no services/supports to refer to in the community
 - d. You do not believe that the community-based justice program is an appropriate alternative
 - e. There has been staff turnover at the community-based justice system and you are not confident that they can handle it.
 - f. Other (please specify: _____)
9. What activities characterize your working relationship with the community-based justice programs?

Please check all that apply

- a. Periodic joint planning of justice in the community
 - b. Pre-referral consultation for individual cases
 - c. Referrals
 - d. Post-referral follow-up
 - e. Other (please specify: _____)
10. In the last five years, how have your collaborations and/or partnerships with the Community Justice Workers changed in the targeted communities?
- a. Have decreased a great deal
 - b. Have decreased a little
 - c. Have stayed the same
 - d. Have increased a little
 - e. Have increased a great deal
 - f. Not sure
11. Does your working relationship with Aboriginal justice representatives (e.g., Aboriginal Justice Worker) support the delivery of more seamless or integrated justice services in the communities?
- a. Not at all
 - b. A little
 - c. Somewhat
 - d. To a fair degree
 - e. To a great degree
12. In your opinion, to what extent are the AJS community-based justice programs helping support the following achievements:

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
a. Community-based justice programs are adapted to the community's needs						
b. Increasing integration of justice-related services at the community level						
c. Providing culturally relevant community-based alternative to justice programs						
d. Community-based justice programs reflect values of healing and reconciliation						
e. Capacity in funded community-based programs has increased						
f. Justice professionals are referring Aboriginal individuals to the community-based justice programs						
g. Lower recidivism rates among individuals who participate in community-based justice programs						
h. Decrease in victimization rates in communities with community-based justice programs						
i. Decrease in case backlog in the mainstream justice system						
j. Increased community health and safety						

13. In what ways **could** the AJS community-based justice programs become more involved in the administration of justice?

Please select all that apply

- a. Increase awareness of the program among justice stakeholders
- b. Increase awareness of the program among community members
- c. Increase capacity of Community Justice Workers
- d. Increase availability of programs at the community level
- e. Decrease turnover in Community Justice Workers
- f. Increase access to alternative justice remedies
- g. Increase cultural sensitivity
- h. Increase collaborations with justice stakeholders
- i. More training of community-level workers
- j. Other (please specify: _____)
- k. None, currently involved at the right level

14. In your opinion, to what extent do the following factors contribute to success for individuals in an Aboriginal community-based justice program?

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
a. Youth/young age						
b. Number of previous convictions						
c. Housing stability						
d. Bond with parents/family						
e. Employment						
f. Positive peer associations						

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
g. Other (please specify: _____)						

15. In your opinion, to what extent do the following aspects of the program contribute to success of the community-based justice program?

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
a. Early involvement of Aboriginal Courtworker						
b. Level of contact/interaction with participant (e.g., frequency and degree of participation)						
c. Completing a community-based justice program						
d. Having a recognized/established program to refer people to						
e. Types of services offered						
f. Other (please specify: _____)						

16. In your opinion, what are some of the elements that make a community-based justice program successful? (e.g., types of services offered, partnerships and/or collaboration with mainstream justice professionals and the Community Justice Workers, support of the community for the program)

17. From your perspective, to what extent are the following ongoing issues for Aboriginal people in the area you work in?

	To a very large extent	To a large extent	Somewhat	To a small extent	Not at all	Unsure
a. Overrepresentation in the justice system						
b. Overrepresentation as victims of crime						
c. Overrepresentation in the number of crimes committed						
d. Lack of culturally appropriate services and supports						
e. Not enough focus in the current system on healing and reconciliation						
f. Discrimination against Aboriginal people						
g. Lack of capacity in the system to support Aboriginal offenders						
h. Lack of capacity in the system to support Aboriginal victims of crime						
i. Lack of collaboration among different stakeholders in the system						
j. Other (please specify: _____)						

18. [only show options selected above] In your opinion, how well are the community-based justice programs currently helping address these issues?

	Not at all	A little	Somewhat	A lot	Entirely	Unsure
a. Overrepresentation in the justice system						
b. Overrepresentation as victims of crime						

	Not at all	A little	Somewhat	A lot	Entirely	Unsure
c. Overrepresentation in the number of crimes committed						
d. Lack of culturally appropriate services and supports						
e. Not enough focus in current system on healing and reconciliation						
f. Discrimination against Aboriginal people						
g. Lack of capacity in system to support Aboriginal offenders						
h. Lack of capacity in system to support Aboriginal victims of crime						
i. Lack of collaboration among different stakeholders in the system						
j. Other (please specify: _____)						

Appendix C:
Case Study Summaries

Case Study Summaries

Elsipogtog Restorative Justice Program

Region: New Brunswick, East-Coast

Overview

The Elsipogtog Restorative Justice Program – operated out of the Elsipogtog Health and Wellness Centre in Elsipogtog, New Brunswick, is not just limited to its band members and non-members in this community, as long there is some sort of linkage to which the community can qualify to be part of the Program. Other areas such as Indian Island and Buctouche First Nation in New Brunswick are also included in the Program.

