



**RESTORATIVE JUSTICE COMMITTEE  
MINUTES**

**Tuesday, July 5, 2022**

**Open to Public Attendance in Committee Room G**

**Lower Level, City Hall**

**Committee members may attend electronically**

**PRESENT:**

Councilor Chuck Puchmayr	Chair
Paige Mercier*	Alternate Chair/Community Member*
Tu Van Trieu*	Community Member
Alvin Kube*	New Westminster First Nations Court Representative*
Gurinder Mann*	Communities Embracing Restorative Action (CERA) Representative*
Robert Nahanee*	Representative, Indigenous Community*

**REGRETS:**

Pamela Craven	School District 40 (SD 40) Representative
Amanda Semenoff	Community Member
Constable John MacDonald	New Westminster Police Department (NWPD)
Bailey Keeler	New Westminster Victim Assistance Association (NWVAA)

**GUEST:**

Judge Garth Smith	First Nations Court
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**STAFF PRESENT:**

Carilyn Cook	Committee Clerk, Legislative Services
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\*Denotes electronic attendance

**1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT**

Paige Mercier, Alternate Chair and Community Member, opened the meeting at 5:00 p.m. and recognized with respect that New Westminster is on the unceded and unsurrendered land of the Halkomelem speaking peoples. She acknowledged that colonialism has made invisible their histories and connections to the land. She recognized that, as a City, we are learning and building relationships with the people whose lands we are on.

**2. INTRODUCTIONS**

Introductions took place.

**3. CHANGES TO THE AGENDA**

MOVED and SECONDED

**THAT** the July 5, 2022 Restorative Justice Committee meeting agenda be adopted as circulated.

**Carried.**

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

**4. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**4.1 April 26, 2022**

MOVED and SECONDED

**THAT** the April 26, 2022 Restorative Justice Committee minutes be adopted as circulated.

**Carried.**

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

**5. REPORTS AND PRESENTATIONS**

The Honourable Judge Garth Smith, First Nations Court, introduced himself and provided an oral presentation on the New Westminster First Nations Court which he advised reflected his own opinion and which included the following information:

- He was appointed in 2012 by the Honourable Judge Marion Buller and previously worked with the Drug Treatment Court in Vancouver;

- The First Nations Court, which serves those who self-identify as Aboriginal, was developed in consultation with Elders from across Canada, Crown Counsel, defence lawyers, community corrections, etc.;
- Offenders are referred to as “clients,” must accept responsibility for their crime, and participate in the creation of their own Healing Plan;
- Clients must be committed to participating in the program as it is tougher than the regular system;
- The Court considers the causes of a client’s crime and uses an holistic approach to deal with it in the form of a Healing Plan which is reviewed every four to six months;
- Court sessions, which are currently being held at the Inn at the Quay, start and end with a prayer. Smudging no longer takes place in response to COVID-19 being a respiratory disease;
- Everyone in attendance at Court introduces themselves, in the Healing Circle process, so that it is known why everyone is there;
- Presentencing or Gladue reports are used in consideration of the Healing Plan creation;
- Everyone has the opportunity to share recommendations for the Healing Plan or that the client stay on bail. This includes all Elders, service agency representatives, family members, etc.;
- Sometimes the Court hears from victims, but not often as it may be very challenging for them. When victims do take the opportunity to speak in the courtroom, it is ensured that it is done in an respectful manner;
- The Court is very popular with Crown Counsel and defense as there is no jail time involved and an holistic approach is taken to address offences;
- New Federal Government and Provincial Government policies do their best to help Indigenous accused with alternative measures;
- Court sessions are held every fourth Thursday; however, work is being done to increase the number of sessions in order to address the large demand for them as access to the Court is not restricted based on status, the province of charge, etc.,
- A graduation blanket ceremony takes place once a client has completed their Healing Plan; however, formal graduations have been on hold due to the pandemic as the ceremony requires people to be in close proximity;
- When creating Healing Plans, the Court focuses on the client’s spirituality, which proves to be successful whereas other programs concentrate on financial and other needs;

- Data is being compiled on the success rate of the Court and the number of graduated clients that reoffend; however, it is anticipated that the number of reoffenders will be very low; and,
- Elders are essential to all of the Healing Plans as they come to court with thousands of years' worth of knowledge and teachings handed down to them.

