

INDIGENOUS PEOPLE

FACING JUSTICE AND PUBLIC SECURITY: OVERVIEW OF URBAN ISSUES IN QUEBEC



NOVEMBER 2024



REGROUPEMENT
DES CENTRES D'AMITIÉ
AUTOCHTONES DU QUÉBEC

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Migwetc! Tshinashkumitinan!

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LIST OF ABBREVIATIONS AND ACRONYMS

AMPA	Alternative Measures Program for Adults in Aboriginal Communities
AOJO	Administration of Justice Offence
CAAC	Centre d'amitié autochtone Capetciwotakanik - La Tuque
CAAL	Centre d'amitié autochtone de Lanaudière
CAASI	Centre d'amitié autochtone de Sept-Îles
CAATR	Centre d'amitié autochtone de Trois-Rivières
CAVAC	Crime Victims Assistance Centre
CDPDJ	Commission des droits de la personne et des droits de la jeunesse
CEAAS	Centre d'entraide et d'amitié autochtone de Senneterre
CEFC	Chibougamau Eenou Friendship Centre
CERP	Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: Listening, Reconciliation and Progress (also known as the "Viens Commission")
CISSS	Integrated Health and Social Services Centres
CIUSSS	Integrated University Health and Social Services Centres
CQATP	Court of Québec Addiction Treatment Program
DIALOG	Aboriginal Peoples Research and Knowledge Network
DPCP	Directeur des poursuites criminelles et pénales
EMIPIC	Équipe mixte d'intervention – policiers et intervenants communautaires
EMRII	Équipe mobile de référence et d'intervention en itinérance
FNQLHSSC	First Nations of Quebec and Labrador Health and Social Services Commission
FPJCM	First Peoples Justice Centre of Montreal
GAMP	General Alternative Measures Program
IMPAC	Intervention multisectorielle programmes d'accompagnement à la cour municipale
MAMUK	Multiservices pour Autochtones en milieu urbain à Kébec
MJQ	Ministère de la Justice (Québec)
MNFC	Maniwaki Native Friendship Centre
MSP	Ministère de la Sécurité publique (Québec)
NM	Native Montreal

NPJSQ	Native Para-Judicial Services of Quebec
OFIFC	Ontario Federation of Indigenous Friendship Centres
PAJIC	Programme d'accompagnement justice itinérance à la cour
PMRG-AU	Programme de mesures de rechange général pour les Autochtones en milieu urbain
PPCMA	Poste de police communautaire mixte autochtone
PSR	Pre-sentence Report
RCAAQ	Regroupement des centres d'amitié autochtones du Québec
SDIS	Service de la diversité et de l'inclusion sociale (City of Montréal)
SPVM	Service de police de la ville de Montréal
SQ	The Sûreté du Québec
VDNFC	Val-d'Or Native Friendship Centre
YCJA	Youth Criminal Justice Act

REGROUPEMENT DES CENTRES D'AMITIÉ AUTOCHTONES DU QUÉBEC (RCAAQ)

The RCAAQ is a provincial association dedicated to advocating for the collective rights and interests of Indigenous people in urban settings, while also providing support to Native Friendship Centres across Quebec.¹

As a vital part of the Quebec Native Friendship Centre Movement, the RCAAQ collaborates closely with affiliated Friendship Centres, the Société immobilière du Regroupement des Centres d'amitié autochtones (SIRCAAQ), the Observatory of Urban Indigenous Realities and Indigenous individuals connected to these organizations. Together, they amplify Indigenous voices, foster community connections and facilitate access to essential services in urban areas throughout Quebec.

Established in 1976, the RCAAQ has emerged as a prominent voice and a key advocate for urban Indigenous issues, striving to ensure equitable service delivery by and for Indigenous communities in urban settings.

Through research, evaluation and consultation activities, the RCAAQ strives to better understand the Indigenous presence in cities and to document the impact of actions by the Native Friendship Centres.

NOTE TO READERS

In line with Indigenous languages, the RCAAQ endeavours to use the spelling endorsed by Indigenous Peoples themselves for self-identification, whenever possible. In addition, the invariable or plural nature of certain words in Indigenous languages has been respected (e.g., the Inuit). However, as these are oral languages, the RCAAQ recognizes that there are often multiple valid versions of the same word or expression due to dialectal variations and differences in writing across regions and communities.



¹ An up-to-date list of RCAAQ-affiliated Native Friendship Centres and cities with service points can be found on the RCAAQ website (www.rcaaq.info/en/).

Introduction

In Quebec, the overrepresentation of Indigenous people in the justice system is a known fact, highlighted in particular by the Public Inquiry Commission on Relations between Indigenous Peoples and Certain Public Services in Québec: Listening, Reconciliation and Progress (CERP 2019). However, the statistical data available are often insufficient when it comes to accurately reflecting the realities of First Nations members and Inuit in cities in relation to justice. This is despite the fact that urban dwellers constitute a growing majority of the Indigenous population.² Given the lack of existing knowledge and the pressing need to address the numerous issues observed on the ground, the implementation of projects specifically addressing justice and urban Indigenous realities has become essential.

... the evidence heard and submitted leaves no doubt that some changes are needed to facilitate access to justice and end persistent discrimination problems.

[CERP 2019, 331]

In 2018, the RCAAQ was tasked with holding sociolegal forums in collaboration with the Native Friendship Centres and their local partners.³ The purpose of these forums was to highlight the main provincial and local issues affecting Indigenous people, in order to guide the prospective implementation of specific justice and rights advocacy services in Native Friendship Centres.

A first forum was held in Val-d'Or on March 19, 2019.⁴ Unfortunately, the project was subsequently disrupted by the health restrictions of the COVID-19 pandemic, and thus some adjustments were required. As a result, the next steps of the process were adapted and replaced by the following actions:

- 1 A critical literature review on the needs and issues in justice and public security for Indigenous people in Quebec, particularly in urban areas;
- 2 Collection of qualitative data through individual and group interviews at both local and provincial levels (via videoconference or in person);
- 3 Analysis of the data and writing of a report to present the results;
- 4 A collective exercise within the Movement to validate and add to the results;
- 5 Ongoing monitoring of the progress of justice initiatives at the Native Friendship Centres and collaborations with local partners;
- 6 Public dissemination and mobilization of results.

² Various official data sources (Statistics Canada and the Indian Register) tend to confirm a growth in the population of First Nations residing outside reserves or reserved lands, as well as Inuit outside Nunavik, since the beginning of the 21st century in Quebec (Lévesque et al. 2019). In 2021, over 60% of the First Nations and Inuit population declared an official residence in a city within the province (Statistics Canada 2023).

³ Local round tables were set up in 2016 to improve the accessibility, complementarity and continuity of services for Indigenous people in urban areas. These round tables help create collaborative links between the Quebec networks and regional partners, including the Native Friendship Centres, which co-chair the tables in Maniwaki, Sept-Îles, Chibougamou, Mauricie (La Tuque and Trois-Rivières) and Vallée-de-l'Or (Val-d'Or and Senneterre).

⁴ The highlights of this forum are reported in an article titled, "La cohabitation d'une justice étatique avec une justice communautaire autochtone" (Tran, N. et al. 2019). This document can be consulted online (<https://reseaudialog.ca/wp-content/uploads/2020/06/Cahier0DENA-2019-02-Justice-VF.pdf>).

This report is the result of the research and consultation process that took place from May 2021 to June 2023.

It aims to shed light on the needs and challenges related to the judicialization⁵ of urban Indigenous people.

To achieve this objective, a critical literature review was conducted, targeting both scientific literature, grey literature, statistical data, as well as detailed reports from the most recent inquiry commissions. Quantitative data specific to the RCAAQ on urban Indigenous realities were also reanalyzed to gain a deeper understanding of the topic. Following this, primary qualitative data were then collected in the cities of Chibougamau, Joliette, La Tuque, Maniwaki, Senneterre, Sept-Îles, Shawinigan, Trois-Rivières and Val-d'Or.⁶ Individual and group interviews were conducted with members of urban Indigenous communities,⁷ teams from Native Friendship Centres and partners from the public network.

The results presented in this report⁸ are part of the overall research process. The first section aims to contextualize the subject matter, summarizing the currently available statistical data regarding the judicialization of Indigenous people in Quebec. Subsequently, the main issues and potential solutions raised by the individuals interviewed are presented, with additional information provided as needed. Throughout this section, particular attention is given to participants' words and testimonies, as they represent invaluable data. Some exemplary practices and initiatives in urban settings are described in order to inspire and support the development of new projects.

From an ethical standpoint, the entire process leading to the production of this report has complied with the fundamental research principles and guidelines recommended within the Quebec Native Friendship Centre Movement (RCAAQ 2021).⁹ Therefore, Indigenous knowledge and perspectives hold a prominent place. Additionally, collective and participatory research methods were prioritized. Lastly, this research approach is action-oriented, aiming for this document to become a practical tool supporting Native Friendship Centres and their partners in enhancing services for Indigenous individuals experiencing judicialization in urban contexts.

⁵ The term "judicialization" is used here in a broad sense, involving various types of interaction with the justice system and public security, which can accumulate and have direct repercussions on the judicial record of those affected. Here, victims and witnesses are not considered "judicialized," although these individuals also interact with the justice and public security system, and their cases are occasionally addressed in the document. Additionally, the experiences of Indigenous people with youth protection, family law and civil law are not directly addressed in this document, although some of the issues raised regarding courts and service organization may also apply to these situations.

⁶ The details of the different stages of data collection and the participants interviewed are provided in the appendix.

⁷ An urban Indigenous community can be described as a diverse community of people who share an Indigenous identity (First Nations or Inuit) and the experience of living, be it temporarily or permanently, in the same city. The sense of belonging to an urban Indigenous community can vary from city to city and from person to person, and it can coexist with the sense of belonging to a territorial Indigenous community.

⁸ The content of this document has been validated and enriched by numerous players within the Quebec Native Friendship Centre Movement. Several members of the Friendship Centre teams were consulted in person or online to ensure the relevance and accuracy of the presented results.

⁹ A summary of the principles and guidelines outlined in the Research Framework by and for Urban Indigenous People in Quebec (RCAAQ 2021) can be found in the appendix.

1. Background

This section presents general data on the judicialization of First Nations and Inuit communities in Quebec, followed by data specific to the urban environment. While the information provided is partial and segmented, it sheds light on general trends regarding Indigenous interactions with the legal system and on the primary issues involved. The goal is not to present a comprehensive picture of Indigenous judicialization in Quebec but rather to provide readers from diverse backgrounds with reference points to frame the subsequent sections within a broader context.

Indigenous judicialization in Quebec

In many government databases, the ethnocultural origin of judicialized individuals is not mentioned. As a result, it is difficult to obtain reliable and complete statistics on judicialized Indigenous people in Quebec (CERP 2019).

Among the available publications, two have appeared particularly relevant in presenting the general context of Indigenous judicial involvement in Quebec.¹⁰

- Portrait of the Criminalization of the First Nations in Quebec: Providing Impetus for Change (FNQLHSSC 2019)
- Profile of Aboriginal Peoples in Correctional Services 2015–2016 (Chéné 2018)

The data from these two sources clearly demonstrate the extent of Indigenous involvement in the justice system in Quebec, although a critical perspective remains necessary when interpreting them.

Here are some of the most relevant data points:

- The ratio of **incarcerated** individuals per 1,000 inhabitants is **five times higher** for First Nations and Inuit than for non-Indigenous people (20.7 compared to 4) (Chéné 2018).
- The rate of **judicialization**¹¹ is **five to six times higher** among First Nations people than among non-Indigenous people (FNQLHSSC 2019).
- The **Indigenous peoples most represented** in the Quebec correctional system were Inuit (45.6%), Innu (14.4%), Cree (14.3%), Algonquin (11.5%) and Atikamekw (8.8%), with the remaining six First Nations collectively accounting for 5.4% of Indigenous detention cases (Chéné 2018).
- **The Inuit** have the highest provincial incarceration rate, the highest growth over time, the highest proportion of incarcerated women and the longest sentences (Chéné 2018).

In addition to these quantitative data, the scientific literature unquestionably confirms that Indigenous involvement in the justice system is often intertwined with other life challenges, such as mental health issues, homelessness, poverty, and alcohol and drug use (Bellot et al. 2021; CERP 2019; Jaccoud et al. 2018; Bellot and Sylvestre 2016). Data relating to these issues will be discussed in greater detail in the next section.

¹⁰ In the interest of transparency, the methodological limitations of the data from these sources, as well as the reasons for their utilization, are clearly outlined in the appendix.

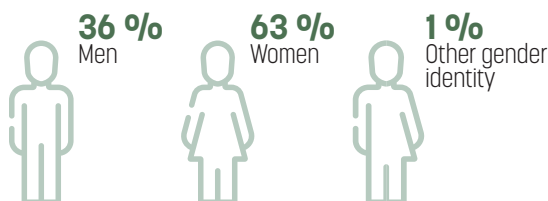
¹¹ The rate of judicialization per person was 15% among First Nations (compared to 3% for non-Indigenous people) for open records and 17.6% (compared to 3.4%) for closed records (FNQLHSSC 2019).

Judicialization of urban Indigenous people

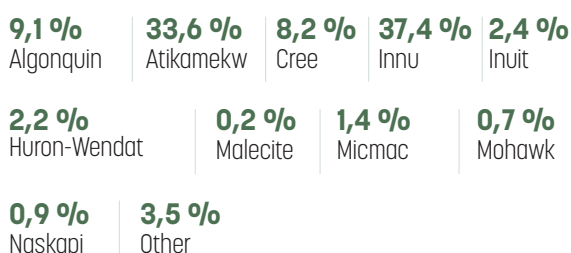
From 2016 to 2018, the RCAAQ conducted a survey in which 1,723 Indigenous individuals living in or passing through urban areas participated.¹²

Here is the overall profile of the respondents:

GENDER

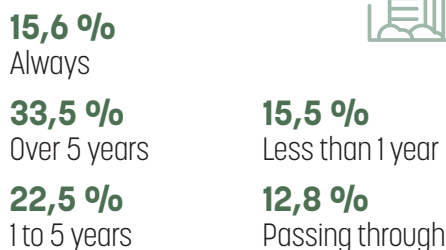


NATION



CITY	NUMBER OF RESPONDENTS
Chibougamau	46
Joliette	50
La Tuque	112
Maniwaki	58
Montréal	163
Québec	464
Roberval	106
Saguenay	183
Senneterre	50
Sept-Îles	96
Shawinigan	50
Trois-Rivières	142
Val-d'Or	85
Other cities	118

PRESENCE IN URBAN SETTINGS



RESPONSE LANGUAGE



For the current project, the data from the RCAAQ's¹³ provincial survey were analyzed in more depth to provide a clearer picture of the judicialization of Indigenous people living in or passing through urban areas. Thus, the profiles of the 461 individuals who had personal experience of being accused or detained¹⁴ in the justice system could be compared with those of Indigenous respondents who had never been judicialized.

¹² The study involved 1,723 adult Indigenous respondents living in or passing through 13 cities (Chibougamau, Joliette, La Tuque, Maniwaki, Montréal, Québec City, Roberval, Saguenay, Senneterre, Sept-Îles, Shawinigan, Trois-Rivières, Val-d'Or). A questionnaire with 82 questions was used, some of which addressed judicialization directly.

¹³ A summary of the results of this extensive survey was published: Les Autochtones en milieu urbain et l'accès aux services publics. Portrait de la situation au Québec (RCAAQ 2018). It can be viewed online: https://www.rcaaq.info/wp-content/uploads/2019/08/RCAAQ_Portrait_Provincial_FR.pdf

¹⁴ Here, "judicialized respondents" are defined as people who have already had contact with the Quebec justice system (courts, lawyers, prosecutors, etc.) as an accused person; and/or who have had contact with police services because of an arrest; and/or who have received a penal sanction (sentence to be served in the community, intermittent detention sentence, detention sentence of less than two years, detention sentence of two years or more or preventive detention before seeing the judge).

Here are the results of these comparative analyses¹⁵.

Scope of the phenomenon in Quebec

- **30 %** of respondents reported having been **judicialized**.
- The **cities** with the **highest rate of judicialization** were Chibougamau (40%), Val-d'Or (38%), Montréal (37%), Joliette (36%) and Senneterre (35%).¹⁶
- 54% of judicialized respondents had been so **in the year before the survey** (vs. 26% 1 to 5 years before, and 20% more than 5 years before).

Profile of judicialized individuals in urban settings

- On average, judicialized people had **lower incomes**.
- **Men** were **more judicialized** than women (almost 1 in 2 men reported being judicialized, compared to 1 in 5 women).¹⁷
- More judicialized respondents **had children in foster care** than non-judicialized ones (11% vs. 3%).
- More judicialized respondents were **unemployed** (44% compared to 28%) and **did not have a diploma** (59% vs. 45%).
- Judicialized respondents were **more frequently victims of crime** than non-judicialized respondents (45% vs. 26%).
- More judicialized respondents reported having experienced **racism or discrimination** public service settings than did non-judicialized respondents (67% vs. 53%).

