



INDIGENOUS MUNICIPAL  
COURT ACCOMPANIMENT  
PROGRAM

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ANNUAL REPORT  
AND  
REFLECTIONS  
2020

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JUSTICE SUPPORT SERVICES  
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## OVERVIEW

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As of December 2020, what began as a justice-related pilot project aimed at accompanying members of the Indigenous community in Montreal at the municipal court was granted one court session per month. After several years of reshaping the Programme d'accompagnement justice – itinérance à la cour (PAJIC), while drawing inspiration from specialized Indigenous people's courts, notably in Ottawa and Toronto, we are steadily moving towards a culturally safe and holistic process at the municipal court of Montreal.

This year the program became officialized and has been named the “Programme d'accompagnement justice Autochtone” (PAJA). Judge Steeve Larivière has been designated as the coordinating judge for the PAJA and has established an internal committee, bringing together several actors (judge, crown prosecutor, defence lawyer, SPAQ and the FPJCM).

It is also important to underline the indispensable role of Indigenous community organizations, such as the Native Para-Judicial Services of Quebec, for providing invaluable knowledge and accompaniment to community members throughout the development of the PAJA. The adaptation of these judicial processes rely heavily on the involvement of grassroots resources and the recognition of the cultural diversity of First Peoples in Montreal. Each hearing date is opened by a member of the Indigenous community and we are actively collaborating to ensure that proceedings within the PAJA are informed politically and historically.

Given the expanded eligibility of offences, the last year of development has focused on the individualization of sentences, whilst taking into consideration the historical and contemporary realities experienced by Indigenous peoples. In other words, the overarching objective was and continues to be resolution through creative judicial decision-making and to avoid the incarceration of Indigenous people who are already over-represented in correctional facilities.

## JANUARY 2020 TO DECEMBER 2021

The FPJCM continued its collaboration with the Municipal Court of Montreal in order to establish a restorative justice accompaniment program adapted to the realities of Indigenous peoples. By referring collected data relating to direct services provided over the last year, the FPJCM is able to present the following figures.

- The PAJA saw 46 active participants over the year, almost double the number of active participants (26) over the 2019–2020 period;
- The majority of participants receive follow-ups and support with either the FPJCM or SPAQ, as required. Last year, the FPJCM offered approximately 102 individual follow-ups in the context of justice support services at the municipal court ;
- This year, the program led to 21 resolutions (finalizations for 21 participants), double the amount in the previous period (11 finalizations).

Among 21 resolutions:

- Approximately 32 criminal files processed (13 files last year)
- 15 criminal record withdrawals (7 for last year)
- 12 suspended sentences
- 2 withdrawals of criminal infractions with 3 suspended sentences (combinations)
- There has also been 204 fines processed (withdrawn or suspended);

## URBAN INDIGENOUS COMMUNITIES ARE DIVERSE

BETWEEN JANUARY 1, 2020 AND DECEMBER 31, 2020, 86% OF THE PARTICIPANTS WERE INUIT (38); 14% WERE FIRST NATIONS (CREE, INNU, MI'KMAQ AND ALGONQUIN), AND THE PROGRAM INCLUDED 24 WOMEN AND 23 MEN.



A few words about numbers: the data shared above reflects the observations gathered by the FPJCM. Although pertinent information on an individual's participation in the PAJA is inputted in an internal database - some data remains difficult to gather. For example, exact resolutions for each criminal infraction as well as the demographic information of participants that the FPJCM does not have a file for. However, the FPJCM maintains a relatively extensive database on PAJA processes, with the collaboration of both the defense attorneys and the prosecution.

Overall, this year the PAJA has seen a significant increase in program participants, even with the cancellation or limitation of Indigenous specific court dates due to COVID-19. Despite challenges around ensuring health and safety protocols are being respected, the number of allocated court dates has increased significantly since the beginning of the project in 2017. Equally important to mention is the expansion of the eligibility criteria, the dissemination of information to key judicial actors and the development of partnerships that facilitate the process for community members in the PAJA.



## TOWARDS AN INDIGENOUS RESTORATIVE JUSTICE MODEL AT THE CMM

As the PAJA continues to grow and develop, the following objectives are proposed in order to move towards a restorative specialized court model adapted to the realities of Indigenous community members:

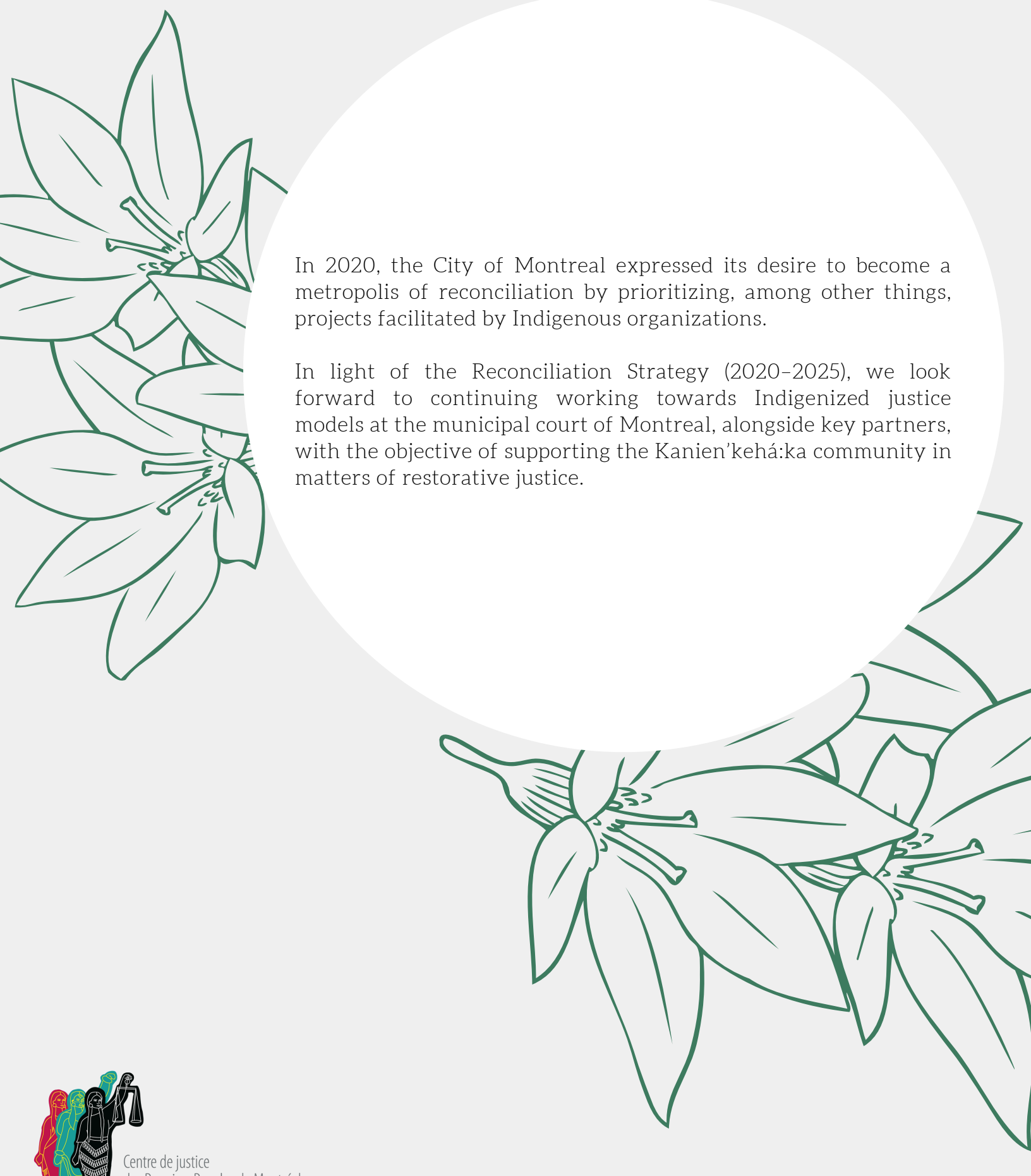
- The **identification of Indigenous community members** who have caused harm (i.e: offenders): to systematically ask anyone who appears before the court with the goal of referring to an adapted justice process. This step is essential in committing to addressing the over-representation of First Peoples in custody over the next decade.
- Creating a **culturally safe environment**:
  - ❖ Training of judicial actors on the historical and contemporary realities experienced by Indigenous peoples to promote adapted interventions;
  - ❖ Incorporating comprehensive understanding of the effects of colonial history, including a adopting trauma-informed approach to substance use, mental health and homelessness;
  - ❖ Consistent availability of interpreters to enable participants to speak in their first languages;
  - ❖ Inclusion of cultural elements such as, but not limited to:
    - ❖ Smudging (a ceremony practised by some Indigenous peoples, mainly First Nations that consists of burning traditional medicines);
    - ❖ Lighting a Qulliq to represent the Inuit community;
    - ❖ Opening by an Elder or member of the Indigenous community;





## TOWARDS AN INDIGENOUS RESTORATIVE JUSTICE MODEL AT THE CMM

- Continue the development of a specialized court model:
  - ❖ Consolidate and expand current PAJA mechanisms collaboratively with all key partners through the internal committee;
  - ❖ Incorporate the Indigenous specific General Alternatives Measures Program (GAMP) at the municipal level;
  - ❖ Development of mechanisms to better involve those who have received harm (victims);
  - ❖ Establishment of key agreements (such as the MJQ-Native Para-judicial Services of Quebec agreement) to allow the preparation of true Gladue reports;
  - ❖ Implementing a Bail Support Program to support individuals at the release stage;
  - ❖ Provision of private space for the FPJCM and/or the Native Para-judicial Services of Quebec (SPAQ);
  - ❖ Promotion of the hiring of Indigenous Peoples at the municipal court (recommendation of the Reconciliation Strategy);
  - ❖ Creation of a promotional material outlining the PAJA translated into the most spoken Indigenous languages in Montreal;
  - ❖ Propose culture-based justice architecture for a multifunctional courtroom dedicated to PAJA court sessions;
- Presence of the FPJCM and SPAQ at the municipal court to meet with members of the Indigenous community in order to:
  - ❖ Offer support or referral throughout judicial proceedings, including release stage;
  - ❖ Inform individuals of the possibility of integrating the PAJA;
  - ❖ Accompany community members in the elaboration of a wellness plan, follow-up or a Gladue type letter, depending on the needs expressed;



In 2020, the City of Montreal expressed its desire to become a metropolis of reconciliation by prioritizing, among other things, projects facilitated by Indigenous organizations.

In light of the Reconciliation Strategy (2020–2025), we look forward to continuing working towards Indigenized justice models at the municipal court of Montreal, alongside key partners, with the objective of supporting the Kanien'kehá:ka community in matters of restorative justice.



Centre de justice  
des Premiers Peuples de Montréal  
First Peoples Justice Center  
of Montréal