Program Design

The Program is designed as a community-based restorative justice program with the main goals and objectives to repair conflicts between people within the community and the mainstream justice system (MJS). For example, with an assault, the offenders will be reunited with their victim through healing circles for both youth (12+) and adults (pre- and post-discharge). Healing circles have been identified as an effective measure to repairing the relationships that have been impacted by the crime. This is central to the Program's framework, which emphasizes the restoration of the relationships between the offender and the victim.

The Program utilizes a number of methods which are able to further assess and direct the clients' healing needs. For example, the Case Management Inventory for adults is used to determine a client's risk level (the risk of re-offending can be scored low, medium, and high). If medium or high, clients can be referred to mental health and addictions programs, anger management, or for youth not in school, work promotion. Based on the four quadrants of the medicine wheel, the Program looks at the relationship between the individual, the victim and the community in terms of spiritual, mental, physical and emotional healing.

In addition, the Program seeks to reconcile victims and offenders through the use of traditional sentencing circles. The offender must be prepared to hear from the victims, their families and supporters of the victims. The victims of the offence can choose whether or not to have the crime dealt with through restorative justice approaches. Their experience and wishes for addressing the impact of the crime are heard and they must agree before commencing a sentencing circle. The victims, in collaboration with the Justice Committee, must agree to the proposed sentence. The

goal is for the victims to find safety in their community with the support and changes undertaken by the offenders as part of the sentencing circle's decision. However, it was noted that one of the more challenging pieces for this program has been getting victims to speak of their experience within the circle – more often than not, victims are reluctant to address the offenders.

Outcomes

The Program is also supported by a Healing to Wellness Court. Referrals have been increasing and the MJS encourages referrals of offenders to this restorative justice program first. The Program has been able to enhance the previously antagonistic relationship between the community and the police and RCMP through healing circles.

Punky Lake Wilderness Camp Society Tsilhqot'in Community Justice Program

Region: Central British Columbia

Overview

The Punky Lake Wilderness Camp Society Tsilhqot'in Community Justice Program is composed of the Tsilhqot'in Justice Team (a team of youth and adult justice coordinators), and members of the seven communities: Tl'etinqox (Anaham); Tsi Deldel (Redstone); Yunešit'in (Stone); Xeni (Nemiah Valley); Tl'esqox (Toosey); Ulkatcho (Anahim Lake); and Esdilagh (Alexandria). The team addresses justice issues and resolutions appropriate to the communities using practical community-based approaches while integrating restorative justice into the Program. It addresses the issue of over-incarceration through various programs that focus on the re-integration of the offenders through the Restorative Justice Program. The Program is designed to increase pre-charge and post-charge referrals, help repair relationships severed by acts of harm, encourage the involvement of Elders and community members by having them take part in healing circles and justice committees, and ensure that justice strategies are holistic. Types of activities offered through the Tsilhqot'in Community Justice Program include: Adult and Youth Case Aid, probation referrals, community work service, advocacy and community restorative justice training for RCMP, community referrals, peacemaking circles in communities, traditional justice practices, Tsilhqot'in Justice Committee meetings, and conflict resolution circles.

Program Design

Over the past few years, the Program's approach has been to incorporate restorative justice into its framework. Though proving challenging in its beginning stages, the case study analysis presents

evidence that this approach has become much more common within communities as an alternative to mainstream justice programming. A shift in administrative attitudes that support a restorative justice framework built on collaboration was identified as one of the main reasons for the increase in restorative justice approaches. Increased community awareness and acceptance of the Program has been attributed to an increased presence of Program staff at community functions outside of the Program. This has encouraged the communities' trust and acceptance of the Program. Program administration places importance on having a transparent relationship with communities. Community buy-in for the program is further enhanced by the Program's Justice Committee Board, which is composed of community representatives from the seven participating communities. Program delivery is based on the values of each community participating within the Program.

Outcomes

Positive outcomes of the Program include forging relationships with the MJS, for example, Crown, RCMP detachments, probation offices, Williams Lake Restorative Justice, and the Ministry of Children and Family Development in the region, as well as relationships within and outside of the Program. According to the Program and the MJS, improved communication has resulted in stronger and more positive working relationships than in previous years. Referral services have also seen an increase based partly on the relationship between all parties, and partly as a result of a change in the overall criteria for participants.

The establishment of collaborative and transparent relationships with community partners and the MJS were identified as best practices, as well as the development of a reputable program that has become popular among participants, non-participants, and communities outside of the Program's reach.