Experience of personal challenges

The profile of the judicialized Indigenous individuals who participated in the survey was analyzed based on various factors corresponding to major challenges that can be encountered in life.¹⁸ A detailed analysis indicates that judicialized Indigenous individuals are significantly overrepresented for these four challenges:

- Dealing with addiction (current or past)
- Facing residential instability (current or past)
- Having been the victim of a crime
- Not having a diploma

It should be noted that all the personal challenges targeted by this study are recognized as possible intergenerational consequences of colonial assimilation policies toward Indigenous peoples in Canada, including the residential school system (TRC 2015).



¹⁵ All the results presented in this section come from data from the RCAAQ provincial survey (RCAAQ 2018), with the new quantitative analyses conducted and verified by the firm EBDData.

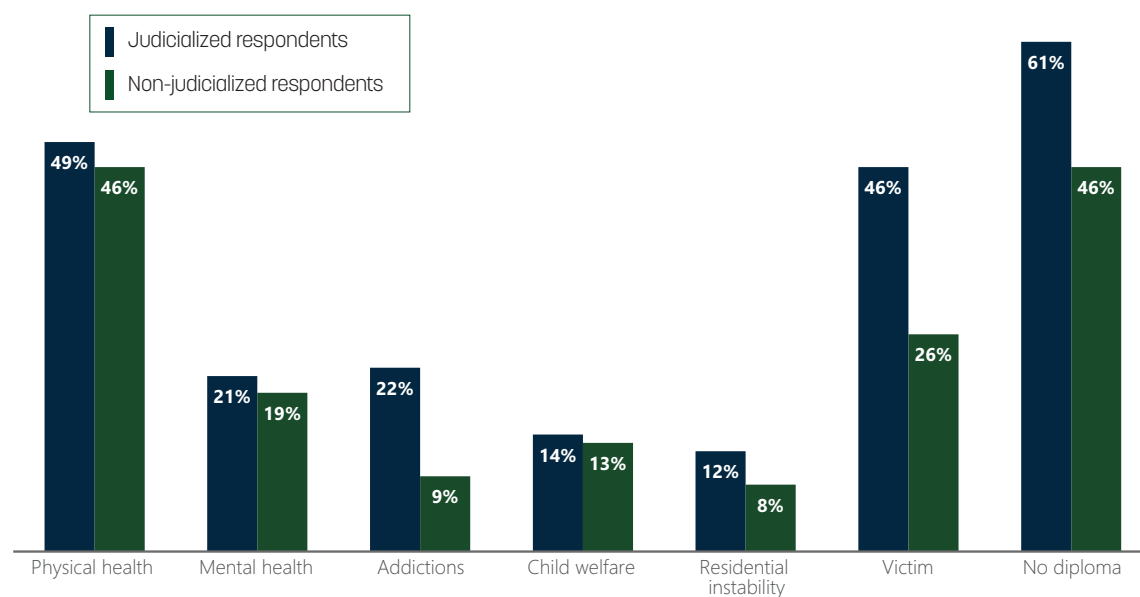
¹⁶ These data are presented for information purposes only; they are not representative, given the small sample size in some cities.

¹⁷ It should be noted that the survey sample was 64% female and 36% male.

¹⁸ 1) Physical health problems; 2) Mental health problems (emotional or anxiety problems, suicidal ideation, traumatic events or past-related events); 3) Addictions (alcohol, drugs, gambling); 4) Help needed for children's well-being (children's physical, emotional or mental health or behaviour problems); 5) Residential instability (having sought help for homelessness, urban adjustment or finding suitable housing); 6) Victim of crime; 7) No diploma (no high school diploma or equivalent).

CHART 1

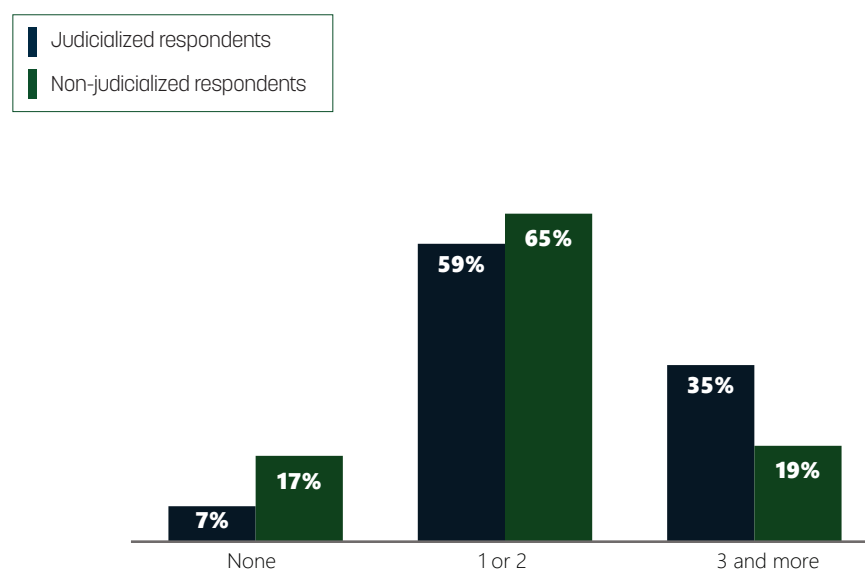
Major challenges encountered based on the experience of judicialized urban Indigenous people



The comparative analysis between judicialized respondents and other respondents also makes it possible to compare the number of major challenges encountered by each individual throughout their life.

CHART 2

Number of major challenges encountered, by judicialization experience

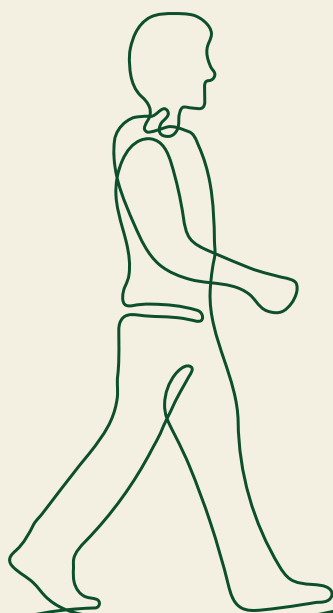


Key findings:

- Compared to non-judicialized respondents, **more judicialized respondents faced certain major challenges** in their life journey, notably addictions (2.4 times more), being a victim of crime (1.8 times more), residential instability (1.5 times more) and not having a diploma (1.3 times more).
- On average, judicialized Indigenous people face or have faced a greater number of personal challenges than non-judicialized Indigenous people over the course of their lives.
- As the number of challenges faced increases, so does the proportion of individuals who have been judicialized.

The in-depth analysis of the RCAAQ provincial survey data reveals a strong association between the accumulation of personal challenges and the judicialization of urban Indigenous people.

These findings confirm that urban Indigenous people who are judicialized have complex life journeys and significant needs for services and support in many areas of their lives. For this reason, it is important to adjust the available support and resources accordingly before, during and after their contact with the judicial system. This is all the more important given that in urban areas, «the high rates of victimization and judicialization of Indigenous peoples are concerning and show significant disparities with the non-Indigenous population» [translation] (RCAAQ 2018, 27).



2. Issues and possible solutions

This section brings together the results of primary data collection conducted in nine cities. It reports the ideas and viewpoints expressed by judicialized Indigenous individuals, members of Native Friendship Centre teams, and partners from the public network. It presents the main issues raised by these individuals regarding justice and public security for Indigenous people in urban areas, as well as the solutions that were discussed.

The Viens Commission highlighted the phenomenon of overarrest of Indigenous people in several Quebec cities (CERP 2019). The overrepresentation of Indigenous people in urban arrest statistics is often analyzed through the lens of systemic discrimination, racial and social profiling and the judicialization of social problems (Bellot et al. 2021; Clark 2019; Jaccoud et al. 2018; Bellot and Sylvestre 2016).

Discrimination and profiling

Certainly, it is widely acknowledged that there is discrimination against Indigenous people within Quebec's public service network, a reality that is increasingly capturing the attention of decision-makers and of players in the field (CERP 2019; RCAAQ and SAA 2021).

Having completed my analysis, it seems impossible to deny that members of First Nations and Inuit are victims of systemic discrimination in their relations with the public services that are the subject of this inquiry. While the problems may not always be systemic, the Commission hearings have revealed that our current structures and processes show a clear lack of sensitivity toward the social, geographical and cultural realities of Indigenous peoples. As a result, notwithstanding certain efforts to make changes and despite a clear desire to promote equal opportunities, many current institutional practices, standards, laws and policies remain a source of discrimination and inequality, to the point where they significantly taint the quality of services offered to First Nations and Inuit.

(CERP 2019, 216)

DEFINITIONS

Systemic discrimination

Systemic discrimination, which combines both of those types of discrimination, is characterized as being widespread and institutionalized in a society's practices, policies and culture. Systemic discrimination can impede individuals throughout their entire lives and its effects can persist over multiple generations (CERP 2019, 11).

Racial profiling

Any action taken by one or more people in authority with respect to a person or group of persons, for reasons of safety, security or public order, that is based on actual or presumed membership in a group defined by race, colour, ethnic or national origin or religion, without factual grounds or reasonable suspicion, that results in the person or group being exposed to differential treatment or scrutiny (CDPDJ).

Social profiling

Social profiling has a similar definition to racial profiling, but this time the trigger is related to the person's social condition. This kind of discrimination is based on visible or presumed signs of poverty or marginality (CDPDJ).

Several experts in the justice and public security sectors, along with Indigenous individuals we spoke to, highlighted instances of profiling and practices that could be seen as discriminatory. However, many also pointed out recent improvements, especially in police relations, across various cities, thanks to enhanced collaboration with Native Friendship Centres. The establishment of Indigenous liaison positions, joint intervention patrols and partnerships with Indigenous organizations are indeed significant steps forward. While there is still progress to make, everyone we encountered during our research appeared committed and eager to drive positive change.

What we heard¹⁹...

" When they see that you're Indigenous, they (the police) always ask more questions. "

(Judicialized urban Indigenous person)

" In elementary school, we were already running away and afraid of the police! "

(Urban Indigenous person)

" Before calling the police, I would definitely call my lawyer! "

(Judicialized urban Indigenous person)

" We are still in a system of racial profiling and social profiling. Anyone who is even remotely marginal, who talks to themselves, who has mental health issues, the police are after them. If you are Indigenous, the police are even more after you. You go back in for breach of conditions and you stay stuck in that cycle. "

(Friendship Centre staff member)

" There's racism and prejudice, for sure, but there's still evidence of police openness. The liaison officer is really a plus. They often come to volunteer. They're invited to give presentations to members. It's changed a lot of things. "

(Member of the management of a Friendship Centre)

¹⁹ Most of the interviews were done in French. The original version of all quotes can be found in the French version of this report.



Judicialization of personal, social and collective problems

The judicialization of personal and social problems such as economic poverty, mental health problems and substance abuse accounts for much of the judicialization of Indigenous people in Quebec (CERP 2019). In this regard, it is important to note that certain collective challenges can influence and exacerbate the issues experienced by individuals. Indeed, it has been demonstrated that among the Indigenous population, personal issues are often compounded by the intergenerational effects and traumas of colonial assimilation policies, including the residential school system (TRC 2015).

Just by looking at the major events that have defined the relationship between Indigenous peoples and public services, we can grasp the scope of the disaster unleashed by the colonialist policies of successive provincial and federal governments over the past 150 years.

[CERP 2019, 216]

We must also acknowledge the ongoing impact of racism and discrimination on the daily lives of many Indigenous people, adding to the burden carried by the most vulnerable individuals (Blanchet-Cohen, Pinsonnault and Fontaine-Dumais 2022; CERP 2019; RCAAQ 2018).

What we heard...

"The accused are victims of a system that does not understand their needs."

(Judicialized urban Indigenous person)

"A day of training is not enough to raise awareness."

(Friendship Centre staff member)

"Vulnerable or marginalized people are not naturally drawn to the Centre's activities; it's up to us to go and find them. Otherwise, people slip through the net. It's really only through outreach that we're going to get them in. We have to go to them. There is a lot of social breakdown here, substance use, sex work, theft, crime. Many people come out of therapy or leave the community because they have done things in the community and they're ashamed. People here are passing through and rarely use the services."

(Friendship Centre staff member)



The interviews conducted with individuals on the ground affirm that judicialized Indigenous people often grapple with personal challenges that also have a collective aspect. Here are the most frequently mentioned personal and social issues relating to the involvement of Indigenous people in the urban justice system:

- Lack of diploma
- Financial poverty
- Direct or intergenerational trauma stemming from residential schools
- Early use of alcohol and/or drugs
- Experience of violence or abuse
- Complex childhood traumas
- Encounters with youth protection services during childhood and/or adulthood
- Housing instability or homelessness
- Experience of loss and bereavement
- Suicide attempts
- Relationship difficulties or breakdowns
- Depression and anxiety
- Coping with numerous relocations

The accumulation of these challenges, along with insufficient access to appropriate care and services, frequently results in judicialized Indigenous people grappling with the revolving-door cycle (FNQLHSSC 2019; Lévesque and Comat 2018).

DEFINITION

The “revolving-door cycle” refers to the repeated judicialization of the same individuals who, because of inadequate treatment, are constantly going back and forth between the street, the health and social services network, the judicial system and prison (CDPDJ). This phenomenon is hardly exclusive to Indigenous individuals, but in their case, its significance is accentuated due to the accumulation and intensity of the challenges they face (Lévesque and Comat 2018).

Against this backdrop, the **judicialization** of Indigenous people can be seen as the **consequence of insufficient resources and services** to adequately address the ongoing impacts of colonial history and the specific needs of Indigenous people.

Solutions proposed by those interviewed include implementing mixed police squads, fostering cross-sectorial collaboration, street outreach, raising awareness about Indigenous realities, and creating tailored services by and for Indigenous peoples. However, addressing this issue in a sustainable way remains a broad and complex problem.

... structural reforms that will effect lasting change are preferable to temporary measures of the kind all too often implemented in reaction to unfortunate events, only to be gradually abandoned.

[CERP 2019, 216]

Issues related to addiction

" The prevalence of alcohol and drug addiction among First Nations individuals, particularly excessive consumption, cannot be fully understood from a purely clinical, individual standpoint. It is partly rooted in colonial policies deeply embedded in the country's history. (...) At the individual, family and community levels, these policies have led to a loss of self-confidence, trust in oneself and others, erosion of parenting skills, absence of positive attachment and emotional communication models, breakdown of support networks, losses in language and identity, and a decline in cultural pride. "
[translation]

[Tran and Lévesque 2019, 1]

The high number of arrests among urban Indigenous people for being drunk or intoxicated in public has been the basis for many police interventions. This point was raised during our field study and in the literature review (Bellot et al. 2021; CERP 2019). Many of those interviewed explicitly stated the need for improved training to effectively address substance use and addiction issues within an Indigenous setting.

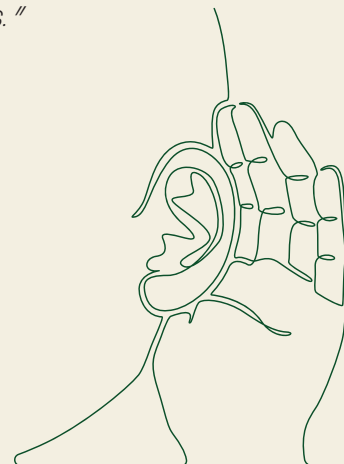
What we heard...

"Some Indigenous people come into the city and go to a bar. They stay until closing time and are then stuck here, not able to return to their community. So they sleep in the street. When they are intoxicated, the police put them in a cell [...]. The shelters don't have space if you are intoxicated and there is no detox centre. We don't have a solution. "

[Friendship Centre staff member]

" After the Val-d'Or situation, it changed with the story of someone who had \$30,000 in unpaid tickets. After that, there were explanations about vulnerability, about untreated alcoholism. We then got internal guidelines to understand vulnerability. We try to make referrals to find resources for help, so that incarceration is a last resort. We let you sober up in a cell until you are fit to take care of yourself. So, fewer tickets are issued at this level. The number of incarcerations has not necessarily changed, but the number of tickets given out has. For a while now, I've been thinking that we've reached the limit of this way of doing things. Now they [judicialized individuals] know that there are no consequences. "

[Public security expert]



Among the solutions proposed to address this issue, participants mentioned the establishment of low-threshold service centres, greater flexibility around reception in emergency shelters, close collaboration between police and outreach workers, the creation of warming centres, and the implementation of intervention and support services specifically tailored to Indigenous individuals.

