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PART 1 SUMMARY OF REPORT

Executive Summary

In 2005, as part of its ongoing commitment to providing fair and accessible justice services to Aboriginal people in the province, the Government of Alberta undertook a review of its Aboriginal Court Worker Program. The Minister of Justice and Attorney General commissioned an MLA committee to review the program.

The MLA review committee consisted of:

- Wayne Cao, Calgary-Fort (Chairman);
- Ray Danyluk, Lac La Biche-St. Paul; and
- Art Johnston, Calgary-Hays.

The Aboriginal Court Worker Program has been in existence in Alberta for over 30 years. The program delivers province-wide services to Aboriginal people who are involved in the justice system in either family or criminal court. It is intended to facilitate and enhance access to justice by assisting Aboriginal people to obtain fair and culturally sensitive treatment in the justice system, especially during the court process. Aboriginal court workers provide assistance to their clients before, during and after court appearances. The program has both a criminal component and a family component. The Government of Alberta and the Government of Canada jointly fund the criminal court component. The family court component is funded entirely by the Government of Alberta.

While a significant part of the Criminal Aboriginal Court Worker Program is delivered by Native Counselling Services of Alberta (NCSA), there are four other service providers currently delivering these services in specific provincial court locations:

- Kainai Community Corrections Society (Cardston and Fort MacLeod courts);
- Sikisika Pomii Kapi (Justice) Society (Siksika, Brooks, and Strathmore courts);
- Tsuu T’ina Nation/Stoney Corrections Society (Banff, Canmore, Cochrane, Okotoks, and Tsuu T’ina courts); and
- Yellowhead Tribal Community Corrections Society (Glenevis, Stony Plain, Rocky Mountain House, and Morinville courts).

NCSA holds the only contract for delivering Aboriginal court worker services in Family Court.
The purposes of the MLA Review were to:

- Review the existing programs and services delivered by agencies contracted to provide Aboriginal Court Worker Programs;
- Review the alignment of the Aboriginal Court Worker Program objectives with the mandate, core businesses, strategic and policy directions of the Government of Alberta and Ministry of Justice and Attorney General;
- Examine the effectiveness of the existing service delivery model and make recommendations about the future of the program; and
- Examine current accountability mechanisms and make recommendations for improvement.

To complete its work, the MLA Review Committee undertook consultations with service providers, stakeholders, justice system personnel, judiciary and clients of the program.

Overwhelmingly, the stakeholders consulted during the review reported that the program (both criminal and family) provides valuable services to its clients and provides benefits to the justice system as a whole. All stakeholders communicated strong support for the continuance of the program.

An Aboriginal court worker provides clients with services such as language assistance and understanding of the court process. With their knowledge of Aboriginal culture, language and traditions, Aboriginal court workers are able to effectively bridge the gap between justice professionals and Aboriginal clients.

The program is viewed by judiciary, Crown prosecutors, defence counsel, court administrators, and other justice personnel to be a value-added program that benefits the justice system as well as clients. According to some justice professionals, the presence of Aboriginal court workers benefits the justice system by decreasing the number of cases coming before the courts, speeding up the processing of cases, and reducing the number of offences against the administration of justice (i.e. failure to appear in court).

The review committee found that the program is well aligned with the core businesses, strategic and policy directions of the Government of Alberta and the Ministry of Justice. The program enhances the efficiency of the court system by providing Aboriginal people with access to services, and by helping to expedite the court process. Improving efficiency in the justice system aligns well with the Ministry’s goal of improving access to justice for Albertans.
Stakeholders in general agreed that the current service delivery model is appropriate for Alberta. Within the context of the current delivery model, however, stakeholders did put forward a number of ideas aimed at improving service delivery. Their suggestions included measures to strengthen the government’s capacity to manage and administer the program, measures to improve communication between different service delivery agencies, and measures to strengthen overall governance of the program.

Stakeholders agreed that the program’s current accountability structure and mechanisms should be strengthened. Those involved with the program recognize the importance of province-wide goal, standards, and measures of program effectiveness and efficiency. They noted, however, that accountability demands should not negatively impact the operation of the program.

Ensuring that accountability does not impair functioning of the program presents unique challenges for program administrators. The Aboriginal Court Worker Program is unlike any other in terms of its outreach and the autonomy of its workers. Outreach and the ability of court workers to meet clients’ needs “on the ground” are two key elements that have contributed to the program being the success that it is. Distance and independent decision-making by workers, however, does make maintaining accountability difficult.

One means of improving accountability discussed by the committee during the review was the standardization of court worker qualifications in terms of suitability, education and experience. Training for court workers was also raised as an important component in improving accountability. Appropriate qualifications and training for workers are a necessary prerequisite for program accountability, given the great degree of geographical distance and autonomy in decision-making that characterizes the court worker role.

Based on findings from the consultation sessions, the following list summarizes the recommendations made in relation to each of the review purposes.

**Purpose 1**

Review the existing programs and services delivered by agencies contracted to provide Aboriginal Court Worker Programs.

**RECOMMENDATION NO. 1**

The Government of Alberta should continue to promote and support the Aboriginal Court Worker Program as long as the need for it exists in the Aboriginal community and as long as the program can be proven effective as demonstrated through periodic evaluations.
Purpose 2
Review the alignment of the Aboriginal Court Worker Program objectives with the mandate, core businesses, strategic and policy directions of the Government of Alberta and Ministry of Justice and Attorney General.

RECOMMENDATION NO. 2
The program goal statement, while sound, should be expanded. The goal statement should be clearly articulated in all program materials and accessible to all involved in the program. The following new program goal is proposed:

The Aboriginal Court Worker Program seeks to facilitate and enhance access to the justice system by Aboriginal people involved in the courts and to ensure they receive fair, equitable and culturally sensitive treatment.

Purpose 3
Examine the effectiveness of the existing service delivery model and make recommendations about the future of the program.

RECOMMENDATION NO. 3
Contingent on the resources available and the Ministry’s acceptance of a service agency’s proposal, agencies that provide Aboriginal criminal court services should also be considered for the provision of Aboriginal family court services.

RECOMMENDATION NO. 4
Ministry capacity to manage and administer the program on a day-to-day basis should be enhanced. Also, administration of the program should be prioritized around three functions:

• Monitoring and evaluating services to ensure effective utilization of resources;
• Facilitation of training and support in data collection and management to meet accountability requirements; and
• Ensure the bridging of the Ministry’s needs and expectations related to the program with those of the Aboriginal community and the federal government.

RECOMMENDATION NO. 5
An Aboriginal Advisory Committee, consisting of community representatives, should be established to advise government and guide the program.
Purpose 4
Examine current accountability mechanisms and make recommendations for improvements.

RECOMMENDATION NO. 6
Clarify Service Provision
The responsibilities and the nature of services appropriate for Aboriginal court workers to perform should be clearly defined and articulated at all levels of the program. Defining and articulating services not appropriately provided by court workers, such as providing legal advice or advocacy on behalf of the client may also be useful.

RECOMMENDATION NO. 7
Qualifications
Consistent basic qualifications and training standards for Aboriginal court workers should be established and implemented on a province-wide basis.

RECOMMENDATION NO. 8
Performance Measurement Framework
The federal government’s Aboriginal Courtworker Program Performance Measurement and Reporting Strategy should be used as the basis for an accountability framework for the Court Worker Program in Alberta.

RECOMMENDATION NO. 9
Logic Model
The proposed program logic model\(^1\) contained in the federal government’s Aboriginal Courtworker Program Performance Measurement and Reporting Strategy should be evaluated to determine its applicability for Alberta.

RECOMMENDATION NO. 10
360° Appraisal
The federal Aboriginal Courtworker Program Performance Measurement and Reporting Strategy, if adopted, should include clients, the judiciary, other justice professionals and community agencies that receive direct referrals from court workers. A “360°” appraisal should be part of the accountability structure used by the Ministry to evaluate the program.

RECOMMENDATION NO. 11
Regular Evaluations
In addition to annual accountability requirements for service providers, the provincial government should conduct regular province-wide evaluations. The committee recommends that evaluations of the program be scheduled on a five-year cycle and integrated with the federal government’s evaluation process. Evaluations should be thorough and comprehensive enough to ensure that any unmet needs and service delivery gaps are identified. In addition, services currently provided by court workers that are beyond the scope of the program should also be captured and addressed.