Saskatoon Tribal Council Community Justice, Extrajudicial Measures and Opikinawasowin Reintegration Programs

Region: Central

Overview

The objective of the Saskatoon Tribal Council community-based justice programs is to provide support and assistance to youth, adults and their families for the duration of their involvement in the justice system, with a particular focus on youth. The programs offered include:

- *Extrajudicial Measures Program* which provides mediation services to youth (12-17 years) who are referred for first-time and less serious offenses
- *Extrajudicial Sanctions Program* which provides mediation services to youth (12-17 years) as well as intensive support services, and is aimed at those who have been charged with break and enter/related offenses.
- *Enhanced Extrajudicial Sanctions Program* which provides mediation services to youth (12-17 years) to deal with first-time and less serious offenses by providing intensive support using a case management model based on a community safety plan.
- *Youth and Community Reintegration* which provides mentoring and support to youth and young adults (12-24 years) currently serving time in a secure or open facility and getting ready to make a transition into community living.

Program Design

The model employed in service delivery focuses on integrated services in a family centered case management model. All urban justice programs are housed under one roof, with the Community Justice Worker assigned to each community working directly in each community. There is one program director for all programs and one program coordinator for the Community Justice Workers in each of the communities working out of the Saskatoon office. This way of organizing the service delivery makes it easier for workers to exchange information about individuals as they proceed from one part of the Program to the other, or return to other programs (e.g., diversion client who moves to community reintegration services). The focus of the Program in recent years has been on increasing Extrajudicial Sanctions (youth) and Alternative Measures (adult) referrals to the Program. This is achieved by liaising with the RCMP, city police and Crown prosecutors. It has been met with mixed results in recent years. The organization reports an increase of nearly 100 percent of referrals, but still struggles with getting referrals from particular individuals in the MJS or from particular organizations. The main hurdles to the referrals were seen as (1) staff turnover, (2) conflicting directions received from higher up in a police or Crown office (e.g., a new director recommends that his staff not refer to community-based justice programs), (3) competition from other non-governmental organizations for the same individuals charged in the MJS, or (4) disapproval of the programs by specific individuals. In terms of staff turnover, the Saskatoon Tribal Council is dealing with this issue by investing resources in meeting with and informing MJS stakeholders about the Program, and it continues to try to inform police and Crown about the impact of their programs. For issues 2, 3 and 4, these were noted as difficult to address without

more support from provincial/territorial and federal partners to foster support and better coordination within the MJS in relation to community-based justice programs.

Outcomes

Case study respondents clearly indicated that they worked to ensure that the community-based justice programs were developed to ensure that they responded to the needs of Indigenous people in the communities. This was done through programs being run by and for Indigenous people, and ensuring that some of the programming focused on culture and heritage. The support and services were offered within an Indigenous empowerment framework to ensure that they were culturally appropriate. Participants appreciated having a program that understood the realities of being Indigenous in the MJS. This generally meant that they felt they could open up more and would be understood rather than judged. This often helped build more quickly the trust necessary to ensure that participants accessed services, spoke about the root cause of their criminal behavior, and stayed in the programs.

Overall, case study respondents reported that the programs were increasing access for community members, that without AJS funding it would be difficult to offer these alternative justice programs and that, instead of focusing on addressing the root causes of negative behavior and providing healing opportunities to victims and community members, programs participants would likely instead take up space in the MJS. These programs helped many victims and community members feel safer because they were able to talk to the offender and, in some cases, get resolution. For example, owners of stores that were vandalized had restitution through work from the offenders and eventually hired them to work in the store; offenders who did so because of addictions, mental health issues or family conflicts received the treatment and support they needed not to re-offend (root causes were addressed); and victims got apologies, were relieved to know that the offenders would be held responsible/get treatment, and had empathy for them (in some cases, knowing they were randomly targeted relieved victims from feeling they had done something to cause an attack). In a few cases, offenders who had benefitted from diversion programs were able to use their experiences and work in the social services field because they did not have criminal records.

In addition to these benefits, the case study respondents indicated that in some cases, communities were safer and crime was being prevented. However, this was not the case in other communities because of external factors such as an increase in gang activity, low levels of employment or new, more powerful drugs being available in the communities.

The use of a Regional Coordinator was considered effective and efficient. The Coordinator helped with keeping track of activities and issues for each community, provided support to the Community Justice Workers through training and sharing of tools and information, and ensured a smoother transition for any new hires.

United Chiefs and Councils of Mnidoo Mnising Community Justice Program

Region: Ontario

Overview

The United Chiefs and Council of Mnidoo Mnising manages and delivers justice-related programs to the following six communities in Ontario: Omni Kaning, M'Chigeeng, Sheguiandah, Sheshegwaning, Whitefish River and Zhiibaahaasing. The Community Justice Program was created in response to community needs in addressing the overrepresentation of Indigenous people in the criminal justice system, the ubiquity of alcohol and drug addictions throughout the young population, and the high unemployment rate in the communities.

