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**ABORIGINAL COURTWORK PROGRAM
EVALUATION
Final Report**

March 2013

**Evaluation Division
Office of Strategic Planning and Performance Management**



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EXECUTIVE SUMMARY

1. Introduction

The Aboriginal Courtwork (ACW) Program began as a community-initiated program in the early 1960s to address the unique justice challenges facing Aboriginal people involved in the criminal justice system. The purpose of the ACW Program is to help Aboriginal people who are in conflict with the criminal justice system obtain fair, just, equitable and culturally sensitive treatment. The objectives of the ACW Program are to:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers that exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Federal funding of \$5.5 million is provided to the ACW Program through contribution agreements with participating provinces and territories. In turn, most jurisdictions have entered into contractual arrangements with Aboriginal service delivery agencies (SDAs) which provide services on their behalf. Approximately 183 Courtworkers are employed by 20 SDAs across Canada to deliver services. The ACW Program is guided by a Tripartite Working Group (TWG) with representatives from the federal, provincial and territorial governments and SDAs which serve as a forum for addressing a range of program policy and operational issues.

2. EVALUATION PURPOSE AND METHODOLOGY

A formative evaluation of the ACW Program was undertaken in 2007, and a summative evaluation was completed in 2008. The current national evaluation of the ACW Program focuses

on its relevance, performance, and program design and governance. The evaluation was conducted in several stages, from April 2011 to November 2012. It utilizes multiple lines of evidence including both primary and secondary data sources. Primary data sources included interviews with 50 key informants including federal justice officials, provincial/territorial representatives, SDA representatives, and other stakeholders; interviews with 116 judicial and court officials; and surveys of 161 Courtworkers and 1,166 clients. In total, nearly 1,500 representatives from various groups participated in the evaluation through interviews and surveys. In addition, an extensive review of documents and administrative files was conducted.

3. FINDINGS AND CONCLUSIONS

3.1. Relevance

Aboriginal people continue to be overrepresented in the criminal justice system. Literature suggests that Aboriginal people face socio-economic and cultural and language issues when accessing the legal system. Statistics show that the proportion of offenders incarcerated is 12% greater for Aboriginal (72%) than for non-Aboriginal offenders (60%). The number of Aboriginal offenders under federal jurisdiction has increased. From 2001/02 to 2010/11, the Aboriginal incarcerated population under federal jurisdiction increased by 37%. The 2006 Census data show that significant inequalities exist between the Aboriginal and non-Aboriginal populations with regards to education level and socio-economic measures such as employment and income. These cultural and social barriers have an impact on the ability of Aboriginal people to access and use legal services. Aboriginal people who have low levels of education and do not speak English or French face significant barriers in understanding their charges, the plea options, and their rights and responsibilities.

The Supreme Court of Canada has recognized that the history of colonialism, displacement and residential schools, and resulting socio-economic circumstances, contributes to the higher level of incarceration of Aboriginal people. The need for the ACW Program is reflected in continuing demand for Courtworkers' services. In 2010/11, nearly 60,000 clients in over 450 communities received services from a Courtworker.

Judicial and court officials and other key informants including SDAs, federal, provincial and territorial representatives, and other stakeholders such as Aboriginal justice workers and community justice workers, overwhelmingly agreed that there is a need for the Program. They attributed this to increasing challenges faced by Aboriginal persons before the court due to

changes to the *Criminal Code*, increased demand for *Gladue* reporting¹, and limited access to other programming such as legal aid and paralegal services, as well as general lack of Aboriginal specific services, particularly in rural and northern communities.

The objectives of the ACW Program are consistent with the Department of Justice strategic outcome to ensure “a fair, relevant and accessible Canadian justice system”. The Department of Justice plays a major part by carrying out its fundamental role in establishing, maintaining and refining the Canadian legal framework. The Program is also generally consistent with the priorities of the federal government.

The ACW Program is aligned with federal roles and responsibilities, under section 91(24) of the *Constitution Act, 1867*, to make laws in relation to criminal law and procedures that apply to all Canadians. Under the same law, provincial governments are responsible for the administration of civil and criminal justice, including policing and prosecuting most *Criminal Code* offences. As such, Aboriginal justice is a shared responsibility between the different orders of government. In collaboration with provincial and territorial partners, the federal government, through the Department of Justice, works to make the justice system fairer, more relevant and more accessible to Aboriginal people.

3.2. Achieving Expected Outcomes

Within the limits of its resources, scope and reach, the ACW Program has been effective in helping Aboriginal persons charged with a criminal offence to obtain fair, just, equitable and culturally sensitive treatment in the courts. The challenges faced by Aboriginal people in the justice system are significant, unique and multidimensional. The Courtworkers are strategically positioned within the courts to provide information and facilitate communications between judicial and court officials, clients of the Program (i.e., Aboriginal persons before the court)² and communities, thereby increasing access to justice and to alternative programs and services.

Aboriginal persons before the court most commonly request assistance from Courtworkers to help them better understand the court process, nature and implication of charges, meaning of their plea, information obtained from court officials, judge, and their lawyers, their rights and

¹ *Gladue* reports are a type of pre-sentencing and bail hearing report that may be requested by the court when considering the sentencing of an Aboriginal person before the court. The name derives from the 1999 Supreme Court of Canada decision, *R. v. Gladue*

² Eligible clients include Aboriginal people, regardless of age, status or residency, who are in contact with the criminal justice system

responsibilities, and how to apply for legal representation. Courtworkers also provide information and referrals necessary to help their clients make better informed decisions about participating in the alternative justice and other social programs available in their community. Almost two-thirds of clients surveyed said they were referred to legal resources (63%) and slightly more than one-third (39%) were referred to community resources by the Courtworkers. Over 90% of Aboriginal clients surveyed were satisfied or very satisfied with the information received, and 82% of the clients who were referred to legal resources were satisfied or very satisfied with the referrals. Most Courtworkers (70%) reported that their services met the justice-related needs of their clients. Similarly, key informants as well as judicial and court officials indicated that the Courtworker services generally meet the needs of Aboriginal persons before the court, to the extent that those services are available. Courtworkers are trusted by clients, courts and communities and are effective in gathering information, creating linkages and providing advice and referrals.

Courtworkers provide important and relevant information to judicial and court officials, particularly information as to the particular circumstances of their client, cultural and social considerations, and available alternative/restorative justice programs and services. Most judicial and court officials agreed that Courtworkers provide valuable services and help to expedite legal matters and processes by increasing understanding and communication between judicial and court officials and Aboriginal persons before the court. In addition, Courtworkers help improve the efficiency of the court system by assisting clients with applications and other forms (e.g., completing legal aid applications), facilitating meetings between clients and lawyers, ensuring that clients are informed and present in the court, and helping to ease cultural and language barriers.

The Program serves as a bridge between the formal justice system and Aboriginal people as well as their communities. Courtworkers are involved in the Aboriginal communities and work closely with Aboriginal-focused services and other social programs, where available. They inform courts as to the availability of such services and refer clients, thus contributing to the effectiveness of these programs. Over half of key informants noted that Courtworkers have raised awareness amongst judicial and court officials about the community programs and services available, while helping communities to better understand the criminal justice system and build the capacity to respond to the needs of clients involved in the justice system. The ACW Program has also helped to enhance the understanding and credibility of the justice system within the Aboriginal community.

The level of success in achieving the intended outcomes and generating impacts for clients, justice system and communities varies across jurisdictions. Some jurisdictions are experiencing challenges in meeting the demands for services, serving remote areas, retaining experienced Courtworkers, providing adequate training, and responding to pressures to expand services to other areas (e.g., family court, public education, etc.).

The Program implemented a one-time, four-year Project Fund that could be utilized by each jurisdiction to address challenges. Over one-half of the Project Fund was used by jurisdictions for training or to support training activities (including TWG national training activities). There is strong support for continuation of the Project Fund, particularly to address the need for ongoing training. The strong need for federal funding to support training is largely a function of the evolving role of Courtworkers (e.g., who face increasing pressure to expand their services and their involvement in *Gladue* reporting, family and legal matters, public and legal education, and advocacy); ongoing changes in the operating environment (such as changes in the justice system, technological change, and process changes); and Courtworker turnover (which creates a need to train new workers).

3.3. Program Design

Major strengths of the Program design include the governance model, the experience, knowledge and dedication of Courtworkers, and the relevance of the services provided. The creation of the Federal-Provincial-Territorial Working Group, the addition of the third co-chair to the TWG, and an increased emphasis on the development and implementation of annual work plans have improved the governance structure and strengthened collaboration between partners.

TWG members have also played an important role in improving the reporting system for the ACW Program. The challenges associated with reporting and performance measurements are better recognized, and a collaborative approach has been implemented to address some of the issues. Strengthening performance measurements and reporting requirements will further enhance the reliability of data and better inform program design in the future.

3.4. Efficiency and Economy

The budget for the ACW Program has remained at \$5.5 million annually since 2002. The cost of the Program to the federal government, expressed on per Courtworker and client basis, remains low (in 2010/11, the cost was about \$30,000 per Courtworker and \$192 per client served, with

the total cost varying significantly across the jurisdictions). The challenge of meeting the demand for services, while operating within a fixed budget, has resulted in a program that is delivered efficiently. However, the fixed budget has made it increasingly difficult to achieve the expected outcomes of the Program and respond to ongoing challenges; most notable amongst these challenges is the ability of the Program to meet the demand for existing services (particularly in remote areas); to respond to increasing pressures from judicial and court officials, clients and communities to expand the range or extent of services; to recruit and retain staff; and to provide ongoing training and other support to Courtworkers whose knowledge, experience and commitment determines the effectiveness of the Program.

1. INTRODUCTION

1.1. History of the Aboriginal Courtwork Program

Research in the early 1960s identified particular challenges faced by Aboriginal persons before the court, including a sense of alienation from the administration of justice in Canada, a feeling of futility or apathy, and limited awareness of their rights, their obligations, court procedures, and the resources available to them. Judicial and court officials often failed to understand Aboriginal people. It was noted that simply improving access to legal services did not fully serve the needs of Aboriginal people in the justice system.

In response to these challenges, Native Friendship Centres began to operate Courtworker programs in Winnipeg and Edmonton that provided non-legal advice and support to Aboriginal persons appearing before the court. Federal financial support for these programs was first provided to the Native Friendship Centres in 1969. In 1972, the Department of Justice undertook pilot projects that provided guidance and information to Aboriginal people involved in the criminal justice system. By 1978, the pilot projects were expanded and became the Native Courtworker Program, which was recognized as a permanent federal-provincial/territorial (FPT) cost-shared program. In 1987, the mandate of the Program was revised to include provision of services to Aboriginal youth, following the adoption of the *Young Offenders Act*.

The Aboriginal Courtwork (ACW) Program currently operates in all territories and provinces, except Prince Edward Island and New Brunswick. The main purpose of the Program is to ensure that Aboriginal people charged with criminal offences receive fair, equitable and culturally sensitive treatment by the criminal justice system. Towards this end, Courtworkers assist Aboriginal persons before the court to understand their rights, responsibilities and obligations, and help them to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system. Furthermore, Courtworkers work with judicial and court officials on enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people. Lastly, they respond to problems and special needs caused by communication barriers that exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

A formative evaluation of the ACW Program was undertaken in 2007, and a summative evaluation was completed in 2008. Prior to that, no federal government evaluation of the Program had been completed since 1985.

1.2. Purpose of the Evaluation

The national evaluation of the ACW Program was conducted to meet the requirements of the Treasury Board of Canada *Policy on Evaluation* and the *Federal Accountability Act*. The study examined issues of continued relevance, performance, and program design and governance. The specific evaluation issues and questions addressed in this evaluation are listed below.

Evaluation Issues and Questions

Relevance
Issue #1: Continued Need for the Program
1. Is there a continued need for the ACW Program?
2. To what extent is the ACW Program responsive to the needs of Aboriginal persons before the court?
Issue #2: Alignment with Government Priorities
1. Are the ACW Program objectives consistent with the priorities of the federal government?
2. Are the ACW Program objectives consistent with the Department of Justice strategic outcomes?
Issue #3: Consistency with Federal Roles & Responsibilities
1. Does the ACW Program duplicate or overlap with other programs, policies or initiatives delivered by other stakeholders?
2. Is there a role for the federal government with respect to the ACW Program?

Performance

Issue #4: Achievement of Expected Outcomes

1. To what extent are the clients aware of their rights and obligations as a result of their interaction with the Courtworkers?
2. To what extent do Courtworkers help their clients make informed decisions with respect to their circumstances before the court?
3. To what extent do the Courtworkers advise clients of the legal and community/social resources available to them in their community to address their needs?
4. To what extent are the clients able to make informed decisions about pursuing alternative measures/restorative justice programs and services as a result of the Program?
5. To what extent does the ACW Program assist clients in receiving fair and equitable treatment before the court?
6. To what extent do justice officials receive information from the Courtworkers relating to:
 - the circumstances of the clients;
 - legal and community/social resources available to the clients in their community;
 - alternative/restorative justice programs and services available to the clients in their community; and
 - cultural traditions and social needs pertaining to the clients?
7. How and to what extent has the information provided by the Courtworkers on the circumstances of the clients (question 6) been used by the justice officials?
8. How and to what extent have the Courtworkers developed linkages between themselves and the communities they serve; and linkages between Courtworkers and the community-based justice programs?
9. To what extent have communication and collaboration among the different service providers that serve Aboriginal clients within the justice system changed? In what ways?
10. Has the role of the Courtworker changed over the past five years?
 - If yes, what is the nature of these changes?
 - Have these changes affected the Courtworkers' capacity to do their job?
11. What is working well in the ACW Program?
12. To what extent has the Four-Year ACW Project Fund impacted the ACW Program?
13. What is not working so well in the ACW Program? What needs to be changed?
14. Are there any unintended impacts arising from the ACW Program? If yes, what are they?

Issue #5: Program Design and Governance

1. Are there any differences in Courtworker services needs by Aboriginal men and women before the court?
2. To what extent are the performance indicators clearly and consistently reported upon by each jurisdiction?
3. To what extent has the TWG had input into the development of the ACW Program performance indicators?
4. What are the challenges associated with collecting and reporting standardized performance measures across all jurisdictions?
5. Have the changes to the TWG governance in terms of addition of a third co-chair and the creation of a FPT Working Group for the ACW Program increased the efficiency and effectiveness of the TWG collaboration?
6. To what extent is the TWG working collaboratively?

Issue #6: Demonstration of Efficiency and Economy

1. Are the most appropriate and efficient means being used to achieve the ACW Program outcomes?
2. Does the ACW Program have the resources it needs to achieve its objectives?
3. Have all the resources for the ACW Program been used?

1.3. Method of Study

The evaluation utilizes multiple lines of evidence including both primary data sources (interviews with key informants and judicial and court officials as well as surveys of Courtworkers and clients) and secondary data sources (document and file review, and budget and performance data). In total, nearly 1,500 representatives from various groups participated in the evaluation through interviews and surveys. Primary data collection occurred between April 2011 and September 2012.

1.3.1. Interviews with Key Informants

Interviews were conducted with 50 key informants including Justice Canada representatives, provincial/territorial representatives, service delivery agency (SDA) representatives, and other stakeholders including Aboriginal Community Justice Program representatives. Of those, 27 participate in the Tripartite Working Group (TWG). The interviews were completed in August and September of 2012. Sixty-five people were approached to participate; thus, the response rate was 77% (50/65). The number of interviews completed by key informant groups is summarized in Table 1.

Table 1: Number of Key Informants Interviewed by Group

Key Informant Groups	TWG	Other	Total
Federal Department of Justice Officials	4	5	9
Provincial/Territorial Representatives	11	0	11
SDA Representatives	12	3	15
Other Stakeholders	0	15	15
Total	27	23	50

The other stakeholders included representatives from Aboriginal Justice Strategy (AJS) and community justice programs. The input of the key informants, particularly those who are closely involved in the design and delivery of the ACW Program, are crucial in addressing evaluation questions, including those related to program alignment with government priorities, effectiveness of program design, and efficiency and economy.

1.3.2. Interviews with Judicial and Court Officials

Telephone interviews were completed with 116 judicial and court officials across all jurisdictions where the Program was in operation at the time of the interviews (April to June 2011). The number of officials interviewed by jurisdiction is shown in Table 2.

Table 2: Number of Judicial and Court Officials Interviewed by Jurisdiction

Jurisdiction	Judge	Crown Counsel	Defence Counsel	Probation Officer	Court Clerk	Others*	Total
Alberta	7	2	--	3	4	--	16
British Columbia	6	2	3	4	2	--	17
Manitoba	3	2	2	3	2	--	12
Newfoundland and Labrador	--	--	1	1	--	2	4
Northwest Territories	--	--	3	2	1	--	6
Nova Scotia	2	3	3	2	--	--	10
Nunavut	2	2	2	2	1	--	9
Ontario	8	3	4	4	--	--	19
Quebec	2	2	2	--	--	--	6
Saskatchewan	3	4	3	--	2	--	12
Yukon	2	1	--	--	--	2	5
Total	35	21	23	21	12	4	116

* Others include one acting sheriff, one provincial representative, one Director of Court Services, and one RCMP Liaison Officer.

The interviews obtained feedback on the level of familiarity with the ACW Program amongst judicial and court officials, the need for the Program, impacts and effects, relationship to other justice initiatives, and opportunities for improvement. Those interviewed were drawn from contact lists of 326 potential respondents, providing a response rate of 36%.

1.3.3. Survey of Aboriginal Courtworkers

A web-based survey of Courtworkers was undertaken between April and May 2012. The purpose of the survey was to obtain feedback on the Courtworkers' perceptions of, and involvement with, the ACW Program. Of the then total of 185 Courtworkers, 161 responded to the survey (a response rate of 87%). The number of Courtworkers surveyed by jurisdiction is shown in Table 3. Of those who responded to the survey 70% were female and 27% were male (2% of Courtworkers surveyed did not respond to the gender question).

Table 3: Number of Aboriginal Courtworkers Surveyed by Jurisdiction³

Jurisdiction	Surveyed
Alberta	43
British Columbia	24
Manitoba	12
Northwest Territories	6
Nova Scotia	5
Nunavut	5
Ontario	27
Quebec	15
Saskatchewan	18
Yukon	3
Unknown	3
Total	161

1.3.4. Survey of Clients

The survey of clients took place between July and September 2011. A total of 19 Aboriginal local interviewers⁴ were hired to collect the Client Survey. Although some of the interviewers were employees of the SDAs, they were not Courtworkers. Rather, they were Courtworker trainers, administrators, communication officers or consultants. The interviewers were familiar with the ACW Program and some spoke the local language. None of the interviewers contacted/interviewed their own clients. The interviewers collected the data by having the clients complete the survey on their own or interviewing the client in person or by telephone. The data were collected from three types of sites: urban areas and remote areas with a resident Courtworker, and remote areas with a non-resident Courtworker. As indicated below, 1,166 clients were surveyed, representing an overall response rate of 82%. The number of clients surveyed by jurisdiction is illustrated in Table 4.