\(^1\) See appendix IV
PART 2 REPORT

Introduction

The Aboriginal Court Worker Program works to meet the unique needs of Aboriginal people in the justice system. Research indicates that Aboriginal people are over-represented in the criminal justice system\(^2\). In 2003-04, while Aboriginal people represented four per cent of Alberta’s adult population, they represented 39% of the provincial adult sentenced custody population in Alberta.\(^3\) Aboriginal youth represent 7.5% of Alberta’s total youth population but 37%-44% of youth in sentenced custody.\(^4\) When coming in contact with the justice system Aboriginal people often feel alienated by legal and court procedures and need support. Aboriginal court workers assist Aboriginal people to obtain fair and culturally sensitive treatment when in court.

In 2005, as part of its ongoing commitment to providing fair and accessible justice services to Aboriginal people in the province, the Government of Alberta undertook a review of the Aboriginal Court Worker Program. The Minister of Justice and Attorney General commissioned an MLA committee to conduct the review.

The MLA review committee consisted of:

- Wayne Cao, Calgary-Fort (Chairman);
- Ray Danyluk, Lac La Biche-St. Paul; and
- Art Johnston, Calgary-Hays

The following report outlines the background, rationale, and purpose of the program, as well as key findings and recommendations of the review.

Background

The Program has been operation for over 30 years with funding from both the provincial and federal governments for much of that time. The Family Aboriginal Court Worker Program, however, is funded entirely by the Government of Alberta.

\(^3\) Adult Correctional Services in Canada 2003-04, Canadian Centre for Justice Statistics, 2005.
\(^4\) Youth Correctional Services in Canada 2004-04, Canadian Centre for Justice Statistics, 2006
Aboriginal court workers provide services before, during and after court, provide referrals to other community services, liaise with related agencies, and provide follow up if necessary.

Since the early 1990s, Aboriginal communities have advocated for a role in providing community-based, culturally sensitive and locally responsive Aboriginal court worker services. These communities suggest that local programs (community-based) are best situated to fully understand the unique circumstances of Aboriginal people. They further advocate that community-based Aboriginal court workers are familiar with the community and how the accused can be best served for the benefit of the justice system, the accused and the community.

While a significant part of the Criminal Aboriginal Court Worker Program is delivered by Native Counselling Services of Alberta (NCSA), there are four other community service providers currently delivering these services in specific provincial court locations:

- Kainai Community Corrections Society (Cardston and Fort MacLeod courts);
- Siksika Pomii Kapi (Justice) Society (Siksika, Brooks, and Strathmore courts);
- Tsuu T’ina Nation/Stoney Corrections Society (Banff, Canmore, Cochrane, Okotoks, and Tsuu T’ina courts); and
- Yellowhead Tribal Community Corrections Society (Glenevis, Stony Plain, Rocky Mountain House, and Morinville courts).

NCSA holds the only contract for delivering Aboriginal court worker services in Family Court.

Community stakeholders and First Nation groups have expressed a strong interest in the future of the program, and have requested an opportunity for input in the review process. The transfer of these programs from Alberta Children’s Services to Alberta Justice and Attorney General in 2003, and consolidation of administration for Aboriginal court worker services in both family and criminal court, provided an opportunity to review the overall program objectives and deliverables to ensure they are consistent with community needs and the core businesses of the Ministry and Government of Alberta.

Rationale

The last review of the Family Aboriginal Court Worker Program occurred in 1996, and identified a number of areas for program improvements. The review occurred in response to growing interest expressed by Aboriginal groups to deliver the program, as well as recommendations made by the Auditor General regarding government accountability for contracted services.
While the Criminal Aboriginal Court Worker Program has been subject to regular audits under the federal-provincial cost-sharing agreement, a comprehensive review of program objectives and outcomes has never been undertaken.

When the Family Aboriginal Court Worker Program was transferred to Alberta Justice and Attorney General from Children’s Services, correspondence was received from a number of First Nations groups and community stakeholders concerning the future of the program. While all stakeholders were positive about the program, they expressed concerns about accountability, access to services and the service delivery approach. They further expressed concern that, as the program has evolved, it has expanded services to meet gaps in other service areas, perhaps at the expense of some court worker services.

The purposes of the 2005 MLA Review were to:

- Review the existing programs and services delivered by agencies contracted to provide Aboriginal Court Worker Programs;
- Review the alignment of the Aboriginal Court Worker Program objectives with the mandate, core businesses, strategic and policy directions of the Government of Alberta and Ministry of Justice and Attorney General;
- Examine the effectiveness of the existing service delivery model and make recommendations about the future of the Program; and
- Examine current accountability mechanisms and make recommendations for improvement.

Findings and Challenges

Based on the MLA review’s consultations\textsuperscript{5}, the following findings and challenges are presented.

The overwhelming response from stakeholders was that the program (for both the criminal and family aspects) is a valuable service and has strong support to continue. The community stakeholders’ perspective is that the program strives to meet the goal of ensuring that Aboriginal people receive fair, equitable and culturally sensitive treatment by the justice system. The Aboriginal court worker is valued for his/her assistance with language and knowledge of the court process, as well as his/her understanding of Aboriginal culture, languages and traditions.

The program is viewed by judiciary, Crown prosecutors, defence counsel, court administrators, and other justice personnel to be a value-added program that supports the interaction of Aboriginal people with the courts. According to some justice professionals, the presence of Aboriginal court workers benefits the justice system by decreasing the number of cases coming before the courts, speeding up the processing of cases, and reducing the number of offences against the administration of justice (i.e. failure to appear in court).

\textsuperscript{5} Appendix I: Methodology
Aboriginal court workers provide services before, during and after court for clients, as well as provided referrals to other community services, liaise with other agencies and follow up with clients if necessary. The court services currently provided by criminal court workers include:

**In Court Services**
- Being available and accessible on court days, as most new clients’ first contact with the court worker is made just prior to their court appearance;
- Ensuring clients understand all rights and responsibilities relating to their matter prior to appearing before the court;
- Providing information about relevant legal procedures to clients, court officials and the judiciary;
- Acting as a liaison between the court and the accused;
- Providing information to the court on the client’s circumstances, community resources and sentencing options at the instruction of client or the court;
- Speaking to adjournment/remand sentence applications, and reviews and bail applications;
- Completing waiver forms and referring to other resource for matters outside of that court’s jurisdiction;
- Recommending and participating in alternative restorative justice services including sentencing circles and mediation;
- Providing services that reduce charges against the administration of justice such as interpreting the instructions of the court, acting as an agent, or providing transportation for Aboriginal accused;
- Arranging for language translation when required; and
- Assisting Aboriginal people to address issues that have led to involvement in the justice system (e.g., obtaining a driver’s license).

**Client-related Services Out of Court**
- Providing outreach if the Aboriginal person takes the initiative to contact the worker before first appearance;
- Conducting intakes to assess the client’s need for service;
- Preparing cases, including any documentation and reports;
- Providing information to client on nature of charge, rights, court procedures, roles and responsibilities, alternative/restorative justice option, and potential court outcomes;
- Ensuring client understands any documented information and forms provided to them at the time of their charge;
- Providing information to clients on disposition or directions given by the court, when appearing in a client’s absence;
- Providing general information or assistance to Aboriginal victims of crime (where no conflict of interest exists);
- Referring clients to other services either on behalf of the court or at the direction of the client;
- Assisting in the dialogue between the accused, court officials, judiciary and others at the post-court stage;
- Providing non-therapeutic counseling and emotional support;
- Providing Commissioner of Oaths services; and
- Following up and ensuring the Aboriginal person complies with sentencing requirements (fine options, documentation, records).

An example given of how an Aboriginal criminal court worker assists the accused and the courts was given as follows:

An Aboriginal man had a pattern of coming to Edmonton from a northern reserve. While on the northern reserve, his positive personal support network prevented him from coming into conflict with the justice system. However, when he came to Edmonton he consistently came into conflict with the law. The Aboriginal court worker was able to relate these circumstances to the Crown, who advised the Judge that the other members of the northern reserve were responsive to having him return to and remain with the community. The Judge was able to address this individual’s situation by making it a condition of his sentencing that he must stay in his northern community.