Program Design

The Community Justice Program provides pre-charge and post-charge diversion through justice circles for youth and adult band members, both on- and off-reserve, located in the Manitoulin District. With the support of Elders, the Program has administered over 500 justice circles since 1994.

The objective of the Program is to employ traditional law principles of accountability, healing, and making amends in order to develop a Plan of Action for offenders who have accepted responsibility for their offences. When developing a client's Plan, social history and availability of rehabilitative services are examined. For example, in some instances, a Plan may focus on life skills that are transferable to employment skills upon completion of the Program, while others may target education, the need for social work, mental health, and addictions services.

In addition to a Plan of Action, the Program also delivers a twelve-session mandatory victim empathy program that incorporates Anishnabe justice principles and approaches. Indigenous traditional knowledge is incorporated as a form of positive healing. The cultural principles and approaches employed by the United Chiefs and Council of Mnidoo Mnising have proven to be very successful, as clients often return as participants or leaders. The Plan, in combination with

the victim empathy program, are designed to promote and support healing for the victim, offender and community.

The Program's Justice Panel is comprised of Elders with a strong foundation in the Annishnabe culture and language, as well as representatives from the six communities.

Outcomes

The United Chiefs and Council of Mnídoo Mnising has managed to build and strengthen its collaborative approaches with justice stakeholders such as the Crown, in large part due to the redesign of administrative responsibilities within the Program. This is a positive shift from previous years, at which time Program management was not successful in creating collaborative working relationships with the Crown. The relationship with the Crown has enabled the Program to develop an approach that involves the community, restorative and traditional Program components, and the MJS.

Overall, the Program receives more referrals from the MJS (such as the Crown and Ontario Provincial Policing) than the Aboriginal Policing Program. The United Chiefs and Council of Mnídoo Mnising also delivers a pre-charge diversion program that is offered with the Aboriginal Policing Program in which clients may be referred to the Crown. For every three referrals, the Program receives one referral from the Ontario Provincial Police. Moving forward, the United Chiefs and Council of Mnídoo Mnising would like to develop a practice of more regular referrals with the Aboriginal Policing Program.

Kwanlin Dun First Nation Social Justice Program

Region: Yukon

Overview

The Kwanlin Dun First Nation Social Justice Program is part of a broad approach to community justice. The community has a long-term strategic plan and a justice mission, which is as follows: "To provide a comprehensive range of justice, corrections, child welfare and land-based and cultural healing related programs and services to the citizens of Kwanlin Dun First Nation and other people; in addition, to build further capacity for the implementation of self-government in community justice and related areas."

Program Design

Kwanlin Dun First Nation is a self-governing Indigenous community in Whitehorse, Yukon. Its government has established a justice mandate that includes a number of elements: justice program and restorative justice; child welfare; land-based healing and related programs; administration of justice agreements and related work; community justice and safety; support to the Judicial Council; and interdepartmental initiatives. AJS helps fund the justice programming and restorative justice component, and the community contributes funds from its own revenue and other government sources to finance the full mandate. The justice programming and restorative justice component provides assistance and support using First Nation values, restorative justice principles and practices where possible, to Kwanlin Dun First Nation citizens and families in conflict with the law or in need of support with victim services, child welfare, probation, corrections or court-related services.

At present, the community's justice programs focus on ensuring that citizens are supported in their involvement with the MJS, and then providing them with restorative programs to integrate them back into community life in a positive way. A key aspect of this programming is the Jackson Lake Wellness Team, which offers land-based healing at a wilderness camp close to the community. The Team provides outreach and counselling for people working through trauma, grief, addictions or emotional problems, and then provides the four-week wilderness healing experience, followed by aftercare.

As the justice programming has progressed, Kwanlin Dun First Nation has come to realize the critical link between child welfare and justice. Their former Justice Support Worker is now the Children and Family Liaison Worker, acknowledging the fact that the great majority of his justice support work had been related to child and family issues. And now about 40% of the child and family files are justice related. Also key is that a case management approach is adopted, so community social workers, educators, health and mental health workers and others work together with a family and neighbors to find a recovery path.

Outcomes

Community safety remains a serious issue at Kwanlin Dun First Nation. Crime, including violent crime, is still prevalent, in part because of its proximity to Whitehorse and the fact that people from communities throughout Yukon come to the city and often stay on Kwanlin Dun First Nation land. The community is seeing progress with citizens who participate in the programs, especially

the Jackson Lake Wellness Program, which has developed a reputation for fostering healing and the recovery of spiritual and cultural health.