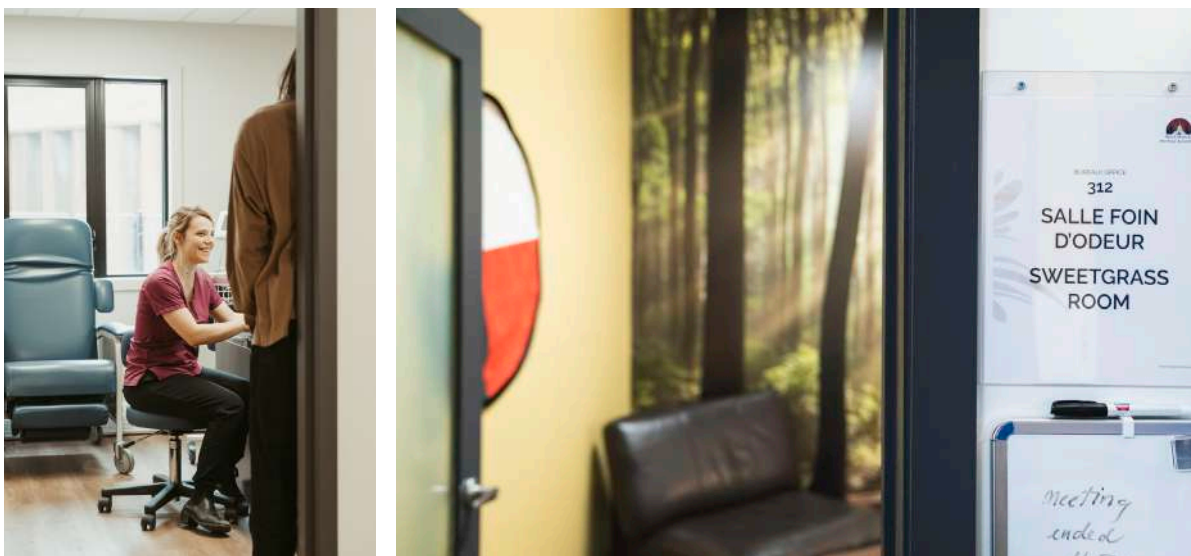
DEFINITION

Low-threshold service centres

They reduce as much as possible the conditions required to obtain basic health and social services, thereby enhancing the inclusion of vulnerable individuals who are intoxicated or in crisis. By promoting unconditional acceptance and a tolerant approach toward intoxication, low-threshold services exemplify the harm reduction philosophy in the field of intervention and substance abuse (Wagner et al. 2021).

The **lack of low-threshold service centres** was identified as a major issue in almost every city consulted. It is important to understand that in the absence of adequate overnight resources, many vulnerable Indigenous individuals end up having more frequent, intense and complex interactions with police services. It is worth noting that currently no city has low-threshold services specifically tailored to Indigenous people, except for Val-d'Or, where the VDNFC opened a daytime respite space in 2016 that welcomes all vulnerable or homeless individuals without judgment, the vast majority of whom are First Nations members or Inuit (see Section 3). In Maniwaki, La Tuque and Chibougamau, there are no resources available to accommodate intoxicated individuals, prompting Native Friendship Centres to want to swiftly mobilize local partners due to the significant negative impact on the Indigenous population, particularly men.

Furthermore, the **lack of space and availability in Indigenous therapy centres for addiction treatment** was also identified as a major issue by several Native Friendship Centre teams.



Mobility, housing and homelessness

Indigenous presence in Quebec cities exceeds official residency numbers, as Indigenous individuals may be in the city temporarily or even passing through for a variety of reasons, including employment, education, seeking specific services or escaping a difficult situation (RCAAQ 2018). Indeed, within the framework of the most recent First Nations Regional Health Survey in Quebec, six in ten individuals reported having previously lived outside their community (FNQLHSSC 2018).

Experts in justice and public security have highlighted that the justice system is tailored for those with a stable, fixed address, which does not align well with the high mobility²⁰ typical of urban Indigenous populations. This **discrepancy between the justice system and Indigenous mobility** brings about various ramifications. Notably, this hypermobility can even result in multiple court cases being filed in different districts for the same offender. It was also mentioned that in some cases, gathering together the records of the judicialized person can be a challenge, particularly in cities located near geographic divides between judicial districts.

What we heard...

"The court was fed up with my address changes. It was annoying to the judge to see me every time I moved. I felt like an urban nomad, going from one place to another: my aunt's place, my sister's, Le Transit."

[Judicialized urban Indigenous person]

"It wasn't designed to make things difficult for them, but it also wasn't designed with their reality in mind—let's be upfront about that. [...] Our legal system is set up for people who stay in one place most of their lives."

[Justice expert]

"Once, a lawyer pressured the family to agree to take in a young person so he could be released. Otherwise, he would have stayed in detention because he couldn't provide an address."

[Community outreach worker]

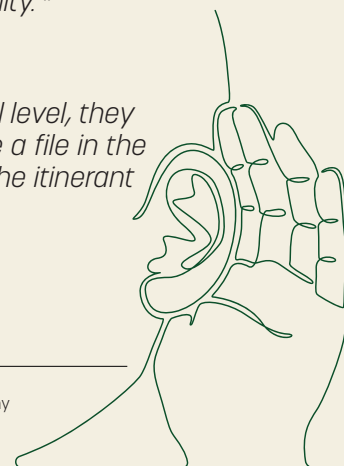
"There is a kind of invisible homelessness. A lot of people get stuck in the city because there is a housing crisis in their community. Also, some are banned from the community."

[Friendship Centre staff member]

"We know that people in the communities move around a lot. At the residential level, they change more frequently. [...] For example, it often happens that victims have a file in the community and in Chibougamau. [...] And it's the Amos office that handles the itinerant court cases, so those aren't the same prosecutors at all."

[Justice expert]

²⁰ The term "hypermobility" is used to describe the extensive movements of Indigenous individuals between various locations, including residential mobility within a city and between cities and territorial communities. The Indigenous population is more mobile than any other group in Canada (Lévesque et al. 2019).



Housing

The Viens Commission identified housing as an issue affecting all Indigenous Nations, both in community and urban settings (CERP 2019). The difficulty of accessing housing for Indigenous individuals who have been or are at risk of being involved in the justice system was highlighted as a major issue by those interviewed in the nine cities where this survey took place. The factors cited include the housing shortage, high prices and landlord discrimination against Indigenous people. Several participants argued that housing instability often complicates the social reintegration of Indigenous individuals and can even lead to non-compliance with conditions, which will be discussed below.

Poor and marginalized, partly because of the culture shock experienced when they arrive in the city and lack of knowledge of the rules, Indigenous people are [...] at greater risk of becoming homeless.

[CERP 2019, 259]

Homelessness

The overrepresentation of Indigenous people among the homeless population in Canada is a known and documented problem: they comprise up to 10 times—in some places 20 times—their relative demographic weight (Lévesque et al. 2015). The issue of Indigenous homelessness has been the subject of numerous studies (Bellot et al. 2021; CERP 2018; Comat et al. 2019; FNQLHSSC, 2021; Drouin-Gagné and Lévesque 2019; Gervais 2019; Lévesque et al. 2015). Exacerbated by urbanization²¹, Indigenous homelessness shares causes with the homelessness phenomenon in general (such as housing crises and social problems), but it also has specific aspects related to Indigenous realities (Gervais 2019; Comat et al. 2019). It is acknowledged that several concepts, including the notion of intergenerational trauma, must be considered to properly understand Indigenous-specific forms of homelessness.

DEFINITIONS

Visible homelessness

Refers to people living on the street, in public spaces or other places not designed for human habitation" (FNQLHSSC, 2021, p. 5).

Hidden [or invisible] homelessness

People living temporarily with friends, family or strangers(couch surfing), or living in inadequate or severely overcrowded housing" (FNQLHSSC, 2021, p. 7).

Spiritual homelessness

An experience resulting from either a separation from one's traditional territory or an identity crisis provoked by a break with one's cultural and familial heritage (Lévesque et al. 2015).

Circular migration

Circular migration is characteristic of some Indigenous people's experience of homelessness. This refers to the repeated displacement of some people between communities of origin and urban centres. Circular movement seems to be connected to an ambivalence between the search for better opportunities (moving to the city) and the search for a social network (returning to the communities of origin). These push and pull factors fuel hypermobility between initial communities and urban settings" (Gervais, 2019, p. 12).

²¹ In the past two decades, the urban Indigenous population has been growing steadily, almost twice as fast as those residing in Indigenous territorial communities (reserves, reserved lands, and treaty lands), according to data from across Quebec (Lévesque et al. 2019).

The issue of hidden homelessness, which is less documented, was highlighted as a significant aspect of urban Indigenous homelessness by the individuals we interviewed. Some transitions, such as exiting institutions (detention, halfway houses, care by youth protection services), escaping violent situations or the end of a hospitalization, were identified as factors associated with hidden homelessness among urban Indigenous populations.

**COUNTING OF INDIVIDUALS
EXPERIENCING SITUATIONS OF VISIBLE
HOMELESSNESS IN QUÉBEC. REPORT
FROM THE COUNTING EXERCISE ON
OCTOBER 11, 2022 [MSSS, 2023]**



A total of **4,323** individuals experiencing homelessness participated in a counting exercise on October 11, 2022.

Of this number, approximately, approximately **13%** s'identifiant identified as Indigenous, specifically as a First Nations member (**10%**), Inuit (**1%**), Métis (**1%**) or belonging to other Indigenous Peoples (**less than 1%**).

Individuals identifying as members of a First Nation are significantly overrepresented in visible homelessness, particularly in the following regions:

Outaouais **13.6%** Saguenay–Lac-Saint-Jean **23.1%** Abitibi-Témiscamingue **47.4%** Côte-Nord **45.1%**

Individuals identifying as Inuit are predominantly found in

Montréal **3%** Abitibi-Témiscamingue **1.3%** Côte-Nord **1.4%**

It is important to note that in some cities, emergency shelter resources are either nonexistent or insufficient for individuals who are temporarily homeless, notably in Chibougamau, La Tuque and Maniwaki. Obviously, this situation makes individuals more vulnerable and places them at greater risk of committing offences, combined with personal or social issues.

The judicialization of homelessness has been a key aspect of the growing criminalization of marginalized populations since the 2000s, with the increase in statements of offence and incarceration for nonpayment of fines (Gervais 2019; CERP 2019). Bill C-75²² encourages law enforcement officers and judges to pay special attention to Indigenous peoples and those in vulnerable situations, advising against the use of municipal bylaws as a means to «get rid of» vulnerable individuals deemed problematic.

Since the events in Val-d'Or in 2017 and the Public Inquiry Commission's report in 2019, certain calls to action aimed at reducing this problem for Indigenous people seem to be yielding results. Ceasing the incarceration of homeless individuals for unpaid fines, establishing mixed intervention squads and implementing justice support programs for vulnerable or homeless individuals represent significant strides in addressing this issue.

²² Specifically, section 493.2.

The present study has highlighted that while overarching policies have shifted, frontline enforcement personnel may lack the necessary resources to effectively and appropriately implement these changes. Consequently, practices vary widely across the province, leading to significant disparities. For instance, despite the 2020 adoption of An Act Mainly to Promote the Efficiency of Penal Justice and to Establish the Terms Governing the Intervention of the Court of Québec with Respect to Applications for Appeal, which ostensibly eliminates imprisonment for unpaid fines in Quebec, some municipalities continue this practice. This has resulted in the continued detention of numerous vulnerable Indigenous individuals. Many experts in the field argue that this law's provisions fall short, as they do not outright prohibit imprisonment for unpaid fines in the *Code of Penal Procedure*.

Underused legal tools

There are few clear mechanisms available to reduce the criminalization of First Nations members and Inuit with a view to reconciliation. One of the few tools available is a Gladue report²³, which is co-created with the accused and submitted to the judge. It delves into the life story of the Indigenous person involved, providing the judge with insight into systemic and historical factors of Indigenous heritage when determining sentencing. However, the Viens Commission highlighted that it is underused in Quebec, for reasons such as the lengthy drafting process (taking two to four months), the lack of personnel trained in writing the reports and the restrictions on its application, notably for minor offences and sentences of under 30 days' imprisonment (CERP 2018b and 2019; Sylvestre and Perreault 2019c).

What we heard...

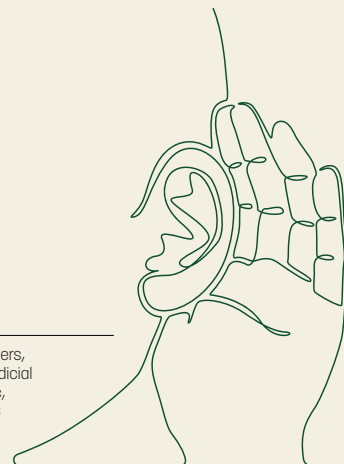
"It takes serious situations to use Gladue reports. I've witnessed two uses of it, for really big cases. If the judges and the lawyers knew our history, if they knew all the repercussions of the residential schools, of the law's imposed on us, we wouldn't need these Gladue reports, which take two months to write."

(Friendship Centre staff member)

"I could see that there was an upsurge in people being temporarily homeless. These are people who come to the city, start drinking or taking drugs, and get stuck in the city with no place to live. We don't have a plan B, so we put them in a cell. We do not issue statements of offence, to follow the recommendations of the Viens Commission to avoid the overjudicialization of vulnerable people."

(Public security expert)

²³ The Supreme Court's Gladue (1999) and Ipeelee (2012) decisions encourage judges to consider the unique circumstances of Indigenous offenders, as required by section 718.2 (e) of the Criminal Code. These decisions are intended to limit the overrepresentation of Indigenous people in the judicial system and to promote restorative justice. Any person who self-identifies as Indigenous may request a Gladue report for sentencing. In Quebec, these reports are generally prepared by the NPJSQ. More recently, the Supreme Court ruled that the duty to consider Gladue principles extends to release. In 2018, the DPCP amended its guidelines to ensure that these principles, such as the offender's involvement in their community, are considered in any parole decision (Sylvestre and Perreault 2019c).



A Gladue letter²⁴ is also an option available for shorter sentences, but this tool also appears to be rarely used in Quebec. The reasons behind this limited use require further investigation.

Since 2015, the Direction générale des services correctionnels (part of the ministère de la Sécurité publique) has adapted its Presentence Report (PSR) to the specific circumstances of Indigenous offenders. The PSR with an Indigenous component is administered by the correctional services and written by the probation officer. Unlike a Gladue report, the PSR primarily reflects the probation officer's perspective rather than a co-constructed life narrative with the accused individual, and it is produced post-conviction (CERP 2018b). This document still considers the elements of the Indigenous context that are relevant for analyzing the person's situation. It also suggests social reintegration measures that are appropriate with regard to the person's Indigenous culture (CERP 2018b).

Other limitations of this tool have also been raised, including the lack of connection between probation officers and community intervention personnel (Poulin 2020). Additionally, the absence of probation offices in Chibougamau, La Tuque and Senneterre inevitably restricts the meetings and the development of trust and collaboration between defendants and their probation officers for the drafting of PSRs.

Realities of Indigenous women

In general, urban Indigenous women are more likely to be affected by various issues such as violence, prostitution or being a victim of crime or violence (Piedboeuf and Lévesque 2019). Statistics show an increase in the percentage of judicialized Indigenous women in recent years, particularly among the Inuit.

HERE ARE SOME STATISTICS ON THE SUBJECT:

A report on police checks, conducted by independent researchers at the request of the SPVM in 2019, found that **Indigenous women** in Montréal are **11 times** more likely to be stopped by police than non-Indigenous women (Armony et al. 2019).

The proportion of **incarcerated Indigenous women** has increased in recent years and is higher than the proportion among non-Indigenous women (16% compared to 9.7%) (Chéné, 2018).



16% Indigenous
9.7% non-Indigenous

The proportion of **women incarcerated** is particularly high among the **Inuit (23.4%)**, where it increased by 175% from 2006 to 2016 (Chéné 2018).



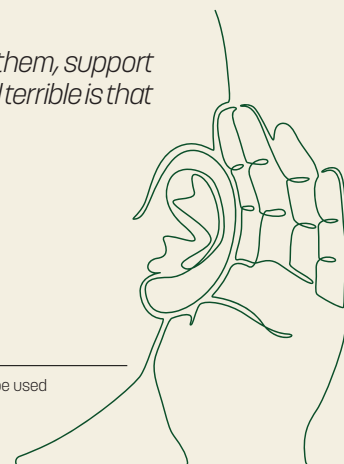
Increased
175%

What we heard...

"I feel there is negligence when it comes to Indigenous women. I feel we could advise them, support them. If I had resources, we could go to these women and provide services. What I find terrible is that they don't know their rights."

(Justice expert)

²⁴ Gladue letters, abbreviated versions of Gladue reports, focus more on the procedures and appropriate sanctions for the offender and can be used when a person faces less than 90 days in prison (Sylvestre and Perreault 2019c).



Women in urban settings

On average, First Nations and Inuit women outnumber men among the urban Indigenous population of all ages (Lévesque et al. 2019; RCAAQ 2018). It is therefore important to have a good understanding of the profile of Indigenous women in urban settings to comprehend the specific issues they face related to justice and public security.

Urban indigenous people and access to public services. A Portrait of the Situation in Quebec

(RCAAQ, 2018)

Facts about the 1,021 Indigenous women who participated in the RCAAQ provincial survey from 13 cities in Quebec:

- More than half have an annual income of less than **\$20,000**;
- 63%** have at least one child aged 17 years or younger in their care;
- 45%** have no educational diploma;
- 33.3%** had been victims of a crime;
- 19%** have a criminal record, compared to 45% of men.

The data from the RCAAQ survey shows that the rate of judicialization among Indigenous women is lower than that of Indigenous men, but significantly higher than that of non-Indigenous women (RCAAQ, 2018).

