



Corporation of the City of  
**NEW WESTMINSTER**

Notice is hereby given for the following meeting:

**RESTORATIVE JUSTICE COMMITTEE  
(RJC)**

**May 28, 2019 – 5:00 p.m.**

**Boardroom A, City Hall**

**AGENDA**

**1.0 ADDITIONS / DELETIONS TO AGENDA**

**2.0 ADOPTION OF MINUTES**

**2.1 Adoption of the Minutes of March 12, 2019**

**3.0 PRESENTATIONS**

**4.0 UNFINISHED BUSINESS**

**5.0 NEW BUSINESS**

**6.0 REPORTS AND INFORMATION**

**6.1 Update: Report to Council re The State of the Indigenous Court Facility in New Westminster – Councillor Puchmayr**

**6.2 Update: Report to Council re The State of Legal Aid and Lack of Funding – Councillor Puchmayr**

**6.3 Update: Report to Council re Communities Embracing Restorative Action (CERA) and the Police Board**

**Standing Items:**

**6.4 Constable Callaghan – Report**

**6.5 Communities Embracing Restorative Action (CERA) – Report**

**7.0 CORRESPONDENCE**

**8.0 NEXT MEETING DATE**

Tuesday, September 24, 2019

**9.0 ADJOURNMENT**



## **RESTORATIVE JUSTICE COMMITTEE (RJC)**

**March 12, 2019 – 5:00 p.m.  
Boardroom A, City Hall**

### **MINUTES**

#### **VOTING MEMBERS PRESENT:**

Councillor Chuck Puchmayr	- Chair, City Council Member
Stacey Ferguson	- Alternate Chair/Community Member
Wes Everaars	- Community Member
Gurinder Mann	- CERA Representative
Laura Roberts	- SD #40 Representative
Amanda Semenoff	- Community Member

#### **REGRETS:**

Constable Tim Callaghan	- NWPD Representative
Terry Hewitt	- Victim Assistance Association Board Representative

#### **STAFF PRESENT:**

Carilyn Cook	- Committee Clerk
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The meeting was called to order at 5:05 p.m.

**Procedural note:** Item 3.1: Orientation and Oaths of Office was addressed prior to the start of regular agenda Items.

After the orientation, Councillor Puchmayr welcomed everyone back to the committee.

### **1.0 ADDITIONS / DELETIONS TO AGENDA**

#### **1.1 Additions/Deletions to Agenda**

##### **MOVED AND SECONDED**

*THAT the March 12, 2019 Restorative Justice Committee meeting agenda be adopted with the addition of Item 5.3 – The State of Legal Aid and Lack of Funding by Councillor Puchmayr.*

**CARRIED.**

All members of the Committee present voted in favour of the motion.

## **2.0 ADOPTION OF MINUTES**

### **2.1 Adoption of the Minutes of September 25, 2018**

#### **MOVED AND SECONDED**

*THAT the September 25, 2018 Restorative Justice Committee minutes be adopted as circulated.*

**CARRIED.**

All members of the Committee present voted in favour of the motion.

## **3.0 PRESENTATIONS**

### **3.1 Orientation and Oaths of Office – Carilyn Cook, Committee Clerk**

Carilyn Cook, Committee Clerk, briefly introduced herself and Councillor Puchmayr. After a short roundtable introduction of committee members, Ms. Cook commenced with her presentation which included the role of advisory committees, the terms of reference, meeting attendance and quorum, meeting conduct, City policies & freedom of information, and, lastly, oaths of office.

## **4.0 UNFINISHED BUSINESS**

There were no items.

## **5.0 NEW BUSINESS**

### **5.1 Election of Vice-Chair – Committee**

#### **MOVED AND SECONDED**

*THAT Stacey Ferguson be elected as the Alternate Chair for the 2019 Restorative Justice Committee term.*

**CARRIED.**

All members of the Committee present voted in favour of the motion.

### **5.2 Condition of New Westminster Law Courts – Indigenous Court Room**

Councillor Puchmayr shared that it was disappointing to see the state of the Indigenous Court Room at the New Westminster Law Courts and suggested that the Committee work to have the facilities improved to the standard of the other courts including sending a letter to the Attorney General of British Columbia.

Discussion ensued and Committee members provided the following comments:

- Options include moving the Indigenous Court to a larger space within the New Westminster Law Courts or moving them off site;
- Not all Indigenous Courts take place in a court house. Depending on the municipality, some may be held in a community gym, etc.;
- Consideration could be given to holding the court sessions in the Council Chambers at New Westminster City Hall once a month; and,
- The Elders must be considered as they attend the full day of sessions and require a gathering place outside of the courtroom and possibly kitchen access.

### **MOVED and SECONDED**

*THAT the Restorative Justice Committee, after witnessing the deplorable conditions of the Indigenous Court facility in the New Westminster Law Courts, request that Council endorse a letter to the Attorney General of BC regarding the unacceptable state of the Indigenous Court facility in New Westminster taking into consideration, with the lens of reconciliation, the requirements of the elders who are in court all day and who also require a gathering place outside of the courtroom.*

**CARRIED.**

All members of the Committee present voted in favour of the motion.