First Nations Court highlights include:

- It takes an average of 460 days for a client to complete their Healing Plan;
- Eight clients graduated from the program last year but have not had their graduation ceremony yet;
- It was difficult to connect with clients during the pandemic due to their lack of access to data packages, phones, etc., and this affected the number of participants;
- Five court dates were lost over the pandemic;
- Virtual appearances were not conducive to building trust during the Court sessions;
- The Court continues to be extensively supported by the City of New Westminister, Native Court workers of BC, Duty Counsel from Legal Aid BC, Lookout Housing and Health Society, two therapists, a New Westminister Police Department liaison, representation from the BC Sheriff Service, etc.;
- When available, a representative from the Residential School Survivor Society joins the Court sessions;
- The Mental Patient Society (MPA), has also joined the Court to provide essential services including supported, independent living to allow people to stay in the community. As well, they advocate for clients in different court houses, conduct homelessness outreach, and have been successful in securing funding to build or buy housing for their members which provide access to health and mental health care; and,
- The Court is hopeful that the HAVE Culinary Training Society will support clients with training, job placement, etc.

Exciting initiatives in the last year include:

- The creation of a brochure which is expected to be published soon;
- The New Westminister First Nations Court is the gold standard for the entire country and is becoming known internationally;

- Development is underway of a national association of supporters (Hummingbirds for Healing Courts) for all aboriginal courts across Canada to facilitate the sharing of information between representatives and agencies to benefit both them and the courts and to provide mutual support; and,
- Work is also being started to have a national conference for Indigenous courts to build the organization.

What the Court needs:

- Funding for a full time coordinator due to client demand;
- A second client liaison position;
- A fulltime elder coordinator position;
- Safe housing options;
- A health services coordinator;
- An income assistance support worker; and,
- A family services support worker to support families.

Councillor Puchmayr reminded Committee members of his experience of witnessing a client unable to have family members attend their court appearances due to the lack of space in the courtroom and of the general deplorable conditions of the room itself. He noted that this spurred the Restorative Justice Committee to send a motion to Council which then went to the Union of BC Municipalities (UBCM), the Federation of Canadian Municipalities (FCM), local government associations for change. He shared that the motion eventually reached The Honourable David Eby, Attorney General and the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General and that work was being done to improve the First Nations Courtroom.

Judge Smith announced that those in the court program will soon view a potential space in the courthouse and draft renovation plans which would see the transformation of two mediation rooms to house the First Nations Court. He noted that the additional space for a stand down room would also be provided for the Elders, as well as meeting space for defense counsels to meet with clients and for clients and families to talk.

Judge Smith shared that the public are again permitted to attend First Nations Court sessions and that the next sessions will be held on July 7, 2022 and July 28, 2022 at 9:30 a.m. in the Hyack room at the Inn at the Quay. He reiterated the desire to add additional

court sessions, possibly every fourth Friday to accommodate the large demand for the court.

## **6. UNFINISHED BUSINESS FROM PREVIOUS MEETINGS**

### **6.1 Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls**

No discussion took place.

### **6.2 State of First Nations Court**

Discussed under Item 5 – Reports and Presentations.

## **7. STANDING REPORTS AND UPDATES**

### **7.1 New Westminster Police Department (NWPD)**

No report was received.

### **7.2 Communities Embracing Restorative Action (CERA)**

Gurinder Mann, CERA Representative, reported the following:

- It is anticipated that the Memorandum of Understanding with the Crown, which will allow for more adult restorative justice cases, will be coming out soon;
- Reinforcement of relationships with School District 40 (SD40) and the New Westminster Police Department continues;
- More serious school cases have come to CERA and is it encouraging that SD40 is utilizing CERA in less traditional ways; and,
- Presentations to schools that have been using CERA or aim to do so will continue and facilitate CERA's growth through the District.

Judge Smith advised that the First Nations Court keeps CERA in mind as they may have a group that will be moving towards restorative justice.

Alvin Kube, New Westminster First Nations Court Representative advised of the following:

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- The Gladue Court is a process for us to create trusting relationships with clients. If trust is not gained, words are meaningless;
- Clients are asked what they can do to improve their lives as even a small change can make a difference;

- A big difference is made when resources are made available in the court systems; and,
- Once clients experience success, it helps them to keep moving forward to live the balanced life outlined in the Medicine Wheel.

Robert Nahanee, Indigenous Community Representative noted the following:

- Information shared during this meeting is good and it is great knowing that we are working together;
- A young man from Manitoba going through this system is surprised at the success that he is seeing for himself as he follows his Healing Plan; and,
- The importance of the languages.

Councillor Puchmayr advised that this may be his last meeting as the Municipal Election will take place prior to the next Restorative Justice Committee, and thanked Committee members for their time spent on the Committee.

### **7.3 New Westminster Victims Assistance Association (NWVAA)**

No report was provided.

### **7.4 School District 40 (SD40)**

No report was provided.

## **8. NEW BUSINESS**

None.

## **9. END OF MEETING**

The meeting ended at 6:40 p.m.

## **10. UPCOMING MEETINGS**

This is the last meeting of the Restorative Justice Committee for the 2022 committee term.

Certified correct,

Original Signed  
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 Councillor Daniel Fontaine

Original Signed  
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 Carilyn Cook, Committee Clerk