Furthermore, among the judicialized respondents, more than half stated that they had been victims of a crime, clearly illustrating the vulnerability of these women and their need for support (RCAAQ, 2018).

Violence

Across Canada, the rate of domestic violence is estimated to be about **three times higher** among Indigenous women than non-Indigenous women (CERP 2019, 119).

In terms of offences against the person committed by members of First Nations in Quebec, more than **one in three offences** are reportedly related to **domestic violence** (FNQLHSSC 2019).

Despite various community resources being available in urban areas for women experiencing domestic violence or distress, these resources often fall short in addressing the complex challenges faced by Indigenous women. Moreover, Indigenous-specific resources are inadequate (Piedboeuf and Lévesque 2019).

Respondents mentioned Indigenous women's distrust toward the justice system and the tendency of victims not to report their abusers. Many feel that the institutional response is not suitable for Indigenous women and families. It is common for these women to feel judged or not taken seriously because of their Indigenous identity. Finally, a general lack of knowledge about rights, how the legal system works and what resources are available was cited by many as a factor in **women's reluctance to use public services when they need protection**.

Vulnerability and judicialization of women

When Indigenous women find themselves in a judicial situation, they often carry a complex burden that makes them even more vulnerable. Unfortunately, several recent testimonies and publications have shown that their fears are well-founded, including numerous public accounts of police violence against Indigenous women (CERP 2019; NIMMIWG 2019). Additionally, there is a consensus on the need to improve the detention conditions of Indigenous women in Quebec, as the treatment they receive from correctional services is often described as highly discriminatory²⁵ (Kendall et al. 2020; CERP 2019). It is also known that Indigenous women experiencing homelessness are particularly vulnerable to exploitation and sexual assault (CERP 2019, 125). Without covering the topic exhaustively, these examples highlight the importance of paying particular attention to the realities of Indigenous women facing the justice system, as they are likely affected by numerous vulnerability factors before, during and after their judicialization.

Language barriers

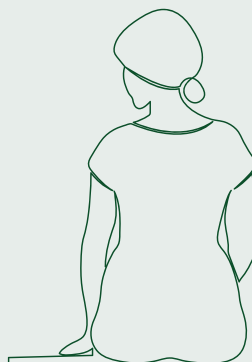
...it is very often impossible for First Nation members and Inuit to have access to services in Indigenous languages or English, when those are their first and second languages.

[CERP 2019, 235]

In Quebec, over 40,000 people have an Indigenous mother tongue. Some Indigenous languages are spoken and used by more than 80% of the members of a Nation, demonstrating exceptional vitality within the Canadian landscape (Statistics Canada 2018).

As highlighted by the Viens Commission (2019) and corroborated by numerous people we met in cities, **language barriers are a major point of discrimination for judicialized urban Indigenous people**. They are clearly disadvantaged throughout the judicial process, due to the lack of Indigenous language interpreters and the lack of bilingual (French and English) services in some cities. In many regions, the right to an interpreter is not only difficult but sometimes impossible to honour without compromising confidentiality.

Indigenous individuals whose first or second language is English are particularly affected in certain French-speaking remote regions, where the majority of experts in the field, including law enforcement officers, court clerks, judges, lawyers, community resources and correctional facility resources, do not speak English.



²⁵ Outside Montréal and Québec City, there are no facilities specifically designed for the detention of women, which means additional travel and greater geographic remoteness for most Indigenous women detainees (CERP 2019).

They face a similar challenge with forms, which are often only available in French unless a special request is made. This issue was predominantly reported to us in Chibougamau, Maniwaki and Sept-Îles.

Access to justice in either official language (English or French) is a constitutional right that can generally be claimed in Quebec.²⁶ However, it seems that the lack of bilingual resources in the justice system and the complexity of requesting English translation sometimes leads offenders to waive their rights and appear in the language of the majority (in this case French).

In some regions, the disparity between the services provided in the community by the itinerant court and those in urban areas is quite significant, even concerning.

At the itinerant court, the right to appear in court in English with an Indigenous interpreter (consecutive, not simultaneous) is always guaranteed, without needing to make any special request. Outside the community, when courts cannot be held in English due to a lack of bilingual resources, simultaneous, whispered interpretation in English is sometimes used rather than consecutive interpretation. This certainly saves time, but it can seriously impact understanding. It has been reported that this situation may even lead some offenders to waive their right to be answered in English, even if it compromises their ability to understand the court proceedings.

What we heard...

"The ideal justice system is in our language, with people who know our realities."

[Friendship Centre staff member]

"There's definitely a language barrier. There are more opportunities for interpretation, but it still happens that the interpreter does not show up [in court]. Our judges have put "fluent in English" on the sign—that's new. In the district, they all speak English except for one judge."

[Justice expert]

"Historically, the Cree had the choice to be part of the Quebec district or the itinerant court. By choosing the itinerant court, they had the right to have a courthouse built in their community. But those who commit an offence in an urban area are not allowed to go to the itinerant court in their own language."

[Justice expert]

"It is very worrisome that there are no new interpreters. Interpreters are essential for the accused. They understand the settings, which is very valuable. Sometimes they do much more than interpret."

[Friendship Centre staff member]

"Among the Atikamekw, it is very common that people do not speak French very well. Atikamekw is the first language and French is the second language."

[Justice expert]

"A defendant who speaks English can request to have all of their proceedings in English and not through an interpreter. [...] It is their right, but people don't necessarily know about it and it's not much used, either. [...] Often, they will just waive that right."

[Justice expert]

²⁶ The Canadian Charter of Rights and Freedoms protects the language rights of an accused person in a criminal trial; defendants may choose to have a trial in either of the official languages. The Code of Penal Procedure does not contain a similar provision. However, section 7 of the Quebec Charter of the French Language states that any person may use either English or French before the courts of Quebec without requiring them to proceed in either language. In this context, a defendant is guaranteed the free services of an interpreter, and the judge is allowed to appoint an interpreter to translate testimony.



In urban areas, special requests are usually required for access to Indigenous language interpretation at court hearings. This request is quite common for the Atikamekw language in La Tuque and for *Innu-aimun* in Sept-Îles, for example. However, our urban respondents often pointed to the **lack of interpreters in Indigenous languages**, as well as the fact that community interpreters are not always equipped with the skills to translate legal language.

Furthermore, several experts also confirmed that **the use of an interpreter when Indigenous people meet with lawyers or probation officers is extremely rare**, even in areas where many Indigenous people are much less comfortable in English or French than in their Indigenous first language. This is extremely concerning, notably during the pandemic, when most of these meetings were conducted solely by telephone or videoconference.

The Viens Commission and the Barreau du Québec have made numerous recommendations on language issues. These include encouraging bilingual or trilingual signage in institutions with a large Indigenous population that speaks a language other than French, providing forms in both official languages and in Indigenous languages where possible, and making Indigenous language translation and interpretation services accessible and permanent throughout Quebec (CERP 2019; Barreau du Québec 2018). Monitoring the implementation of these recommendations on the ground seems important.

Remoteness and regional services

The **lack of human resources** was flagged as a common issue in remote areas. Throughout the court process, understaffing compromises the quality of service to Indigenous offenders by creating service gaps, delays, high staff turnover, confidentiality issues or conflicts of interest, lack of translation or interpretation, and so forth.

According to many of the individuals we met, in urban areas, it can be difficult for offenders to travel to meet their legal obligations in another city or region. Indeed, the **remoteness and division of judicial districts** pose serious transportation issues for the accused individuals, in addition to significantly lengthening pretrial detention or limiting sentencing options (CERP 2019). Victims are also affected by transportation issues. The Viens Commission recommended the more frequent use of videoconferencing for release investigations. In this regard, interviewees reported that the COVID-19 pandemic had a positive impact by driving the development of videoconferencing services.

What we heard...

"Lately, we've been having trouble in remote areas like mine because there are fewer and fewer private lawyers. And we have trouble with our permanent legal aid lawyers because there can be conflicts of interest. For example, a lawyer who represents the child at youth court cannot represent the father in criminal proceedings."

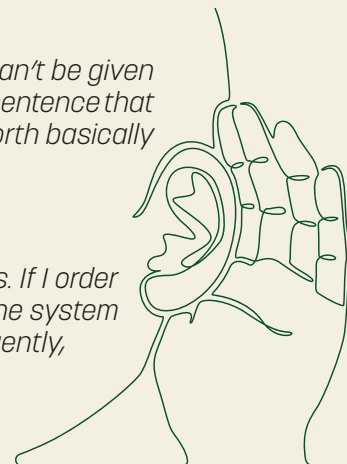
[Justice expert]

"You also have to remember that the detention centre is far away, so people can't be given an intermittent sentence. [...] This issue has been called out a lot. [...] We have a sentence that is provided for in the Criminal Code, but the Indigenous communities in the North basically don't have access to it."

[Justice expert]

"We order follow-ups, not for punitive purposes, but for rehabilitative purposes. If I order a follow-up, it's because I think you need help and we're going to try to use the system for that. But when probation officers are not on-site, or are there very infrequently, probationary follow-up is certainly less effective."

[Justice expert]



The distance from major centres also limits access to many services and the quality of services offered, such as probation monitoring, transition and preventive services. Indeed, the lack of halfway houses is an issue in several cities (Chibougamau, La Tuque, Senneterre), and the absence of rehabilitation services specifically for Indigenous people is widespread in all cities targeted by this study. It was reported that the absence or lack of low-threshold service centres is a key factor contributing to the judicialization of Indigenous people in several cities, including Chibougamau, Joliette, La Tuque, Maniwaki and Senneterre.

Finally, the Viens Commission made several recommendations to help Indigenous detainees maintain family ties including promoting videoconferencing, funding family transportation and reducing the cost of long-distance calls. Furthermore, in order to respect Indigenous cultural realities, it could be appropriate to extend the conventional concept of family to include the extended family. We were also provided with several examples of individuals who turned to the services of the Friendship Centre after their detention, whose social and family networks had been completely eroded.

Lack of understanding of rights and the justice system

Judicialized Indigenous people's lack of understanding of their rights and how the justice system works is a major issue raised by the literature review (CERP 2019; Barreau du Québec 2018) and by the people interviewed in urban areas. The process of filing a complaint is presented as poorly understood and underutilized by Indigenous people. Available data also indicates that requests for parole are underutilized by Indigenous people, possibly due to a lack of knowledge about the necessary steps to take.

Generally, Indigenous detainees are twice as likely as non-Indigenous detainees to serve their entire sentence. They have a lower parole rate than non-Indigenous people (Chéné 2018).

This is compounded by a **general distrust of the system and a breakdown of trust in relationships with the police and the justice system**. In this regard, Friendship Centres have an important role to play, as they establish a special relationship of trust with urban Indigenous people. Training the intervention teams at Friendship Centres on justice and public security issues is essential so that they can relay information effectively, as well as foster good relationships with law enforcement officers, legal aid, courthouse staff and others.

The **high number of guilty pleas** is another issue in the judicialization of Indigenous people that partly results from lack of knowledge about the legal system.

Judicialized First Nations people pleaded guilty in almost half (49.8%) of the alleged offences (FNQLHSSC 2019).

Reasons cited include a lack of understanding of the implications of entering a guilty plea, compounded by language barriers; a desire to get the court process over with as quickly as possible; rejection of bail; plea bargaining (in exchange for a reduced sentence or completion of an alternative justice program); a cultural emphasis on taking responsibility; and, finally, social vulnerability (Bressan and Coady 2017). However, admissions of guilt (which are normally the case in administration of justice offences and drug possession offences) come with serious consequences for access to employment and subsidized housing, border crossings, family life, judicial experience (incarceration) and the vicious cycle of over-judicialization (FNQLHSSC 2019; Bressan and Coady 2017).

The statements from many of the individuals we spoke with suggest that some lawyers often encourage Indigenous defendants to plead guilty. Some interviews strongly suggested that the funding and workload of lawyers who take legal aid cases do not incentivize them to steer their clients toward not guilty pleas, which require more time and effort on their part.

As one participant explained, “ Clients are scared, so they don’t show up for court. They don’t understand the consequences, and then things snowball: fail to appear, fail to comply. They don’t realize that the more they plead guilty to get it over with, the longer their criminal record gets, and they become a long-term offender. ”

(Bressan and Coady 2017, 15)

Offences against the administration of justice²⁷

The most frequent offences among First Nations individuals, in descending order of prevalence, are failure to comply with court orders, probation violations, simple assault, impaired driving, and other offences against individuals (FNQLHSSC 2019). **Administration of justice offences (AOJOs) are therefore the most common type of offence and the main reason for incarceration** of Indigenous people, both in the community and in urban areas (FNQLHSSC 2019; CERP 2019).

It is also important to note that AOJOs generate a high rate of guilty pleas (around 60%) and lead to incarceration more often than any other category of offence (FNQLHSSC 2019). In fact, nearly half (45%) of the offences committed by First Nations offenders are generated by the very fact of become judicialized²⁸ (FNQLHSSC 2019).



²⁷ Administration of justice offence (AOJO): Offence committed against the criminal justice system after another offence has already been committed or alleged (Justice Canada). “Administration of justice offences include the Criminal Code violations of failure to comply with conditions, escape or help escape from custody, prisoner unlawfully at large, failure to appear, breach of probation and other offences against the administration of justice (for example, impersonating a peace officer)” (Burozycka and Munch 2015, 4).

²⁸ AOJOs accounted for 45% of all offences filed in the open records of First Nations community members. They mostly related to non-compliance with conditions imposed in court orders of release and probation (FNQLHSSC 2019).

" AOJOs are different from other offences because they arise directly from judicial activity itself. In other words, they are the result of the (over)judicialization of the First Nations. [...] Thus, the mere fact of being subjected to the criminal justice system was at the origin of half the offences. [...] To further the aim of reducing judicialization, particular attention should be paid to these offences, which are directly related to the court system itself. "

[FNQLHSSC 2019, 68, 97-98]

What we heard...

" A lot of complaints could be filed for rights violations. Because rights aren't properly explained, and people don't know their rights. "

[Friendship Centre staff member]

" We have had several examples of rights being violated. People didn't know their rights. It gives the impression that the police can do whatever they want with marginalized groups. "

[Friendship Centre staff member]

" The system is very unclear for [Indigenous people]. They don't understand their rights. "

[Justice expert]

" People don't know that they can challenge a ticket. They don't know their rights. "

[Community outreach worker, urban area]

" I don't know where to go to be listened to, to make a complaint. "

[Judicialized urban Indigenous person]

" People plead guilty because they don't want to defend themselves. They don't understand the repercussions. They will plead guilty so as not to cause trouble, or because the lawyers encourage them to. "

[Justice expert]

" We are now training our people about legal pathways and legal knowledge. It is really a challenge to train our team, to know the legal language. What is the difference between compensatory work and community service, how do you appeal and so forth? "

[Friendship Centre staff member]



A significant concern, as highlighted by the individuals interviewed in this study, is that **various AOJOs compound the judicialization of personal and social issues, further perpetuating the revolving-door cycle**. To address this issue, many experts in the field advocate for probation conditions that are more appropriate to Indigenous realities. They note that conditions such as abstaining from alcohol consumption can be particularly challenging for offenders struggling with alcoholism. Many Indigenous individuals we have spoken with consider it unrealistic and unjust to be barred from returning to their home community or prohibited from associating with others with a criminal record.



What we heard...

"I had so many violations [of release conditions]. I ended up doing time [in prison]."

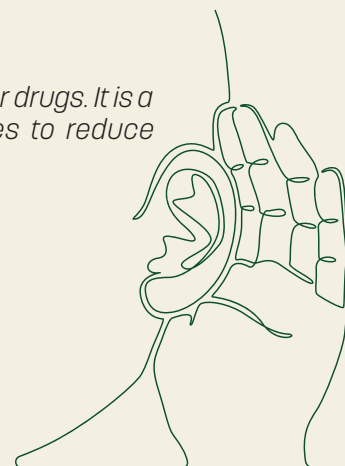
[Judicialized urban Indigenous person]

"It's true that in the roadmap of a lot of Indigenous people, all we see is breach of probation and breach of recognizance, nothing else, sometimes there won't even be any other charges."