³ There were no Aboriginal Courtwork Program services in Newfoundland and Labrador during the survey period 2011/12.

⁴ The 19 Aboriginal local interviewers consisted of: one from British Columbia, one from Yukon, four from Alberta, one from Saskatchewan, one from Manitoba, one from Northwest Territories, two from Ontario, four from Quebec, one from Nova Scotia, and three from Nunavut.

Table 4: Number of Clients Surveyed by Jurisdiction

Jurisdiction	Targeted (#)	Actual Surveyed
Alberta	200	98
British Columbia	202	200
Manitoba	177	149
Northwest Territories	100	73
Nova Scotia	44	17
Nunavut	75	74
Ontario	188	139
Quebec	167	177
Saskatchewan	189	202
Yukon	79	37
Total	1,421	1,166

The purpose of the Client Survey, currently conducted every five years, was to assess the clients' level of satisfaction with respect to the following: Courtworker services, the way their case turned out, and referrals. Clients were asked about their awareness of the ACW Program and their understanding of the information they received from the Courtworkers. The survey also delved into whether the clients needed additional help, and their perceptions of the justice system.

1.3.5. Document and File Review

An extensive review of documents and administrative files was conducted to analyze information on the evaluation issues pertaining to relevance and performance of the Program. The document and file review focused primarily on foundational policy and program documents and files that are pertinent to understanding the Program environment and delivery context. More specifically, the document and file review included but were not limited to:

- Government of Canada and Departmental Documents: Speeches from the Throne, Department of Justice Canada Report on Plans and Priorities, Departmental Performance Reports;
- Program Files: ACW Program annual reports, budget reports, financial expenditure statements, brochures, evaluation reports, and other documentation describing the Program and its objectives, activities and outputs;

- Provincial and Territorial Documents: annual work plans and performance reports from provinces and territories, as well as other administrative files;
- FPT Working Group and TWG Files: work plans, meeting minutes, meeting decisions, list of projects, policies, and research activities;
- SDA Data Reports: aggregate data and files from the SDAs in the provinces, which provided quantitative evidence on the level of demand for ACW Program services and profile of the clients;
- Other files, websites, and reports related to the Department of Justice, Government of Canada, provincial governments, and non-profit organizations.

1.4. Evaluation Strengths and Limitations

The 2009 Treasury Board *Policy on Evaluation* requires that all direct program spending by the federal government be evaluated every five years. The Department of Justice Evaluation Division has assessed all direct expenditures according to six risk factors: complexity, the extent to which the program or service is complex in nature; materiality, the level of resources involved in the delivery of the program; skills and expertise, the ability of the Department to recruit and retain the necessary work force to fully delivery on their mandate; time since the last evaluation; and the quality of the information to support evaluation. Based on an analysis of these risk factors, the ACW Program is deemed to be a low-risk program.

The strengths of the current evaluation include the use of multiple lines of evidence in order to triangulate findings and increase the data reliability, significant sample sizes incorporating the perspective of all key stakeholder groups involved with the Program, and the use of both quantitative and qualitative data. The methodology for the evaluation, including the data collection instruments, was developed in consultation with federal and provincial partners of the ACW Program and the Evaluation Advisory Committee.

The evaluation encountered several challenges and limitations, including a reliance on qualitative data, differences in how client data is reported across jurisdictions and over time, and jurisdictional differences in design and delivery. Availability of quantitative data on the activities and outcomes of the Program is limited and the methodology did not allow for direct observation of service delivery across jurisdictions. Several measures were taken to reduce the effect of response bias and validate interview results, including (i) the use of multiple lines of evidence, particularly validating findings through other primary and secondary research; (ii) interviewers

clearly communicated the purpose of this evaluation, its design and methodology, and strict confidentiality of responses to participants; and (iii) key informants, including judicial and court officials, were asked to provide a rationale for their ratings including a description of specific activities which contributed to the outcomes reported.

All but one jurisdiction collect information on the number of clients served. The remaining jurisdiction collects information on the number of cases. This has made it difficult to assess the Program utilization, and its economy and efficiency. To respond to this limitation, qualitative questions on the Program efficiency were included in the key informant interviews.

The Program is designed and delivered differently across the jurisdictions, reflecting differences in program scope, the demand for services, the roles of the Courtworkers, and availability of other programs and resources. Thus, some observations about the Program (e.g., pressures to expand the scope, service coverage) may apply to some jurisdictions and not to others. Although the Program has been designed to be delivered in a flexible way, methodologically this creates challenges for the evaluation by not measuring entities equally across jurisdictions. As a national evaluation, it has focused primarily on broad issues and trends rather than on jurisdictional differences.

1.5. Structure of the Report

The evaluation report is divided into four chapters. The next chapter provides a brief overview of the ACW Program in terms of its purpose, delivery model, budget and intended outcomes. Chapter 3 provides a summary of evaluation findings regarding Program relevance and performance. Chapter 4 presents the major conclusions and recommendations emerging from the evaluation as well as the management responses.

2. OVERVIEW OF THE PROGRAM

This chapter provides an overview of the ACW Program in terms of its purpose, delivery model, services, budget, and intended outcomes.

2.1. Purpose of the Aboriginal Courtwork Program

The purpose of the ACW Program is to help Aboriginal people who are in conflict with the criminal justice system to obtain fair, just, equitable, and culturally sensitive treatment. The objectives of the ACW Program are to:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers that exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

2.2. Delivery Model

Federal funding for the ACW Program is provided through contribution agreements with participating provinces and territories. In turn, most of these jurisdictions have entered into contractual arrangements with Aboriginal SDAs which provide Courtworker services. Approximately 183 Courtworkers are employed by 20 SDAs across Canada. The ACW Program is guided by the TWG which serves as a forum for addressing a range of program policy and operational issues.

Presently, there are six different delivery models operating across the country, varying in terms of the number of agencies operating in a jurisdiction and the type of employer. All models involve a relatively small network of geographically decentralized Courtworkers who usually work independently, providing services and building relationships with their local communities.

In the three territories, federal financial support for Courtworker services is provided through the Access to Justice Services Agreements. These Agreements integrate federal support for criminal and civil legal aid, the ACW Program, and Public Legal Education and Information (PLEI).

In Manitoba and the Northwest Territories, Courtworkers are employees of the provincial/territorial government. In Nunavut, Courtworker services are provided through legal services clinics. Currently, the ACW Program operates in every province and territory with the exception of Prince Edward Island and New Brunswick.

The following table outlines the roles and responsibilities of the key stakeholders of the Program.

Table 5: Roles and Responsibilities of Key Stakeholders of the ACW Program

Key Stakeholders	Roles and Responsibilities
Justice Canada	The Department of Justice Canada provides contribution funding to support the provision of Courtworker services by entering into contribution agreements with participating provinces and territories.
Provincial and Territorial Governments	Provincial and territorial ministries are responsible for establishing the overall framework for the ACW Program within their jurisdiction. In most jurisdictions, court services divisions within the justice ministries administer the Program. Some jurisdictions include the ministry responsible for Aboriginal Affairs to ensure there is a consistent approach to services available to Aboriginal people. The provincial and territorial ministries ensure that sufficient financial assistance is available; enter into contractual arrangements with the SDAs to provide Courtworker services on their behalf (where appropriate); oversee delivery of services; and participate in the TWG as required.
Service Delivery Agencies	SDAs provide direct services by way of the Courtworkers to Aboriginal persons before the court through annual contracts with provincial and territorial governments. Funding is based on a schedule of eligible costs. In most jurisdictions, Courtworker services are delivered by Aboriginal SDAs under contract to the provincial or territorial government. In Manitoba and the Northwest Territories, Courtworkers are employees of the provincial/territorial government. In Nunavut, Courtworker services are provided through legal services clinics.
Aboriginal Courtworkers	To help Aboriginal people charged with a criminal offence receive fair, equitable and culturally sensitive treatment before the law, Courtworkers: <ul style="list-style-type: none"> • provide Aboriginal persons charged with an offence and their family members with timely and accurate information at the earliest possible stage of the criminal justice process; • refer Aboriginal persons charged with an offence to appropriate legal resources at key stages of the justice process (e.g., arrest, trial, sentencing), as available and where

Key Stakeholders	Roles and Responsibilities
	<p>practical;</p> <ul style="list-style-type: none"> • refer Aboriginal persons charged with an offence to appropriate social, education, employment, medical, Aboriginal community and other resources to ensure they have assistance in addressing the underlying problems that contribute to their charges and, where appropriate, advocate for services to Aboriginal persons before the court and ensure, to the extent possible, that those services are delivered; • provide assistance, as appropriate, to other Aboriginal persons involved in the criminal justice process; • promote and facilitate practical, community-based justice initiatives, and help build community capacity to identify and address problems which could end up in the court or community justice system; and, • serve as a “bridge” between criminal justice officials and Aboriginal people and communities by advocating for Aboriginal persons before the court, providing liaison, and promoting communications and understanding between these two entities.
Federal, Provincial and Territorial Working Group	On a policy level, the ACW Program is guided by an FPT Working Group, which serves as a policy forum for ongoing monitoring of inter-jurisdictional issues that concern the Program.
Tripartite Working Group	The TWG consists of two federal representatives, one provincial/territorial official and one SDA director from each jurisdiction. Reporting to the FPT Working Group, the TWG has a mandate to serve as a forum for addressing a range of program issues related to the ACW Program and Aboriginal people in contact with the criminal justice system.

Courtworker services target the following groups:

- Aboriginal persons charged with an offence and, in the territories where Courtworkers are active in both civil and criminal matters, Aboriginal persons involved in civil matters;
- All Aboriginal people regardless of age, status or residency throughout Canada where services exist;
- Justice officials, including court officials (legal aid, defence counsel, Crown counsel, clerks/judicial assistants), judiciary (judges and justices of the peace), law enforcement, parole/probation officers, and agencies responsible for transport and/or custody of Aboriginal persons before the court; and
- Other stakeholders including the Aboriginal community, Aboriginal agencies and community justice initiatives, referral agencies, as well as families of Aboriginal persons before the court (accused), co-accused, Aboriginal victims and Aboriginal witnesses.

2.3. Program Activities

The services provided by Courtworkers under the ACW Program are listed below.

Services Delivered by Courtworkers

Out-of-Court Services	<ul style="list-style-type: none"> • Conduct client⁵ intake (interviews, assessments, documentation, circumstances of clients) • Assist clients in receiving appropriate care, particularly those in custody • Prepare cases, including documentation, statistics, court briefs and reports • Provide information on nature of charge, rights, court procedures, roles and responsibilities, alternative/restorative justice options, and sentence • Assist in accessing and interpreting documented information and forms for clients • Assist in coordinating and preparing applications for bail for clients • Provide information to "clients' sureties" • Facilitate linkages with translation/interpreter services • Provide information to clients on disposition or directions given by court • Provide general information and/or assistance to Aboriginal victims of crime (where no conflict of interest exists) • Follow up with criminal justice personnel regarding outcome of case • Follow up with client or SDAs regarding services provided (time permitting) • Assist in the dialogue between Aboriginal persons before the court, court officials, judiciary and others • Provide non-therapeutic counselling and emotional support
Referrals	<ul style="list-style-type: none"> • Find out about available resources, support and contacts for clients • Make appropriate referrals to non-clients seeking services • Explain what resources and support services are available to clients and who to contact • Make referrals to legal counsel and bail programs to clients • Assist clients in accessing resources and support where available
In-Court Services	<ul style="list-style-type: none"> • Assist clients to appear before the court • Attend court (except where not authorized) • Provide in-court support to clients and court officials • Provide information about relevant legal procedure to clients, and to judicial and court officials, thereby acting as a "friend of the court" to provide information to the court on community resources and sentencing options available • Provide cultural interpretation • Negotiate with Crown counsel on behalf of unrepresented clients • Speak to adjournment/remand, and (in some jurisdictions) sentence applications, reviews and bail applications

⁵ 'Client' is used in the report interchangeably with Aboriginal persons before the court and refers to those receiving services from Courtworkers.

Alternative/Restorative Justice Services	<ul style="list-style-type: none"> • Facilitate use of and (in some jurisdictions) participate in alternative/ restorative/ Aboriginal justice processes, including alternative dispute resolution
Partnerships and Advocacy	<ul style="list-style-type: none"> • Participate in justice inter-agency and community-based committees • Identify gaps, needs, successes and learning • Establish networks and partnerships with community and justice system organizations • Support community development initiatives (justice, social, health, other) • Conduct or contribute to research on systemic issues impacting Aboriginal people and the justice system • Participate in national, provincial and community dialogues on Aboriginal justice policies and issues affecting Aboriginal persons before the court • Advocate for enhanced policies, services and processes for Aboriginal persons before the court
Courtworker and Community Education/ Training	<ul style="list-style-type: none"> • Provide training to Courtworkers • Provide presentations, workshops and training to other people involved in criminal justice system and alternative justice processes, including student placements and career days • Promote understanding within the Aboriginal community of the existing criminal justice system and alternative justice processes • Provide public education (public presentations, explaining goals of the Program)

2.4. Program Budget

The Program is cost-shared by the federal government and provincial/territorial governments through bipartite contribution agreements. From 1993 to 2000, the federal government funding for the ACW Program was fixed at \$4.5 million annually. In the December 2001 budget, an increase of \$1 million in ongoing funding was approved. Since 2002, annual federal government funding for the Program has remained at \$5.5 million under two successive agreements (for four years from 2004/05 to 2007/08, and subsequently from 2008/09 to 2012/13).

The costs of program delivery are shared with the respective provincial and territorial governments. In the three territories, federal funding for Courtworker services is provided under the broader Access to Justice Services Agreements that combine elements of legal aid, the ACW Program and the PLEI Program into a single agreement. Of the total annual budget of \$5.5 million, \$4,836,363 is notionally allocated among the provinces, and \$588,637 is allocated amongst the territories to Courtworker services under the Access to Justice Services. An annual amount of \$75,000 is available to support TWG projects in support of the ACW Program (Component 2).

Table 6: ACW Program Funding – Annual Notional Allocation - Fiscal Years 2008/09 to 2012/13

Allocation	Funding
Alberta	\$1,009,010
British Columbia	\$993,737
Manitoba	\$435,313
Newfoundland and Labrador	\$98,312 ⁶
Nova Scotia	\$110,685
Ontario	\$1,039,597
Quebec	\$529,694
Saskatchewan	\$620,015
Total Provincial Allocation (Component 1)	\$4,836,363
Territorial Allocation ⁷	\$588,637
TWG Projects in Support of the Aboriginal Courtwork Program (Component 2)	\$75,000
Total Federal Government Contribution	\$5,500,000

* Source: ACW Program Terms and Conditions 2010

In addition to the \$5.5 million, the Department of Justice provided \$2.25 million beginning in 2008/09 until 2011/12, as one-time funding for the four-year Project Fund. The Project Fund resources were distributed on a case-by-case basis. Federal contributions up to a maximum of \$40,000 per jurisdiction could be made to a province or territory, an Aboriginal Courtwork SDA, or an Access to Justice SDA that undertook to administer projects involving:

- One-time or annual ACW Program events and initiatives (as opposed to ongoing projects and programs) that directly benefit the ACW Program and build bridges, trust and partnerships between the mainstream justice system and Aboriginal communities (e.g., training, outreach, research, innovations and pilot projects);
- Activities targeted at improved reporting for the ACW Program; and
- The design, development and maintenance of ACW Program data collection management systems.

2.5. Intended Outcomes

The core activities of the Department of Justice Canada in managing the ACW Program include:

⁶ Newfoundland and Labrador did not receive funding for 2011/12

⁷ The federal contribution is allocated under the Access to Justice Services Agreements that Canada enters into with each of the three territories.

- Negotiating and monitoring contribution agreements with provinces and territories: the federal government enters into multi-year contribution agreements with provincial/territorial governments, which in turn enter into contractual arrangements with third-party delivery agents that provide Courtworker services within their jurisdiction. The primary output of this activity is funded contribution agreements.
- Creating the tripartite forum: the ACW Program is guided by the TWG, which serves as a forum to address program and operational issues.

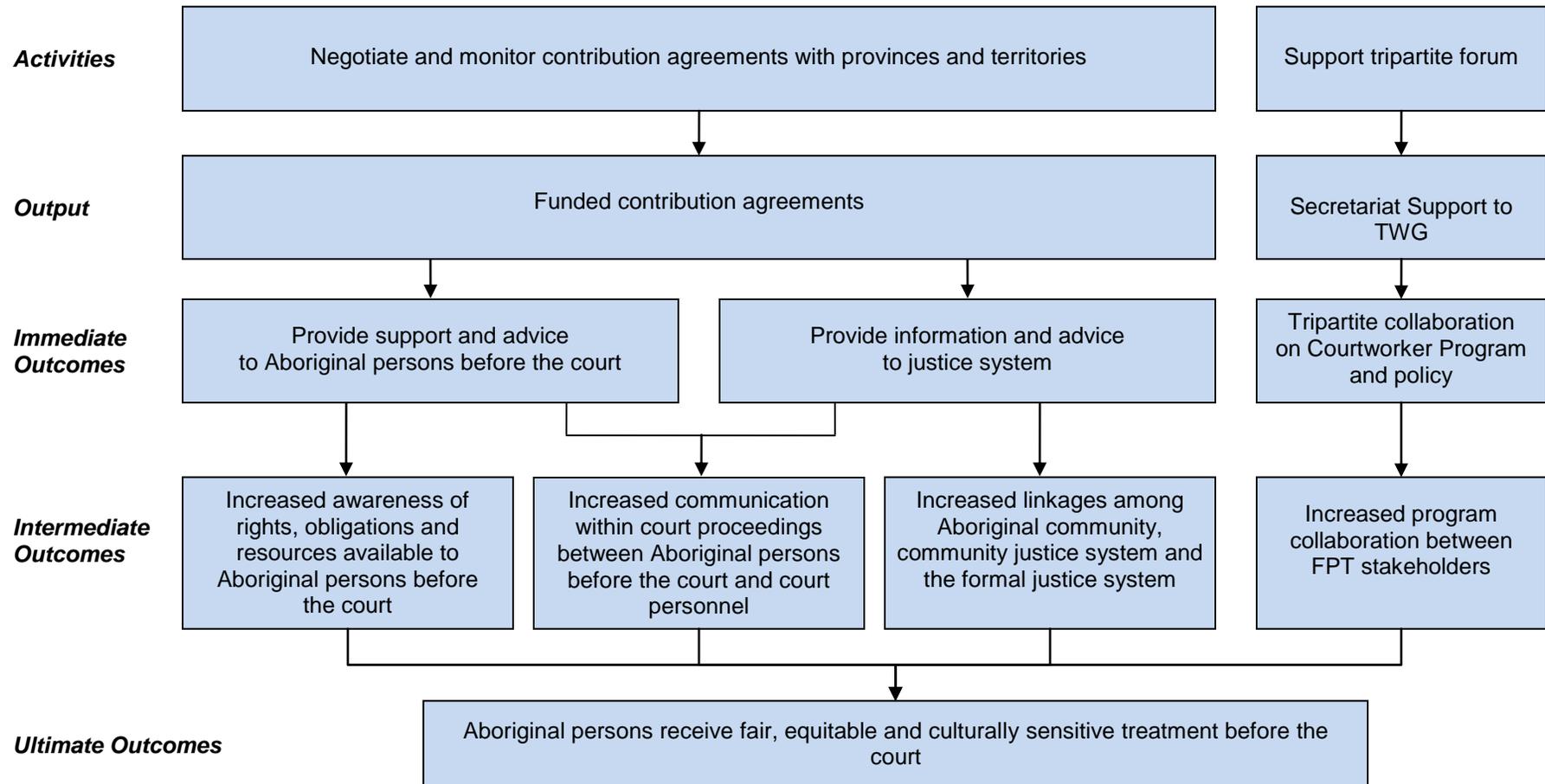
The services delivered under the contribution agreements provide support and non-legal advice to Aboriginal persons charged with an offence, and provide information and advice to the formal justice system (court officials, duty counsel, legal aid lawyers, judges, etc.) in an effort to increase the awareness and understanding of the issues related to Aboriginal people in the justice system. In turn, these services help to:

- Increase awareness of rights, obligations and resources available to Aboriginal persons before the court. Courtworkers provide non-legal advice and support to the Aboriginal persons charged with an offence in a non-threatening manner. Providing one-on-one service allows for the necessary time to communicate effectively with Aboriginal persons before the court and be assured that they have a full understanding of their rights and obligations, as well as community resources/programs that may be available to them.
- Increase communication between the client and judicial and court officials within court proceedings. The Courtworker is the link between Aboriginal persons appearing before the court and the judicial and court officials, and facilitates the necessary communication that will lead to improved court processes by raising judicial and court officials' awareness of the complex issues relating to many Aboriginal persons appearing before the court.
- Increase linkages among Aboriginal communities, the community justice system and the formal justice system. The strategic positioning of the Courtworker within the court system and the Aboriginal community provides the Courtworker with the opportunity to facilitate the necessary links between the Aboriginal community and the justice system. These efforts are expected to lessen the alienation that Aboriginal communities feel towards the justice system, and to improve the connections with evolving community justice programs. Furthermore, as the awareness is raised, it is anticipated that judicial and court officials will react in a more culturally sensitive manner. This is of particular importance when considering the precedent-setting court decisions (e.g., *Gladue*, etc.) and how those precedents apply to Aboriginal persons appearing before the court.