Manitoba Métis Federation and Métis Justice Institute, Métis Community Justice Program

Region: Manitoba

Overview

The Métis Community Justice Program, developed in 2003 by the Métis Justice Institute, is a justice alternative that supports the diversion of Métis individuals from the formal criminal justice system. The Program is different from most AJS community justice programs in that its clientele is widely dispersed across the province of Manitoba since the Métis do not have one distinct territory. Services provided by the Program are brought to individual communities in light of the lack of resources in particular regions.

Program Design

Community-based justice programming is used to support alternative justice models for the diversion of residents within the different service regions. The Program is arranged so that if the charge occurs in one community, the offenders have the opportunity to conduct their community service within that community. The other component of the Program involves engaging participating communities to identify their needs for community service hours. Further, keeping the offender within the community allows offenders and victims to reconcile and creates the opportunity for the holistic healing of the victim, offender and community.

Outcomes

The Program has been successful in training Community Justice Workers in anger management across the region. There has also been a significant increase in cooperation from communities to facilitate using community service as part of participants' plans within the Program. Lastly, the resource database (funded by the Capacity Building Fund) provides access to over 650 service providers that have been vetted by the Program. This has resulted in positive outcomes in terms of access to service providers. Further, the Program has altered the database to allow all Community Justice Workers access to the client files, which includes identifying services being directed. This enables more effective treatment of clients to ensure a higher standard of service without delay (for example, if one Community Justice Worker is on leave, another can access the files to ensure quality service).

**Appendix D:
Summary of the Recidivism and Costing Analyses**

Summary of the Recidivism and Costing Analyses

1. Introduction

As part of an evaluation of the Aboriginal Justice Strategy (AJS), the Department of Justice Canada (the Department) conducted a statistical analysis of the impact of the AJS-funded community-based justice programs on rates of re-offending. This study was previously undertaken by the Department in 2000⁶⁰, 2007⁶¹ and 2011⁶². These studies were based on a comparison of recidivism rates for offenders who participated in one of the selected AJS programs to a comparison group of offenders who were referred but did not participate. To further the study, a comparative costing analysis was conducted to estimate the impact the AJS programs have had on reducing costs of the mainstream justice system (MJS). The analysis compared the costs of an offender participating in an AJS program versus going through the MJS court process, the only alternative for the majority of AJS program participants.

2. Methodology

2.1 Recidivism Study

The methodology developed for this study was intended to replicate the quasi-experimental approach taken for the previous recidivism studies. To that end, a total of 30 community-based justice programs with a sample size of 2,807 were included in the study. Survival analysis was the statistical approach used to model the likelihood of re-offending. This method is ideally suited to modeling the occurrence and timing of events⁶³, particularly in cases such as this study, in which a re-offending event does not occur for all individuals in the sample. This is known as “right-censored” data, as the observation period ends before the re-offending event takes place for some members of the sample. The standard survival regression procedure used for these types of

⁶⁰ Department of Justice Canada. *Final Evaluation: Aboriginal Justice Strategy*, October 2000.

⁶¹ Department of Justice Canada. *Aboriginal Justice Strategy Summative Evaluation: Final Report*, April 2007.

⁶² Department of Justice Canada. *Aboriginal Justice Strategy Evaluation: Final Report*, November 2011.

⁶³ Events can be deaths, onset of disease, marriages, arrests, re-offence, and so on.

analyses is the Cox Proportional Hazards Model⁶⁴, which was also used in the three previous recidivism studies.

2.2 Comparative Costing Analysis

The impact of reducing recidivism was also measured through a costing analysis. This analysis was undertaken by calculating the costs of AJS programs and the total program spending averaged over the recorded number of clients for each program for one fiscal year (2014-15). For comparative purposes, the costs of the MJS were also calculated for the same fiscal year. Recognizing that the main point of diversion from the MJS for participants of AJS programs is the courts, expenditures as reported in public accounts related to court administration, prosecutions and legal aid were used to determine the costs of the MJS.

2.3 Limitations and Mitigation Strategy

For the recidivism analysis, a main limitation was the lack of a true experimental design, as practical and ethical constraints precluded the random assignment of persons to participant and comparison groups. Pre-existing differences between the participant and comparison groups could lead to differential outcomes with respect to re-offending. However, to mitigate this limitation, a statistical approach⁶⁵ that could control underlying differences between the participant and comparison groups was utilized.