[Justice expert]

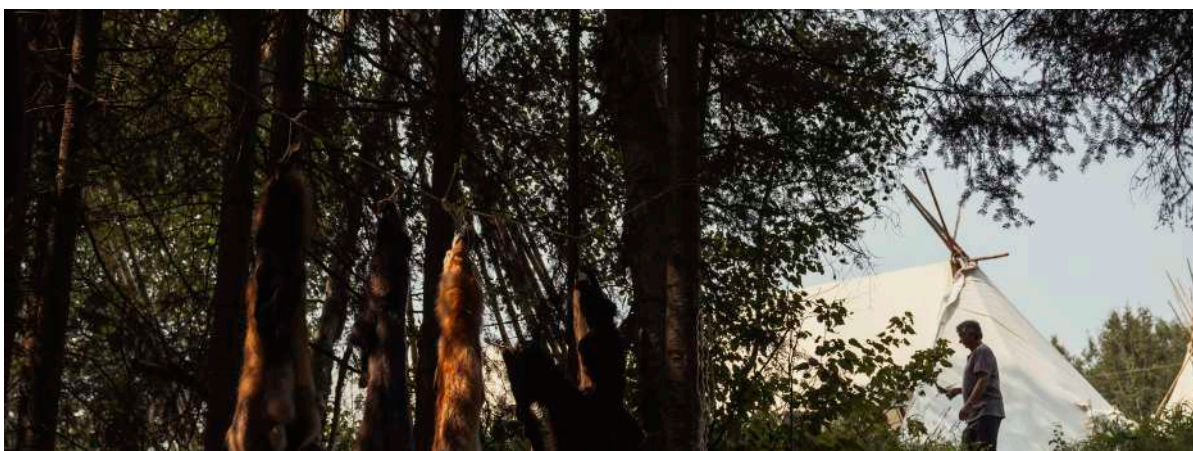
"In the North, in Kuujjuaq, they removed the condition of refraining from alcohol or drugs. It is a good idea to limit and adapt probation conditions to Indigenous realities to reduce the overrepresentation of Indigenous people in the criminal justice system."

[Friendship Centre staff member]



In closing, developments in probation conditions and monitoring are a major avenue for reducing judicialization, particularly in the case of AOJOs. In this regard, the Supreme Court's decision in *R. v. Zora* [2020] reiterated that bail conditions should always be necessary, reasonable and as few and as mild as possible to avoid further penalizing vulnerable and marginalized groups.

One justice system staff member reported that increasingly, in Indigenous contexts, an order to follow the probation officer's directions on drug or alcohol use was being given to individuals instead of imposing a condition, allowing for more flexible and individualized follow-up. It is also helpful to have more flexibility on absenteeism from meetings, to avoid an increase in breaches of conditions. Collaboration with Native Friendship Centres to enable telephone follow-up with urban Indigenous people also helps limit breaches of conditions.



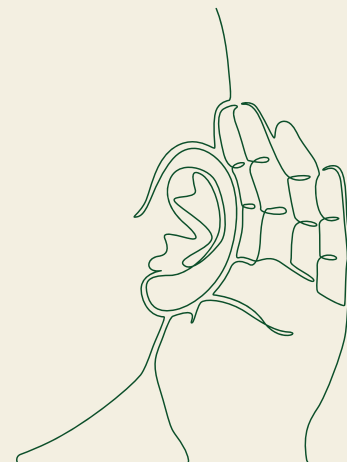
What we heard...

"Whether the person is Indigenous or non-Indigenous, the condition of abstaining from drugs or alcohol causes problems, because you immediately set the person up to fail."

[Community outreach worker]

"We hardly ever impose the condition of abstaining from alcohol or drugs. What we do now, for example in cases of domestic violence, is to say that if the person has drunk alcohol or taken drugs, they are not allowed to be in the presence of the victim."

[Justice expert]



Lack of knowledge of Indigenous realities

The lack of training for justice and public security personnel on Indigenous realities and cultures is a major issue that is becoming better understood following the recommendations made in recent inquiries (CERP 2019; Barreau du Québec 2018). For a number of years now, training courses on Indigenous realities have been offered to public security and justice personnel, particularly police officers. However, questions remain regarding the adequacy of this training. Is training offered on an ongoing basis? Has a mechanism been set up to evaluate the impact of the training? Is there any post-training follow-up? Do employers offer concrete tools for taking steps toward cultural safety?²⁹

Legal aid, one of the only avenues of representation in court for a majority of urban Indigenous people, is an area where training lawyers on Indigenous realities is essential (CERP 2019). While improvements appear to have been made since the Viens Commission, some interviewees reported that the lack of human resources for legal aid and the scarcity of Indigenous language interpreters hinder change, even though the desire is there. It seems that lawyers do not always take the time to understand the often complex realities of their Indigenous clients. Collaboration with Native Para-Judicial Services of Quebec (NPJSQ) and the provision of brochures in Indigenous languages were noted as positive initiatives. Furthermore, at the time of this study, plans were also in place for an initial general training on Indigenous realities for all legal aid lawyers in Quebec. However, these solutions alone may not be enough to transform legal aid practices across the province, where the level of sensitivity and openness to the realities of Indigenous offenders varies greatly and often depends on the individuals in positions of authority. It must be remembered that just over half of legal aid mandates are entrusted to private firms, which have no obligation to train their staff to improve their interventions with Indigenous clients.

Finally, efforts to promote cultural safety inside courthouses appear to be minor in all of the cities targeted by the study. Where efforts have been made, they are often limited to giving visibility to Indigenous cultures, for instance through artwork. At the La Tuque courthouse, the option to take an oath using an eagle feather is available, a gesture that appears to be greatly appreciated.



²⁹ Cultural safety: The cultural safety approach is based on building a relationship of trust and respect and recognizing the effects that socioeconomic, psychosocial and historical conditions have on the needs of individuals and their relationship with public services. Overall, the cultural safety approach aims to develop the knowledge, skills and attitudes of non-Indigenous service providers so that services can be adjusted to the realities and needs of Indigenous people. However, it also involves managers and leaders, as service operation and structures also need to be modified accordingly. Cultural safety must be understood as a holistic and systemic approach, which must involve Indigenous people, as they are in the best position to assess it.



What we heard...

"There is a major lack of sensitivity about our reality. I've had enough of hearing, 'well, we have non-Indigenous people who don't understand the system either.' No, it goes much deeper for First Nations! People need to understand the importance of time for us. There has to be time. We have a different understanding of time. Time must be considered. People need to consider Indigenous time. That awareness needs to be there."

(Friendship Centre staff member)

"I wanted to do my internship at the court registry. They asked me to check whether my family and friends had a criminal record. I didn't understand why they'd ask that, but it scared me, so I didn't do my internship there."

(Urban Indigenous person)

"Legal aid lawyers have a lot of work to do in terms of cultural understanding, understanding people's life journeys. There really is a lack of knowledge. It's lawyers I'm most concerned about. They're not mindful, they're not culturally sensitive. I haven't yet found an ally at the Bar level. They're not open at all. As a practitioner, I ask them, 'Do you understand what's happening? Can we get an interpreter?' 'He's nervous in court, [what he says] doesn't come out right, can he speak his language?' [...] I don't have a single success story with a lawyer."

(Friendship Centre staff member)

"In terms of cultural safety at the courthouse and in our offices, there is nothing. You know, just walking into a room, where there's a visible recognition that they [Indigenous people] are there, it would make a difference."

(Justice expert)



Consequences of overjudicialization on urban Indigenous communities

Most of the urban Indigenous people interviewed knew at least one person with a criminal record, often more. This situation therefore affects not only individuals but also families and communities as a whole. Many feel trapped in the cycle of judicialization and powerless to improve their situation.

As mentioned earlier, probation conditions can be challenging to adhere to, especially when there is heavy alcohol and drug use within one's social circle and family. Consequently, non-compliance with probation conditions is common. For some individuals, probation conditions that persist over the years, often since adolescence, have significant consequences on their identity and cultural preservation.

Applications for criminal record suspensions (formerly pardons) are very rare due to being too costly and time-consuming, which also leads to a host of problems.³⁰ Some have mentioned that the lack of Indigenous personnel in public services, including in justice and public security, is partly linked to the high prevalence of criminal records among the Indigenous population.

To sum up, the gathered testimonies show that the judicialization of a large proportion of Indigenous adults impacts employment prospects, the environment in which children grow up and the presence of inspiring role models for youth, as well as many judicialized individuals' social participation.



³⁰ During this study, the fees for criminal record suspension requests have greatly decreased. However, the procedures remain quite complex, which serves as a barrier for many Indigenous individuals.

Here are the most serious and concerning consequences of judicialization within urban Indigenous communities that were mentioned during the interviews:

High rates of judicialization and persistent discrimination cause judicialized Indigenous people to feel disillusioned with the justice system.

There is widespread concern and frustration regarding the numerous instances of racism and discrimination against Indigenous people reported in the news in Quebec.

A general feeling of powerlessness and discouragement is observed among the younger generation, lacking positive role models and hope for the future.

Concerns arise from the fact that the judicialization process does not support the wellness of the affected individuals and their families.

All these consequences of judicialization are also obstacles to healing, flourishing and prosperity within urban Indigenous communities.

What we heard...

"I have not been allowed to hold a gun since I was 15 years old. I have never killed a moose even though it's one of our customs."

[Judicialized urban Indigenous person]

"People give up because they don't think it's worth the fight. They know they're fighting a losing battle, so they plead guilty right away."

[Friendship Centre staff member]

"Who's going to believe me? I have a criminal record..."

[Judicialized urban Indigenous person]

"You go to jail, you pay your debt to society, but when you get out, you don't get any more help."

[Judicialized urban Indigenous person]

"I kind of gave up, because of my record. I didn't feel like going to school anymore. I thought I had no future because of my [criminal] record."

[Judicialized urban Indigenous person]



3. Practices and initiatives in urban areas

To build on the solutions already mentioned in relation to the various challenges, this section presents the practices and initiatives in public security and justice for urban Indigenous people.

It is important to note that many players are already taking action to address the issues raised. Therefore, the aim here is not to provide an exhaustive list of all initiatives present in urban areas, as the situation is developing rapidly and across multiple sectors simultaneously.

Additionally, this is not a list of best practices to be reproduced, but rather a status report on the many potential solutions that already exist in the field. It is intended to inspire future actions to achieve greater cultural safety and equity within the Quebec justice system.

Finally, it should be noted that most of the practices and initiatives presented here are recent, and very few have been evaluated to date. As a result, it is difficult to ascertain their benefits and positive impacts.

Public security initiatives

Mixed patrols of police officers and a psychosocial intervention team

In terms of police intervention, one of the recommendations of the Viens Commission (Call for Action 37) was the implementation of mixed patrols, composed of a police force and a psychosocial intervention team, to reduce the judicialization of personal and social problems experienced by urban Indigenous people.



IN MONTRÉAL

Équipe mobile de référence et d'intervention en itinérance (EMRII)

Created in 2009, the EMRII is mandated to conduct outreach to homeless or at-risk people who are subject to repeated police interventions (CERP 2018a, Appendix C). The team is made up of members of the SPVM and workers from CIUSSS du Centre-Sud-de-l'Île-de-Montréal. It acts as a second-line service using prevention practices, harm reduction and support to access appropriate services. Fewer than 10% of interventions result in a restrictive measure (arrest or statement of offence) (CERP 2018a, Appendix C). Testimonies from Indigenous people living in Montréal confirm the positive impact of this initiative, particularly in terms of helping victims of domestic violence to file a complaint (Gervais, 2019).

Équipe de soutien aux urgences psychosociales (ESUP)

Established in 2012, the ESUP is also a mixed patrol team that responds to people experiencing mental health problems or crises. The team is composed of five SPVM officers and four social workers from the CIUSSS du Centre-Sud-de-l'Île-de-Montréal (CERP 2018a, Appendix C).

Patrouilles conjointes autochtones

In 2014, the SPVM launched another mixed patrol initiative called “patrouilles conjointes autochtones” in partnership with the Native Friendship Centre of Montreal. In this case, police forces from the neighbourhood stations patrol with outreach workers from the Indigenous organization and go to meet First Nations and Inuit individuals in vulnerable situations. This initiative helps reduce suspicion of the police. It also improves cultural safety for Indigenous people, particularly by breaking down the language barrier.³¹

³¹ Source: <https://spvm.qc.ca/en/Fiches/Details/Patrouilles-conjointes-autochtones>

IN VAL-D'OR AND JOLIETTE

Équipe mixte d'intervention – Policiers et intervenants communautaires (ÉMIPIC)

Inspired by the SPVM initiatives, in 2015, the Val-d'Or division of Sûreté du Québec (SQ) launched EMIPIC, a joint intervention team established to better respond to the growing problem of homelessness in the city. This program is designed for individuals who undergo repeated police interventions and have vulnerability factors such as drug and alcohol use, mental health issues, homelessness and more (CERP 2018a, Appendix D).

In Val-d'Or, the EMIPIC is made up of officers selected from the Indigenous joint community police station, along with community workers and a nurse specialized in addiction and mental health from the CISSS de l'Abitibi-Témiscamingue.

In Joliette, the CISSS de Lanaudière, the CAAL and the SQ have combined forces to implement a new service. The joint intervention team, which includes police and community workers, will be mandated to direct people in vulnerable situations to resources that are appropriate to the situation, and to do so in a respectful way that makes them feel safe. The agreement between the three partners makes it possible to respond appropriately to the specific needs of vulnerable clientele, be they Indigenous or not, and to provide culturally adapted services by pooling their respective know-how. In short, CAAL workers are called upon to support police officers as soon as they begin an intervention with Indigenous families. This is the only tripartite EMPIC in Quebec. Each player remains independent, but they work together on an equal footing.

CAAL's aim is to support vulnerable Indigenous persons in accessing services at their own pace and in a culturally appropriate manner.

The SQ has been working on setting up mixed intervention teams in other cities with a sizable Indigenous population, such as Sept-Îles, Maniwaki, Chibougamau and Joliette, recognizing that collaboration with Native Friendship Centres is both relevant and essential.

Poste de police communautaire mixte autochtone (PPCMA)

In March 2017, as a response to the trust crisis within the Indigenous community following the events in Val-d'Or in 2015, another groundbreaking initiative emerged: a mixed Indigenous community police station, or PPCMA. The PPCMA prioritizes a community-centric approach, addressing the real needs of the clientele, and is strategically situated in downtown Val-d'Or. It acts as a complement to the regional county municipality of La Vallée-de-l'Or police station. It is made up of community police officers trained in Indigenous realities, who work closely with community organizations and the Val-d'Or Native Friendship Centre. After the implementation of these initiatives, the city of Val-d'Or saw an 81% decrease in tickets from 2014 to 2017 and a 43% decrease in incarcerations from 2013 to 2017 (CERP 2018a, Appendix E).

Major community involvement, notably from the CISSS de l'Abitibi-Témiscamingue, the Val-d'Or Native Friendship Centre, La Piau and Willie's Place, greatly contributed to implementing these initiatives.

Indigenous liaison officers, training, Indigenous recruits and partnerships

The SQ reorganized its **Indigenous liaison services** in 2016, putting Indigenous liaison officers in place across the province. Each of the 11 Indigenous Nations now has dedicated liaison officers, alongside a provincial liaison officer. These agents work both with communities and with Native Friendship Centres. Overall, having Indigenous liaison officers within the SQ seems to have been a positive initiative. In urban areas, analysis of our interviews indicates that results vary greatly depending on the liaison officer's personality, their experience in Indigenous settings, their leadership in their position, their ability to build trust and their interest in working with urban Indigenous organizations. In 2019, the Viens Commission recommended that liaison officers be selected by Indigenous authorities, an important element mentioned by one interviewee (CERP

2019: Call for Action 19). To summarize, the results of the field survey suggest that impacts are inconsistent across cities. In general, Indigenous liaison officers work closely with Native Friendship Centres and are actively engaged in finding local solutions.

Training in Indigenous realities for public security agents appears to be essential for appropriate police practice. The SQ has improved the training and integration of its recruits in recent years. It now offers integrated information sessions for new recruits, as well as an online training course titled "Réalités des Premières Nations et des Inuit." A day of awareness training and support is also provided by the Indigenous liaison officers to members newly assigned to the positions in the RCMs concerned.

Finally, a two-day awareness session on Indigenous realities in Quebec, presented by an Indigenous consultant, is offered several times a year to SQ members, in collaboration with the continuing education services of the Université du Québec en Abitibi-Témiscamingue. Moreover, reaching out to Indigenous organizations in the community,

including the Native Friendship Centre, and collaborating with them are becoming increasingly common practices in urban areas.

Combatting racial and social profiling

The development of **targeted action plans to combat racial and social profiling** would appear to be an important initiative that complements the actions presented above. For example, in Montréal, despite joint patrols, issues of racial and social profiling have persisted within the SPVM, as highlighted in a recent report stating that Indigenous women in Montréal are “11 times more likely to be stopped than white women” (Armony et al. 2019, 11).

In 2018, the City of Montréal enlisted the Service de la diversité et de l’inclusion sociale (SDIS) to monitor its commitments to combat racial and social profiling (SDIS, 2021). Progress has been made through several initiatives, such as a policy on police stops, a strategy for reconciliation with Indigenous peoples, recognition of the systemic nature of racism and discrimination by the SPVM and the Ville de Montréal (June 2020) and an integrated

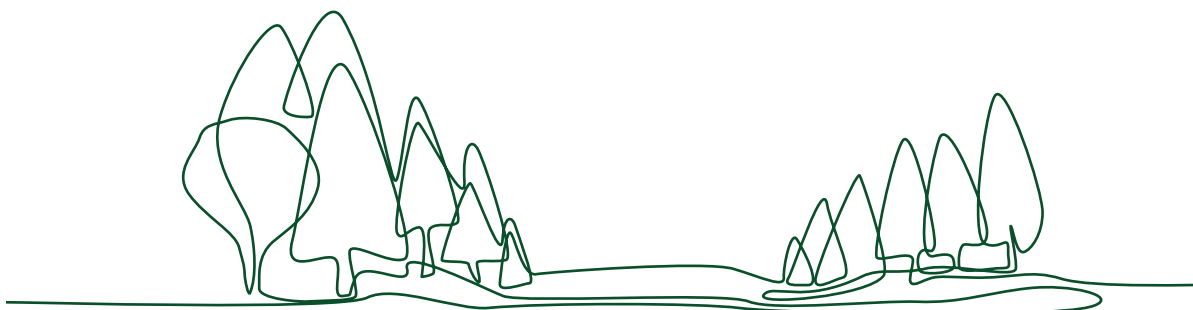
plan to combat racial and social profiling (expected since 2021).