Outside the direct delivery of Courtworker services, but as part of the ACW Program, the TWG provides a transparent and collaborative environment that contributes to policy development of the Program. The exchange of ideas and best practices across jurisdictions, the shared learning with respect to issues of mutual concern (e.g., database investments, etc.) and the airing of common concerns are anticipated to enhance service delivery and policy development in this area. As ACW Program stakeholders collaborate within the TWG, there is the opportunity to bring together a variety of perspectives on Aboriginal justice policy. It is therefore anticipated that this ongoing dialogue will have a positive impact on Aboriginal justice policy development.

As indicated in the logic model (Figure 1), over time, the Program is designed to help ensure that Aboriginal persons charged with a criminal offence receive fair, equitable and culturally sensitive treatment before the court, thereby increasing their access to justice.

Figure 1: Aboriginal Courtwork Program Logic Model



3. EVALUATION FINDINGS

This chapter presents the evaluation findings regarding program relevance and performance, including effectiveness as well as efficiency and economy.

3.1. Program Relevance

The evaluation questions related to relevance focus on the continued need for the Program and the extent to which it is aligned with departmental and federal government priorities, roles and responsibilities. The major findings are summarized below.

3.1.1. Continued Need for the Program

Aboriginal people continue to face significant challenges which can impact their access to fair, equitable and culturally sensitive treatment before the courts. Literature suggests that Aboriginal people continue to be overrepresented in the courts and face significant socio-economic, cultural and language issues.

The proportion of offenders incarcerated is higher among Aboriginal people than among non-Aboriginal people. Statistics show that in 2010/11, 27% of adults in provincial and territorial custody and 20% of those in federal custody were Aboriginal people, which is about seven to eight times higher than the proportion of Aboriginal people (3%) in the adult population as a whole⁸. The *Corrections and Conditional Release Statistical Overview, Annual Report 2011* shows that Aboriginal people continue to be overrepresented in the justice system and that the number of Aboriginal offenders is increasing:⁹ From 2001/02 to 2010/11, the Aboriginal incarcerated population under federal jurisdiction increased by 37%. The rate of incarcerated Aboriginal women increased steadily from 98 in 2001/02 to 182 in 2010/11 per 100,000 adults, an increase of 86% in the last ten years. The increase of incarcerated Aboriginal men was 35%

⁸ Statistics Canada, 2012a.

⁹ http://www.publicsafety.gc.ca/res/cor/rep/_fl/2011-ccrso-eng.pdf

for the same period. From 2001/02 to 2010/11, the number of Aboriginal people under community supervision increased 15%.

Numerous studies have identified cultural differences and social barriers that have an impact on the ability of Aboriginal people to access and use legal services. Aboriginal people have a greater need for legal services in areas such as criminal and child protection law, but also face greater barriers in accessing these services. Socio-economic and cultural factors such as history of residential schools lower rate of literacy, poverty and isolation contribute to lack of appropriate housing, health care and transportation, which can significantly impact access of the Aboriginal people to justice and legal services¹⁰. Studies show that socio-economic factors such as alcohol and drug abuse, mental health issues, lack of information and understanding by the client, and insufficient community and criminal justice resources are major contributors to recidivism for relatively minor administration of justice offences¹¹.

Aboriginal people who do not speak English or French can face significant language barriers which could impact on their ability to communicate with judicial and court officials, and to understand their rights and responsibilities during the court process.

Data from the 2006 Census illustrate the significant inequalities that exist between the Aboriginal and non-Aboriginal population with regards to education, employment and income. For example, in 2006, one-third (33%) of Aboriginal adults aged 25 to 54 in Canada (50% of the First Nations people aged 25 to 64 living on reserve) had less than a high school education (compared to nearly 13% of the non-Aboriginal population)¹². The employment rate for Aboriginal people of core working age (25 to 54) was 66% as compared to 82% for non-Aboriginal people¹³, and the median total income of the Aboriginal population aged 25 to 54 in 2005 was just over \$22,000 (\$14,000 for people living on reserve) as compared to over \$33,000 for the non-Aboriginal population.¹⁴ Research indicates that young adults without a high school diploma or employment are more at risk of committing crimes that lead to being incarcerated¹⁵.

¹⁰ Legal Services Society, *Building Bridges: Improving Legal Services for Aboriginal Peoples*, October 7, 2007.

¹¹ Aboriginal Administration of Justice Offences Research Project: A study of Aboriginal Administration of Justice Offences as they relate to community supervision provided by probation officers in Alberta, Alberta Justice and Attorney General and Alberta Solicitor General and Public Security, 2012.

¹² Statistics Canada, *2006 Census: Educational Portrait of Canada, Aboriginal Population*, November 20, 2009.

¹³ Statistics Canada, *Aboriginal Statistics at a Glance, Employment*, June 21, 2010.

¹⁴ Statistics Canada, *Aboriginal Statistics at a Glance, Income*, June 21, 2010.

¹⁵ Samuel Perreault, *The Incarceration of Aboriginal People in Adult Correctional Services*, Juristat, October 28, 2009.

The Supreme Court of Canada has recognized that the history of colonialism, displacement, and residential schools and resulting socio-economic circumstances contribute to the higher level of incarceration of Aboriginal people. The Supreme Court has instructed that the circumstances of Aboriginal offenders must be considered in sentencing. In the decision *R v. Ipeelee*, judges are instructed that "when sentencing an Aboriginal offender, courts must take judicial notice of such matters as the history of colonialism, displacement, and residential schools and how that history continues to translate into lower educational attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and of course higher levels of incarceration for Aboriginal people"¹⁶.

Sub-section 718.2 (e) of the *Criminal Code* states that "all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders"¹⁷. In a landmark decision *R. v. Gladue*, the Supreme Court of Canada interpreted the law to mean that "in sentencing an Aboriginal offender, the judge must consider: (a) the unique system or background factors which may have played a part in bringing the particular Aboriginal offender before the courts, and (b) the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular Aboriginal heritage or connection"¹⁸. Such considerations on the part of the sentencing judge require that the information pertaining to systemic and other background factors related to the circumstances of Aboriginal persons before the court, as well as options for sentencing, be presented to the court. The ACW Program is intended to play an important role in providing such information to judicial and court officials.

Demand for services is a strong indicator of continuing need. In 2010/11, nearly 60,000 clients in over 450 communities received services from a Courtworker. The reported number of clients served has decreased since 2008/09, although this may be attributable to changes in the definition of client and data collection procedures. It may also be attributable to a drop in the number of Courtworkers providing services. For example, although the number of clients served has dropped almost 13.4% between 2005/06 and 2010/11, the number of Courtworkers has dropped by 12.9% over the same period. In 2005/06, the ACW Program served 67,921 clients with 210 Courtworkers (part-time and full-time), averaging 323 clients per Courtworker. By 2010/11, the number of Courtworkers was reduced to 183, which still averaged 321 clients per

¹⁶ *R. v. Ipeelee*, 2012 SCC 13, [2012] 1 S.C.R. 433.

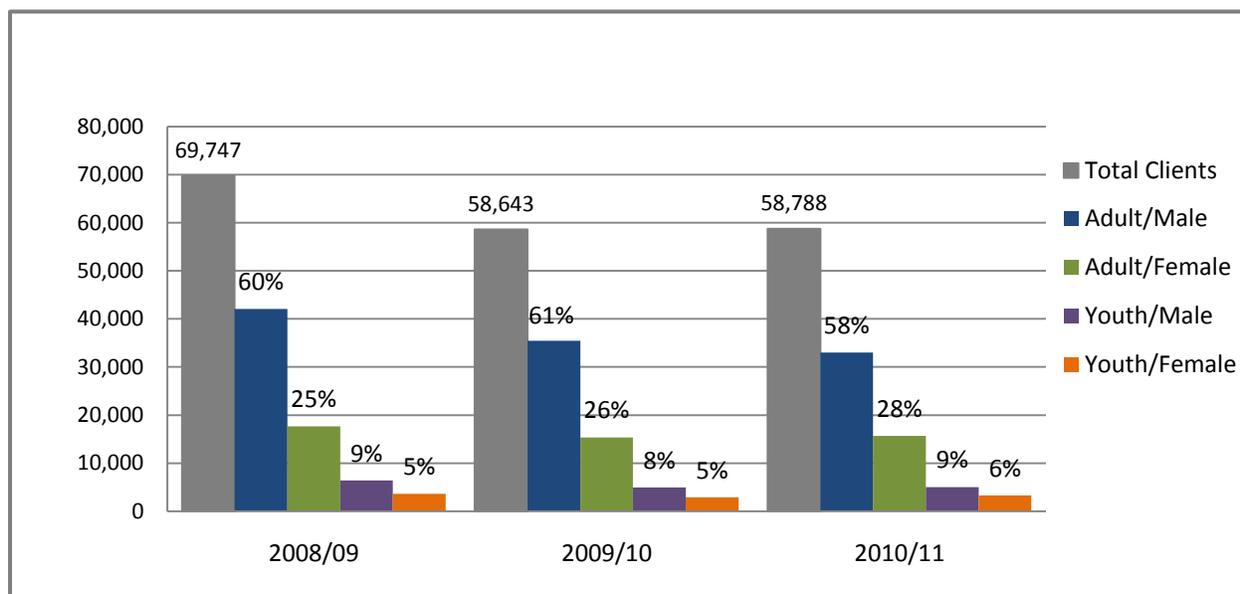
¹⁷ *Criminal Code*, Sub-section 718.2 (e)

¹⁸ *R. v. Gladue*, [1999] 1 S.C.R. 688, (pg. 4)

Courtworker. Thus, although the level of effort has remained constant per Courtworker, the number of Courtworkers providing services has dropped.

As indicated in Figure 2 below, the relative proportion of demand for Courtworker services has remained unchanged for male, female, adult and youth over the last three years (about two-thirds of clients were male and one-third female; and about three-quarters of clients served were adults while about one-quarter of all clients were youth). Courtworkers surveyed noted that the services requested by different types of clients were similar. Some notable differences were that referrals to legal services were more frequently provided to male clients, and emotional support and non-therapeutic counselling were more frequently provided to female clients.

Figure 2: National Number of Clients who Received Courtworker Services by Year with Gender and Adult/Youth Breakdown



Source: Performance Measures National Roll-up, Justice Canada

The Client Survey shows that the need for Courtworkers' services remains strong amongst those who have previously received services and have previous convictions (about one-half of clients surveyed in 2007 and 2011 said they previously received services from Courtworkers; 68% of clients surveyed in 2007 and 55% in 2011 had previous convictions). Gender differences in services received were also observed in the Client Survey, as women were more likely to receive services for the first time. Clients reported most commonly seeking information and assistance related to the court processes (19%), how to find a lawyer (11%), preparing for court (8%),

referrals to other resources/alternatives/restorative justice programs (8%), as well as general guidance and assistance (13%).

Almost all judicial and court officials (96%) indicated that Aboriginal persons appearing in court continue to need the services provided by the ACW Program. When asked where the greatest demand for services exists, judicial and court officials identified circuit courts (72%), followed by “base” courts (63%), and out of court and/or in the communities (44%). When asked to rate the need for the Program on a scale of 1 to 5, where 5 is a major need, key informants provided an average rating of 4.9 and Courtworkers provided an average rating of 4.8. Judicial and court officials, key informants and Courtworkers saw a strong need to support clients with information regarding the court process, their rights and responsibilities, and referrals to alternative programs and other services. About one-third of Courtworkers added that there is a strong need to address barriers to access to justice faced by Aboriginal persons before the court such as language or cultural barriers, financial barriers, limited education or literacy barriers, limited access to resources due to isolated location/community, drug and alcohol problems, mental health issues and learning disabilities. The need to provide information to clients and courts, to advocate on behalf of clients and connect them and their families to broader services, was emphasized by about half of the Courtworkers surveyed.

Almost 80% of key informants indicated that the challenges faced by Aboriginal persons before the court have increased in recent years, due in part to the increasing complexity of issues, changes to the *Criminal Code*, increased demand for *Gladue* reporting, and more limited access to other programming. For example, about one-third of Courtworkers noted that difficulties in accessing legal aid services in some jurisdictions, particularly in more remote areas, have placed increased pressure on Courtworker services. As a result, Courtworkers are involved increasingly in filling out applications for legal aid on behalf of clients.

3.1.2. Consistency with federal government and departmental priorities

The objectives of the ACW Program are generally consistent with the priorities of the federal government. Although recent Speeches from the Throne have focused more specifically on comprehensive law-and-order legislation to combat crime and protect the interests of law-abiding citizens who are victimized or threatened, they have also spoken to the need to address barriers to social and economic participation faced by Aboriginal persons. For example, the 2011 Speech from the Throne noted that:

"Canada's Aboriginal peoples are central to Canada's history, and our Government has made it a priority to renew and deepen our relationship. The contribution of Canada's Aboriginal peoples will be important to our future prosperity. Concerted action is needed to address the barriers to social and economic participation that many Aboriginal Canadians face."

The Government of Canada has also acknowledged the impact of historical injustices on Aboriginal people. For example, in the *Statement of Apology to former students of Indian Residential Schools* (June 11, 2008), it was noted that “[t]he legacy of Indian residential schools has contributed to social problems that continue to exist in many communities today”¹⁹.

The objectives of the ACW Program are consistent with the Department of Justice strategic outcome to ensure “a fair, relevant and accessible Canadian justice system”. The Department plays a major part by carrying out its fundamental role in establishing, maintaining and refining the Canadian legal framework. This strategic outcome is supported by the program activity, Stewardship of the Canadian Legal Framework, which includes four sub-activities, two of which are Access to Justice and Aboriginal Justice.

In the Department of Justice Program Activity Architecture, the ACW Program falls under the sub-activity of Aboriginal Justice. It is anticipated that, through the ACW Program, Aboriginal people in the justice system will receive fair, equitable and culturally sensitive treatment before the court, thereby increasing their access to justice. This ensures that Aboriginal persons before the court understand what is happening to them in the court and that judicial and court officials are able to take into consideration both the facts of the case and the personal circumstances of Aboriginal persons before the court. The ACW Program’s objectives are therefore consistent with attaining the Department’s strategic outcome of a fair, relevant and accessible Canadian justice system.

3.1.3. Alignment with federal roles and responsibilities

The Government of Canada has the constitutional authority, under section 91(24) of the *Constitution Act, 1867*, to make laws in relation to criminal law and procedure which apply to all Canadians. The federal government also has jurisdiction concerning “Indians and Lands reserved for the Indians” and criminal law and procedure in criminal matters under section 91(27) of the Act.

¹⁹ *Statement of Apology to former students of Indian Residential Schools*, Government of Canada, June 11, 2008.

Under section 92(14) of the *Constitution Act, 1867*, provincial governments are responsible for the administration of civil and criminal justice, including policing and prosecuting most *Criminal Code* offences. Accordingly, the provinces have the authority to develop laws and policies in that area with respect to the delivery of justice-related services to their citizens. In the territories, the Public Prosecution Service of Canada (PPSC) is responsible for prosecuting *Criminal Code* offences.

As such, Aboriginal justice is a shared responsibility between the different orders of government. In 2008, FPT government ministers responsible for justice signed the *Declaration on Collaboration regarding Aboriginal Justice Services and Programs*, which expressed the desire of the governments to collaborate in order to better address Aboriginal justice needs. Through the Declaration, the FPT governments agreed to work collaboratively to provide predictable, sustainable and equitable justice-related services and programs to Aboriginal people.