The court services currently provided by the Aboriginal family court worker include:

**Current Service Delivery – Family Court**

**In Court Services**
- Speaking to families before court;
- Assisting client at the time of hearing;
- Assisting families with filling out forms;
- Assisting the parents to obtain a lawyer through Legal Aid by booking an appointment for them to complete an application, should the court deem the apprehension was appropriate;
- Referring families to other services such as AADAC;
- Ensuring that the client is assisted during any subsequent court appearances;
- Providing non-therapeutic support and counseling to families as needed; and
- Ensuring the parents understand their legal responsibility.

**Client-related Services Out of Court**
- Conducting intakes to determine the clients’ need for services, Child Welfare, Custody and Access or Maintenance;
- Reviewing any documentation the client has been served and ensure they understand the matter clearly;
- Listening to the clients to learn how they feel the situation arose;
• Meeting with Child Welfare court workers to review the case and mediating as necessary;
• Facilitating dialogue between the client and Alberta Services for Children & Families staff to review the options and determine if the case can be resolved out of court;
• Participating in family group counselling (with Child Welfare, parents, and other parties) or offering one-to-one counselling;
• Offering other alternatives to assist the family and help Children’s Services reach its goals;
• Assisting the parents in obtaining a lawyer through Legal Aid in cases where no agreement can be reached;
• Assisting the clients in communicating with their lawyer and explain the lawyer’s role to them;
• Working with other agencies to promote informational sessions; and
• Providing extensive follow-up.

This is an example of how the Aboriginal family court worker assists families:

The Aboriginal family court worker met the family before court. The worker explained the process to the family, assisted the family in getting a lawyer, worked with the family to make appointments for referrals such as AADAC. Throughout the process the Aboriginal family court worker counseled the family, remained in contact with them, offered assistance and was with the family when the children were returned.

In addition to court services, Aboriginal court workers perform community capacity-building duties by:

- Providing education and awareness work in the community. (This appears to be more structured and planned in larger communities where more court worker personnel are available, especially program coordinators. In smaller communities, the day-to-day work of the Aboriginal court worker often leads to community awareness).
- Maintaining up-to-date knowledge of resources in the community to make appropriate referrals to support clients and explain the benefits to clients and to others seeking information as well as providing information to the courts when appropriate;
- Sitting on community groups to educate participants on issues that affect the Aboriginal community; and
- Educating justice system personnel about cultural considerations and other factors specific to Aboriginal people.
The services provided by the Aboriginal court worker have expanded to meet service needs in the community. While most activities carried out by the Aboriginal court workers align with the core businesses of Alberta Justice and Attorney General, some do not. Some aspects of the program’s service structure have evolved beyond the mandate of the Ministry of Justice and Attorney General. One such example is providing transportation for Aboriginal persons attending court. Consequently, clarification of the role of the Aboriginal court worker is required.

The current goal of the Aboriginal Court Worker Program is to ensure that:

Aboriginal accused receive fair, equitable and culturally sensitive treatment by the criminal justice system.

Stakeholders agree that the current goal does not capture all aspects of the program nor the process by which the goal will be reached or the anticipated outcomes. This lack of clarity has allowed the program to evolve and respond to community service needs that may lie outside the intended role of the Aboriginal court worker. Stakeholders discussed the following expanded goal statement during the review:

The Aboriginal Court Worker Program seeks to facilitate and enhance access to the justice system by Aboriginal people involved in the courts and to ensure they receive fair, equitable and culturally sensitive treatment.

The mandate of Alberta Justice and Attorney General is to ensure that Albertans have access to a justice system that is understandable, affordable and timely. The program is aligned with these three areas as follows:

- The Aboriginal court worker makes the criminal justice system understandable to Aboriginal people and provides information to the court pertaining to the culture and circumstances of Aboriginal persons involved in the justice system;
- Aboriginal court worker services are provided and are affordable for both Aboriginal people and the courts; and
- The Aboriginal court worker ensures that the Aboriginal person is ready to proceed when the matter is before the court.

The program is aligned with the core businesses and strategic and policy directions of the Government of Alberta, as well as the Ministry of Justice’s goal of enhancing access to justice. It enhances the efficiency of the court system by assisting Aboriginal people to progress through the court process, by enhancing access to services for them, and by helping to streamline the court process.
The program is consistent with the recommendations of the Cawsey Commission that “the criminal justice system must be made more sensitive to the needs of Aboriginal people”\(^6\), and is also consistent with the interpretation of the *Gladue* decision that requires sentencing judges to take steps to learn more about the Aboriginal accused prior to sentencing in order to render the appropriate sanctions.\(^7\) In the *Gladue* decision, the Supreme Court not only recognized the gross overrepresentation of Aboriginal people in prison and the fact that many Aboriginal people live in urban environments, but also instructed the justice system to pay particular attention to the circumstances of Aboriginal offenders when considering alternatives to imprisonment.

The Aboriginal Criminal Court Worker Program supports the principles laid out in the *Gladue* decision by:

- Assisting the courts by speaking to sentence;
- Helping the officers of the court understand the specific circumstances of the accused; and
- Recommending appropriate sanctions that fit the client.

The program also aligns itself with both the Aboriginal Policy Framework\(^8\) (APF) and the objectives of the cross ministry Aboriginal Policy Initiative (API). First, it supports the APF statement that the Alberta Government will “continue to work with Métis and other Aboriginal organizations with regard to agreements and funding to support the delivery of services to their members and, where appropriate, to others”. Secondly, it supports the cross ministry API,\(^9\) which has four main objectives:

- Improve the health status and well-being of Aboriginal people;
- Support life-long learning opportunities for Aboriginal people and promote appreciation of Aboriginal cultures;
- Improve the participation by Aboriginal people in the Alberta economy; and
- Clarify federal/provincial/Aboriginal roles and responsibilities.

The MLA review team was commissioned to examine the effectiveness of the existing service delivery model and make recommendations for the future. When reviewing models in Alberta and other jurisdictions, there appears to be four models (with minor variations). All models have advantages and disadvantages, which usually develop as a reflection of local capacity and requirements. Each of these models is described briefly in Appendix III.

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\(^9\) Government of Alberta Strategic Business Plan 2005-08, pg. 30

**Benefits of the Alberta Model**

In the current Alberta service structure, the Ministry of Justice and Attorney General administers all contracts and remains in contact with all service providers on a regular basis. There are many benefits to this model, such as:

- It enables “status blind” service delivery to Aboriginal people (services are provided to all Aboriginal people without regard for place of residence or status e.g. First Nations, Métis or Inuit).
- All service providers have equal access to ministry staff;
- The ministry has direct contact with community organizations, which enables understanding of the program and service delivery;
- Aboriginal communities are active in planning and designing the programs to meet local needs;
- Communities feel they have opportunity to voice their views and have meaningful contact with the ministry; and
- Both smaller community-based organizations and larger more province-wide service providers can be accommodated.

**Challenges of the Alberta Model**

During the consultation, the committee found that there was general consistency in the quality of services across the province. The justice system staff consulted did not generally distinguish between the agencies providing services, and where they were familiar with the work of more than one service agency, indicated that service quality was consistent. However, among the agencies there was noticeable uncertainty regarding the lack of criteria for program expansion and the current situation where family court worker services are contracted from only one agency in the province.

Although generally effective, the model does present some challenges. Ongoing administration of the contracts and daily management of the program is time consuming. Furthermore, the program requires enhanced support for training, administration, data management and reporting. Currently there is no designated resource to assist communities in capacity building and ensuring they meet reporting requirements.

In addition, should the program expand to more communities, there will be more contracts and organizations to manage and potentially more uncertainty among service providers around service provision. The current departmental administrative set up will have difficulty supporting this model without some enhancements. This includes a capacity to evaluate which agencies can provide Aboriginal family court worker services.
Although there is agreement that the program is needed and meets the client’s and the justice system’s needs, there are currently limited mechanisms in place to assess program effectiveness on an ongoing basis. This lack of regular evaluation also prevents a systematic assessment of additional needs or gaps in services.

The accountability structures in place are limited and the level of compliance varies between service agencies. Some of the outstanding issues are:

- Uses and benefits of an accountability structure, beyond financial, are not fully appreciated by all service providers;
- Limited ability within the organizations to collect and analyze data;
- No clear indicators determining when the outcomes have been met or how to measure these outcomes; and
- Minimal mechanisms in place to ensure uniform application of standards and protocols.