With regards to the costing analysis, although the full costs of the AJS were included in the analysis, only estimates of some court-based (administration of court services, prosecution and legal aid) costs were included through examining public accounts. Additional costs associated with

⁶⁴ As a regression procedure, an advantage of the Cox approach is its ability to simultaneously control for intervening variables (“covariates”) and to provide a quantitative estimate of the impact of each covariate on the likelihood of recidivism. Standard OLS or logistic regression is not appropriate in cases of right-censored data. Another competing class of models includes Accelerated Failure Time Regression, but they are less flexible and often considered to be less robust than the Cox approach. The appropriateness of the Cox model was confirmed by visual inspection to validate the parallel nature of the log (-log) functions of various survival curve strata (validating the assumption of proportional hazards). Additional tests of the Cox Proportional Hazards’ univariate and multivariate assumptions showed no major violations, thereby lending further support for the appropriateness of the Cox approach. (Alison, Paul D. *Survival Analysis Using the SAS System: A Practical Guide*, Cary, NC: SAS Institute Inc., 1995.)

⁶⁵ A survival analysis, using a Cox Proportional Hazards Model, was used to assess the occurrence and timing of an event (in this case recidivism), while accounting for the possibility that in some cases the event may not take place. Survival analysis can control the differences in the background characteristics of the two groups examined, which in this case helps minimize the bias that might arise from the quasi-experimental design.

the administration of justice (e.g., police, probation, custody) and those borne by the community were excluded from the analysis. This reduces the ability to understand the full impact of the AJS, although it provides an indication of potential cost savings for one point of contact with the MJS.

3. Recidivism Results

Table 1 below presents some of the key characteristics of the total sample, as well as of the AJS program participant group and the comparison group. In terms of offender characteristics, the majority of offenders in the total sample were men (53.6%), and offenders were most frequently (41.6%) between the ages of 18 and 24 at the time of Program completion, with a mean age of 30. With respect to offence history, prior to their referral to an AJS program, 91% of offenders had never been convicted of a drug offence, 72.5% had never been convicted of a violent offence, and 66.1% had never been convicted for a non-violent offence. The comparison group members, relative to program participants, were slightly less likely to have never been convicted for an offence prior to program referral, with a difference of 3.4% for drug offences, 5.2% for violent offences, and 3.4% for non-violent offences.

Table 1: Characteristics of Offenders in the AJS Program Sample (National Results)

	Program Participants (n = 2,091)	Comparison Group (n = 716)	Total Sample (N = 2,807)
Number of Prior Convictions (%)			
Drug			
0	90.0	93.4	91.0
1-5	9.1	6.3	8.3
6 or more	0.9	0.28	0.7
Mean	0.26	0.12	0.22
Violent			
0	71.2	76.4	72.5
1-5	20.9	20.0	20.7
6 or more	7.9	3.6	6.8
Mean	1.3	0.73	1.18
Non-violent			
0	65.3	68.7	66.1
1-5	23.0	24.3	23.3
6 or more	11.7	7.0	10.5
Mean	2.4	1.3	2.1
Years of Program Completion (%)			
2004-2007	18.7	30.0	21.6

	Program Participants (n = 2,091)	Comparison Group (n = 716)	Total Sample (N = 2,807)
2008-2011	53.4	51.8	53.0
2012-2014	27.9	18.2	25.4
Age at Program Completion (%)⁶⁶			
18-24	40.5	44.6	41.6
25-34	29.5	29.3	29.4
35-44	17.9	15.9	17.4
45 and over	12.0	10.2	11.6
Mean	30.0	29.0	30.0
Gender (%)			
Male	55.5	48.2	53.6
Female	44.5	51.8	46.4
Province (%)			
British Columbia	3.9	6.4	4.6
Manitoba	20.9	43.7	26.7
New Brunswick	8.1	7.0	7.8
Newfoundland and Labrador	0.14	0.0	0.1
Ontario	30.2	14.8	26.2
PEI	0.29	0.0	0.2
Saskatchewan	35.2	27.7	33.3
Yukon	1.0	0.4	1.0

Though the data collected for this study considered offenders referred between 2004 and 2012, over half (53%) of offenders in the total sample completed (in the case of program participants) or would have completed (in the case of the comparison group) the AJS program between 2008 and 2011.

Table 2 demonstrates the estimated cumulative recidivism rates for program participants and the comparison group at various points in time after participation in a program. These estimates are based on the percentage of offenders who re-offended during the observation period, by program participation, and are fitted to represent the “average” offender in the total sample. The number of prior convictions and age were all fixed at the total sample means for each variable. For comparative purposes, the table includes the results from the previous two studies, which indicate that the current results are consistent with past results.

⁶⁶ For the comparison group, age at program “completion” is deemed to be age at six months following referral to the program.