3.2. Performance - Program Effectiveness

3.2.1. Achieving Expected Outcomes

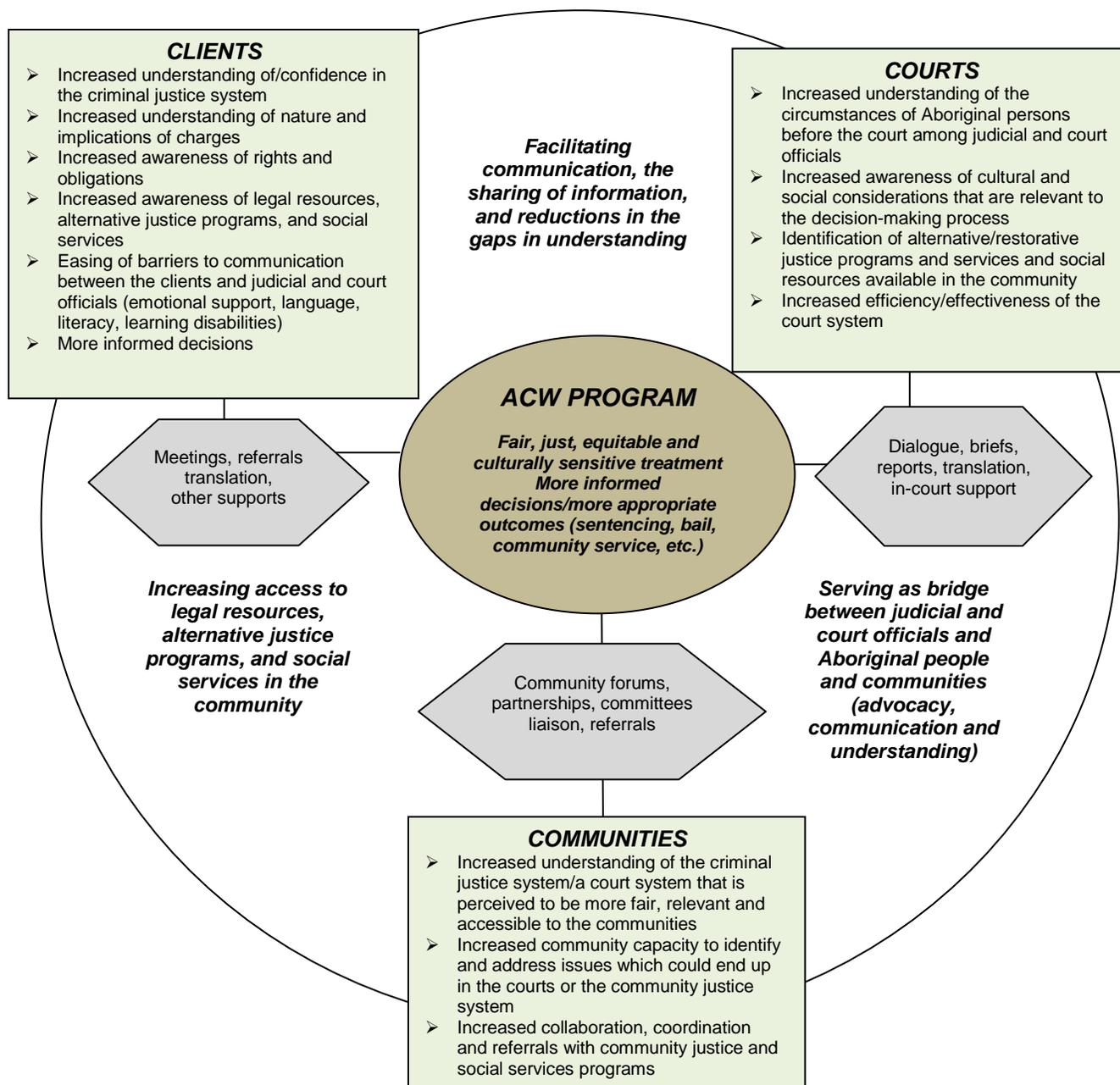
Courtworkers are strategically positioned within the courts in order to provide timely information to clients and to judicial and court officials, which helps to address some of the underlying challenges, and serves as a bridge between the formal justice system and Aboriginal communities.

When considering the effectiveness of the ACW Program in ensuring that Aboriginal persons charged with a criminal offence receive fair, equitable, and culturally sensitive treatment by the criminal justice system, it is important to note that the challenges faced by Aboriginal people in the justice system are significant and multidimensional. Aboriginal persons before the court face unique challenges, as they are often both offenders and victims. With a budget of \$5.5 million to support services in 450 communities, it is unreasonable to expect that the Program can fully address these challenges and bring about lasting systemic change given its narrow focus, scope and limited reach (e.g., level of engagement on a per-client and per-case basis). In addition, there are no objective, quantitative measures in place to assess fairness, equity and cultural sensitivity. Although data on the number of people who receive Courtworker services is available, comparable data on specific aggregate data elements is not available.

Consequently, the review of program effectiveness is based on the perceptions and experiences of the key stakeholders: ACW clients who have received services, judicial and court officials, Courtworkers, SDAs, government representatives involved in the system, and other Aboriginal community stakeholders. This section first reviews perceptions regarding the progress made toward achieving the purpose of the Program and then presents the major findings regarding the impact on clients, courts and communities.

The Program is perceived by most of those involved in the system as being somewhat effective in helping Aboriginal persons who are in contact with the criminal system to obtain fair, just, equitable, and culturally sensitive treatment. When asked to rate the success of the Program in achieving this outcome, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful and 5 is very successful, the average ratings ranged from 3.6 amongst judicial and court officials, to 4.0 amongst Courtworkers, and 4.3 amongst SDA representatives. As indicated in Figure 3, the ACW Program is reported to achieve this by facilitating communication, the sharing of information and understanding between the client and the courts, by also facilitating a connection between clients and other resources in the community, and by bridging the formal justice system and Aboriginal communities.

Figure 3: Reported Impacts of Courtworker Services on Clients, the Justice System and Communities



Source: Interviews with Key Informants, Judicial and Court Officials, Survey of Courtworkers and Clients

The following paragraphs summarize the nature of the impacts the ACW Program is reported to have on clients, the courts and communities.

Impact on Clients

The services of the ACW Program are found to be responsive to the needs of Aboriginal persons before the court. Clients reported asking Courtworkers for assistance on a variety of issues, including information on court processes, guidance and assistance on how to find a lawyer and prepare for court, program referrals, and information on diversion or alternative justice programs. Over 90% of Aboriginal clients were satisfied or very satisfied with the information received, and 82% of the clients who were referred to legal resources were satisfied or very satisfied with the referrals.

The information and support provided by Courtworkers help Aboriginal persons before the court to understand their rights, obligations and the court process, and to make informed decisions with respect to their legal circumstances and about pursuing alternative measures or restorative justice programs. As illustrated in the following table, clients surveyed indicated that they most frequently receive information related to their charges, the court process, preparing for court, finding a lawyer, applying for legal representation, the meaning of their plea, and resources in the community.

Table 7: Type of Information Received by ACW Clients Surveyed

Type of Information Received by Clients	Percentage of Clients Surveyed
Charges	73%
The Court Process	72%
Preparing for Court	69%
How to get a Lawyer	63%
How to Apply for Legal Aid	62%
Meaning of your Plea	54%
Accessible Resources in their Community	46%
The Alternative Justice Process/Diversions	36%

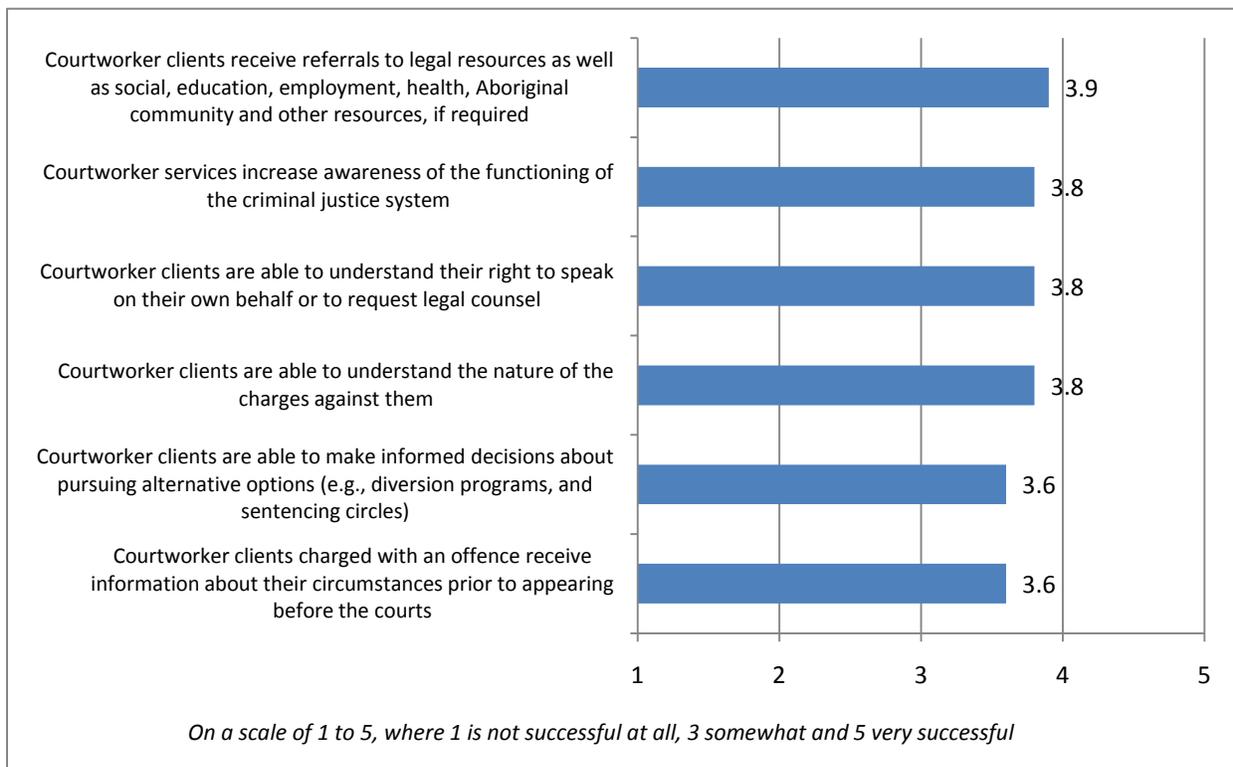
Source: ACW Program Clients Survey, 2011

Apart from learning about the court process, clients also received guidance and support in terms of communicating with legal aid and lawyers. Approximately half of clients said that the Courtworker services helped them to better understand the information they obtained from court officials (45%), the judge (57%), and their lawyer (49%). Almost two-thirds of clients surveyed (59%) indicated that the ACW Program helped them have a better understanding of the justice system, and 39% were satisfied or very satisfied with the outcome of their case (49% did not know the outcome of their case at the time of the survey). Almost all clients (95%) said they

would recommend Courtworker services to someone who is in similar situation because of the support, guidance and trust that Courtworkers have established with them.

Most Courtworkers (70%) reported that their services meet the justice-related needs of their clients by helping them to understand the nature of the charges against them, understand their right to speak on their own behalf or to request legal counsel, and be more informed about legal resources, social resources and alternative options (e.g., diversion programs, elder panels, sentencing circles, and Aboriginal youth committees). Others did not respond or noted that more could be done to ensure all clients are reached, and to increase level of support by increasing the number of Courtworkers and availability of programs and services. The following chart illustrates the average rating provided by Courtworkers regarding the effectiveness of the Program to achieve outcomes for their clients in various areas.

Figure 4: Courtworkers' Ratings regarding Program Effectiveness in Achieving Outcomes for Clients



Source: Survey of Aboriginal Courtworkers, 2012

Key informants as well as judicial and court officials indicated that the Courtworker services generally meet the needs of Aboriginal persons before the court, to the extent that those services

are available (an average rating of 3.4 by judicial and court officials and of 3.6 by key informants with the primary constraint being the availability of services). They explained that Courtworkers are trusted by clients, courts and communities and are effective in gathering information, creating linkages and providing advice and referrals.

When asked to rate how much of an impact the ACW Program has had in terms of helping Aboriginal persons before the court make better-informed decisions regarding their charges and about pursuing alternative measures, judicial and court officials provided an average rating of 3.8, on a scale of 1 to 5 where 5 is major impact. Almost two-thirds of clients surveyed said they were referred to legal resources (63%) and slightly more than one-third (39%) were referred to community resources by the Courtworkers.

Courtworkers explain the court processes, charges and the meaning of the plea to clients in a language that is simple and easy to understand. Some Courtworkers (10%) reported that, without their assistance, clients would plead guilty more often without understanding the implications of the charges. Courtworkers also help Aboriginal persons before the court understand their rights and obligations to them. For example, they help clients apply for legal aid and explain the consequence of not appearing in court. Through their words and presence in the courtroom, Courtworkers can provide emotional support and comfort to Aboriginal persons before the court, which help make court appearances less intimidating and create an atmosphere of greater trust and confidence in the justice system.

Courtworkers link Aboriginal persons before the court to other programs and services by ensuring that they have the information necessary to make informed decisions about pursuing alternative options and other available programs and services that meet their needs. When asked to rate the extent to which Courtworker services link clients to programs in the justice system, key informants provided an average rating which ranged from 4.6 among SDA representatives to 4.3 among FPT representatives, and 4.1 amongst other stakeholders (including AJS representatives). They explained that Courtworkers inform clients about alternative measures (including community counselling, community justice, and job referral agencies) and advise on what programs are available and best suited for the clients. For example, Courtworkers help Aboriginal persons before the court to complete the paperwork necessary to apply for diversion programs and arrange for community service work, placement in a rehabilitation program, addictive counselling, or a bed in local shelters. Over half (54%) of Courtworkers surveyed said there were programs and services designed to meet the needs of their Aboriginal clients in the communities and jurisdictions where they provide their services. Of those, almost all (97%) said they refer their clients to those programs and services.

Impact on Justice System

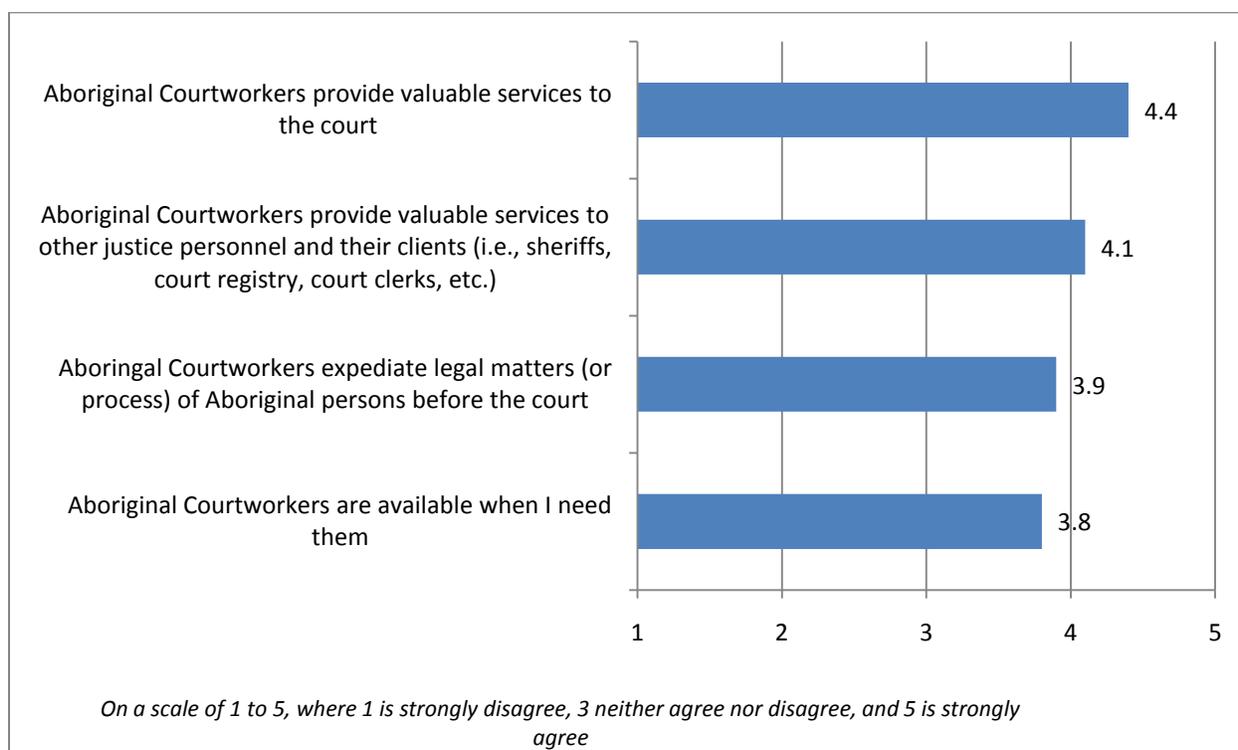
The services provided by the ACW Program are found to be responsive to the needs of the justice system, as reported by judicial and court officials who emphasized the importance of the information provided to them by Courtworkers with respect to:

- *Circumstances of Aboriginal persons before the court* as they pertain to the decision-making process in the court, such as details on employment status, family status (number of dependents, marital status, etc.) and health (any addictions or mental health issues) which can assist judicial officials in assessing risk and determining the most appropriate community service, sentencing and bail plans (the judicial and court officials rated the importance of information on the circumstances of Aboriginal persons before the court as a 4.5, on a scale of 1 to 5, where 5 is very important).
- *Cultural and social considerations* that are relevant to the decision-making process such as language abilities, literacy level, and links to the community (average importance rating of 4.4).
- *Available alternative/restorative justice programs and services* (average importance rating of 4.3) and *availability of legal and social resources* in the community (average importance rating of 4.0) which assist judicial officials in considering possible options for Aboriginal persons before the court other than incarceration.
- *Other considerations relevant to sentencing* (average importance rating of 3.5). Suggestions provided by experienced and well-respected Courtworkers regarding sentencing are taken into consideration by some judicial and court officials; however, others consider such input as less important given that it relates to legal matters which they do not view as an area for Courtworker involvement.

Judicial and court officials largely agreed that Courtworkers provide valuable services to the court, to other justice officials and clients, and help to expedite legal matters. In jurisdictions where Courtworkers services do not cover all court points, judicial and court officials did not agree that Courtworkers are available when they need them. The issue of unmet demand due to the lack of a resident Courtworker is discussed in greater detail later in the report.

The following chart illustrates the average ratings of agreement among judicial and court officials regarding Courtworker services.