The current accountability structure and mechanisms do not fully address Ministry or program needs. As part of the accountability structure for the criminal court worker program, a performance measurement framework has been developed in collaboration with Justice Canada and service delivery agencies across Canada (the Aboriginal Courtworker Program Performance Measurement and Reporting Strategy). This framework includes a logic model and performance measures, as well as mechanisms for measuring program outcomes. The framework is relatively new and service providers have not yet fully implemented all aspects of it.

There is great variation in the level of information collected related to program processes, outputs and outcomes. There are no clear indicators determining when the outcomes have been met or how to measure those outcomes. Smaller service agencies appear to have greater difficulty and less capacity to ensure that appropriate and sound data collection and reporting takes place.

There appears to be no uniform (mutually accepted) provincial training program for Aboriginal court workers. The processes available to access the programs that do exist are not clear. Also, no standardized court worker qualifications are in place.
It was found that at some service locations, Aboriginal court workers, at the request of the Aboriginal person and/or the judiciary, are acting as *advocates* for clients. They are providing legal advice, acting in the capacity of a lawyer, and assisting the accused in his/her trial. In other locations, Aboriginal court workers are strictly functioning as *facilitators* to the accused by interpreting the legal process and the expectations for the accused, advising the court of the accused’s background and presenting circumstances, making appropriate referrals and generally acting as a “friend” to the accused and the court. In many locations the Aboriginal court workers are seen as “*officers of the court*” by the accused, court personnel and the judiciary. Most of the judiciary and lawyers expressed a concern about Aboriginal court workers working in an advocacy capacity. They felt that the role of the position should be that of a facilitator.

**Facilitation versus Advocacy**

There also appears to be little or no consistency in the level of staffing in relation to the number of people served, geographical area served, or the number of courts served. Some organizations have one FTE position serving five different courts with multiple sittings each day, whereas others have one FTE position serving one court location.

**Staffing**

In conclusion, the MLA review of the Aboriginal Court Worker Program found that, overall, the program is providing a valuable service to Aboriginal Albertans and benefiting the justice system as a whole. However, they also noted that there is considerable work that could be done to improve the program. Key areas for attention are clarification of program’s goals, refinement of the service delivery model, reinforcement of program accountability, and improvements in court worker training.
PART 3 RECOMMENDATIONS

Based on the findings from the consultation sessions, the following recommendations can be made in relation to each of the review purposes.

**Purpose 1**
*Review the existing programs and services delivered by agencies contracted to provide Aboriginal Court Worker Programs.*

During the course of their review, MLA committee members met with service providers, stakeholders, justice system personnel, judiciary, and clients of the Aboriginal Court Worker Program. After careful analysis of all the submissions the committee is satisfied that continuing government support for the program is justified as long as the need for court worker services exists among Aboriginal people and as long as the program is demonstrably effective in meeting those needs.

**RECOMMENDATION NO. 1**

The Government of Alberta should continue to promote and support the Aboriginal Court Worker Program as long as the need for it exists in the Aboriginal community and as long as the program can be proven effective as demonstrated through periodic evaluations.

**Purpose 2**
*Review the alignment of the Aboriginal Court Worker Program objectives with the mandate, core businesses, strategic and policy directions of the Government of Alberta and Ministry of Justice and Attorney General.*

As regards alignment to government priorities, the program would benefit from considerable work in goal setting and the development of a logic model and performance outcomes. The Family Court Worker Program in particular could be strengthened in this area. The committee recommends that efforts begin with an examination and expansion of the program’s goal statement.
RECOMMENDATION NO. 2

The program goal statement, while sound, should be expanded. The goal statement should be clearly articulated in all program materials and accessible to all involved in the program. The following expanded program goal was discussed among stakeholders:

*The Aboriginal Court Worker Program seeks to facilitate and enhance access to the justice system by Aboriginal people involved in the courts and to ensure they receive fair, equitable and culturally sensitive treatment.*

Purpose 3

*Examine the effectiveness of the existing service delivery model and make recommendations about the future of the program.*

A number of service delivery agencies currently providing criminal court worker services have expressed a desire to also deliver family court worker services to the clients they serve.

A new model is required that builds on the existing Alberta model but also addresses communities’ need for support and assistance in building capacity and capacity to respond to accountability requirements. The Ministry could maintain direct contract agreements with community organizations, but appoint a manager within the Ministry whose sole responsibility is to manage and support the program and liaise with the service organizations in all areas, including negotiating contracts, developing and implementing standards, supporting in data collection, training issues as well as identifying needs and possibilities for enhancement or reduction in services. An Aboriginal Advisory Committee that assists in ensuring communities’ perspectives are represented would further support the model.

RECOMMENDATION NO. 3

Contingent on resources available and the Ministry’s acceptance of a service agency’s proposal, agencies that provide Aboriginal criminal court services should also be given consideration to provide Aboriginal family court services.
RECOMMENDATION NO. 4

Ministry capacity to manage and administer the program on a day-to-day basis should be enhanced. Also, administration of the program should be prioritized around three functions:

- Monitoring and evaluating services to ensure effective utilization of resources;
- Facilitation of training and support in data collection and management to meet accountability requirements; and
- Ensure the bridging of the Ministry’s needs and expectations related to the program with those of the Aboriginal community and the federal government.

RECOMMENDATION NO. 5

An Aboriginal Advisory Committee, consisting of community representatives, should be established to advise government and guide the program. The role of the advisory committee would be to:

- Make recommendations to government;
- Investigate the viability of new proposals from agencies and make recommendations regarding new proposals to deliver Aboriginal court worker services;
- Identify potential service delivery gaps and make recommendations for strategies to address them; and
- Establish standards and areas of responsibility for the Aboriginal court worker.

Composition of the Aboriginal Advisory Committee should be determined in consultation with service providers and stakeholders.

Purpose 4
Examine current accountability mechanisms and make recommendations for improvements.

RECOMMENDATION NO. 6

The responsibilities and the nature of services appropriate for Aboriginal court workers to perform should be clearly defined and articulated at all levels of the program. Identifying services not appropriate for court workers, such as legal advice or advocacy on behalf of the client, is also required. The following is an inventory of court worker responsibilities.
Core Responsibilities (Must Always Be Carried Out)

- Attend court and assist Aboriginal people by providing information on the nature of the charge, of right to counsel, court procedures, roles and responsibilities of court personnel, alternative/restorative justice options, community resources, and sentence.

Secondary Responsibilities (if Required)

- Assist Aboriginal people in accessing resources and support available.
- Follow-up with criminal justice personnel regarding outcome of case, status of the Aboriginal person and monitoring.
- Follow-up with the Aboriginal person or service agencies regarding services provided.

Optional Activities (Community Capacity Building)

- Work in the communities to provide services in conjunction with other agencies. This may include community development and coordination of services as they relate to justice initiatives.

Aboriginal Court Workers should not:

- Offer legal advice to Aboriginal people, such as negotiating with the Crown on behalf of the client or running trials;
- Assist Aboriginal people on civil matters;
- Assist Aboriginal people with Charter applications;
- Take Legal Aid applications;
- Assist non-Aboriginal people;
- Provide addictions or family counseling;
- Provide transportation to Aboriginal people to attend court; and
- Assist Aboriginal people in private family matters (i.e., not child welfare).

RECOMMENDATION NO. 7

Consistent basic qualifications and training standards for Aboriginal court workers should be established and implemented on a province-wide basis.

Qualifications

Establishing clear roles and responsibilities would assist Aboriginal court workers in knowing exactly what is required of them. Job descriptions and minimum qualifications and criteria necessary for the position should be established in collaboration with the service agencies. Such standards as a certain educational level or knowledge of the criminal justice system, the community, or Aboriginal languages and cultures may be required qualifications. Standards would promote consistency of qualifications and training throughout Alberta.
RECOMMENDATION NO. 8

Performance Measurement Framework

The federal government’s *Aboriginal Courtworker Program Performance Measurement and Reporting Strategy* should be used as the basis for an enhanced accountability framework for the Court Worker Program in Alberta. The *Aboriginal Courtworker Program Performance Measurement and Reporting Strategy* defines basic data requirements and reporting processes. Data consists of both quantitative and qualitative results and are a sound starting point for reporting requirements.