Table 2: Percentage of Offenders who have Re-Offended, by Time and AJS Program Participation

Time After Program Completion	Cumulative Percentage of Referrals Who Have Re-Offended ⁶⁷					
	2016 ⁶⁸		2012		2006	
	Participants	Comparison Group	Participants	Comparison Group	Participants	Comparison Group
1 year	11.9	20.7	10.9	18.2	10.9	21.8
2 years	17.6	29.8	17.6	28.5	17.6	33.8
3 years	20.4	34.1	22.0	35.1	22.3	41.7
4 years	23	38	24.8	39.1	26.7	48.6
5 years	24.7	40.5	27.2	42.4	29.9	53.2
6 years	26.7	43.2	28.7	44.5	31.3	55.1
7 years	28.1	45.3	30.4	46.7	32.2	57.4
8 years	29.6	47.3	32.0	48.8	32.2	59.2

Rates of re-offending were found to be significantly lower among program participants at every point in time after completing the program. The differences between the likelihood of re-offending for AJS program participants and non-participants are particularly pronounced in the years immediately following the program, but the cumulative effects, even after eight years, remain.

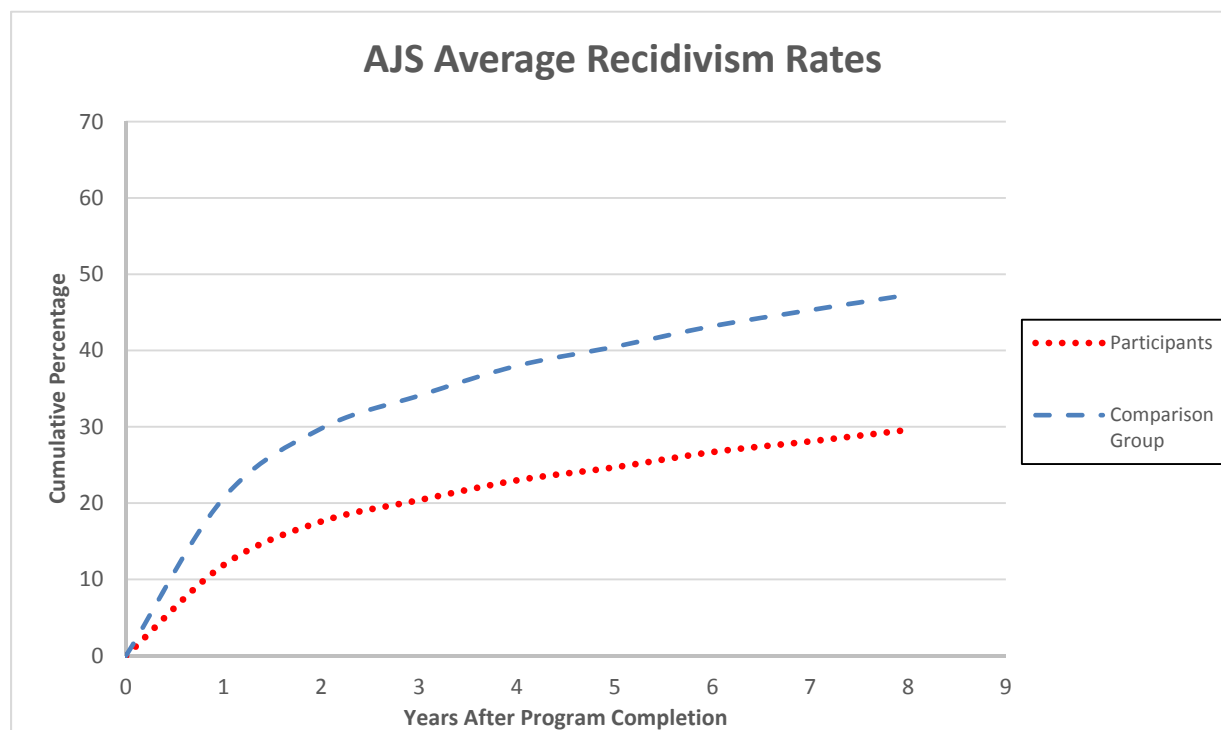
The results derived from the 2016 Cox Regression Survival Model are plotted in Graph 1 on a continuous time scale to graphically show the time path of recidivism among the two groups. An immediate divergence in recidivism rates between the two groups is again evident. The divergence persists for the long term, up to eight years and beyond, which is the maximum limit of time available with this sample.

⁶⁷ Results from the 2000 Recidivism Study are not included in the table as the same information was not included in the report.

⁶⁸ Note: Recidivism rates are fitted from the Cox Proportional Hazards Model and are based on the average characteristics of the national sample. For 2016:

- number of prior convictions – drug (mean=0.22)
- number of prior convictions – violent (mean=1.18)
- number of prior convictions – non-violent (mean=2.1)

Graph 1: Percentage of Offenders who have Re-Offended, by Time and AJS Program Participation



4. Comparative Costing Analysis

4.1 Aboriginal Justice Strategy

The total costs of AJS programs were calculated based on the amounts allocated from the Department and cost-shared contributions from the provinces and territories for the 2014-15 fiscal year, with total allocations of \$25,591,255⁶⁹. The total number of clients referred to an AJS-funded program for 2014-15 was 9,039. The mean of the average cost per participant of the AJS programs in 2014-15 was \$2,831.