Figure 5: Average Ratings of Agreement among Judicial and Court Officials



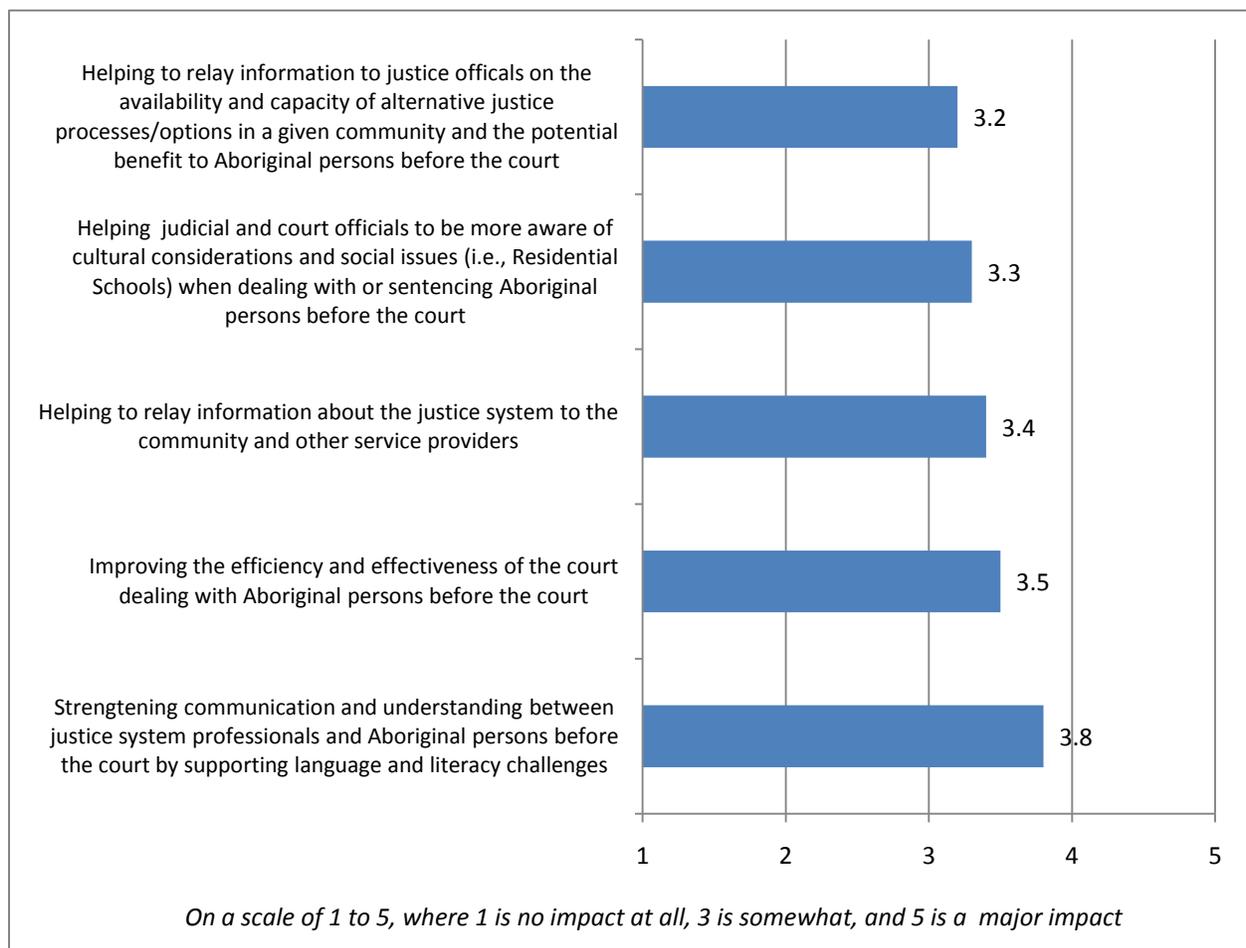
Source: *Judicial and Court Officials Survey, 2011*

Most Courtworkers reported that their services meet the needs of the courts for information regarding their clients (67%), and the need for information and referrals (60%) to community and alternative measures, which help judicial and court officials build the case. In turn, judicial and court officials reported their satisfaction with the quality and type of information provided by Courtworkers (all sub-groups provided an average rating of 4 or above on a scale of 1 to 5, where 5 is very satisfied).

As illustrated in the diagram below, average ratings provided by the judicial and court officials varied somewhat across the different areas of program impact on the justice system. For example, judicial and court officials reported the highest levels of program impact with respect to strengthening communication between justice system professionals and Aboriginal persons before the court, and improving the efficiency and effectiveness of the courts in dealing with them. Levels of program impact were rated somewhat lower with respect to the Courtworkers' role in increasing awareness of the social and cultural circumstances of Aboriginal persons before the court, and in helping to relay information about the availability/capacity of alternate justice services/options. Some judicial and court officials noted that the cultural and social issues

relevant to the case are often known to them or provided in *Gladue* and other reports not prepared by Courtworkers. The perceived impacts of the Program among judicial and court officials vary across jurisdictions. Jurisdictional differences such as limited ability to meet the demand, limited resources, absence of other programs and supports, and high Courtworker turnover were often cited as factors constraining program impact.

Figure 6: Impacts of the Aboriginal Courtwork Program on the Justice System



Source: *Judicial and Court Officials Survey, 2011*

The following table summarizes examples provided by judicial and court officials in support of their impact ratings and illustrates how information and services provided by Courtworkers are used by them.

Table 8: Examples of the Impacts of the ACW Program on Judicial and Court Officials

Impact In Areas (number of respondents)	Examples
<p>Strengthening communication and understanding between justice system professionals and Aboriginal persons before the court by supporting language and literacy challenges (n=73)</p>	<ul style="list-style-type: none"> • Courtworkers notify the court (judge, lawyers) of the language capacity level of Aboriginal persons before the court. They provide interpretation and translations services, and assist Aboriginal persons with paperwork and applications for legal aid and social programs. If Courtworkers are unable to provide translation services, they help arrange for a court translator. • Courtworker services increase communication and understanding of the court process, the charge and the possible penalties which can reduce fear and intimidation of Aboriginal persons when appearing in court and increase cooperation. • Courtworkers encourage Aboriginal persons before the court to provide all relevant information about their circumstances. According to some judicial officials, many offenders would otherwise be reticent to share background details in court.
<p>Improving the efficiency and effectiveness of the court dealing with Aboriginal persons before the court (n=79)</p>	<ul style="list-style-type: none"> • Courtworkers effectively gather all relevant information about the clients and their circumstances. They have the opportunity to become acquainted and establish a rapport with Aboriginal persons before the court. This connection enables the Courtworkers to obtain more information from Aboriginal persons in a timely manner and provide important insights on the individual’s background pertaining to the decision-making process. • Judicial and court officials rely on the Courtworkers to provide them with information about the alternative measures and other services available in the community. Having this information readily available saves the court time and speeds up the process. • Courtworkers assist counsel in organizing meetings with clients and preparing for cases (such as gathering information and checking facts); address language issues which help the process run much more quickly; and inform counsel if someone is away or ill and asking for an adjournment. • Courtworkers remind and follow up with Aboriginal persons and communicate important information such as dates and times of trials, which reduces arrests and charges that would come from a failure to appear. • By assisting on client files (e.g., completing legal aid applications), facilitating meetings between clients and lawyers, ensuring the client is informed and present, providing <i>Gladue</i> information about Aboriginal persons before the court, and helping to ease cultural and language barriers, the Program helps to improve the efficiency of the court system.

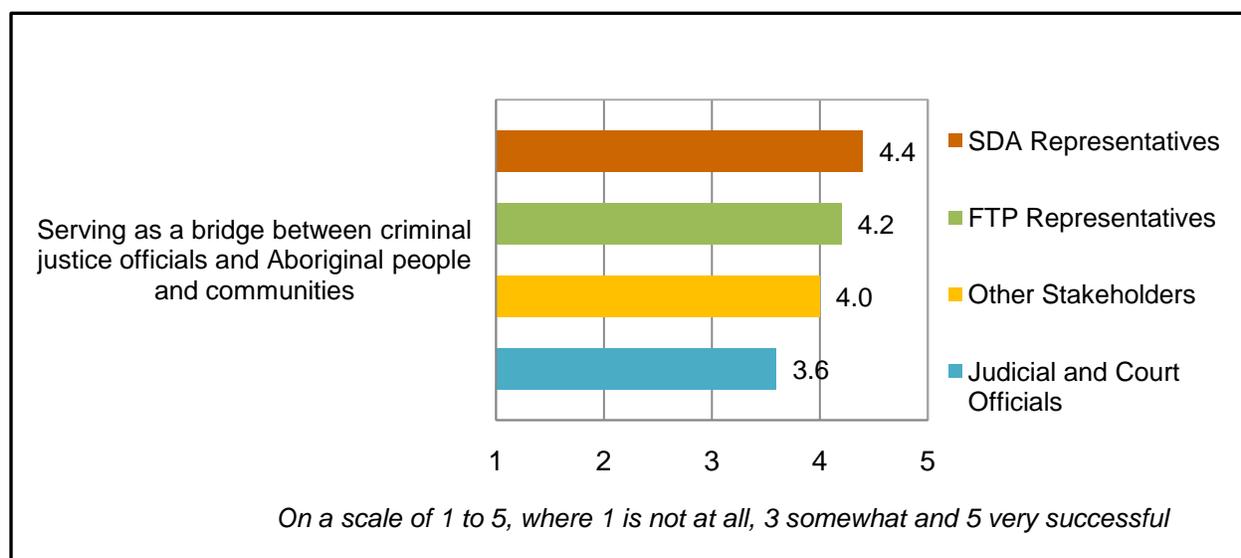
Impact In Areas (number of respondents)	Examples
<p>Helping to relay information about the justice system to the community and other service providers (n=40)</p>	<ul style="list-style-type: none"> • Courtworkers act as an interlocutor between the justice system and the broader community through relationship building, particularly with Aboriginal persons and their families, to develop trust of the system within the Aboriginal communities. • Courtworkers increase awareness of the justice system in the community through the hosting of community forums, and participating in the committees and working groups in which they talk about the role of the Courtworkers and the purpose of the Program. Courtworkers help set up justice committees and sentencing circles, approaching judicial and court officials, including the RCMP, to share or gather additional information, conducting lectures and in-school presentations, and advertising important community events and court sittings.
<p>Helping judicial and court officials to be more aware of cultural considerations and social issues when dealing with or sentencing Aboriginal persons before the court (n=73)</p>	<ul style="list-style-type: none"> • Courtworkers provide information about the circumstances of Aboriginal persons before the court as they pertain to the decision-making process in court (e.g., concerning bail, sentencing, etc.). Judicial officials noted that this information is very important in meeting requirements of the Supreme Court of Canada that the courts consider all of the circumstances of Aboriginal persons before the court during the decision-making process. Individual circumstances and details such as employment status, family status (number of dependents, marital status, etc.), links to the community, health (any addictions or mental health issues), and literacy level assist judicial officials in assessing risk and determining the most appropriate community service, sentencing and bail plans. • Courtworkers present relevant information in the court about Aboriginal persons before the court that would not normally be raised (such as family background, history of distress, etc.) and raise issues that others might not consider, such as transportation challenges, etc., which can help with scheduling and efficiency of the court process. • In jurisdictions where Courtworkers participate in the <i>Gladue</i> reporting, information is used to help judicial and court officials have greater insight into cultural and social issues, and the local community.
<p>Helping to relay information to judicial officials of the availability and capacity of alternative justice processes/options in a given community and the potential benefit to Aboriginal persons before the court (n=57)</p>	<ul style="list-style-type: none"> • Courtworkers inform the court about the legal and social resources and options available in the community, including details of start dates, capacity, waiting lists and program updates. The information is viewed as important in that it provides options for sentencing outside of incarceration, streamlines the process of getting Aboriginal persons before the court to the appropriate resources, and assists the court in working towards a holistic approach to justice and community support. • Courtworkers speak on behalf of Aboriginal persons to inform the court whether they have attended an Aboriginal social/cultural program in the past or if alternative programs would be helpful to them. • Courtworkers advocate for other measures related to alternatives such as circle sentencing and alternative and restorative justice programs and services, which include culturally appropriate solutions such as isolation, healing circles, service to Elders, etc., as well as rehabilitation programs and counselling.

Some judicial and court officials noted other impacts of the ACW Program on the justice system, including increased trust and participation of Aboriginal people in the justice system (6%) and increased credibility of the justice system (10%). They explained that the Courtworkers' presence in the court creates a more trusting, open and inclusive environment, and builds stronger relationships.

Impact on Communities

The Program impacts communities by serving as a bridge or a link between the formal justice system and Aboriginal people and their communities. Over half of key informants noted that Courtworkers have impacted communities by raising awareness amongst judicial and court officials about the community programs and services available, while helping communities to better understand the criminal justice system and build the capacity to respond to the needs of clients involved in the justice system. Of judicial and court officials who are familiar with Aboriginal-specific programs, most (78%) stated that Courtworkers have demonstrated good knowledge of these services within their communities and contributed to the success of these services by presenting information in court which leads to referrals, building close working relationships with other service providers, and building trust and respect with communities, their clients, and judicial and court officials. About 10% of judicial and court officials noted that Courtworkers are successful because they have direct ties to the communities and relationships with families to help facilitate communication and public education on the justice system by explaining what is going on in the court and acting as a conduit for information sharing. Some also reported that Courtworkers are approachable and proactive, and assist family members by providing information about the status of the person in custody. The following chart presents the average ratings on the Program's effectiveness in terms of serving as a bridge between criminal justice officials and Aboriginal people and their communities.

Figure 7: The Effectiveness of the Aboriginal Courtwork Program in Achieving one of its Objectives



Source: Key Informants Interviews, 2012 and Judicial and Court Officials Survey, 2011

Courtworkers are involved in the Aboriginal communities and work closely with Aboriginal-focused services and other social programs serving Aboriginal people in communities where such services are available. Annual reports list involvement with over 600 working groups, partnerships, external committees, First Nations service agencies and local governments with which Courtworkers have been involved in various capacities. Involvement varies from taking a lead role to simply presenting information on the justice system and needs of the Aboriginal people in justice system.

Courtworkers participate in various initiatives and partnerships related to addictions and treatment, Aboriginal youth resources, school board alternative programs, safe houses, Aboriginal housing services, friendship societies, tribal councils and bands, a *Gladue* Operations Committee, as well as Aboriginal leadership and management and Aboriginal justice committees. When asked to rate the impact of the ACW Program in helping to relay information about the justice system to the community and other service providers, judicial and court officials provided an average rating of 3.4 on a scale of 1 to 5, where 5 is a major impact.

In court, Courtworkers raise awareness about community services, particularly services that are designed specifically for Aboriginal people. Fifty-nine percent of the judicial and court officials interviewed were able to identify other Aboriginal-specific services available to Aboriginal persons appearing before the court. The types of services identified include legal and justice

services (Aboriginal and First Nations legal services, justice committees/justice workers, and Aboriginal court held in the local language, with Aboriginal judges, counsel and court clerks, Aboriginal probation services and community reintegration officers); health and addiction services (on-reserve addiction services, and other band services including Aboriginal health and mental health services, detox/rehabilitation programs, treatment and addictions centers such as the National Native Alcohol and Drug Abuse Program, and outreach workers); skills and job training services (Aboriginal skills training, employment counselling and job readiness programs); and Aboriginal translation and interpretation services.

In some communities, there has been an increase in collaboration between the ACW Program and other justice-related or social programs. About two-thirds of key informants reported some change in the level of interaction between the ACW Program and other justice programs providing services to Aboriginal people. Of those, most noted that the level of interaction and collaboration has increased over time, as the Program has gained more credibility and recognition in the court and the communities. This was largely attributed to the efforts, skills and level of community involvement on the part of the Courtworkers. The increase in collaboration resulted in a better understanding of the needs of Aboriginal people who come in contact with the justice system, as well as increased community involvement and engagement in the judicial process.

However, there are few other programs available in some communities. For example, only about one-half of the Courtworkers surveyed (54%) identified the availability of other programs and services designed to meet the needs of their Aboriginal clients in the communities/jurisdictions they serve. About 20% of judicial and court officials noted that there is a general lack of services available for Aboriginal people, particularly justice-related Aboriginal-specific services. Other factors that can constrain the level of interaction and collaboration between Courtworkers and other justice-related programs are the limited time Courtworkers may spend in the community, pressures and competing priorities, and turnover of Courtworker staff.

Most key informants (80%) noted that the ACW Program has generally contributed to the success of federally funded, community-based justice programs, where they are available, by referring clients and encouraging them to participate. The Program also creates stronger connections with justice-related services (probation, parole, legal aid, PLEI, etc.). Clients are often referred to legal aid services and other public social services including family advocate/family justice services, youth justice programs, legal services societies/legal aid, mediation programs, alternate measures/restorative justice programs, probation services, and community justice workers. Some key informants added that Courtworkers also refer clients,

when appropriate, to health and mental health resources including health care workers, mental health programs, healing and wellness, pre-natal programs, homecare workers, and outreach and treatment centres including counselling (such as alcohol and drug counselling, high school counselling, grief counselling) as well as to housing programs, including shelters and homeless programs.

Most key informants identified opportunities to further increase collaboration between the ACW Program and AJS, with a few provincial and SDAs representatives suggesting at least partial integration of the two programs. This increased collaboration could take the form of greater sharing of resources, joint planning, and joint delivery of certain services in some jurisdictions. It was noted that, in response to unmet demand for Courtworker services in some jurisdictions, AJS community justice workers may provide information, assist clients with their case and provide referrals. In general, key informants noted that the respective roles and responsibilities of AJS community justice workers and Aboriginal Courtworkers are clearly delineated (e.g., Courtworkers operate within the court and AJS workers operate outside of the courtroom), although some noted that the lines may get blurred in underserved areas, for example where there is high demand for services and limited availability of the Courtworkers, or where one worker fills both positions (i.e., works part-time as a Courtworker and part-time as an AJS community justice worker).

Four-Year Project Fund

The evaluation of the Program conducted in 2008 highlighted the importance of increasing access to training for existing Courtworkers as well as new recruits. At the provincial and territorial level, a small amount of the program budget is used for training activities. From 2008/09 to 2011/12, this gap in funding was partially filled by the \$2.25 million provided by the Department of Justice as part of the Project Fund.

The Project Fund provided the SDAs the opportunity to support their Courtworkers and undertake innovative pilots. Over 60% of the projects supported training/information sharing for Courtworkers. A further 24% supported pilots or feasibility studies to explore innovative delivery methods or expansion plans, and 15% of the projects supported TWG objectives such as research/data collection.

Table 9: Use of the Four-Year Project Fund by Type of Project – (2008/09 to 2011/12)

Type of Project	Total number of Projects Funded	% of Total Number of Projects Funded	Amount of Funding
Training/Resources for Courtworkers	24	51%	\$1,071,161
Research	4	9%	\$ 173,553
Pilot (Program Development/Expansion)	7	15%	\$ 480,000
Data Collection/Intranet	3	6%	\$ 120,000
Feasibility Study/Needs Assessment/Evaluation	4	9%	\$ 183,600
Conference/Team Building/Info Sharing	5	10%	\$ 92,849
TOTAL	47	100%	\$2,121,163

Examples of the training projects include national training projects supported by the TWG, a team leaders' training program in BC, provision of online training for Courtworkers in Quebec, and training designed to enhance skill-building and self-care amongst Courtworkers in the Yukon.

The Project Fund also supported other capacity-building activities such as research and the design of a Family Courtwork Program in Saskatchewan, the hiring of a dedicated youth Courtworker in Halifax, a joint service development project to provide justice services in remote areas of NWT, and other pilot projects and evaluation projects to identify needs and best practices.

The key informants (SDAs, provincial and territorial representatives, and federal government representatives) reported that the Project Fund played an important role by supporting training, filling gaps in services, and helping to raise awareness of services and promote the Program. When asked to rate the impact of the Project Fund on the Program, key informants provided an average rating of 4.2 on a scale of 1 to 5, where 1 is no impact at all and 5 is a major impact. A key strength of the Fund was its flexibility, which enabled the provinces and territories to use funds for a wide variety of initiatives ranging from training on topics of particular interest (communication, child protection, family issues, anger management, *Gladue*) to developing training manuals, establishing databases, updating technology, conducting policy research, and testing promising practices. About two-thirds of key informants stated that there is an ongoing need for funding for training and capacity building; as such, there is strong support for continuation of the Fund. In the absence of continued funding (the Project Fund expired March 31, 2012), there is concern that the progress made will not be sustained.

3.2.2. Factors Affecting Program Effectiveness

Program Governance

Since the 2008 evaluation, the Program has made considerable improvement to its governance structure. The creation of the FPT Working Group, the addition of the third co-chair to the TWG, and an increased emphasis on the development and implementation of annual work plans have improved the governance structure and strengthened collaboration. Federal and provincial representatives reported that the creation of the FPT Working Group improved communication and collaboration among FPT partners by serving as a formal channel of communication and an effective forum to engage provincial and territorial partners in decision making, share information and ideas, and build strong relationships.