The quantitative data collected should be court-based and collected on a regular basis. It should identify the number of Aboriginal people served, the kind of charges dealt with, the type of service provided, whether a referral was made, the outcome of the case, and the training sessions provided. The same data should be collected province-wide. The indicators would determine when the outcomes for the program have been met. This type of data collection would also indicate whether Aboriginal court workers are adhering to established standards and protocols.

RECOMMENDATION NO. 9

Logic Model

The proposed performance measure logic model\(^\text{10}\) contained in the federal government’s *Aboriginal Courtworker Program Performance Measurement and Reporting Strategy* should be evaluated to determine its applicability for Alberta.

RECOMMENDATION NO. 10

360º Appraisal

The federal *Aboriginal Courtworker Program Performance Measurement and Reporting Strategy*, if adopted, should include clients, the judiciary, other justice personnel and community agencies that receive direct referrals from court workers. A “360º appraisal” should be part of the accountability structure used by the Ministry to evaluate the program.

RECOMMENDATION NO. 11

Regular Evaluations

In addition to annual accountability requirements for service providers, the provincial government should conduct regular province-wide evaluations. The committee recommends that these evaluations of the program be scheduled on a five-year cycle and integrated with the federal government’s evaluation process. Evaluations should be thorough and comprehensive enough to ensure that any unmet needs and service delivery gaps are identified. In addition, services provided by court workers that are beyond the scope of the program should also be captured and addressed.

\(^{10}\) See appendix IV
PART 4 CONCLUSION

The recommendations made by the committee reflect the consensus they reached based on the review of Aboriginal court worker services across the province, as well as consultations with service providers, justice system stakeholders and communities.

While the recommendations include a number of areas requiring further development, the review found that overall the program is a relevant and value-added service that is aligned with the goals of Alberta Justice.

The Committee would like to thank all those who took the time to provide input to the review.

Wayne Cao, MLA (Chair)
Calgary-Fort

Ray Danyluk, MLA
Lac La Biche-St. Paul

Art Johnston, MLA
Calgary-Hays
APPENDIX I – TERMS OF REFERNCE

1. BACKGROUND

The Minister of Justice has directed the department to develop a proposal for an MLA Review of the Court Worker program delivered in Alberta family and criminal courts. Community stakeholders and First Nations have expressed a strong interest in the future of the Court Worker program, and have requested an opportunity for input in the review process. Stakeholders have raised concerns with accessibility, accountability and lack of services at the community level. The transfer of these programs to Alberta Justice and consolidation of administration for Court Worker services in both family and criminal court provides an opportunity to review the overall program objectives and deliverables to ensure that they are consistent with community needs and the core businesses of the ministry and government.

2. OBJECTIVES OF MLA REVIEW

The purpose of the MLA Review is to:

1. Review the existing programs and services delivered by agencies contracted to provide Court Worker Programs;
2. Review the alignment of the Court Worker Program objectives with the mandate, core businesses, strategic and policy directions of the Government of Alberta and Ministry of Justice and Attorney General;
3. Examine the effectiveness of the existing service delivery model and make recommendations about the future of the program; and
4. Examine current accountability mechanisms and make recommendations for improvement.

The Minister has directed that the mandate of the MLA Committee is to include appropriate financial limitations for the program. As such, all recommendations arising from the Review will need to be cost neutral.

3. REVIEW COMMITTEE MEMBERSHIP

Wayne Cao, MLA, Calgary Fort (Chairman)
Ray Danyluk, MLA, Lac La Biche-St. Paul
Art Johnston, MLA, Calgary Hays
4. **Deliverables**

The MLA Review of the Court Worker Program will result in a final report to the Minister providing an analysis of key themes and issues identified from participant responses, recommendations of the MLA Committee, and a proposed implementation strategy.

5. **Timeframe**

The timeframe for the review will depend on the consultation strategy selected by the MLA committee.

6. **Resources**

Following approval of the consultation strategy by the Minister, the department will develop an implementation proposal including an assessment of the resource and departmental support requirements for approval by the Deputy Minister.
APPENDIX II – METHODOLOGY

The following outlines the approach used to conduct the review. In order to engage a range of stakeholders, a six-stage approach was used for data gathering. This provided many points of input for those involved in the service delivery and recipients of the services of an Aboriginal court worker.

Stage 1 – Initial Communication

Initial communication and preparation for the review was conducted by:

- MLA Review Committee met with the Provincial Chief Judge and the Assistant Chief Judge
- Ministerial correspondence to Aboriginal Political Organizations to advise of the Review and the opportunity to provide input.

Stage 2 – Court Visits

The second stage consisted of site visits to current service providers to directly observe the Aboriginal court workers in Provincial Court locations. Six sites were included:

- Alexis
- Cardston
- Edmonton
- St. Paul
- Tsuu T’ina
- Wetaskiwin

At each site visit all stakeholders were invited to attend a focus group session prior to court. The following groups were represented:

- Judiciary
- Crown Prosecutors
- Defence Counsel
- Aboriginal Court Workers
- Court Administration
- Other (service delivery agency personnel, clients, legal aid services, probation staff).
Stage 3 – Service Provider Presentations

All current service providers were invited to give a presentation at a one-day session with the MLA Review Committee. All six service providers gave a presentation and written submission outlining their program model, level of service delivery, processes for service delivery, challenges and successes. The following organizations were present:

- Kainai Community Corrections Society
- Native Counselling Services of Alberta (NCSA)
- Siksika Pomii Kapi (Justice) Society
- Tsuu T’ina Nation/Stoney Corrections Society
- Yellowhead Tribal Community Corrections Society.

Stage 4 – Focused Consultation Session

Four consultation sessions were planned across Alberta (High Prairie, Lethbridge, Calgary and Edmonton). One hundred and twenty invitations were sent to stakeholders inviting them to attend the sessions and make formal presentations. All invitees were advised that if they were unable to attend the sessions, written submissions were encouraged. The invitations went out to:

- Chief Judge
- Assistant Chief Judge
- Provincial Court Judges
- Queen’s Bench Justice
- Service Providers
- Crown Counsel
- Defence Counsel
- Peacemakers
- Court Administration
- Police Services (Local and RCMP)
- Aboriginal Court Workers
- Legal Aid Services
- Aboriginal Political Organizations (Grand Chiefs and Chiefs)
- Aboriginal Wellness Organization
- Aboriginal Social Service Organizations
- Probation Services
- Court Administration
- Correctional Services
All invitees were asked to share the invitation with anyone who may have experience working with an Aboriginal court worker or who has a perspective to share on the roles and responsibilities of the Aboriginal court workers. This broad invitation was intended to encourage Aboriginal court workers, clients, family members and other community members to attend the sessions.

The stakeholders were asked to register for the session. Due to limited response in two locations (High Prairie and Lethbridge) the consultation sessions were combined into two locations Edmonton and Calgary. In total, 15 participants attended the consultation session and one formal presentation was made. In both locations roundtable discussions were carried out.

**Stage Five – Invitation to Counsel**

It was identified early on in the process that defence counsel, Crown counsel, and Provincial agents, as well as Family and Children Services staff and family court counselors (Child and Family Services) were not well represented in the stakeholder consultation process. A strategy was devised to offer additional opportunities for these groups to provide input. Short questionnaires were submitted to these groups asking for their response. We did not receive any feedback from Family and Children Services. One Family Court Counselor attended a roundtable discussion. A copy of this questionnaire is attached.

A short questionnaire (a copy of which is attached) regarding the Aboriginal court worker Program was forwarded to a number of Crown and defence lawyers. There were a total of four responses received.

Contact was made with the Indigenous Bar Association, Canada. Indigenous lawyers who work in criminal and family courts were contacted and a brief questionnaire on the Aboriginal Court Worker Program was distributed; however, no responses were received.

**Stage Six – Secondary Data review**

As part of the review, secondary data sources were also collected and used to inform the findings. These included:

- Relevant internal and external documents from various organizations and Alberta Ministries.
- Data for adult and youth offenders in Alberta Criminal Court 2004/05.
APPENDIX III – MODELS

The MLA review team was commissioned to examine the effectiveness of the existing service delivery model and make recommendations for the future. A review of practices in Alberta and other jurisdictions reveals that there are four main models in use (with minor variations). All have advantages and disadvantages and have usually developed as a reflection of local preferences. Each model is briefly described below.