The extent of profiling also needs to be measured. In this regard, the development by an independent research team of two indicators, namely, the Indice de disparité de chances d’interpellation (IDCI) and the Indice de surinterpellation au regard des infractions (ISRI) represents progress³² (Armony et al. 2019). These indicators are used by the SPVM on an annual basis (SDIS 2021). Other cities and police forces could learn from these initiatives to better measure the extent of profiling and thus combat persistent profiling practices.

Justice initiatives

“ Both ‘non-judicialization’ and ‘dejudicialization’ are reasons to approach things from the opposite angle. That means taking a problem situation that is likely to be judicialized, in the first case, or that has been judicialized, in the second case, and turning instead to other conflict resolution mechanisms, such as mediation, restorative justice or community justice programs. ”

(Sylvestre and Perreault 2019a, 1)



³² The IDCI indicates “the greater or lesser chance (or risk) of being stopped that a member of a racialized minority faces, on average, compared to a member of the majority” [translation] (Armony et al., 2021, 55). The ISRI “follows the same logic as the first indicator, but the general proportion used to calculate the ratios is the relative weight of each group in the total number of crimes recorded by the police” [translation] (Armony et al., 2021, 57).

Alternative measures program

In Quebec, the *Criminal Code* provides for the possibility of using alternative measures rather than traditional judicial procedures, with the General Alternative Measures³³ Program (GAMP). The objective is to give individuals charged with certain criminal offences an opportunity to take responsibility for their actions and to resolve their conflict with the law in other ways than through the court process. If the alternative measures are successfully completed, the complaint is dismissed, leaving no trace in the person's criminal record.

The Alternative Measures Program for Adults in Aboriginal Communities (AMPA) was created in 2001 and revamped in 2015. This dejudicialization initiative is offered by the MJQ to Indigenous people residing in a territorial community. The AMPA has certain limitations that restrict its impact as a true alternative to judicialization (Sylvestre and Perreault 2019a). For example, it does not apply in the case of AOJOs, even though they account for the majority of offences among Indigenous people (Sylvestre and Perreault 2019a; FNQLHSSC 2019). What's more, the AMPA categorically excludes all Indigenous people living in urban areas. In this regard, the Viens Commission Call to Action 42 (CERP 2019) specifically addressed the implementation of alternative

measures for Indigenous adults in all cities with an Indigenous presence.

Following discussions with the Native Friendship Centres and work done by the RCAAQ, MJQ and the DPCP, an appendix was added to the GAMP in November 2021. This addition is tailored for Indigenous individuals in urban settings, taking into account their specific needs and directly involving Native Friendship Centres in the process.

Consequently, in June 2022, the Val-d'Or Friendship Centre officially launched the very first **Programme de mesures de rechange général pour les Autochtones en milieu urbain** (PMRG-AU) in the Vallée-de-l'Or region. In November 2022, the Friendship Centre in Joliette followed suit by implementing a PMRG-AU in the Lanaudière region, and in the fall of 2023, a PMRG-AU was launched in the Trois-Rivières region. Other Native Friendship Centres may likewise implement an alternative measures program in the coming years, depending on their capacity and the needs of the Indigenous community members in their respective cities.

Compensatory work

The Programme de travaux compensatoires (PTC)³⁴ is another solution for resolving municipal statements of offence, provided for in the *Code of Penal Procedure* under certain conditions. The collector of each municipal court decides whether to grant a compensatory work agreement, and as a result, conditions between cities are inconsistent. Trois-Rivières is unique in its approach, which recognizes vulnerability factors, making it easier for Indigenous people to qualify for compensatory work (CERP 2019).

In urban areas, many Indigenous organizations offer the opportunity to do compensatory work, which creates a culturally safe experience for judicialized individuals. This is the case for several Native Friendship Centres, but also for other Indigenous organizations such as daycare centres, Indigenous rehabilitation centres and Indigenous seniors' homes (for example in Amos, Val-d'Or, La Tuque and Roberval) (CERP 2019).

Programme d'accompagnement judiciaire et d'intervention communautaire (PAJIC)

In its final report (CERP 2019), the Viens Commission recommended a moratorium on "incarcerating people who are vulnerable, homeless or at risk of becoming homeless for nonpayment of fines for municipal offences" (Calls to Action 46 and 48) and the implementation of justice assistance programs, inspired by Montréal's PAJIC (Calls to Action 47 and 49).

To our knowledge, Montréal and Val-d'Or are the only cities to have established an official moratorium on incarcerating people for nonpayment of municipal fines. To date, PAJIC has been implemented in several municipal courts, including Alma, Chibougamau, Gatineau, Shawinigan, Sherbrooke and Trois-Rivières.³⁵ According to the MJQ, PAJIC is scheduled to be rolled out in other cities in order to continue modernizing the judicial system to make it more flexible and efficient,

especially for vulnerable individuals. The PAJIC provides assistance for vulnerable individuals going to municipal court for a payment or compensatory work agreement, which may include cultural or wellness activities, ultimately leading to regularization of their situation and debt forgiveness.

With the housing shortage and the significant rise in Indigenous homelessness in all its forms, this is an important issue to monitor in urban Indigenous contexts.

³³ Alternative measures: Measures other than judicial proceedings under this Act used to deal with a person who is 18 years of age or over and alleged to have committed an offence (mesures de rechange). Such measures are not applicable in the case of sexual offences, offences against public order and offences for which a minimum sentence is prescribed (ministère de la Justice du Québec).

³⁴ Compensatory work is unpaid work that an individual, unable to pay a fine, voluntarily agrees to perform in order to avoid imprisonment.

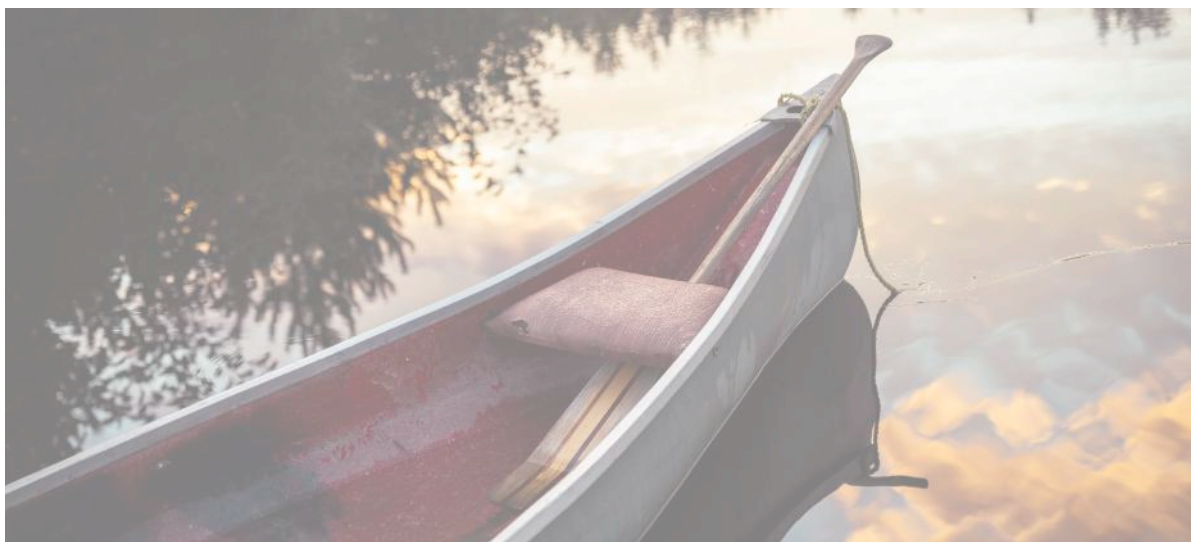
³⁵ A complete list of municipalities that have set up a PAJIC can be found on the Ministry of Justice website: <https://www.quebec.ca/justice-et-etat-civil/systeme-judiciaire/processus-judiciaire/processus-judiciaire-au-criminel/programmes-contrevenants/accompagnement-justice-intervention-communautaire>

Gladue letters

Gladue reports and letters allow for the special circumstances of Indigenous defendants to be taken into account and a sentence to be imposed that promotes rehabilitation. In Quebec, the Native Para-Judicial Services of Quebec (NPJSQ), in collaboration with the MJQ, is responsible for coordinating court-ordered requests for Gladue reports.

In 2021, the Government of Quebec announced investments to increase the remuneration of contracted Gladue writers,

improve availability of Gladue letters and support Indigenous organizations in hiring additional Gladue writers. In response to the Viens Commission's recommendations to expand the Gladue principles and make them more readily available, a procedure has been established for the use of Gladue letters at the bail hearing stage or when a sentence is less than 90 days. In urban settings, the outcomes of this measure are not yet known at the time of writing of this document.



What we heard...

"Since the Viens Commission, the guidelines have changed a lot [...] Our analysis has to be a bit different for Indigenous individuals. And this is new, since we updated our guidelines."

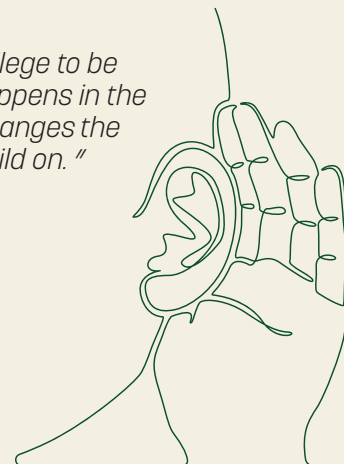
[Justice expert]

"We treat it like someone volunteering at the Centre, giving up time for the community."

[Friendship Centre staff member]

"We have very good retention and participation because they know it's a privilege to be able to do their compensatory time here at the Centre. [...] No matter what happens in the judicial aspect, we see it as a commitment to us and to the community. So it changes the context in which they give their time and that's really what we're trying to build on."

[Friendship Centre staff member]



Directeur des poursuites criminelles et pénales (DPCP)

Continuing education for Quebec prosecutors on Indigenous realities is essential for contributing to the decriminalization of issues faced by Indigenous people in urban settings. In this regard, the initiatives of the DPCP are promising, with the implementation of mandatory ongoing training at the School for Prosecutors, which has been offering professional development training to prosecutors in Quebec since 2003. Thanks to its separate organizational structure, the DPCP has more latitude than the Barreau du Québec or the Commission des services juridiques to provide awareness of Indigenous realities as part of continuing education.

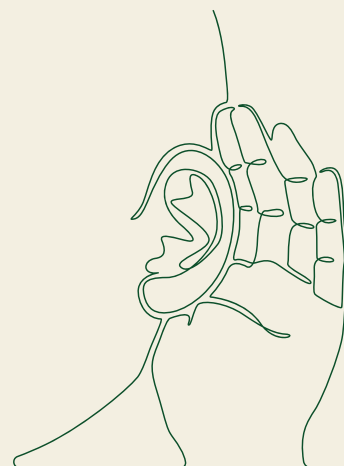
One of the DPCP's initiatives is the **La Cour d'école** project. This program is designed to equip students to make life choices and to give them an understanding of some fundamental principles of the Quebec justice system. The workings of the justice system, the social and legal consequences of crime, truancy, bullying, and drug and alcohol use are all topics covered in this program. The project aims to diffuse negative attitudes toward laws by enhancing students' understanding of the rationale behind them. In collaboration with Indigenous organizations and representatives (including the RCAAQ), the DPCP began revising the lesson content in 2021 to better address the realities of Indigenous people and to offer this program in certain schools in various communities and in urban settings. This educational and preventive initiative, which aims to pre-empt crime, appears promising.

Furthermore, since 2018, the DPCP has established a **knowledge community focused on Indigenous issues**. This community brings together around 20 prosecutors whose practice focuses on Indigenous settings. The group meets one to three times per year to exchange ideas on promising practices in Indigenous communities, aiming to become references for their colleagues in their respective regions. The DPCP also engages at the regional level, participating, for example, in the local round tables on access to services for Indigenous people, in addition to the central round table, which is co-chaired by the RCAAQ. Indigenous affairs coordinators also participate in various initiatives.

What we heard...

"We have a knowledge community. There is almost one prosecutor per region. [...] There are quite a few of us and we meet several times a year to exchange news and practices, how we operate, all that. And also to be able to help and support others. When prosecutors have questions, they know who to call. [...] By talking to each other like this, we find lots of ideas that can be used in our district."

[Justice expert]



Indigenous initiatives in urban areas

In Quebec, community-based justice initiatives are becoming increasingly numerous in First Nations and Inuit communities. Justice committees³⁶ exist in 7 First Nations and 25 communities.³⁷ Examples include the Kahnawà:ke Justice System, the Akwesasne Mohawk Court, the Atikamekw Nehirowisiw community justice program, the Saqijuj project in Nunavik, Wigobisan and the Kokum circle in Lac-Simon, the Miroskamin program in Wemotaci and the Wanaki Centre in Kitigan Zibi.



What we heard...

"We need a model that is safe, so that we can deal with situations differently."

[Friendship Centre staff member]

"There should be a detention centre on the land. That could help. In the woods, we are connected to our roots."

[Judicialized urban Indigenous person]

"There should be a rehabilitation centre for people who do minor infractions, with services, connected to the land."

[Friendship Centre staff member]

"My dream is that we no longer talk about social integration, but social inclusion. It would open up another approach. That we could hope for rehabilitation processes. Cultural visits during detention, for example, mentoring with people who have followed similar paths, support from peers. And that we could have a variety of helpers and Elders with a choice of approaches."

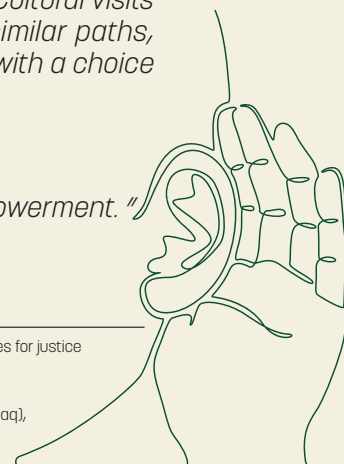
[Friendship Centre staff member]

"We need to do away with the idea of managing people and transition to empowerment."

[Friendship Centre staff member]

³⁶ Justice committee: A community structure made up of citizens representing an Indigenous community, who organize and maintain services for justice and the regulation of disputes (ministère de la Justice du Québec).

³⁷ Algonquin (Kitigan Zibi), Atikamekw (Manawan, Wemotaci, Opitciwan), Cree (Whapmagoostui, Chisasibi, Wemindji, Eastmain, Waskaganish, Nemiscau, Mistissini, Oujé-Bougoumou, Waswanipi) Inuit (Kuujuaq, Inukjuak, Puvirnituq, Salluit, Kaniqasujuaq, Kangisuk, Aupaluk, Kuujuaq), Mi'gmaq (Listuguj), Mohawk (Kahnawake, Akwesasne), Naskapi (Kawawachikamach) Source: MJQ, 2017 (in Sylvestre et al., 2018).



From restorative justice to Indigenous community justice

Until now, the notion of restorative justice has been predominant in defining Indigenous legal systems in contrast to Western punitive justice (Picard, 2017). According to Picard, the conflation of Indigenous justice with restorative justice, and the belief that restorative justice is rooted in Indigenous traditions, leads to the false perception that Indigenous justice is uniform and that it does not necessarily lead to Indigenous peoples' self-determination in justice matters (Picard, 2017). Restorative justice appears more like "an extension of the dominant system" [translation] (Cunningham and Cloutier 2010, 16), "a case of offloading by the system, delegating very little power and placing a lot of responsibility on communities [rather] than a true exercise in self-determination" [translation] (Picard 2017, 25).

Indigenous community justice, on the other hand, is part of the process of Indigenous self-determination. It operates outside the mainstream justice system (Cunningham and Cloutier 2010). Picard's (2017) research on Atikamekw legal representation ultimately shows much in common with concepts related to restorative justice, particularly in the discourse of healing as a means of rehabilitation. However, in her view, the ultimate goal is much more ambitious, namely that of self-determination (Picard 2017). In developing future community justice initiatives for urban Indigenous people, the Indigenous organizations involved must not forget to take a stance of true self-determination.

The evidence shows a broad consensus on the need to recognize the legal pluralism of Indigenous people. Several witnesses felt that the autonomy of the First Nations and Inuit in matters of justice was essential to the reconciliation process.

[CERP 2019, 304]

The Viens Commission (2019) recommended that specific administration of justice processes, along with community-based justice programs, be put in place as soon as possible in urban areas where there is an Indigenous presence (Calls to Action 41 and 42). Here are some inspiring initiatives that have been implemented in urban Indigenous communities for several years.