According to the TWG members who were interviewed, the addition of the third co-chair in the TWG to represent the SDAs improved communication and collaboration by ensuring SDA representation and a voice in discussions and the setting of agendas, inviting broader perspectives on the Program, and increasing awareness of the issues faced by SDAs. Reporting to the FPT Working Group, the TWG serves as an important forum for addressing a range of policy and program issues with a focus on developing innovative approaches, sharing information, resources and best practices, undertaking research, and investigating the need for and implications of services. Some members suggested that, although considerable progress has been made, further effort is required to facilitate broader input and improve the level of collaboration (e.g., facilitate more regular communication and ensure all voices are heard), improve the productivity of the meetings, and increase the relative emphasis on issues related to service delivery, policy and communities.

The members indicated that the TWG has been successful in setting priorities and accomplishing the activities outlined in its work plans, providing an average rating of 4.2 (on a scale of 1 to 5, where 5 is to a great extent). Priorities are set in a collaborative manner and updated twice per year. Through the TWG, the federal, provincial and territorial governments and SDAs have collaborated on a wide variety of issues and initiatives such as the development of a training policy framework, the development of a training tool and the implementation of a training survey, the definition of core competencies for Courtworkers, the staging of National Training Development Camps in 2009 and 2010, the development of a renewal strategy for the Program, and efforts to improve collaboration with other Aboriginal justice initiatives.

Performance Measurement and Reporting

The 2008 evaluation of the ACW Program identified a number of issues related to performance measurement and reporting. It was noted in the evaluation that only a few jurisdictions provided annual performance reports for 2006/07, and recommendations were made for greater standardization and efficiency in reporting (e.g., implementing common approaches to the collection of data, ensuring that Courtworkers understand the definitions and nature of the data they are collecting, and streamlining the data collection, reporting and administrative requirements for Courtworkers). The evaluation recommended that the Department of Justice continue to work with the TWG to develop consistent and clear definitions for national data elements within the performance measurement strategy and create templates for the reports.

Since the 2008 evaluation, considerable progress has been made towards strengthening the reporting system. Members of the TWG have played an important role in improving the reporting system for the ACW Program. The challenges associated with reporting are now better recognized and understood by the FPT representatives. All jurisdictions now report annually on a series of performance indicators (a requirement for funding). After a series of bilateral discussions with jurisdictions and SDAs as well as multiple TWG meetings in 2010 and 2011, a common definition of a client was approved in October 2011: a client/case is defined as “an accused person receiving services at any time during the course of a fiscal year in relation to a charge or a set of charges that are processed concurrently in court (but not necessarily with the same end date).” In May 2012, the TWG decided that “no National Database System will be developed in the short or medium term. National Data Requirement information will continue to be shared through annual P/T reporting using an updated draft aggregate data form that will be agreed to by the TWG.”²⁰ Standardizing reporting of other data elements was under consideration, including the number of repeat clients/persons before the court (accused), non-accused clients/persons, offence/charge information, information on services to (accused) clients, and implementation.

Some of the key issues associated with the reporting system remain and were identified by key informants. These include differences in data collection processes, database systems and technical capabilities across jurisdictions (e.g., many of the systems still rely on manual record keeping); differences in local versus national requirements (e.g., SDAs collect data for their own purposes as well as to meet the needs of other funders, which has made it difficult to agree on a standard 'one size fits all' approach towards data); the time and costs associated with collecting

²⁰ TWG Meeting decisions May 29 and 30, 2012

and reporting data; and the commitment to data collection and the completeness of the data reported (e.g., difficulties in encouraging Courtworkers to place a priority on data collection given their other priorities and limited resources).

Other reporting issues have been identified in this evaluation, including the absence of complete data regarding the number of clients²¹ served by the Program and a lack of data on the types of services provided by Courtworkers (such data would better enable the Program and evaluators to determine the extent to which specific services are provided and to compare and contrast the nature of interventions across jurisdictions and over time). In addition, some of the performance measures are very time-consuming to collect, difficult to roll up, and not very useful for a national review of the Program performance. These include performance measures regarding partnerships (performance measure #4), common training provided to Aboriginal Courtworkers (performance measure #5), and training survey responses (performance measure #6). For example, in performance measure #4, jurisdictions are expected to report on the name and purpose of partnerships, external committees, councils, task forces, commissions and formal networks on which the Courtworkers sit during the reporting period. This data is very detailed, difficult to interpret (it counts situations where the Courtworkers have only limited involvement equally with those where they may play a lead role), and relates only indirectly to key evaluation questions. The information on these indicators could be collected more effectively through surveys conducted every five years.

Evolving Role of the Courtworkers

Courtworkers face considerable pressure to expand the scope of services provided from judicial and court officials as well as from clients. Sixty-two percent of judicial and court officials identified important gaps that could be filled by Courtworkers, recommending expansion of existing services (e.g., the addition of more Courtworkers), increased support for judicial and court officials (e.g., assisting with bail hearings, trial, sentencing/decision-making process and individuals with indictable charges); increased support services for witnesses, victims, family law and youth appearances; and increased involvement in making referrals to services in community and public education, developing sentencing alternatives, and preparing *Gladue* reports.

²¹ Federal funding for Courtworker services in the territories is provided through Access to Justice Services Agreements. The reporting required in these agreements is different from the reporting required for the provincial agreements.

About half of Courtworkers reported that their role has changed since they first became involved in the Program. Due to the fact that they serve as part-time AJS Community Justice Workers and because of their liaison role, Courtworkers are perceived by their clients as a “go-to contact” for any needs they may have, such as identifying goals, skills and training programs, or advocating on behalf of Aboriginal people in family courts. There are pressures for them to spend more time with clients due to increasing complexity of the process, calls for tougher sentencing, and changes in the system that are not accompanied with new investment in other justice and social services. Aboriginal persons before the court are increasingly dependent on Courtworkers to understand the process and make decisions. Clients identified areas where they would like more assistance: understanding charges and communicating with lawyers and judges (26%); additional information on the court process (22%); more referrals to other programs (13%); general guidance and assistance (12%); and more information on how to find a lawyer (12%). It was also suggested, for example, that Courtworkers could play a more active role in linking female and youth clients to counsellors, educational programs, sexual assault treatment, family mediation, and advocacy services.

Key informants highlighted pressures to expand services across a range of areas including PLEI (89%), family justice matters (particularly child protection, 86%), *Gladue* information (such as assisting by gathering information for checklists and make applications for *Gladue* considerations, 75%) and services for specialized courts (60%). Most jurisdictions are supportive of the involvement of Courtworkers in family justice matters, although they may be considering different approaches to implementation (consultation, pilot, and provision of services). It was also suggested that Courtworkers could participate in Elders’ panels and sentencing circles; help prepare pre-sentencing reports and more detailed after-care plans; assist in developing sentencing alternatives and more choices for alternative resolutions, diversion programs and healing circles for Aboriginal people; and work more closely with communities and other justice committees to increase knowledge and referrals to other services.

Similarly, about one-third of Courtworkers themselves identified gaps in particular communities, segments (e.g., youth), and services (e.g., family justice matters, *Gladue* information, and PLEI). Most jurisdictions have court points and communities that do not have access to Courtworker services. Funding is limited for Courtworkers to travel on circuit courts and there are difficulties in covering large geographic areas with existing resources. Some Courtworkers explained that they are being asked to spend more time networking and promoting services (e.g., through newsletters and emails, outreach at schools, colleges, treatment centres, and First Nations

organizations, by sitting on boards and committees, or by attending community workshops and functions).

According to key informants and Courtworkers, the roles of Courtworkers vary across jurisdictions depending on their level of experience and skills, expectations of the court, jurisdictional differences in the services provided (e.g., family law) and the programming environment. For example, some Courtworkers play a more active role than others in areas such as promoting and coordinating links to Aboriginal and community justice programs and providing detailed information on the life circumstances of their clients (this information is often used in setting conditions, during bail hearings and as considerations during sentencing). In some jurisdictions, the Courtworker's role has evolved to include family law services and the provision of services to specialized courts, such as domestic violence and drug treatment courts.

Increasingly, Courtworkers are expected to have a broader range of skills to deliver a growing number of services to a wider range of clients. Courtworkers are now, for example, expected to have good knowledge of the *Criminal Code* to deal with clients with complex issues, facilitate translation and communication, advocate for clients, serve the courts, and be involved in community activities. Key informants including judicial and court officials argued that the expectation that Courtworkers can provide a wide spectrum of services to a wider range of clients is unreasonable given the demand that already exists for services, the relatively small number of Courtworkers, the limited training that is provided, and the complexity of issues already presented by clients.

3.3. Performance - Efficiency and Economy

3.3.1. Program Cost to Federal Government

The budget for the ACW Program has remained at \$5.5 million annually since last being increased in 2002, even though the number of Aboriginal offenders has increased significantly. Strong demand combined with limited resources requires the Program to be very lean. According to key informants, increasing demands on Courtworkers at a time when resources are fixed has encouraged greater efficiencies. When asked to rate the efficiency of the ACW Program on a scale of 1 to 5, where 1 is not at all efficient and 5 is very efficient, SDA representatives, provincial/territorial government representatives, and federal government representatives provided an average rating of 4.1. The efficiency was attributed to lean operations (e.g., most of the resources are invested in the frontline staff); the determination, commitment, experience,

skills and professionalism of the Courtworkers; the credibility and visibility of the Courtworkers and the rapport they build with clients, judicial and court officials and communities; the flexibility of the design which enables services to be tailored to the needs of the clients; the level of collaboration and coordination with other programs and resources at the community and provincial level; and the increasing use of technologies.

The extent to which the federal funding is leveraged with funding from other sources, most notably the provincial and territorial governments, also contributes to its efficiency. The leverage ratio increased from \$0.99 per \$1 in budgeted federal contributions in 2005/06 to \$1.18 in 2010/11 (based on the total program budget in each jurisdiction).

The low federal overhead associated with the ACW Program also contributes to the Program's efficiency. The federal operating and maintenance costs associated with administering the ACW Program totaled \$193,798 in 2010/11, which is equivalent to only 4% of the Program budget.

The budgeted cost of the Program to the federal government (based on the amounts allocated to each province and territory and reported numbers of clients and Courtworkers) is equivalent to approximately \$88 per client served (based on a national total of 58,788 clients served in 2010/11) and \$29,600 per Courtworker²². The average cost of delivering the Program has increased by 11% per client (the cost was \$79 per client in 2005/06), and by 16% per Courtworker over the five-year period (the average cost was \$25,634 per Courtworker in 2005/06).

Table 10: Comparison of the Cost of the ACW Program per Client and per Courtworker in 2005/06 and 2010/11

Program Contributions	2005/06	2010/11
Federal contribution allocated to jurisdictions	\$5,383,098	\$5,425,000
Total Program budget	\$9,960,466	\$11,259,041
Leveraged funding per dollar of federal funding	\$0.99	\$1.18
Estimated number of clients served	67,921	58,788
Approximate cost to the federal government per client	\$79	\$88 ²³
Total Program approximate cost per client	\$146.65	\$191.52
Number of Courtworkers (full-time and part-time)	210	183
Federal cost per Courtworker	\$25,634	\$29,645
Total Program approximate cost per Courtworker	\$47,431	\$61,525

²² The number of the Courtworkers in 2010/11 has not been adjusted for part-time workers for the comparison purposes to the 2008 evaluation for which numbers of part time workers were not available.

²³ Calculation excludes the funding provided to Nunavut which did not report the number of clients served.

As noted earlier in the report, the level of effort per Courtworker (measured by the average number of clients served per Courtworker) has remained constant between the two evaluations. However, as shown in Table 10, the costs per Courtworker have increased during this period. The average cost of the Program to the federal government varies widely by jurisdiction, ranging from \$14,527 to \$53,106 per Courtworker and from \$58 to \$222 per client. Jurisdictional variations can be a function of factors such as the balance between full-time and part-time Courtworkers, the size of the geographic area served (and the time and costs associated with travel), the level of demand for services and the needs of the client groups, the range of services provided (e.g., whether Courtworkers are involved in family court and youth court), the extent to which federal funding is leveraged with funding from other sources, and the availability of other resources, alternative measures, and community programs which complement the Program.

Program expenditures consist primarily of salaries and benefits (representing 72% of the Program budget for the provinces), indicating that most of the Program budget is invested directly into program delivery. The data also indicates that very little of the Program budget at the jurisdictional level is invested into training activities (1%). In the absence of the Project Fund, limited resources are available for training.

Factors that can influence the efficiency of the Program in a given jurisdiction include the availability of alternative measures, community programs, and other supporting resources to complement the Program, as well as the level of collaboration with those measures, programs and resources; the extent to which the Courtworkers are established and recognized in the communities and the courts (which is closely related to the skills and experience of the Courtworkers); the geographic territory that is served (and related travel costs and time commitments); and the scale and scope of services provided (e.g., the needs of the clients and whether Courtworkers are involved in family courts and youth courts.). Some of these factors present significant challenges to the Program economy, as discussed below.

3.3.2. Issues associated with Program Economy

Economy focuses on the relationship between inputs (resources allocated to a program) and the achievement of expected outcomes, while efficiency focuses on the relationship between inputs and outputs (e.g., services provided). The operations of the Program are lean and efficient in that the jurisdictions have been able to largely maintain or even expand the services provided with the same level of resources. However, there are concerns that, over time, the resource limitations associated with the Program will limit its ability to achieve the expected outcomes.

More specifically, the Program will face some significant challenges in the future. There are strong pressures to increase the level and scope of services, which place greater stress on the Courtworkers and may not be fully consistent with intended outcomes. The stresses associated with the Courtworker position combined with, at least in some jurisdictions, comparatively low wages, increase the potential for staff turnover and represent a constraint to attracting new workers. In addition, the limited funding available for training and other support makes it more difficult to both support existing workers and to prepare new workers for their positions.

Meeting Demand for Services

Differences in client needs, Courtworker roles, and the delivery model of the Program mean that the nature of the challenges can vary from jurisdiction to jurisdiction. In some jurisdictions, particularly those that cover a large geographic area and require more resources for travelling, a major challenge is meeting the demand for services in remote and isolated communities and covering all court points. Almost half of key informants (48%) said that the Program is not meeting the demand for services. When asked if all court points in their jurisdictions have access to service, half of provincial representatives said no and the rest said mostly yes. Courtworkers in many jurisdictions are facing significant pressures from clients, courts and communities to expand the scope and range of services. Over time, the range of services provided by Courtworkers has tended to expand as other programs were scaled back. This is due, in part, to Courtworkers gaining experience and confidence, being increasingly recognized and valued by judicial and court officials, and developing stronger linkages with the communities and other programming. The expanded role has enhanced the services provided, improved coordination across programming, and given the Program more credibility. However, it has also placed greater stress on the Courtworkers.

The flexibility of the Program, particularly its ability to tailor services to the needs of clients, the capacity of the Courtworkers, and the availability of other resources are frequently identified as strengths of the Program. However, some key informants and judicial and court officials recommend that, given the pressures and the limited resources available, the Program would benefit from more narrowly defining the role of the Courtworkers. For example, when asked to provide recommendations about enhancing the skills of the Courtworkers, about a quarter of the judicial and court officials noted that the mandate of the Program may need to be revisited and the boundaries of the roles and responsibilities of the Courtworkers may need to be more clearly defined. Most key informants (75%) said that the Program does not have the resources it needs to achieve its objectives. Of those, about 10% said that the objectives of the Program are too ambitious and expectations placed on the Courtworkers are too high (e.g., the Program is too

limited and the issues too complex for it to contribute to a fair, equitable and culturally sensitive treatment of the justice system).

Although a flexible model has some obvious advantages, it can also pose some additional challenges associated with providing consistent services, staying focused on key priorities and intended outcomes, measuring results, establishing a clear identity, and training and orienting new workers. As a result, some key informants and officials suggested that the Program should establish clear priorities regarding the services to be delivered and the target groups for those services. Others noted that the role of the Program vis-à-vis other services in the community should be more clearly defined. Improving the level of coordination with other programs and resources could increase the effectiveness of all justice programs. The credibility of the Program within the justice system could be reinforced by establishing a more formal role for the Courtworkers in the courts and court proceedings.

Apart from narrowing the scope of services, other potential strategies which were suggested to respond to the pressures to expand services were to increase coverage by increasing the number of Courtworkers in areas where demand is high and creating more part-time positions; increase the use of technology (e.g., videoconferencing); work in association with communities and other resources to deliver the services; and increase the level of coordination with other services available in the community and the jurisdiction (e.g., legal aid, AJS) through joint planning, increased sharing of resources, development of formal referral protocols, increased communication and community capacity building.

Difficulties in Staff Retention and Recruitment

Over 40% of the key informants identified the resource constraints, and particularly the impact of those constraints on Courtworkers, as a major weakness of the Program. It was noted that, in some jurisdictions, resource constraints result in understaffing (which increases pressures on individual Courtworkers), wages and benefits that are not competitive with other positions in the community, and difficulties in both retaining existing workers and attracting new workers. Given the importance of the skills, experience, connections and credibility of the individual Courtworker to the achievement of the intended outcomes, turnover can have a significant impact on the effectiveness of the Program.

Some jurisdictions have experienced persistent difficulties in recruiting Courtworkers with the right skills and experience within current salary levels. Key informants noted that these challenges have extended the length of time needed to fill positions (particularly in smaller

communities, in remote areas, and in jurisdictions where the economy is strong), reduced the quality and access to services, and contributed to burnout and frustration among Courtworkers (which, in turn, contribute to turnover and further difficulties in recruiting and retaining workers).

Training and Other Support

Limited funding for training and other support makes it more difficult to facilitate the further development of existing workers and to prepare new workers for their positions. About two-thirds of key informants and judicial and court officials, and about 20% of Courtworkers stressed the need to provide ongoing training for Courtworkers covering a wide range of topics, including training on legal issues such as changes to the *Criminal Code*, policy, the structure of legal system, the sentencing process and *Gladue* principles, as well as legal documentation, advocacy, ethics and professionalism. Training is also needed for the job-specific skills such as data collection, referrals, advocacy, negotiation, communication, public speaking, outreach skills, presentations, conflict management training, and training regarding use of new technologies (court technology such as video streaming). Courtworkers need to be better prepared to provide advocacy and client support for issues highlighted in Aboriginal communities such as addictions, family violence and child welfare issues, how to deal with victims, cultural sensitivity training, dealing with substance abuse and trauma (such as intergenerational trauma). It was noted that there is a need for a greater presence of addictions workers and outreach workers in the courtroom. Other topics identified for training include community-related training focused on issues such as needs assessment, community services, networking, the role of the Courtworker vis-à-vis other justice program representatives, working with the community to address problems such as drug use and addiction, and any emerging issues (e.g., drugs or crime).