Ministry Staff Deliver Services
In this model the service delivery is handled completely by government staff. The court workers are provincial ministry staff and work in designated communities. One of the criteria for staff selection is their knowledge of/ability to speak the language of the community they serve. This model is currently used in Manitoba.

One Organization Contract with Ministry
The ministry identifies one organization to act as an umbrella organization and provide service across the province. The ministry negotiates one contract with this organization. The leadership of the organization (Executive Director) is responsible to ensure that services are delivered, and for addressing accountability requirements for the Program. This model is currently used in British Columbia.

Direct Contracting With All Organizations
This is the current structure within Alberta. The ministry negotiates and manages the contracts with all service organizations. The sizes of the service organizations differ but they all sign a standard service agreement with the ministry. The ministry has direct contact with community organizations, which leads to a better understanding of the program and service delivery issues. Both smaller community-based organizations and larger province-wide service providers can be accommodated.

Advisory Board Supporting Ministry
This model is similar to the current structure within Alberta but with a few administrative enhancements. The ministry establishes contractual arrangements with service delivery agencies. An Aboriginal Advisory Board works with the ministry in defining need, contracts, standards and areas of responsibility. The Provincial Program Director reports to the Board and is responsible for coordinating training reporting and monitoring of all service delivery agencies. This is the model currently used in Saskatchewan.
### OUT OF COURT SERVICES

- Conducting client intakes (interviews, assessments, documentation)
- Assisting clients in receiving appropriate care, particularly those in custody
- Preparing cases, including documentation, statistics, court briefs and reports
- Providing information on nature of charge, rights, court procedures, roles and responsibilities, alternative/restorative justice options, and sentence
- Assisting in accessing and interpreting documented information and forms for clients
- Assisting in coordinating and preparing applications for bail for clients
- Providing information to "Clients' sureties"
- Facilitating linkages with translation/interpreter services
- Providing information to clients on disposition or directions given by court
- Providing general information and/or assistance to Aboriginal victims of crime (where no conflict of interest exists)
- Following-up with criminal justice personnel regarding outcome of case, status of accused/monitoring
- Following-up with client or service agencies regarding services provided (time and opportunity permitting)
- Learning more about the Aboriginal accused and his/her circumstances
- Assisting in the dialogue between the accused, court officials, judiciary and others
- Providing non-therapeutic counselling and emotional support
- Finding out about available resources, support and contacts for clients
- Making appropriate referrals to non-clients seeking services
- Explaining what resources and support are available to clients and who to contact
- Making referrals to Legal Counsel and Bail Programs to clients
- Assist clients in accessing resources and support available

### IN COURT SERVICES

- Assisting clients to appear before the Court
- Attending court
- Providing in-court support to clients and Court Officials
- Providing information about relevant legal procedure to clients, Court Officials and the Judiciary
- Acting as a "friend of the court" to provide information to the court on community resources available and sentencing options
- Providing cultural interpretation
- Negotiating with Crown Counsel on behalf of unrepresented clients
- Speaking to adjournment/remand, (and in some jurisdictions), sentence applications, reviews and bail applications

### ALTERNATIVE/RESTORATIVE JUSTICE SERVICES

- Facilitate use of (and in some jurisdictions) participate in alternative/restorative justice services, including ADR

### CAPACITY BUILDING

- Participating in Justice inter-agency and community-based committees
- Identifying gaps, needs, successes and learning in Aboriginal justice initiatives
- Establishing networks and partnerships with community and Justice system organizations
- Supporting community development initiatives (justice, social, health)
- Conducting or contributing to research on systemic issues impacting Aboriginal accused
- Participating in national, provincial and community dialogues on Aboriginal Justice policies and issues affecting Aboriginal people before the Court
- Advocating for enhanced legislation, policies, services and processes for Aboriginal people before the Court

### EDUCATION/TRAINING

- Providing training for Aboriginal Court Workers
- Providing presentations and workshops and training to other people involved in criminal justice system and alternative justice processes, including student placement and career days
- Promoting understanding, within the Aboriginal community, of the existing criminal justice system and alternative justice processes
- Providing public education (public presentations, explaining goals of program)

### PARTNERSHIPS AND ADVOCACY

- Facilitate use of (and in some jurisdictions) participate in alternative/restorative justice services, including ADR

### OUTPUTS

- Services
- Referrals
- Information/Contacts

### REACH

**CLIENTS:**
- Aboriginal Accused

**OTHERS:**
- Families of Aboriginal Accused
- Co-Accused
- Aboriginal Victims
- Aboriginal Witnesses
- "Sureties"
- Court Officials (Legal Aid, Defence Counsel, Crown Counsel, Clerks/Judicial Assistants)
- Judiciary (Judges and Justices of the Peace)
- Law Enforcement (Police/RCMP/Tribal Police, Sheriffs, Fisheries and Conservation Peace Officers)
- Agencies responsible for transport and/or custody of Aboriginal Accused, Parole/Probation Officers
- Aboriginal Community, including Aboriginal agencies and community justice initiatives
- Other Non-Aboriginal agencies, including Children and Family Services, treatment programs
- Aboriginal Witnesses
- "Sureties"
- Aboriginal Community, including Aboriginal agencies and community justice initiatives
- Other Non-Aboriginal agencies, including Children and Family Services, treatment programs
- Aboriginal Accused, Parole/Probation Officers
- Aboriginal Community, including Aboriginal agencies and community justice initiatives
- Other Non-Aboriginal agencies, including Children and Family Services, treatment programs
- Aboriginal Accused, Parole/Probation Officers
- Aboriginal Community, including Aboriginal agencies and community justice initiatives
- Other Non-Aboriginal agencies, including Children and Family Services, treatment programs

### PARTNERS:
- Justice Canada
- Provincial governments
- Service delivery agencies

### IMPACTS

**Outputs**
- Services
- Referrals
- Information/Contacts

**Immediate Outcomes**
- Increased understanding of rights, obligations, court processes, roles and responsibilities, cultural considerations and other factors by Aboriginal Accused, Court Officials and the Judiciary
- Increased awareness about legal and social resources available by Aboriginal Accused, Court Officials and the Judiciary
- Increased linkages between communities, organizations and individuals and the justice system (formal and informal)

**Intermediate Outcomes**
- Increased consideration of relevant factors (cultural and other) by Court Officials and the Judiciary
- Enhanced legislation, policies, services and processes affecting Aboriginal people before the court.

**Final Outcome**
- Aboriginal Accused receive fair, equitable and culturally sensitive treatment by the criminal justice system
APPENDIX V – ACKNOWLEDGEMENTS

MLA Review Committee:
Wayne Cao, MLA, Calgary Fort, Chair MLA Review Committee
Ray Danyluk, MLA, Lac La Biche-St. Paul
Art Johnston, MLA, Calgary-Hays

MLA Liaison/Support Team:
Barbara Allen, Human Services Consulting Group
Cheryl Armstrong, Alberta Justice and Attorney General
Mark Cooper, Alberta Justice and Attorney General
Stephen Gauk, Chair, Alberta Justice and Attorney General
Cameron Henry, Aboriginal Affairs & Northern Development
Ken Kereliuk, Alberta Justice and Attorney General
Birgitta Larsson, Human Services Consulting Group
Carmen Parent, Alberta Justice and Attorney General/Solicitor General & Public Security
Reeva Parker, Alberta Justice and Attorney General
Craig Paulson, Alberta Solicitor General & Public Security
Randy Petruk, Alberta Justice and Attorney General
Marnie Robb, Aboriginal Affairs & Northern Development
Sally Roscoe, Alberta Justice and Attorney General
Bronwyn Shoush, Alberta Justice and Attorney General/ Solicitor General & Public Security
Sandi Walker, Alberta Justice and Attorney General
Neil Wiberg, Alberta Justice and Attorney General

The Provincial Court of Alberta:
The Honourable E.J.M. Walter, Chief Judge
The Honourable J.D. Franklin, Assistant Chief Judge
The Honourable Judge M.G. Allen, Edmonton
The Honourable Judge P. Ayotte, Stony Plain
The Honourable Judge R.W. Bradley, Edmonton
The Honourable Judge D.J. Buchanan, Edmonton
The Honourable Judge D.E. Demetrick, St. Paul
The Honourable Judge T. Hironaka, Lethbridge
The Honourable Judge L.S. Mandamin, Tsuu T’ina
The Honourable Judge E.D. Riemer, Red Deer