First Peoples Justice Center of Montréal (Justice Center)

Founded in 2014 and offering its services since 2017, the Justice Centre works in partnership with Indigenous communities and the justice system in Montréal to support Indigenous people throughout the judicial process and to adapt the justice system to Indigenous people. The Justice Centre is located within the Native Friendship Centre of Montreal. Its services include individual support in judicial and correctional processes, court accompaniment, healing activities, victim support, restorative justice and a transition program for incarcerated individuals. To date, this is the only urban Indigenous community justice committee in Quebec.

Ontario Federation of Indigenous Friendship Centres (OFIFC) programs

OFIFC operates two urban Indigenous justice programs in Ontario. The first is a Courtwork program, which assists accused offenders to better understand their rights, options and responsibilities through the guidance of a Courtworker. The service is offered at 25 Friendship Centres across Ontario. It is similar to the NPJSQ in Quebec. However only five of the 17 NPJSQ service points are located outside the communities, in urban areas (Val-d'Or, Fort-Coulonge, Maniwaki, La Tuque and Montréal). This example from Ontario shows that combining Courtwork services with Native Friendship Centres seems to be a good initiative to support judicialized urban Indigenous people.

The second OFIFC program is an Indigenous Community Justice Program, which is offered at eight Friendship Centres across Ontario. This pre- and post-charge diversion program is premised on culture, healing and holistic approaches. It is intended for individuals who, after accepting responsibility for the charges, are diverted from the mainstream justice system to community-based alternative measures. All Indigenous people can access this program, regardless of their place of residence. The accused person (and the victim, where appropriate) appears before a community council responsible for identifying the causes of the offence, addressing them and meeting the needs of the victim as much as possible. The successful completion of the program results in the withdrawal of charges (Cunningham and Cloutier 2010).



Quebec Native Friendship Centre Movement initiatives

In Quebec, Friendship Centres provide a cultural anchor point for Indigenous people and give them a voice. Additionally, the Movement collaborates with the public network to promote Indigenous access to quality services that align with their needs and culture in various sectors, including early childhood and family, education, health and justice. In addition to being true frontline service hubs for Indigenous people in cities, Friendship Centres are incubators for initiatives that value culture, affirm identity, promote healing and foster social inclusion and citizen involvement.

Within the Native Friendship Centre Movement, there is a focus on promoting both individual and collective health and wellness. Moreover, the vision and directions of the Quebec Native Friendship Centre Movement are part of an overarching project of social transformation led by and for Indigenous people in urban areas. The aim is to contribute to a more just and equitable society where Indigenous cultures and languages can thrive.

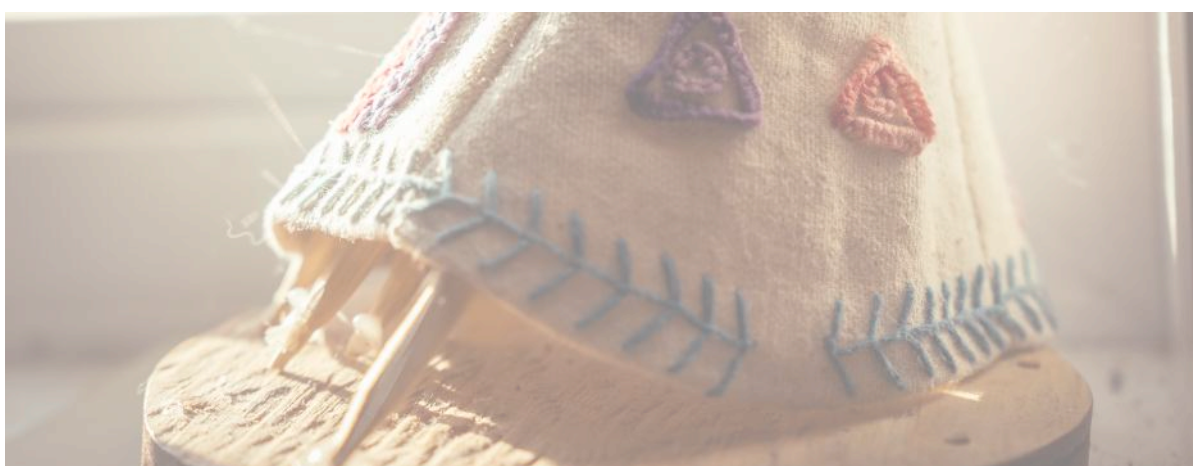
At the outset of this study in 2020, the Friendship Centres affiliated with the RCAAQ were trying to address the lack of support specific to judicialized urban Indigenous people and their families. However, they lacked the necessary resources and recognition from justice and public safety experts to do so effectively.

On June 7, 2021, the MJQ announced an investment of \$14.1 million over four years to support Indigenous justice, including \$4 million for the implementation of new community justice initiatives in urban areas. This funding enabled the Native Friendship Centre Movement to enhance and develop its service offering in cities, while also consolidating a strategy for urban Indigenous community justice, leveraging existing expertise and practices within the Centres.

Given that Quebec's justice services and conventional approaches fail to adequately address the urgent, complex and growing needs of the Indigenous population, the role of Native Friendship Centres has become indispensable. The funding granted in 2021 is a recognition of this fact. Moreover, several Native Friendship Centres in Quebec had already begun to implement various promising initiatives, according to their resources and capacities, to address justice-related challenges faced by the urban Indigenous population.

The justice³⁸ services offered by Friendship Centres provide alternative pathways to incarceration, enabling individuals to resolve conflicts with the justice system through means other than formal legal processes. These services give individuals the chance to start the process of healing and social reintegration, while being supported by their loved ones and community.

The following section showcases a few examples among the numerous initiatives of Friendship Centres in community justice in Quebec.



What we heard...

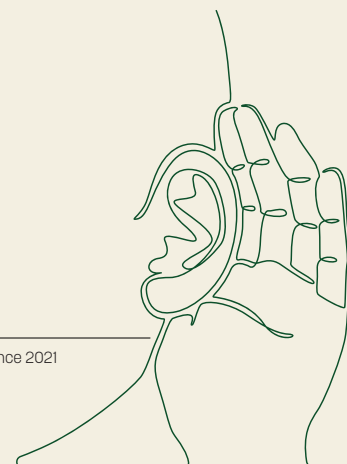
"Marginalized and judicialized people are not naturally drawn to the Centre's regular activities, so it's up to us to be creative in how we reach them."

[Friendship Centre staff member]

"We all have our heart in our jobs and we want to see our people succeed. I think that makes us special because we're there to support and we care."

[Friendship Centre staff member]

³⁸ A more detailed description of the provincial justice strategy that has been implemented by the Quebec Native Friendship Centre Movement since 2021 can be found in the Appendix.



Initiatives by the Val-d'Or Native Friendship Centre (VDNFC)

ANWATAN

Officially launched in 2018–2019, this wide-ranging community justice program supports judicialized people who are in vulnerable and socially disrupted situations. It takes an approach of social and cultural safety and seeks Indigenous Peoples' reconciliation with the justice system. It is based on four main pillars: navigation, affirmation, reparation and mobilization. A PAJIC is incorporated into the Anwatan community justice program.

"The word Anwatan in the Anishinaabe language means 'calm waters,' such as those seen after a storm. This program aims to help homeless or highly vulnerable people [with addictions, mental health issues, etc.] who are dealing with unpaid municipal tickets. Acting as a gateway to the service, the VDNFC ensures that the process takes place in a culturally safe environment that respects the cultural specificities of Indigenous peoples. [...] The VDNFC then acts as a reference point, a place that's conducive to a climate of trust.

"The Anwatan-PAJIC program is designed to be flexible and inclusive in order to respect the realities of each individual and the particular pace of their journey. A variety of solutions are offered to each person who voluntarily commits to this approach. The various solutions could include an emergency temporary suspension of their debt, a repayment agreement that takes into account people's actual ability to pay, replacement of the debt by compensatory work or healing activities, or even complete debt forgiveness for people who have demonstrated that they are on the way to improving their situation thanks to newfound stability".

(L'Indice bohémien, June 2019 [Abitibi-Témiscamingue newspaper])

In the field, since the fall of 2021, this has led to the addition of new resources working with intervention teams to better support members with ongoing criminal and youth protection cases: two expert navigators in justice processes and one lawyer. A transitional housing project is also being developed, which will allow for more adequate support for Indigenous people in the process of leaving the street.

WILLIE'S PLACE / NIGAN

Willie's Place / Nigan is a respite centre with a high level of acceptability for men and women in situations of homelessness, vulnerability and disconnection from society, their family and community. It is an alternative means of integration and a bridge to eventually get off the streets. They offer the following services:

- A respite centre open seven days a week
- Personalized support from on-site workers
- A warm, personalized and compassionate welcome
- Support adapted to expressed needs
- Assistance with housing search

The Nigan component, which is specifically for women, offers the following:

- A women-only space
- A place of respite where women can catch their breath
- A place where basic needs are met, a place to warm up and shower;
- A cultural connection, providing moments of peace and sharing.

Initiatives by the Centre d'amitié autochtone de Lanaudière (CAAL)

WITCIHITOTAN PROGRAM

Witcihitotan means «helping each other» in the Atikamekw language. This initiative was created in partnership with the Point de Rue de Trois-Rivières & Nicolet-Yamaska and the Centre d'amitié autochtone de Trois-Rivières (CAATR). The goal is to implement an outreach program of sports, outdoor activities and the arts.

This initiative has resulted in the development of a training program for Indigenous- context education trainers, which is now available province-wide for all interested Friendship Centre teams.³⁹ In Joliette, the program has also led to the implementation of street work in urban Indigenous settings, guided by principles such as cultural appreciation, street work approach, Indigenous self-determination, social innovation and social inclusion.

MIRERIMOWIN CLINIC

Since 2021, the Mirerimowin community clinic has been reaching out to vulnerable populations who are at risk of homelessness, aiming to reduce inequalities and gaps in social and health issues. With a holistic approach, individuals accessing services at CAAL can consult healthcare professionals directly at the Centre and receive ongoing support in their journey toward health and wellness. Health and wellness clinics are also established in six other Centres across Quebec.

What we heard...

"An outreach worker does not work on one specific issue. Really, we cover everything—spiritual, emotional, psychological and physical. We can do justice, we can do advocacy, and so on. We really need to take a broad approach in our relationship with people and be able to navigate everything they are experiencing."

[Friendship Centre staff member]

"If you have outreach workers who are cultural knowledge holders, the intervention is completely different."

[Friendship Centre staff member]

³⁹ A video produced by the RCAAQ on the training of Indigenous-context education trainers is available. It can be viewed at the following link: https://www.youtube.com/watch?v=bt_7mXnZvcY



HOTLINE

The CAAL set up an emergency service that has been accessible at all times since the beginning of 2021. Individuals can call this phone line to speak with an outreach worker for urgent situations requiring immediate assistance. The types of emergencies that the CAAL can respond to include domestic or family violence, psychological distress, immediate accompaniment with youth protection services or the police, as well as immediate accompaniment to the hospital for a person in crisis. Since then, other Friendship Centres have also developed similar services.

Initiatives by the Centre d'amitié autochtone Capetciwotakanik⁴⁰ (CAAC)

MANIKEWIN PROJECT

Starting in 2017, CAAC began hosting sharing circles for men struggling with issues of violence.

Launched in 2020, the Manikewin project aims to raise awareness of domestic violence among men and young boys aged 12 and older. The name *Manikewin* means «to prepare one's land to live well and to face whatever is coming» in the Atikamekw language.

The program includes an awareness-raising component for men and boys. There are activities for transmitting Indigenous knowledge and values, including respect for individuals, for women. It also involves engaging Elders and Indigenous male role models in sharing knowledge and experience.

The Manikewin project addresses a pressing need for more resources for Indigenous men involved in domestic violence and its related issues.

NEROSKI

This initiative takes place in the forest about 30 kilometres from La Tuque. The new facilities offer access to healing and traditional practices on the land for all members of La Tuque's Indigenous community. More specifically, the Sokerimowin program offers healing and emergency housing in a natural environment specifically for Indigenous men, many of whom are already judicialized or are at risk of becoming so. CAAC has partnered with the Sûreté du Québec and the DPCP, both of whom regularly refer candidates for the program.

Given the lack of low-threshold accommodation and shelters for men in La Tuque, Sokerimowin (which means strength within oneself) fills a service and resource gap for many Indigenous men who were previously repeatedly incarcerated due to lack of other options. This project, the only one of its kind in Quebec, focuses on reintegrating men with legal, substance use, homelessness or violence issues into a life in the territory. On-site, the journey and healing occur through hunting, fishing, gathering medicinal plants, teachings from Elders and ceremonies.

What we heard...

"We chose to take a different approach to prevention, one that's relevant to First Nations values, culture and identity."

(Laurianne Petiquay, Executive Director, Centre d'amitié autochtone Capetciwotakanik)

⁴⁰ The Centre celebrated its 50th anniversary in 2024 and thus changed its name for Centre d'amitié autochtone Capetciwotakanik.



Conclusion

Firstly, the statistical data presented on Indigenous judicialization in Quebec highlighted the overrepresentation of Indigenous people in the judicial system, with a judicialization rate five to six times higher than that of non-Indigenous individuals. These data also demonstrate that, regardless of whether they live on reserves or in urban areas, Indigenous individuals involved in the judicial system often face a **combination of life challenges** (mental or physical health issues, substance abuse, victims of crime, housing instability, lack of education, poverty, etc.) for which they have a great **need for support and services**.

Secondly, several issues specific to Indigenous people regarding justice and public security have been identified. Here are the most concerning of these issues:

- The misalignment between the justice system and Indigenous mobility
- The judicialization of personal, social and collective issues disproportionately affecting Indigenous people
- A lack of resources and services to properly address the ongoing consequences of colonial history and the specific needs of Indigenous peoples, particularly in urban areas
- A significant shortage of human resources in remote regions, with possible service disruptions
- The division of judicial districts limiting the quality of services available to certain individuals (victims and defendants)
- The distance from major centres leading to serious transportation issues and limiting access to certain services such as translation, social reintegration and emergency accommodation
- Language barriers potentially infringing upon the fundamental rights of Indigenous defendants (lack of interpreters in Indigenous languages and a shortage of bilingual resources in certain cities)
- A lack of emergency accommodation resources and low-threshold service centres to prevent the judicialization of the most vulnerable and marginalized individuals
- The significant difficulty in accessing housing for Indigenous individuals involved in or at risk of involvement in the justice system
- A lack of training and a significant deficit of knowledge about Indigenous realities and cultures among justice and public security personnel
- Indigenous defendants' lack of awareness of their rights and how the justice system operates
- The underutilization of Gladue reports and letters in Quebec
- The high rate of guilty pleas
- Offences against the administration of justice among the most frequent causes of conviction and incarceration
- Probation conditions that do not consider Indigenous realities
- The extremely low number of applications for record suspensions
- The persistence of systemic discrimination and racial profiling
- Indigenous reluctance to seek public services when in need of protection, especially women
- The significant distrust of Indigenous people toward the justice system
- A need to rebuild trust in relationships with the police and the justice system

Finally, this overview has shed light on the serious and multidimensional consequences of judicialization within urban Indigenous communities.

It is clear that resources are currently insufficient and inadequate to effectively respond to the complex realities and multiple challenges that judicialized Indigenous people face before, during and after their involvement with the justice system.

The problems, like the solutions identified for solving them, are known. The time has come to take action.

[CERP 2019, 469]

Fortunately, promising practices are increasingly emerging in the field of public security and justice for Indigenous people in urban areas. The third section of this overview demonstrates that training members of public security and justice personnel on Indigenous realities, increasing Indigenous resources and creating partnerships with urban Indigenous organizations are becoming more common and encouraged practices. The path forward is not yet fully defined, but there is a growing willingness to move toward a renewal of approaches to rebuild trust, reduce social inequalities and combat discrimination against Indigenous people.

In summary, this overview confirms that the challenges ahead are significant, but the mobilization and motivation of various players are also very strong. Moreover, the numerous examples highlighted in this document show that to move toward greater social justice and eventually break the cycle of the overjudicialization of Indigenous people in Quebec, it is important to work together in a spirit of openness to innovative solutions and with respect for each other's expertise and competencies.

As mentioned at the socio-judicial forum in Val-d'Or in March 2019, it is time to move beyond a certain vision of cultural safety and toward «social and cultural equity» and the «co-construction of initiatives within equitable partnerships» [translation] (Tran, N. et al. 2019, 24 and 36). The Quebec Native Friendship Centre Movement is already advancing on this path alongside its partners, and the desire to go even further together is evident.