The need for training is driven by the evolving role of Courtworkers, the level of turnover, and changes in the operating environment (from changes in the justice system to technological changes such as the increased use of videoconferencing). It was suggested that some of the training needs could be addressed through the increased use of distance education and undertaking joint training in association with other programs (such as AJS). Courtworkers would also benefit from sharing experiences, strategies and best practices with each other; developing closer relationships with other service providers, including justice-related programs and communities through one-on-one meetings, joint meetings in the community, national conferences and outreach; and participating in or reviewing the results of capacity-building activities such as conferences, pilot projects, research and evaluations.

Summary of the Effects on the Program

Although the cost varies significantly across the jurisdictions, the ACW Program has been shown to be efficient overall in terms of per-client costs. However, the limited resources combined with the demand for services and the evolving and heightened expectations of Courtworkers, particularly amongst judicial and court officials, make it increasingly difficult to achieve the expected outcomes and respond to ongoing challenges. Resource limitations constrain the level of interaction between clients, Courtworkers and the judicial and court officials, community organizations and other key partners. The growing demand for enhanced services creates stress for Courtworkers, particularly in jurisdictions where salaries and benefits are uncompetitive. Low salaries mean that Courtworkers seek other employment opportunities and the Program must use limited training dollars to train new recruits. The level of remuneration also challenges the recruitment of new Courtworkers. The low cost of the Program limits the availability of training, which is needed to support any significant changes to Courtworker roles and responsibilities. The level of resources also constrains the capacity of Courtworkers to travel to serve clients in remote communities, although some of this service can now be done by videoconferencing. In summary, although the fixed budget contributes to overall efficiency, over time it also diminishes the capacity of the Program to respond to the myriad demands of clients, judicial and court officials, and other partners.

4. CONCLUSIONS, RECOMMENDATIONS AND MANAGEMENT RESPONSE

4.1. Conclusions

1. **There is a continuing need for services that facilitate fair, equitable and culturally sensitive treatment of Aboriginal persons before the court.**

There is a strong need to provide Courtworker services to Aboriginal people who continue to face significant challenges which can impact their access to a fair, equitable and culturally sensitive justice system. The literature shows that Aboriginal people continue to be overrepresented in the justice system and face socio-economic challenges, language and cultural barriers to accessing legal and social services. Recognizing that the history of colonialism, displacement and residential schools and the resulting socio-economic circumstances contribute to the higher level of incarceration of Aboriginal people, the Supreme Court has instructed that the circumstances of Aboriginal offenders must be considered in sentencing. There is continued demand for Courtworker services and broad recognition of the need for those services that facilitate fair, just, equitable and culturally sensitive treatment for Aboriginal people in the justice system.

2. **The Program is aligned with the strategic outcome of the Department of Justice and with the roles, responsibilities and commitments of the federal government related to Aboriginal justice.**

The Program is directly aligned with the Department of Justice strategic outcome to ensure "a fair, relevant and accessible Canadian justice system". Aboriginal Justice is a shared responsibility between the different orders of government. Under section 91(24) of the *Constitution Act, 1867*, the federal government has jurisdiction concerning "Indians and Lands reserved for the Indians" and concerning criminal law and procedure in criminal matters under section 91(27) of that Act. Provincial governments are responsible for the administration of civil and criminal justice, including policing and prosecuting most *Criminal Code* offences.

The Program is also consistent with the Declaration on Collaboration regarding Aboriginal Justice Services and Programs, signed by the FPT government Ministers Responsible for Justice and Public Safety in 2008, which expressed the desire of the governments to collaborate in order to better address Aboriginal justice needs. Through the Declaration, the FPT governments agreed to work collaboratively to provide predictable, sustainable and equitable justice-related services and programs to Aboriginal people.

The objectives of the ACW Program are also consistent with the broad priorities and commitments of the federal government to Aboriginal people. For example, in the Statement of Apology to former students of Indian Residential Schools (June 2008), it was noted that “[t]he legacy of Indian residential schools has contributed to social problems that continue to exist in many communities today”. Although recent Speeches from the Throne have focused more specifically on comprehensive law-and-order legislation to combat crime and protect the interests of law-abiding citizens who are victimized or threatened, they have also spoken to the need to address barriers to social and economic participation faced by Aboriginal Canadians.

3. Services provided by Courtworkers benefit clients, the courts, and communities.

Responding to challenges faced by Aboriginal people in the justice system, the mandate of the ACW Program is to ensure that Aboriginal persons charged with a criminal offence receive fair, equitable, and culturally sensitive treatment by the criminal justice system. Towards this end, Courtworkers are strategically positioned within the courts to provide timely information to clients and judicial and court officials, which may help to address some of the underlying challenges, and serve as a bridge between the formal justice system and Aboriginal communities.

When considering the effectiveness of the ACW Program in achieving its objectives, it is important to note that the challenges faced by Aboriginal people in the justice system are significant and multidimensional and the resources of the Program are limited. Nevertheless, the evidence demonstrates that the Program is well utilized (nearly 60,000 clients are served annually in over 450 communities). Clients report that the information and support provided by Courtworkers helped them to understand their rights, obligations and court process; to better understand the information they obtained from court personnel, the judge and their lawyer; and to make informed decisions with respect to their circumstances before the court and about pursuing alternative measures or restorative justice programs. Key informants as well as judicial and court officials indicate that Courtworker services, where available, meet the needs of Aboriginal persons before the court. However, the Program is not able to fully meet the demand

for services in terms of the level of service provided, the range of services provided, and the capacity to provide services in all communities.

Judicial and court officials reported that the Program helps to enhance the justice system by ensuring officials are informed and take into consideration the particular circumstances of the clients, their culture and traditions, and available legal and community resources, including alternative and restorative justice programs, when making a decision. By providing information, assisting on client files, facilitating meetings, ensuring the client is informed and present, and helping to ease cultural and language barriers, the ACW Program helps to improve the efficiency of the court.

Courtworkers have been effective in raising awareness amongst judicial and court officials about the community programs and services, while helping communities better understand the criminal justice system and build the capacity to respond to the needs of the clients involved in the justice system.

4. Since the last evaluation, the Program has made notable improvements to its governance structure and program reporting, although further improvements regarding strengthening performance measurements and reporting are needed.

The creation of the FPT Working Group, the addition of the third co-chair to the TWG, and an increased emphasis on the development and implementation of annual work plans have improved the governance structure and strengthened collaboration. The members of the TWG have also played an important role in improving the reporting system for the ACW Program, particularly with respect to identifying the challenges associated with reporting and standardizing reporting across jurisdictions. Strengthening of performance measurements and further standardization of the data requirements and data collection are needed.

5. The four-year Project Fund was effective in responding to the needs for training and other supports.

The need for training is driven by number of factors such as the evolving role of Courtworkers, the level of turnover (need to train new workers), and changes in the operating environment (from changes in the judicial system to technological changes such as the increased use of videoconferencing). Limited funding for training and other support makes it more difficult to facilitate the further development of existing workers and to prepare new workers for their positions. This gap in funding was partially filled by the \$2.25 million in one-time funding

provided by the Department of Justice for the Project Fund. Under this Fund, 24 training projects were supported, both at a national and a jurisdictional level with funding totalling over \$1,000,000. The Fund was perceived as effective in supporting a number of training activities such as national training projects supported by the TWG, a team leaders' training program in BC, provision of online training for Courtworkers in Quebec, and training designed to enhance skill-building and self-care amongst Courtworkers in the Yukon. The flexibility of funding helped other jurisdictions utilize the funds to meet their specific needs for capacity building.

6. The challenges of meeting the significant demand for services while operating within a fixed budget has resulted in a program that operates efficiently.

The budget for the ACW Program has remained at \$5.5 million annually since last being increased in 2002, even though the number of Aboriginal offenders incarcerated has grown significantly (from 2001/02 to 2010/11, the Aboriginal incarcerated population under federal jurisdiction increased by 37%). Demands on Courtworkers to provide a wide range of services at a time when resources are fixed have contributed to lean operations. The efficiency of the Program has also benefited from the experience, commitment, skills and credibility of the Courtworkers, the flexibility of the design, the leveraging of federal funding with funding from other sources, and the level of collaboration and coordination with other programs and resources at the community and provincial levels.

7. Although the Program is efficient, it faces some significant challenges and pressures which may limit its ability to achieve its expected outcomes in the future.

More specifically, there are strong pressures from both clients and the justice system to increase and broaden the level of service. The evolving role of the Courtworkers contributes to the effectiveness of the Program but also places increasing stress on workers and may not be fully consistent with intended outcomes. Furthermore, the stresses associated with the Courtworker position combined with, at least in some jurisdictions, comparatively low wages, increase the potential for staff turnover and are a constraint to attracting new workers. Limited funding available for training and other support makes it more difficult to further develop existing workers and to prepare new workers for their position. The capacity of the Program to continue meeting its objectives is undermined by all of these factors.

4.2. Recommendations and Management Response

This section discusses two issues arising from the national evaluation of the ACW Program and proposes two recommendations. It also contains the management responses to these recommendations which were prepared by the Policy Implementation Directorate.

Issue 1: Update of the Roles and Responsibilities of Courtworkers

The evaluation found that in many jurisdictions, Courtworkers are faced with significant pressures from clients, courts and communities to expand the scope of their services. Over time, the range of services provided by Courtworkers has tended to expand as other programs have been scaled back. Accordingly, a number of additional services have been identified by judicial and court officials, Courtworkers and the clients. At the same time, however, the number of Courtworkers has decreased. In turn, this has resulted in a reduction in the total number of clients served annually, even though the need for Courtworker services has remained constant and Courtworkers are working at the same level as they did in 2005/06, in terms of number of clients served per Courtworker.

Current expectations of the Program exceed its capacity to produce the desired results, particularly in under-served remote areas. Given the pressures to expand the scope of services, the resources available and the demand for Courtworker services, the Program would benefit from a review of the roles and responsibilities of Courtworkers and what it will mean in terms of the scope of their work in the current operational context. Any significant change in the roles and responsibilities of Courtworkers should be supported with the appropriate training.

Recommendation 1:

It is recommended that, in consultation with the provinces and territories, a review of the roles and responsibilities of Courtworkers be undertaken to determine which Courtworker services can reasonably be delivered in the current operational context.

Management Response:

We agree with the conclusion and recommendation and will work with the provinces, territories and service delivery agencies to review the roles and responsibilities of Courtworkers.

Issue 2: Performance Measurement

The evaluation found that some of the performance measures are very time-consuming to collect, difficult to roll up and not very useful for a national review of the Program performance. These include performance measures regarding partnerships (performance measure #4), common training provided to Aboriginal Courtworkers (performance measure #5) and training survey responses (performance measure #6). For example, in performance measure #4, jurisdictions are expected to report on the name and purpose of partnerships, external committees, councils, task forces, commissions and formal networks on which the Courtworkers sit during the reporting period. This data is very detailed, difficult to interpret (it counts situations where the Courtworkers have only limited involvement equally with those where they may play a lead role), and relates only indirectly to key evaluation questions.

The evaluation found that the performance measurement strategy needs to be reviewed and updated to ensure that the performance measures are consistent with the priorities and intended outcomes of the Program. In addition, the updated performance measures should be cost-effective to collect.

Recommendation 2:

It is recommended that the ACW Program performance measurement strategy be reviewed to ensure that relevant information is being collected to support ongoing monitoring and reporting activities and future evaluations.

Management Response:

We agree with the conclusion and recommendation and will continue to work with the provinces, territories and service delivery agencies to update the performance measurement strategy and implement new national performance measures (referred to as the Aboriginal Courtwork Program National Data Requirements).

Appendix A:
List of Documents Reviewed

List of Documents Reviewed

Type	List of Documents
ACW Background	<ul style="list-style-type: none"> • ACW Evaluation Framework (updated in February 2012) • ACW RMAF (2008) • ACW Program Literature Review for Formative Evaluation Report (2007) • ACW Program Terms and Conditions (2010) • DOJ Canada Collaborative Mapping Project: ACW and Aboriginal Justice Strategy Map • Jurisdictional profiles of the ACW Program
ACW Previous Evaluations/ Surveys	<ul style="list-style-type: none"> • Final Report on Summative Evaluation of ACW Program (2008) • Questionnaire and summary report of the JUS Client Survey (2011) • Questionnaire and data of the JUS National Aboriginal Courtworker Survey (2012) • Questionnaire, final report, and data of the Survey of Judicial and Court Officials (2011) • ACW Program Formative Evaluation Management Response and Action Plan - 2008/09 • ACW Program Formative Evaluation Management Response and Action Plan - Follow-up on progress - 2009/10 • ACW Program Formative Evaluation Management Response and Action Plan - Follow-up on progress - 2010/11 • ACW Program Summative Evaluation Management Response and Action Plan - 2008/09 • ACW Program Summative Evaluation Management Response and Action Plan - Follow-up on progress - 2009/10 • ACW Program Summative Evaluation Management Response and Action Plan - Follow-up on progress - 2010/11 • ACW Program Summative Evaluation Management Response and Action Plan - Follow-up on progress - 2011/12
ACW Contribution Agreements	<ul style="list-style-type: none"> • Final generic ACW agreement 2008 to 2013 • FPT Negotiation of Aboriginal Courtwork Program Contribution Agreements • ACW Draft Contribution Agreement - draft notes from February 2008
ACW Project Funding and Performance Reports	<ul style="list-style-type: none"> • ACW Project Performance Reports 2008/09 to 2011/12 • Project Fund Financials 2011 to 2012- April 5, 2012 • ACW Program National Financial Roll-up 2008/09 to 2012/13 • Project Summaries 2008 to 2011 • Aboriginal Courtwork Program 2009/10 Project Funding Application • Aboriginal Courtwork Program 2010/11 Project Funding Application
FPT Working Group Files (2008 to 2012)	<ul style="list-style-type: none"> • ACW Program FPT Working Group Mandate • Email communications to ACW FPT • Records of Decision (Teleconferences and Meetings) from 2008/09 to 2011/12 • ACW FPT Working Group conference documents (2009 to 2012) (Reports to FPT Deputy Ministers Responsible for Justice)

Type	List of Documents
National Data Requirement (NDR) Project	<ul style="list-style-type: none"> • AWG proposals to ACW NDR Project (2008) • ACW NDR Project Timeline (2009) • Bilateral discussions with ACW Program Service Delivery Agencies (2010 - 2011) • Decision Tables from P/T and TWG members (2012) • Results of the Bilateral Discussions and Proposed Options to Facilitate Decision-making on Data Reporting Requirements (2012)
Other Research	<ul style="list-style-type: none"> • Alberta MLA Review • Canada's 19th and 20th Reports on the UN's International Convention on the Elimination of all Forms of Racial Discrimination • Fetal Alcohol Spectrum Disorder (FASD) and the Justice System (2010) • <i>Gladue</i> Practices in the Provinces and Territories - by DOJ Research and Statistics Division (2012)
Performance Measurement Information	<ul style="list-style-type: none"> • Performance Measurement Guide 2009 • Aboriginal Courtwork Program Logic Model • Performance Measurement Reporting Template • Performance Measurement Work Plan Sample Report 2009 • Performance Measurement Year-End Sample 2009 • Annual Jurisdictional Performance Measurement Reports/Roll-ups from each jurisdiction for years of 2008/09, 2009/10, and 2010/11 (2011/12 only available for some jurisdictions as the deadline for submission was December 31, 2012)
Tripartite Working Group (TWG) Files (2008 to 2012)	<ul style="list-style-type: none"> • TWG Draft Communications Plan and Fact Sheet • TWG Meeting and Teleconferences Records of Decisions • TWG National Training Needs Report • TWG Research on Administration of Justice Offences • TWG Training Policy Framework • TWG Work Plan 2008/09 to 2012/13 • Emails of communications to TWG members from 2008 to June 2012

Appendix B:
List of Literature Reviewed

List of Literature Reviewed

1. Aboriginal Administration of Justice Offences Research Project: A study of Aboriginal Administration of Justice Offences as they relate to community supervision provided by probation officers in Alberta (2012). Alberta Justice and Attorney General and Alberta Solicitor General and Public Security.
<http://justice.alberta.ca/publications/Documents/AAJO-PROBATION-OFFICER-SURVEY-FINALAug2012.pdf>
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<http://www.ccja-acjp.ca/en/aborit.html>
3. Department of Justice. *Criminal Code*, (R.S.C., 1985, c. C-46). Sub-section 718.2 (e)
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6. Perreault, Samuel. Statistics Canada. (October 28, 2009). The Incarceration of Aboriginal People in Adult Correctional Services. Juristat.
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<http://www.oci-bec.gc.ca/rpt/annrpt/annrpt20052006-eng.aspx>
8. Public Safety Canada. (2011). Corrections and Conditional Release Statistical Overview, Annual Report 2011.
http://www.publicsafety.gc.ca/res/cor/rep/_fl/2011-ccrso-eng.pdf
9. Statistics Canada. (November 20, 2009). 2006 Census: Educational Portrait of Canada, Aboriginal Population.
<http://www12.statcan.gc.ca/census-recensement/2006/as-sa/97-560/p20-eng.cfm>

10. Statistics Canada. (June 21, 2010). Aboriginal Statistics at a Glance, Employment.
<http://www.statcan.gc.ca/pub/89-645-x/89-645-x2010001-eng.htm>
11. Statistics Canada. (June 21, 2010). Aboriginal Statistics at a Glance, Income.
<http://www.statcan.gc.ca/pub/89-645-x/89-645-x2010001-eng.htm>
12. Supreme Court of Canada. (1999). *R. v. Gladue*, [1999] 1 S.C.R. 688, (pg. 4)
13. Supreme Court of Canada. (2012). *R. v. Ipeelee*, SCC 13 1 S.C.R. (pg. 433).
14. Walkern, Ardith. (October 7, 2007). Building Bridges: Improving Legal Services for Aboriginal Peoples. Legal Services Society of BC.
http://www.legalaid.bc.ca/assets/aboutUs/reports/legalAid/buildingBridges_en.pdf

Appendix C:
Key Informant Interview Guides

Interview Guide for Federal Justice Officials in the Tripartite Working Group

Good morning/afternoon/evening. My name is _____ and I am calling from Ference Weicker, a management consulting firm.

On behalf of the Department of Justice Canada, we are conducting an interview with federal justice officials in the Tripartite Working Group to obtain feedback on your involvement with the Aboriginal Courtwork Program. We would appreciate the time you take to provide responses to the questions.

The results from the survey will provide important information that will be used to support the national evaluation and renewal of the Aboriginal Courtwork Program. Please note that the information we collect from you will be held confidential and will only be reported in summary format with the responses obtained from the other people whom we interview. The interview will take approximately 45 minutes.

Do you have time now to answer the questions?

CONTACT INFORMATION

Name: _____ Telephone Number: _____
Position: _____

A. INVOLVEMENT WITH THE ABORIGINAL COURTWORK PROGRAM

1. To begin, please describe your position, roles and responsibilities with respect to the Aboriginal Courtwork Program.

2. How long have you been involved in the Aboriginal Courtwork Program?
_____ years

B. RELEVANCE OF THE PROGRAM

1. In your opinion, on a scale of 1 to 5, where 1 is no need at all, 3 is somewhat of a need, and 5 is major need, how much of a continuing need is there for the Aboriginal Courtwork Program?