Crown:
Eric D. Brooks, Lethbridge
Wes Dunfield, Edmonton
Barry Hill, Wetaskiwin
Mark Huyser-Wierenga, Edmonton
Kelly Mah, Edmonton
Jeff Rudiak, St. Paul
Lauren Wuttnee, Tsuu T’ina
Alberta Justice and Attorney General, Court Services:
Basem Hage, Calgary
Georgina Hecker, Lethbridge
Larry Hobden, Wetaskiwin
Patricia Laramee, St. Paul
Raelene Linehan, Calgary
Lorna Ross, Edmonton

Service Agencies:
Native Counselling Services of Alberta
represented by:
Allan Benson
DiAnn Blessee, St. Paul
Colin Campbell
Noella Campbell, Wetaskiwin
Crystal Cardinal
Joan Collins
Leonard Desjarlais
Ann Desmeules
Patti LaBoucane
Marlene LaFond, Wetaskiwin
Barbara McAuley, St. Paul
Sandra Marcoux, St. Paul
Virginia Sunday, St. Paul
Gary Shanks
Brian Shanks
Randy Sloan
Doreen Waskewitch, St. Paul

Siksika Pomii Kapi (Justice) Society
represented by:
Ron Many Heads
Corrine Bear Hat

Kainai Community Corrections Society
represented by:
Dan Chief Moon
Joyce Eagle Bear
Dan Fox
Rose Fox
Joanne Lemieux
Rick Soup

Tsuu T’ina Nation/Stoney Corrections Society
represented by:
Monica Onespot
Marjorie Powderface
Ellery Starlight

Tsuu T’ina Nation/Stoney Corrections Society
represented by:
Monica Onespot
Marjorie Powderface
Ellery Starlight

Yellowhead Tribal Community Corrections Society
represented by:
Rupert Arcand
Michelle Butcher
Arnold Kootenay
Connie Morin
Sandra Potts

Other Stakeholders
Kirk Buffalo, Samson Cree Nation, Samson Justice Circles
Roxanne Cutknife, Samson Cree Nation, Tribal Law Department
Harold Healy, Aboriginal Advisor, Cardston RCMP Detachment
Tracey Makokis, Restorative Justice Program, Saddle Lake
Brian Peterson, Barrister
Dustin Twinn, Lesser Slave Lake Indian Regional Council
Merle Young, Legal Aid Alberta

General Stakeholders
All Elders who opened and closed sessions and participated in the proceedings.
All people who were involved in the planning, organizing and implementing meetings, site visits and consultations.
APPENDIX VI – TOOLS

Process for Court Site Visit

1. Location:

Specific travel and contact information.

2. In the Morning the Liaison Team meets with:

Court worker(s) and Judge and/or Crown Prosecutor

- Judge (Name)
- (Name) Crown Prosecutor
- (Name) Criminal Court worker
- (Name) Family Court worker
- (Name), Supervisor
- (Names) other court personnel

The Chair, Mr. Wayne Cao, will briefly summarize why we are there and the expectations of the meeting. He will then address each of the following questions.

The Court worker will be given the following questions beforehand. These are the questions that we will focus on during the meeting.

Questions:

- What do you do during a regular Court day?
- What Court-related client work do you do on non-Court days?
- What are your other duties (not client based)?
- How does the Court worker Program serve the client?
- How does the Court worker Program serve the Court?
- Whom, in the justice system, do you interact with as a Court worker (lawyers, Judges)?
- What works well for you the way the Court worker Program presently works?
- What could be improved?

Questions for the Judge and Crown:

- What is the role of the Court worker?
- How does the Court worker Program help the clients and the Court?
- How could the Court worker Program be improved?
3. **Observing Adult Criminal Court**

The team will then observe the Criminal Court proceedings until the Chair feels there is an adequate understanding of the Court worker’s role.

**Areas to consider when observing:**
- What role does the Court worker appear to take?
- How does the role described by the Court worker manifest itself in the Court?
- In what way(s) does the Court worker interact with the Court, client, Judge and lawyers?
Letter to: Provincial Lawyers and Agents

October 12, 2005

Re: Aboriginal Court Worker Program Review

The Minister of Justice has directed a MLA Review of the Aboriginal Court Worker Program delivered in Alberta family and criminal courts. Various stakeholders are being consulted in order to review the overall program objectives and deliverables to ensure that they are consistent with community needs and the core businesses of the ministry and government. Such stakeholders as the judiciary, community and Treaty-based organizations, affected provincial ministries, current service providers, justice personnel and clients, are being contacted.

The process for the MLA Review of the Court Worker Program consists of three major steps:

- **Court Visits** (6 sites). The purpose is two fold: One - to observe the context of court worker service delivery. Two - to gather direct information from people working in and interacting with the justice system (court workers, clients, families, judiciary, Crown and defence lawyers).
- **Service Providers Presentations** (five organizations) The five organizations that currently hold responsibility for providing court worker services were all asked to give a presentation to the MLA Review Committee.
- **Stakeholder Consultations** (four locations) Four sessions will be held across Alberta (Edmonton 22/11, Calgary 14/11, Lethbridge 15/11 and High Prairie 24/11). Stakeholders across Alberta will be invited to make presentations. Stakeholders unable to attend these sessions will be encouraged to provide their input in writing.

Aboriginal Family Court Workers are available in most courts in Alberta. Their role is to ensure that Aboriginal families appearing before the Family Courts receive culturally appropriate and reliable assistance during and after the family court process.

To ensure that all perspectives are being represented in the review we would like to have feedback from provincial lawyers and agents who have experience working with Aboriginal Court Workers. If you have such experience working with the Aboriginal Court Worker(s) and you would like to share your perspective with the MLA Review Team please complete the attached questionnaire and forward this onto the Review Team. The questions are outlined on the attached page. Please forward the completed questions to: Birgitta Larsson fax (780) 988 9420 or email larsson@telus.net
If you or someone else, are interested in presenting to the MLA Review Committee please let us know by phoning Stephen Gauk at 780-422-2640 or emailing him at Stephen.Gauk@gov.ab.ca by **October 31, 2005.** Also, please identify which location you plan to attend. If you are unable to attend but wish to provide feedback, you can forward a written submission to: Birgitta Larsson, 13112 62 Ave, Edmonton, Alberta T6H 1N8 or email larsson@telus.net.

We look forward to hearing from you.

Yours truly,

Stephen Gauk on behalf of the MLA Review Committee

cc: Wayne Cao, Chairperson
MLA REVIEW COMMITTEE OF THE ABORIGINAL COURTWORKER PROGRAM
Crown/Defence Lawyer Questionnaire

Introduction:

The Minister of Justice has directed a MLA Review of the Aboriginal Court Worker Program delivered in Alberta family and criminal courts. Various stakeholders are being consulted in order to review the overall program objectives and deliverables to ensure that they are consistent with community needs and the core businesses of the ministry and government. Such stakeholders as the judiciary, community and Treaty based organizations, current service providers, justice personnel and clients, are being contacted. We would appreciate your response to the following questions.

You may telephone, fax or e-mail your responses directly to one of our consultants at:

  Birgitta Larsson, phone 780-988-9420, e-mail: larsson@telus.net
  Barbara Allen, phone 780-352-0947, e-mail: ballen2@telus.net

Questions:

1. Are you aware of the Aboriginal Court Worker Program in criminal court; in youth court; and family court? If so, from your experience what is the role of the Aboriginal Court Worker in Court?

2. What Courts do you attend (city, town or reserve)? How does the Aboriginal Court Worker serve the clients in those Courts?

3. What is the difference between the roles of the Family Aboriginal Court Worker and the Criminal Aboriginal Court Worker?

4. What non-Court related functions does the Aboriginal Court Worker serve?

5. Are their sufficient Aboriginal Court Workers available to serve clients?

6. How does the Aboriginal Court Worker serve the Court?

7. How does the Aboriginal Court Worker serve the community?

8. How do you interact with the Aboriginal Court Worker? Please state specifically how you and the Aboriginal Court Worker work together.
9. Have you had the opportunity to work with both a province-wide service provider of Aboriginal Court Worker services such as Native Counselling Services of Alberta and a community-based service such as Kainai, Tsuu T’ina, Siksika or Yellowhead? If so, were there any differences in how the service was delivered? Please explain.