" We should be part of the development of policy, procedure or whatever they want to create for First Nations people. We need to be at those table, we need to be involved. We, as First Nations people, we know what we need, we don't need to be told what we need. "

(Native Friendship Centre staff member)

" We need to relearn how to live in balance so that our children can walk with their heads held high and be proud to be Indigenous. "

(Native Friendship Centre Elder)

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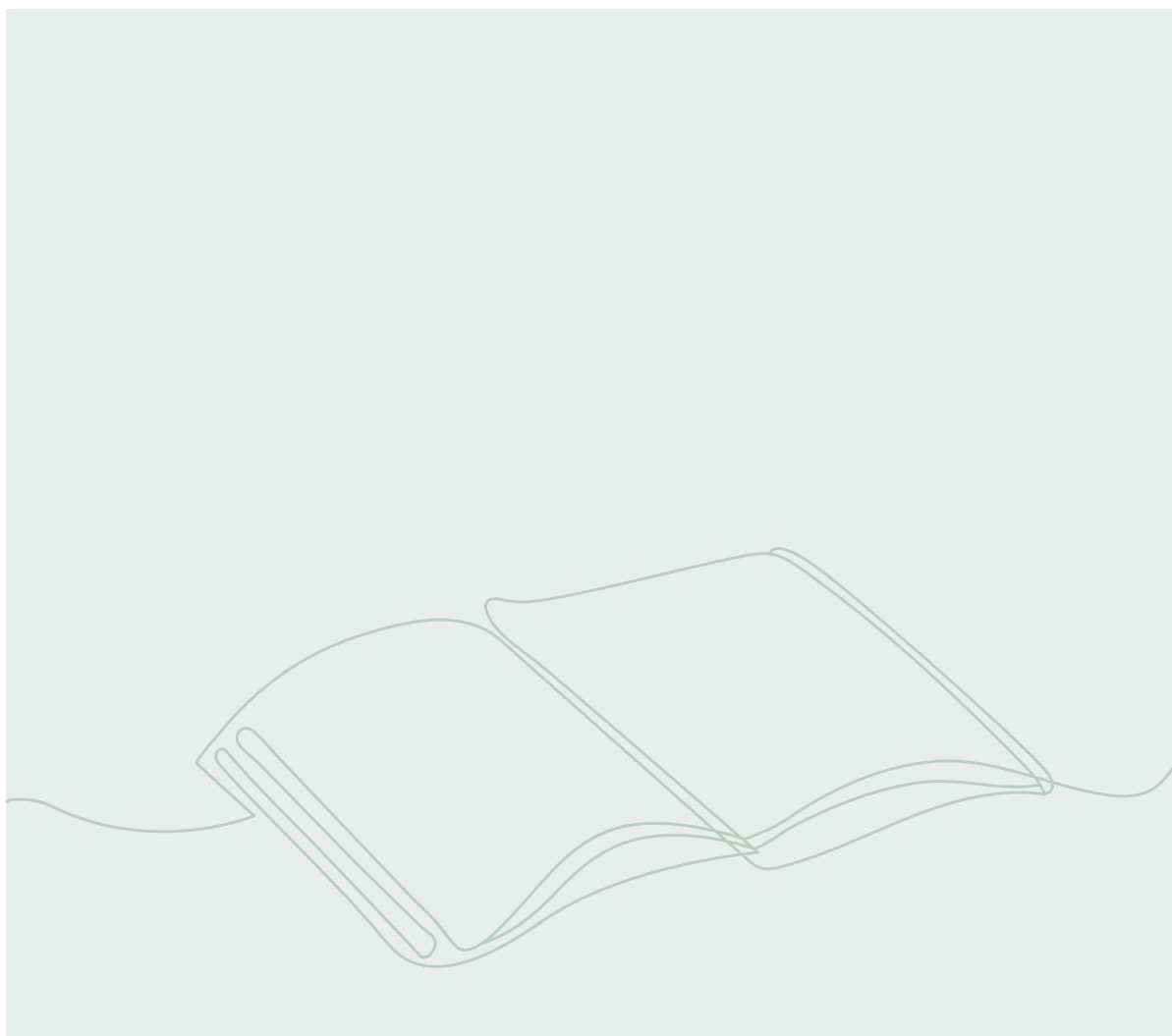
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APPENDIX 1

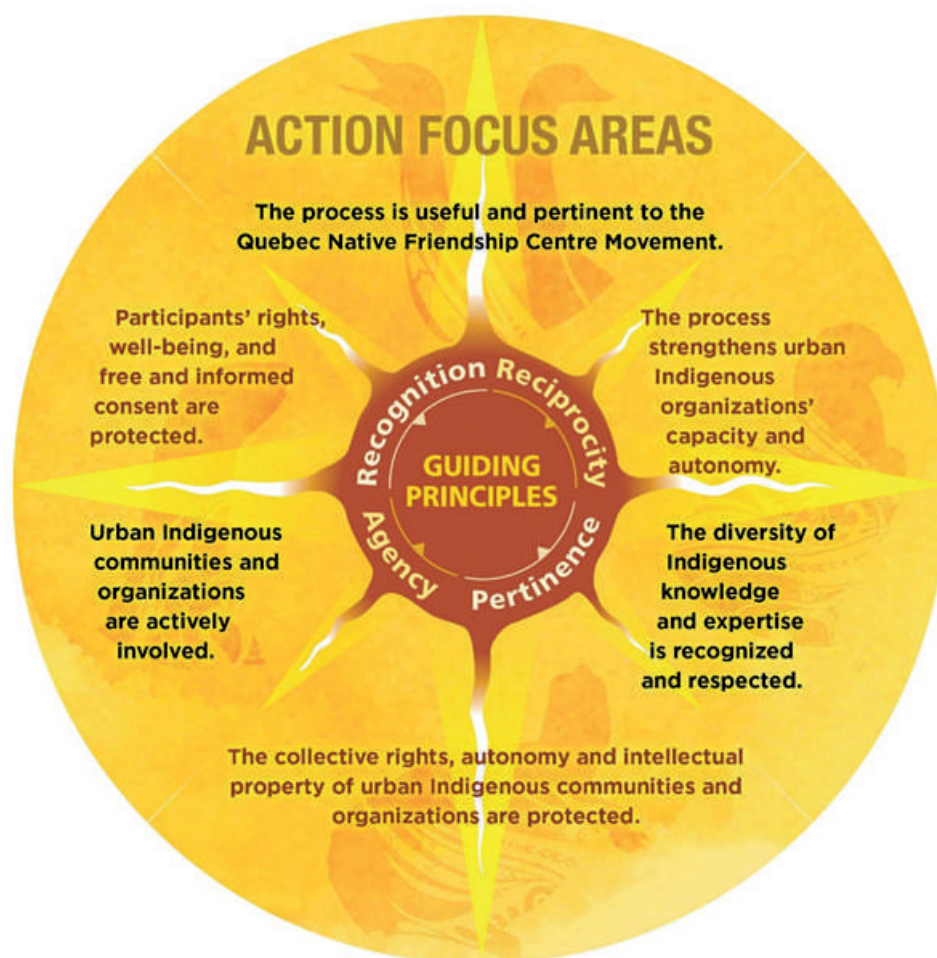
Research Framework by and for Urban Indigenous People in Quebec

Recognition means placing Indigenous peoples at the heart of research projects that concern them. Thus, the expertise, experiences, values and knowledge of Indigenous people must be acknowledged and valued at all stages of the research process.

A research approach focused on **reciprocity** aims for ongoing collaboration on equal terms, with each party simultaneously serving as both bearer and creator of knowledge.

Indigenous agency promotes the emergence of a new generation of Indigenous leaders in all fields, while also supporting urban Indigenous organizations toward greater autonomy in research and evaluation.

The principle of **pertinence** suggests that research must be useful, relevant, beneficial and meaningful for the Indigenous communities and organizations involved in it.



APPENDIX 2

List of research participants

The table below lists all the organizations and individuals who were interviewed by the RCAAQ, either in person or via videoconference, as part of this research project.

City/Region	Method (date)	Organizations and/or persons met
Maniwaki	Individual interview (June 2021)	Maniwaki Native Friendship Centre (MNFC)
Vallée-de-l'Or (Val-d'Or and Senneterre)	Individual interviews (July 2021)	- Centre communautaire juridique de l'Abitibi-Témiscamingue (CCJAT) - Val-d'Or Native Friendship Centre (VDNFC) - Centre d'entraide et d'amitié autochtone de Senneterre (CEAAS)
Chibougamau	Individual interviews (May–June 2021)	- Chibougamau Eenou Friendship Centre (CEFC) - Sûreté du Québec (SQ Chapais-Chibougamau) - Direction des poursuites criminelles et pénales du district judiciaire (DPCP)
Lanaudière	Individual interview (June 2021)	Centre d'amitié autochtone de Lanaudière (CAAL)
Mauricie (La Tuque, Trois-Rivières et Shawinigan)	Group interview (Feb. 2020) Individual interviews (Sept.–Oct. 2020 and June 2021)	- Centre d'amitié autochtone Capetciwotakanik - La Tuque (CAAC) - Legal Aid Office, La Tuque - Sûreté du Québec (La Tuque) - Centre d'amitié autochtone de Trois-Rivières (CAATR) - Maison Radisson, Trois-Rivières - Shawinigan service point for the Centre d'amitié autochtone de Trois-Rivières (CAATR) - Legal Aid Office, Shawinigan - Judicialized Indigenous individuals
Sept-Îles	Individual and group interviews (July 2020)	- The Crime Victims Assistance Centre (CAVAC) of Côte-Nord - Centre d'aide et de lutte contre les agressions à caractère sexuel (CALACS) of Sept-Îles - Centre d'amitié autochtone de Sept-Îles (CAASI) - Centre communautaire juridique de la Côte-Nord (legal aid) - Côte-Nord Community Justice Centre - Centre intégré de santé et de services sociaux (CISSS) of Côte-Nord - Centre d'hébergement Tipinuaikan - Centre résidentiel communautaire (CRC) Katapakan-Gilles-Jourdain - Direction des poursuites criminelles et pénales (DPCP) - Direction des services professionnels correctionnels (DSPC) of Côte-Nord - Directrice régionale des services judiciaires de la Côte-Nord - Équijustice Côte-Nord Est - Hommes Sept-Îles - Centre d'intervention Le Rond-Point - Transit Sept-Îles - Maison des femmes de Sept-Îles - Native Para-Judicial Services of Quebec (NPJSQ) - Sûreté du Québec - Judicialized Indigenous individual

APPENDIX 3

Strengths and limitations of data from external sources

Profile of Aboriginal peoples in correctional services 2015–2016 [Chéné, 2018]

This document, prepared through the Quebec ministère de la Sécurité publique (MSP), provides a profile of Indigenous individuals who spent at least one day in provincial detention facilities in 2015–2016. It is based on the records of detainees who declared belonging to one of the 11 nations in Quebec upon admission to provincial detention facilities. This group is compared with all individuals who spent at least one day in detention in Quebec between April 1, 2015, and March 31, 2016.

The results should be used with caution due to several weaknesses (the possibility of double counting, the inability to verify if the data are uniformly collected at the provincial level, inconsistencies between certain sections of the document, etc.). Additionally, this report only pertains to individuals detained in provincial facilities, which only covers a portion of criminal justice cases. Furthermore, self-declaration of Indigenous identity appears to have been accepted without additional verification, which constitutes an additional weakness, also observed regarding Indigenous detention data in federal facilities.

It should be noted that the processing of data according to the 11 recognized nations in the province is relevant, as it allows for certain connections to be made with the main communities of affiliation of Indigenous individuals using the services of Native Friendship Centres and thus supports, with quantitative data, the statements of certain participants. In fact, the MSP chose not to consider individuals who declared affiliation with an Indigenous group or Nation that does not have official recognition or that originates from outside the province, which helps to eliminate ambiguities surrounding Métis identities in Quebec and thus strengthens the reliability of self-declared Indigenous identity.⁴¹

This publication is extensively used and cited in the Public Inquiry Commission report.

Portrait of the Criminalization of the First Nations in Quebec: Providing Impetus for Change [FNQLHSSC 2019]

This publication provides a profile of charges brought against non-agreement First Nations adults in 2016. It is based on the analysis of two databases provided by the MJQ: the full set of charges in criminal cases opened (filed in 2016) and closed (concluded in 2016) in Quebec court registries. Since these databases do not indicate the ethnocultural origin of individuals, the address of the accused individuals in a First Nations community was used to determine their Indigenous identity. Such an approach could not be replicated in urban areas because addresses do not allow for the identification of Indigenous individuals.

This study is broader than the previous one as it covers both open and closed cases (without necessarily involving incarceration). However, it excludes members of First Nations who provided addresses outside of communities or in a community not represented by the Assembly of First Nations Quebec-Labrador, as well as all Inuit.

Moreover, it is important to note that the data correspond to the number of criminal charges, not the number of individuals involved in legal proceedings (the same person may accumulate multiple charges during the same period).

It is worth mentioning that this publication is one of the few that presents such a large sample of Indigenous legal cases in Quebec, making it indispensable despite the limitations outlined.

This publication is extensively used and cited in the final report of the Public Inquiry Commission.

⁴¹ The data from the latest censuses (Statistics Canada, 2018 and 2023) show a sharp increase in self-identification with Métis identity in Quebec, a situation associated with a certain level of confusion with the term “métissage” in French, but also with increasingly documented practices of dishonest or fraudulent identity claims, as demonstrated by researcher Darryl Lerroux.

APPENDIX 4

Justice strategy of the Quebec Native Friendship Centre Movement (2021–2024)

From 2021 to 2024, community justice programs and services have been developed and enhanced within the Quebec Native Friendship Centre Movement to better meet the justice-related needs of urban Indigenous individuals and communities.

At the provincial level, this service offering is part of a justice strategy coordinated by the RCAAQ. The RCAAQ's coordination role involves providing support, fostering collaboration, consolidating efforts, and creating tools and platforms for discussion.

The community service offering of Native Friendship Centres in the area of community justice is intended for all Indigenous individuals living in or passing through urban areas, with particular attention to the following target populations:

- Women and men in vulnerable situations
- Children and families involved with youth protection services
- Children and families experiencing domestic and family violence
- Adults and adolescents leaving or transitioning from institutions
- Individuals experiencing homelessness or social disruption or those at risk
- People who have been judicialized or who are dealing with multiple legal issue
- People with addiction-related issues
- People who need support in exercising their rights

The main needs identified and addressed by Friendship Centres regarding justice and rights, are as follows:

- Specialized legal services (family law, housing law, criminal law, human rights law, municipal law, health law, youth protection, mediation)
- Emergency and crisis situations
- Individual support
- Navigation through the legal system and legal framework
- Rights advocacy
- Prevention of domestic and family violence

In March 2023, a provincial meeting brought together justice workers from the Quebec Native Friendship Centres. The discussions and various co-construction activities led to the emergence of a shared vision and approach to Indigenous community justice within the Friendship Centre Movement.

The values that guide community justice are

- authenticity,
- recognition,
- equity,
- respect,
- mutual aid,
- commitment.

The preferred intervention approach in Native Friendship Centres for judicialized individuals and victims is based on the following:

- By and for Indigenous people
- Unconditional acceptance
- Consideration of overall wellness
- Holistic perspective
- Sensitivity to trauma
- Redress of wrongs
- Reclamation of positive social roles
- Transmission and exchange of knowledge
- Promotion of Indigenous traditional practices
- Aim for social transformation

Finally, within the Quebec Native Friendship Centre Movement, the following form the bases for the shared vision of community justice:

- It prioritizes alternative measures and reparations over punitive measures
- It empowers individuals and communities
- It fosters healing, restoration, reintegration, reconciliation and the restoration of damaged relationships
- It restores balance between the needs of victims, offenders and communities
- It enables the integration of Indigenous cultural and spiritual practices

Native Friendship Centres affiliated with the RCAAQ have distinct progressions and unique needs, influenced notably by their geographic location, population and available resources in their region. Within a Native Friendship Centre, justice may encompass prevention services as well as support at all stages of the legal process, all in complementarity with locally available services and in collaboration with community partners.

Here are a few examples of activities and services that have been developed and enhanced as part of the provincial justice strategy:

- Legal information clinics to inform and advise Indigenous people about their rights and available recourse, in a culturally safe setting
- Alternative programs (including PMRG-AU and PAJIC)
- Support services for legal proceedings
- Individual mediation services
- Legal information and awareness workshops
- Supervision, community service and compensatory work
- Sharing circles targeting different clienteles and specific themes
- Violence and crime prevention activities
- Activities for preserving cultural identity and enriching the parental experience (in the context of youth protection)
- Emergency hotlines for situations requiring intervention services
- Land-based prevention and intervention activities with judicialized people
- Assistance with filing complaints and defending rights
- Culturally relevant services to support healing for victims of crime



The Indigenous people who use Friendship Centre services and who do not tend to use public services much, if at all, often have complex life trajectories; they face multiple challenges and obstacles. In this context, it is often impossible to intervene on one aspect or family member alone; such conventional intervention approaches lead most often to repeated failure with these clients. The holistic, family- and community-based approach of the Native Friendship Centres constitutes a considerable asset.

Thanks to the feeling of safety and trust that is built daily with First Nations and Inuit individuals reached by their services, the Friendship Centres enable more vulnerable Indigenous people to break their isolation and receive the support they need. The Centres also prevent the escalation of new situations of violence and discrimination, in addition to avoiding the (over-)judicialization of many personal and social issues.

There is still much work to be done to optimally support justice, rights and full citizenship participation of Indigenous people in urban areas. In this regard, the renewal of the provincial justice strategy will make it possible for the services in Native Friendship Centres to continue developing.