4.2 Mainstream Justice System

The total MJS court-based costs, including the administration of court services, prosecution and legal aid, was approximately \$1,650,268,754 in 2014-15. When costs for the administration of

⁶⁹ The number of clients was not reported for three programs, so they were removed from the calculations.

court services, prosecution and legal aid costs are considered together, the average cost per case⁷⁰ going through the MJS in 2014-15 was \$4,435.

4.3 Cost Comparison

The total AJS cost per case in 2014-15 was \$2,831 and the total MJS cost per case was \$4,435. Therefore, AJS provides immediate savings to the MJS in the amount of \$1,604 per program participant.

4.4 Present Value and Future Cost Savings

The present value, in 2014 dollars, of the longer-term (eight year) cost savings associated with the AJS were calculated based on the rationale that the differences in the participant and comparison groups' rates of re-offending result in fewer instances of AJS-funded program participants being involved in the MJS in the future, which reduces the amount of required future court, prosecution and legal aid expenditures. To estimate the value of these cost savings, the incremental reduction in the average recidivism rates between program participants and the comparison group were calculated each year for eight years following program participation. The incremental reduction in the recidivism rate each year was then calculated as an average cost savings to the MJS each year over the eight-year period in question, for each AJS program participant. Since the recidivism analysis found the program participants in the study were 8.8%⁷¹ less likely to re-offend after one year than the comparison group, and the average cost per case in the MJS was estimated at \$4,435, the cost savings per program participant, in 2014 dollars, one year later would be:

$$\$4,435 \times 8.8\% = \$390$$

Finally, the total present value (in 2014) of the eight years of cost savings per participant was calculated using the cost savings per participant per year, and the TBS-accepted real social discount rate for federal cost-benefit analysis of 8% per year.

⁷⁰ The total number of criminal cases processed in courts projected for 2014-15 was 393,295 and the number of legal aid cases was 311,158.

⁷¹ Refer to Table 2.

$$\sum_{i=0.08}^{n=8} \frac{\text{cost savings per program participant to the mainstream justice system each year}}{(1+i)^n}$$

Using this formula, the present value of the cost savings per AJS-funded program participant over the eight years following program participation was \$660⁷². When added to the immediate cost savings per participant of \$1,604⁷³, there is a total present value of savings of \$2,264⁷⁴ over eight years. As AJS programs served approximately 9,000 participants each year, these cost savings per participant would contribute to much greater total savings.

As an example, Table 3 suggests that in 2014-15, approximately \$20.5M in present and future cost savings to the MJS were achieved through AJS programs.

Table 3. Total Savings of the 2014-15 AJS Cohort to the MJS Using Present Value over Eight Years

Immediate cost savings per AJS-funded program participation in 2014-15	\$1,604
Cost savings per AJS-funded program participant over the eight years (discounted total PV)	\$660
Total present value of savings (\$1,604 + \$660) per AJS-funded program participant	\$2,263
Total savings of the 2014-15 AJS cohort to the MJS over eight years⁷⁵	\$20,464,296

As the costs of AJS programs, numbers of clients served, and reductions in participant recidivism rates tend to remain relatively steady over time, it is reasonable to assume that the future cost savings incurred each year would be similar.

5. Conclusion

One of the main objectives of the AJS is to contribute to decreasing rates of victimization, crime and incarceration among Indigenous people in communities operating AJS programs. This is expected to be achieved by reducing rates of re-offending. The results of this study indicate that the AJS has been effective in meeting this objective.

The analyses presented in this report were carried out in an effort to assess whether a measurable link could be established between offender participation in AJS programs and their likelihood of re-offending. As a whole, findings derived from these analyses show strong support for the

⁷² Total discounted cost savings per participant, using a discount rate of 8%.

⁷³ The difference between cost of MJS per participant and AJS cost per participant.

⁷⁴ Total present value savings is calculated by (\$1,604 + \$660 = \$2,264).

⁷⁵ Calculated by taking the total present value of savings and multiplying it by the number of AJS clients for 2014-15 (\$2,264 x 9,039 clients)

existence of such a link. Offenders who were referred to, but did not participate in, an AJS program were significantly more likely to re-offend than offenders who participated in an AJS program.

When interpreting the findings of this investigation, it is also important to bear in mind that conclusions based on the current data set cannot necessarily be generalized across all programs funded under the AJS because the sample of programs remains somewhat limited. Of the 217 AJS programs funded in 2014-15 across Canada, only 30 programs from eight provinces and territories were considered here. However, results indicate that, at least for these programs, AJS program participation was consistently linked with reduced recidivism and a cost saving to the MJS. These results were consistent over the past three recidivism studies as well.