10. What specific training do you believe Aboriginal Court Workers should have?

11. What could be improved about the Aboriginal Court Worker Program?

12. Any other comments?
MLA REVIEW COMMITTEE OF THE ABORIGINAL COURTWORKER PROGRAM
Alberta Children’s Services Questionnaire

Introduction:
The Minister of Justice has directed a MLA Review of the Aboriginal Court Worker Program
delivered in Alberta family and criminal courts. Various stakeholders are being consulted in order
to review the overall program objectives and deliverables to ensure that they are consistent with
community needs and the core businesses of the ministry and government. Such stakeholders as
the judiciary, community and Treaty-based organizations, affected provincial ministries, current
service providers, justice personnel and clients, are being contacted.

Aboriginal Family Court Workers are available in most courts in Alberta. Their role is to ensure
that Aboriginal families appearing before the Family Courts receive culturally appropriate and
reliable assistance during and after the family court process. In this role the Aboriginal Court
Workers have both direct and indirect contact with the Children’s Services staff.

To ensure that all perspectives are being represented in the review we would like to have feedback
from the Children’s Services staff who have experience working with Aboriginal Court Workers.
If you are aware of staff within your region who have experience working with the Aboriginal
Court Worker(s) and would like to share their perspective with the MLA Review Team please
forward this questionnaire to them.

You may telephone, fax, or e-mail your responses directly to one of our consultants at:

  Birgitta Larsson, phone/fax 780-988-9420, e-mail: larsson@telus.net
  Barbara Allen, phone/fax 780-352-0947, e-mail: ballen2@telus.net

1. How and when do you interact with the Aboriginal Court Worker?

2. What is the role of the Aboriginal Court Worker during Family Court proceedings?

3. What type of services does the Aboriginal Court Worker provide to the client?

4. What impact does the Aboriginal Court Worker have on the client, family, justice system,
or any other area?

5. Are there any concerns and/or additional needs for a court worker program (how could
the program work better for the community, courts and clients?).
Aboriginal Court Worker Service Provider Presentations
Edmonton, Legislature Annex
September 29, 2005

The areas of interest are guidelines for the presentations and Q/A period.

Presentation Guide:

- Provide an overview of the service model used, its uniqueness and if applicable, how it has changed over time.
- State goals and objectives of the service provision.
- Provide outline of how outcomes are measured.
- If applicable: is there a difference in the service delivery within criminal and family court. If so, why and how?
- Strengths and challenges of the current service model?
- Minimum training standards and job description (can be provided in writing).

Guiding questions for Q/A (if these are not covered in the presentation).

- What evidence exist that the court worker program is effective?
- What evidence exist that the court worker program is efficient?
- What is the scope of the service delivery: Staff #, # clients served, proportion of direct (with client) versus indirect (non client) service delivery?
- How can the service delivery be improved?
- What proportion of clients does not receive court worker service? Why?
- What is the ONE key service that is the foundation of the program? Why?
- Why is the court worker program needed?
Public Consultation Invitation

Strategic Management Services
Strategic Services Division

5th Floor, Bowker Building
9833 – 109 Street
Edmonton, Alberta
Canada, T5K 2E8

Telephone (780) 422-2640
Fax (780) 422-2829

October 25, 2005

[Name] [Surname]

[Title]

[Organization]

[Address]

Dear [Name] [Surname]:

RE: MEMBER OF LEGISLATIVE ASSEMBLY (MLA) REVIEW OF THE COURT WORKER PROGRAM

A MLA Review Committee has been established to review the Aboriginal Court Worker Program in Alberta. As part of this review, we are inviting stakeholders to make a presentation to the MLA Review Team. If you wish to share your views on the court worker program with the Team we invite you to attend. If you know of some who is involved with the court worker program and would like to share their perspective with the MLA Review Team, please forward this invitation to them. The consultation sessions will take place in November in four locations throughout Alberta – Lethbridge, Calgary, Edmonton, and High Prairie. The stakeholders will be asked to provide feedback on the program from various perspectives, such as client, family, community, and justice. The presentations should reflect:

1. What is your involvement with the court worker program?
2. The role of the court worker (current or proposed).
3. The services provided by the court worker in the community (approach, accessibility).

cont’d…/2
4. What impact the court worker program has on the client, family, justice system, or any other area.
5. Community concerns and needs for a court worker program (how could the program work better for the community, courts and clients?).

The detailed process document is attached. If you or someone else are interested in presenting to the MLA Review Committee, please let us know by phoning Stephen Gauk at 780-422-2640 or emailing him at Stephen.Gauk@gov.ab.ca by November 4, 2005. Also, please identify which location you plan to attend. If you are unable to attend but wish to provide feedback, you can forward a written submission to:

Birgitta Larsson
13112 - 62 Avenue
Edmonton, Alberta T6H 1N8
or email larsson@telus.net.

We look forward to hearing from you.

Yours truly,

Stephen Gauk on behalf of the MLA Review Committee

Attachment

cc: Wayne Cao, Chair, MLA Review Committee
MLA Review of the Court Worker Program
Stakeholder Consultation Sessions

**Purpose**

To invite stakeholders from across Alberta, who have expressed an interest in, or have knowledge of the court worker program, to make a presentation to the MLA Review Team. The stakeholders will be given an opportunity to identify current issues and needs of the court worker program and perceived future directions.

**Process**

Written invitations will be sent to potential stakeholders with a requirement to respond by November 4, 2005. Once the stakeholders have confirmed their attendance and preferred location times, will be arranged for the presentations. Each stakeholder will be allowed to make only one presentation. A stakeholder can represent a group, organization, community or individual.

If a presenter requires any audio-visual equipment, such as overheads or screen, this must be indicated ahead of time since the room will be set up for oral presentations.

If you have any written information for the MLA Review Team please provide one copy at the time of your presentation.

**Date and Locations**

<table>
<thead>
<tr>
<th>November 14th – Calgary</th>
<th>November 22nd – Edmonton</th>
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<tbody>
<tr>
<td>Sheraton Cavalier Hotel</td>
<td>Capital Health Building</td>
</tr>
<tr>
<td>Sheraton West Room</td>
<td>South Tower, 8th Floor</td>
</tr>
<tr>
<td>2620 – 32nd Avenue</td>
<td>10030 – 107 Street</td>
</tr>
<tr>
<td>Calgary</td>
<td>Edmonton</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>November 29th – Lethbridge</th>
<th>November 24th – High Prairie</th>
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</thead>
<tbody>
<tr>
<td>Lethbridge Lodge Hotel &amp; Conference</td>
<td></td>
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<tr>
<td>Centre - Poplar Room</td>
<td>High Prairie Inn</td>
</tr>
<tr>
<td>320 Scenic Drive</td>
<td>Riel Room</td>
</tr>
<tr>
<td>Lethbridge</td>
<td>High Prairie</td>
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Times

The stakeholder consultation will follow the following format:

10:00 – 10:15 Welcome and introduction by Chairperson
10:15 – 10:30 Opening of the session by local Elder
10:30 – 12:00 Presentations
12:00 – 13:00 Lunch break
13:00 – 16:00 Presentations
16:00 – 16:30 Closing ceremonies by Elder

Presentation Structure

Each presenter will have indicated ahead of time (prior to October 31st, 2005) that they will be presenting. Each presenter will be given 20 minutes for their presentation and 10 minutes for questions and answers. A specific time will be provided to each presenter. All presenters are invited to attend and listen to other presenters throughout the day. Presenters are asked to address the following areas:

1. What is your involvement with the court worker program?
2. The role of the court worker (current or proposed).
3. The services provided by the court worker in the community (approach, accessibility).
4. What impact the court worker program has on the client, family, justice system, or any other area.
5. Community concerns and needs for a court worker (how could the program work better for the community, courts and clients?).

The MLA Review Team Chair, Mr. Wayne Cao, or his designate, will lead the proceedings.

A detailed presentation schedule will be developed and shared prior to the start of the consultation.

Written Submission

If you are unable to attend but wish to provide feedback, you can forward a written submission to:

Birgitta Larsson
13112 - 62 Avenue
Edmonton, Alberta
T6H 1N8
or email larsson@telus.net