### **5.3 The State of Legal Aid and Lack of Funding**

Councillor Puchmayr advised members of the severe lack of funding for Legal Aid and presented the following motion for the Committee to consider:

#### **MOVE and SECONDED**

*WHEREAS Legal Aid is an important component of advocacy in our communities as it provides basic legal access to those marginalize, impoverished members of our community including Indigenous families and single parents needing access to fairness in the realm of law;*

*And WHEREAS the tariff paid to Legal Aid lawyers has been chronically underfunded for over two decades making it difficult for Legal Aid Lawyers to properly represent their clients,*

*THEREFORE BE IT RESOLVED THAT the Restorative Justice Committee recommend that the City of New Westminster seek support from the Lower Mainland Local Government Association (LMLGA) and the Union of BC Municipalities (UBCM) to assist in communicating with the Province of British*

*Columbia to request that the Province address the serious inequality in the delivery of legal services in our communities.*

**CARRIED.**

All members of the Committee present voted in favour of the motion.

A member shared that in August of 2018, the Law Society of British Columbia considered requiring all lawyers in British Columbia to do a percentage of pro bono hours; however, it was defeated as the majority of lawyers in the Province do not practice family law.

## **6.0 REPORTS AND INFORMATION**

### **6.1 First Nations Court Visit**

Committee members shared their experiences visiting the Indigenous Court sessions in New Westminster and provided the following comments:

- Members attended on different days and some found there to be just enough seating in the courtroom while others stated there was not adequate seating for those in attendance;
- When the courts checked in with the clients to see how they are doing, it was apparent that housing was a struggle for almost all of them;
- People attended from all over BC and many were moved to tears hearing the clients' stories;
- A lot of interest, advice, and positive reinforcement was received from the Elders even if they did not know the client;
- Members expressed that they were taken aback at the disparity of the Indigenous court space versus the regular court space;
- Clients were held accountable for their actions and adjustments to their healing plan was made along the way if deemed appropriate;
- The many moving stories that were shared served as a reminder of the effectiveness of restorative justice;
- The circle aspect of the sessions was done in a gracious and comforting manner which is in contradiction of the regular court system;
- The large box-type stand in the middle of the court area was distracting and people had to negotiate around it and, given that the original purpose of the stand signified a part of our colonial past, it was not a nice thing to see;
- In many ways the journey through restorative justice is harder than the jail/sentencing route as it involves commitment to a healing plan and fulfillment of certain requirements, encompassing more work and reflection than parole through the regular court systems;
- The impacts of clients' illegal actions are not minimized;

- The ramifications of the residential schools are still having an impact on people and restorative justice is a valuable piece of the justice system;
- The process is an individualized course of action and clients must be committed and prepared to undertake the work involved; and,
- All members agreed that the sessions were moving and enlightening.

### **Standing Items:**

**6.2 Constable Callaghan** – No report was provided

**6.3 Communities Embracing Restorative Action (CERA) – Report**

Gurinder Mann, CERA Representative, thanked the City and the Committee for their ongoing support and shared the following information:

- It is concerning is that there is a decrease in funding from New Westminster from \$14K to \$10K over the years;
- Apprehending youth and not rehabilitating or educating them means that they are going to be repeat offenders and larger demographics means more offenses;
- Funding from Coquitlam flows through the RCMP but still must be approved by Council;
- In Port Moody, the police board makes the decision, thereby removing the politics;
- Punitive approaches create reoffenders whereas restorative justice, for the most part, does not; and,
- Losing support from New Westminster leads other funders to step back and re-evaluate their funding; therefore, CERA must determine how prevent that snowball effect from happening and prevent further funding loss.

In response to questions from the Committee, Mr. Mann provided the following responses:

- Work done with schools includes preventative measures, anti-bullying, etc., and may involve presentations to classes;
- The Crown has expressed an interest in referring adult cases to CERA; and,
- Often offenders are given a warning or nothing is done at all; they are not referred for restorative justice.

Discussion ensued, and Committee members provided the following comments:

- As the New Westminster Police Board is very efficient with their budget, they may provide an alternate approach for CERA funding; and,

- If funding came through the Police Board, it would provide more incentive for them to be on board with the process and get more members involved from the top down.

## **MOVED and SECONDED**

*WHEREAS the cuts to Communities Embracing Restorative Action (CERA) from the recent Council budget process will have negative impacts on delivery of the program;*

*And WHEREAS the Restorative Justice Committee received feedback from Communities Embracing Restorative Action (CERA) with respect to the ramifications of the reduction in funding;*

*THEREFORE BE IT RESOLVED THAT the Restorative Justice Committee recommends that Council look at the potential of the having the Communities Embracing Restorative Action (CERA) service delivered through the police board for the purpose of sustainability.*

**CARRIED.**

All members of the Committee present voted in favour of the motion.

## **7.0 CORRESPONDENCE**

### **7.1 Union of BC Municipalities – Response to May 30, 2017 Resolution from Restorative Justice Committee**

Council Puchmayr briefly reviewed the above-noted correspondence.

## **8.0 NEXT MEETING DATE**

Tuesday, May 28, 2019

## **9.0 ADJOURNMENT**

**ON MOTION**, the meeting was adjourned at 6:39 p.m.

Certified Correct,

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**Councillor Chuck Puchmayr**  
**Chair**

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**Carilyn Cook**  
**Committee Clerk**