No Need at All		Somewhat		Major Need	
1	2	3	4	5	N/A

1a. Why do you say that?

2. What do you see as the major needs of Aboriginal persons before the court?

3. To what extent have the services of Aboriginal Courtworkers been able to meet the needs of Aboriginal persons before the courts, on a scale of 1 to 5, where 1 is not at all, 3 is partially meet, and 5 is fully meet?

Not at All		Partially Meet		Fully Meet	
1	2	3	4	5	N/A

3a. Why do you say that?

4. Are there any gaps in the current services for Aboriginal persons before the court that you think could be filled by Courtworkers?

Yes No Don't know/No response

4a. (if yes) What are the gaps?

5. Is there a need for additional Aboriginal Courtwork Program services with respect to:

	Yes	No	Don't know/ No response
5a. Family justice matters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
5b. Gladue information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
5c. Public Legal Education and Information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
5d. Specialized Courts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

5e. (if yes) What new or additional services would you propose to address the current gaps?

6. The objectives of the Aboriginal Courtwork Program are to:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Are these objectives of the Aboriginal Courtwork Program consistent with the priorities of the federal government?

- Yes Somewhat No Don't know

6a. How are the objectives consistent or not consistent?

7. Are the objectives of the Aboriginal Courtwork Program consistent with the strategic outcomes of the Department of Justice?

- Yes Somewhat No Don't know

7a. (if yes or somewhat) How are the objectives consistent?

7b. (if somewhat or no) How are they not consistent?

8. Is the Aboriginal Courtwork Program aligned with what you see as the roles and responsibilities of the federal government related to the justice system and Aboriginal people?

- Yes Somewhat No Don't know

Please explain.

C. PERFORMANCE OF THE PROGRAM

1. The overall objective of the Aboriginal Courtwork Program is to help Aboriginal people in contact with the criminal justice system to obtain fair, just, equitable and culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

1a. (if 3 or more) In what ways or areas has the Aboriginal Courtwork Program been successful? Please provide examples.

1b. (if 3 or less) In what ways or areas has the Aboriginal Courtwork Program been less successful?

2. Another objective of the Aboriginal Courtwork Program is to serve as a bridge between criminal justice officials and Aboriginal people and communities, by providing a liaison function and facilitating communication and promoting understanding, thereby providing culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

2a. How have the Aboriginal Courtworkers been successful in building linkages in the Aboriginal communities they serve? Please provide examples.

2b. In what respects have the Aboriginal Courtworkers been less successful at building linkages in the Aboriginal communities they serve?

3. What (other) significant impacts (either positive or negative) has the Aboriginal Courtwork Program generated for clients, the court(s), or the communities?

D. RELATIONSHIP TO COMMUNITIES AND OTHER INITIATIVES

1. In your opinion, on a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent have the Aboriginal Courtworkers been successful in linking their clients to programs in the justice system (i.e., legal aid, anger management)?

Not at All		Somewhat		Great Extent	
1	2	3	4	5	N/A

2. How has the Program contributed to other federally funded community-based justice programs for Aboriginal people? Please provide examples.

2a. In what ways, if any, could the Aboriginal Courtwork Program contribute more to these programs?

3. Have you noticed a change in the level of interaction between the Aboriginal Courtwork Program and other justice programs providing services to Aboriginal people?

- Yes Somewhat No Don't know

3a. How has it changed over the past five years?

4. What specific actions would you recommend be taken to improve the level of interaction or collaboration?

E. ABORIGINAL COURTWORKERS

1. Since you first became involved with the Aboriginal Courtwork Program, in your opinion, have the challenges faced by Aboriginal persons before the court changed?

- Yes Somewhat No Don't know

1a. (if yes or somewhat) How have the challenges changed?

2. Has the role of the Courtworkers changed?

- Yes Somewhat No Don't know

2a. (if yes or somewhat) In what way has their role changed?

2b. What factors contributed to these changes (e.g., changes in the use of technologies)?

2c. How have the changes affected the capacity of the Courtworkers to do their job?

3. What do you see as the strengths of the Aboriginal Courtwork Program? What is working well in the Program?

4. What do you see as the weaknesses of the Aboriginal Courtwork Program? What is not working so well in the Program?

5. What do you see as the major challenges or pressures (either internal or external) that are affecting the service delivery of the Aboriginal Courtwork Program?

6. What has been the impact of these challenges or pressures on the Aboriginal Courtwork Program?

7. What suggestions do you have to improve the Program with respect to the delivery of its services?

F. DESIGN AND DELIVERY OF THE PROGRAM

1. The objectives of the Aboriginal Courtwork Program include:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Does the Aboriginal Courtwork Program have the resources it needs to achieve its objectives?

- Yes Somewhat No Don't know

1a. Why do you say that?

2. On a scale of 1 to 5, where 1 is not at all efficient, 3 is somewhat efficient, and 5 is very efficient, how efficient would you say the design and delivery of the Courtworker services are in producing their intended outcomes?

Not at All		Somewhat		Very Efficient	
1	2	3	4	5	N/A

2a. In your opinion, what are some of the factors that contribute to the Program's efficiency?

2b. What are some of the factors that constrain the efficiency of the Program?

2c. What changes, if any, would you recommend to improve the efficiency of the Program in delivering its services?

3. Are there pressures to expand the objectives of the Program to other areas?

Yes Somewhat No Don't know

3a. (If yes or somewhat) In what areas?

4. Given the range of services that Courtworkers are expected to provide:

	Yes	Somewhat	No	Don't know
4a. Is an appropriate level of resources allocated to the training of staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
4b. Is an appropriate level of resources available to recruit and retain staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5. Is the Aboriginal Courtwork Program able to fully meet the demand of its Courtworker services?

- Yes Somewhat No Don't know

5a. (if somewhat or no) In what ways is it not able to fully meet the demand? Why is that?

6. Have you been involved, as part of the Tripartite Working Group, in the process to determine national performance measurements/national data requirements?

- Yes Somewhat No Don't know

6a. (if yes or somewhat) How have you been involved?

7. What are the major challenges associated with developing shared national data requirements and collecting data nationally?

8. On a scale of 1 to 5, where 1 is not at all, 3 is to some extent, and 5 is to a great extent, to what extent have the performance indicators been clearly and consistently reported upon by each jurisdiction?

Not at All		Some Extent		Great Extent	
1	2	3	4	5	N/A

8a. (if 4 or less) In what areas or respects have the results not been clearly and consistently reported?

9. What are the major challenges to collecting and reporting the information annually?

10. On a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent has:

		Scale of 1 to 5					
		Not at All		Somewhat		Great Extent	
		1	2	3	4	5	n/a
a	The addition of a third co-chair improved communication and collaboration relationships among Tripartite Working Group members?	1	2	3	4	5	n/a
Please explain.							
What are some examples of effective tripartite collaboration on program and policy issues?							

11c. Do you have any suggestions regarding the Project Fund?

12. Finally, if you could make changes to improve the Aboriginal Courtwork Program, what would you suggest?

13. Do you have any final comments or suggestions regarding the Aboriginal Courtwork Program?

THANK YOU FOR YOUR PARTICIPATION

Interview Guide for Federal Justice Officials

Good morning/afternoon/evening. My name is _____ and I am calling from Ference Weicker, a management consulting firm.

On behalf of the Department of Justice Canada, we are conducting an interview with federal justice officials to obtain feedback on your involvement with the Aboriginal Courtwork Program. We would appreciate the time you take to provide responses to the questions.

The results from the survey will provide important information that will be used to support the national evaluation and renewal of the Aboriginal Courtwork Program. Please note that the information we collect from you will be held confidential and will only be reported in summary format with the responses obtained from the other people whom we interview. The interview will take approximately 45 minutes.

Do you have time now to answer the questions?

CONTACT INFORMATION

Name: _____ Telephone Number: _____
Position: _____

A. INVOLVEMENT WITH THE ABORIGINAL COURTWORK PROGRAM

1. To begin, please describe your position, roles and responsibilities with respect to the Aboriginal Courtwork Program.

2. How long have you been involved in the Aboriginal Courtwork Program?

_____ years

B. RELEVANCE OF THE PROGRAM

1. In your opinion, on a scale of 1 to 5, where 1 is no need at all, 3 is somewhat of a need, and 5 is major need, how much of a continuing need is there for the Aboriginal Courtwork Program?

No Need at All		Somewhat		Major Need	
1	2	3	4	5	N/A

1a. Why do you say that?

2. The objectives of the Aboriginal Courtwork Program are to:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Are these objectives of the Aboriginal Courtwork Program consistent with the priorities of the federal government?

Yes Somewhat No Don't know

2a. How are the objectives consistent or not consistent?

3. Are the objectives of the Aboriginal Courtwork Program consistent with the strategic outcomes of the Department of Justice?

Yes Somewhat No Don't know

3a. (if yes or somewhat) How are the objectives consistent?

3b. (if somewhat or no) How are they not consistent?

4. Is the Aboriginal Courtwork Program aligned with what you see as the roles and responsibilities of the federal government related to the justice system and Aboriginal people?

- Yes Somewhat No Don't know

Please explain.

C. PERFORMANCE OF THE PROGRAM

1. The overall objective of the Aboriginal Courtwork Program is to help Aboriginal people in contact with the criminal justice system to obtain fair, just, equitable, and culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

1a. (if 3 or more) In what ways or areas has the Aboriginal Courtwork Program been successful? Please provide examples.

1b. (if 3 or less) In what ways or areas has the Aboriginal Courtwork Program been less successful?

2. Another objective of the Aboriginal Courtwork Program is to serve as a bridge between criminal justice officials and Aboriginal people and communities, by providing a liaison function and facilitating communication and promoting understanding, thereby providing culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

2a. How have the Aboriginal Courtworkers been successful in building linkages in the Aboriginal communities they serve? Please provide examples.

2b. In what respects have the Aboriginal Courtworkers been less successful at building linkages in the Aboriginal communities they serve?

3. What (other) significant impacts (either positive or negative) has the Aboriginal Courtwork Program generated for clients, the court(s), or the communities?

D. RELATIONSHIP TO COMMUNITIES AND OTHER INITIATIVES

1. In your opinion, on a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent have the Aboriginal Courtworkers been successful in linking their clients to programs in the justice system (i.e., legal aid, anger management)?

Not at All		Somewhat		Great Extent	
1	2	3	4	5	N/A

2. How has the Aboriginal Courtwork Program contributed to other federally funded community-based justice programs for Aboriginal people? Please provide examples.

2a. In what ways, if any, could the Aboriginal Courtwork Program contribute more to these programs?

3. Have you noticed a change in the level of interaction between the Aboriginal Courtwork Program and other justice programs providing services to Aboriginal people?

Yes Somewhat No Don't know

3a. How has it changed over the past five years?

4. What specific actions would you recommend be taken to improve the level of interaction or collaboration?

E. ABORIGINAL COURTWORKERS

1. Since you first became involved with the Aboriginal Courtwork Program, in your opinion, have the challenges faced by Aboriginal persons before the court changed?

- Yes Somewhat No Don't know

1a. (if yes or somewhat) How have the challenges changed?

2. Has the role of the Courtworkers changed?

- Yes Somewhat No Don't know

2a. (if yes or somewhat) In what way has their role changed?

2b. (if yes or somewhat) What factors contributed to these changes (e.g., changes in the use of technologies)?

2c. (if yes or somewhat) How have the changes affected the capacity of the Courtworkers to do their job?

3. What do you see as the strengths of the Aboriginal Courtwork Program? What is working well in the Program?

4. What do you see as the weaknesses of the Aboriginal Courtwork Program? What is not working so well in the Program?

5. What do you see as the major challenges or pressures (either internal or external) that are affecting the service delivery of the Aboriginal Courtwork Program?

6. What has been the impact of these challenges or pressures on the Aboriginal Courtwork Program?

7. What suggestions do you have to improve the Program with respect to the delivery of its services?

F. DESIGN AND DELIVERY OF THE PROGRAM

1. The objectives of the Aboriginal Courtwork Program include:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Does the Aboriginal Courtwork Program have the resources it needs to achieve its objectives?

- Yes Somewhat No Don't know

1a. Why do you say that?

2. On a scale of 1 to 5, where 1 is not at all efficient, 3 is somewhat efficient, and 5 is very efficient, how efficient would you say the design and delivery of the Courtworker services are in producing their intended outcomes?

Not at All		Somewhat		Very Efficient	
1	2	3	4	5	N/A

2a. In your opinion, what are some of the factors that contribute to the Aboriginal Courtwork Program's efficiency?

2b. What are some of the factors that constrain the efficiency of the Aboriginal Courtwork Program?

2c. What changes, if any, would you recommend to improve the efficiency of the Aboriginal Courtwork Program in delivering its services?

3. Are there pressures to expand the objectives of the Program to other areas?

Yes Somewhat No Don't know

3a. (If yes or somewhat) In what areas?

4. Given the range of services that Courtworkers are expected to provide:

	Yes	Somewhat	No	Don't know
4a. Is an appropriate level of resources allocated to the training of staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
4b. Is an appropriate level of resources available to recruit and retain staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5. Is the Aboriginal Courtwork Program able to fully meet the demand of its courtworker services?

- Yes Somewhat No Don't know

5a. (if somewhat or no) In what ways is it not able to fully meet the demand? Why is that?

6. Finally, if you could make changes to improve the Aboriginal Courtwork Program, what would you suggest?

7. Do you have any final comments or suggestions regarding the Aboriginal Courtwork Program

THANK YOU FOR YOUR PARTICIPATION

Interview Guide for Other Stakeholders

Good morning/afternoon/evening. My name is _____ and I am calling from Ference Weicker, a management consulting firm.

On behalf of the Department of Justice Canada, we are conducting an interview with stakeholders to obtain feedback on your involvement with the Aboriginal Courtwork Program. We would appreciate the time you take to provide responses to the questions.

The results from the survey will provide important information that will be used to support the national evaluation and renewal of the Aboriginal Courtwork Program. Please note that the information we collect from you will be held confidential and will only be reported in summary format with the responses obtained from the other people whom we interview. The interview will take approximately 30 minutes.

Do you have time now to answer the questions?

CONTACT INFORMATION

Name: _____ Telephone Number: _____
Position: _____

A. INVOLVEMENT WITH THE ABORIGINAL COURTWORK PROGRAM

1. In what context have you had contact with the Aboriginal Courtwork Program?

2. How long have you been aware of the Aboriginal Courtwork Program?

_____ years

B. RELEVANCE OF THE PROGRAM

1. In your opinion, on a scale of 1 to 5, where 1 is no need at all, 3 is somewhat of a need, and 5 is major need, how much of a continuing need is there for the Aboriginal Courtwork Program?

No Need at All		Somewhat		Major Need	
1	2	3	4	5	N/A

1a. Why do you say that?

C. PERFORMANCE OF THE PROGRAM

1. One objective of the Aboriginal Courtwork Program is to serve as a bridge between criminal justice officials and Aboriginal people and communities, by providing a liaison function and facilitating communication and promoting understanding, thereby providing culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

1a. How have the Aboriginal Courtworkers been successful in building linkages in the Aboriginal communities they serve? Please provide examples.

1b. In what respects have the Aboriginal Courtworkers been less successful at building linkages in the Aboriginal communities they serve?

2. What (other) significant impacts (either positive or negative) has the Aboriginal Courtwork Program generated for clients, the court(s), or the communities?

D. RELATIONSHIP TO COMMUNITIES AND OTHER INITIATIVES

1. Does the Aboriginal Courtwork Program overlap or duplicate other programs, policies, or initiatives delivered by other stakeholders?

Yes Somewhat No Don't know

- 1a. (if yes or somewhat) In what ways does the Aboriginal Courtwork Program overlap or duplicate these other programs, policies, or initiatives?

2. In your opinion, on a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent have the Aboriginal Courtworkers been successful in linking their clients to programs in the justice system (i.e., legal aid, anger management)?

Not at All		Somewhat		Great Extent	
1	2	3	4	5	N/A

3. How has the Aboriginal Courtwork Program contributed to other federally funded community-based justice programs for Aboriginal people? Please provide examples.

- 3a. In what ways, if any, could the Aboriginal Courtwork Program contribute more to these programs?

4. Have you noticed a change in the level of interaction between the Aboriginal Courtwork Program and other justice programs providing services to Aboriginal people?

- Yes Somewhat No Don't know

4a. How has it changed over the past five years?

5. What specific actions would you recommend be taken to improve the level of interaction or collaboration?

E. ABORIGINAL COURTWORKERS

1. What do you see as the strengths of the Aboriginal Courtwork Program? What is working well in the Program?

2. What do you see as the weaknesses of the Aboriginal Courtwork Program? What is not working so well in the Program?

3. What do you see as the major challenges or pressures (either internal or external) that are affecting the service delivery of the Aboriginal Courtwork Program?

4. What has been the impact of these challenges or pressures on the Aboriginal Courtwork Program?

5. What suggestions do you have to improve the Aboriginal Courtwork Program with respect to the delivery of its services?

6. Finally, if you could make changes to improve the Aboriginal Courtwork Program, what would you suggest?

7. Do you have any final comments or suggestions regarding the Aboriginal Courtwork Program?

THANK YOU FOR YOUR PARTICIPATION

Interview Guide for Provincial and Territorial Partners in the Tripartite Working Group

Good morning/afternoon/evening. My name is _____ and I am calling from Ference Weicker, a management consulting firm.

On behalf of the Department of Justice Canada, we are conducting an interview with provincial and territorial partners in the Tripartite Working Group to obtain feedback on your involvement with the Aboriginal Courtwork Program. We would appreciate the time you take to provide responses to the questions.

The results from the survey will provide important information that will be used to support the national evaluation and renewal of the Aboriginal Courtwork Program. Please note that the information we collect from you will be held confidential and will only be reported in summary format with the responses obtained from the other people whom we interview. The interview will take approximately 45 minutes.

Do you have time now to answer the questions?

CONTACT INFORMATION

Name: _____ Telephone Number: _____
Position: _____

A. INVOLVEMENT WITH THE ABORIGINAL COURTWORK PROGRAM

1. **To begin, please describe your position, roles and responsibilities with respect to the Aboriginal Courtwork Program.**

2. **How long have you been involved in the Aboriginal Courtwork Program?**

_____ years

B. RELEVANCE OF THE PROGRAM

1. In your opinion, on a scale of 1 to 5, where 1 is no need at all, 3 is somewhat of a need, and 5 is major need, how much of a continuing need is there for the Aboriginal Courtwork Program?

No Need at All		Somewhat		Major Need	
1	2	3	4	5	N/A

1a. Why do you say that?

2. What do you see as the major needs of Aboriginal persons before the court?

3. To what extent have the services of Aboriginal Courtworkers been able to meet the needs of Aboriginal persons before the courts, on a scale of 1 to 5, where 1 is not at all, 3 is partially meet, and 5 is fully meet?

Not at All		Partially Meet		Fully Meet	
1	2	3	4	5	N/A

3a. Why do you say that?

4. Are there any gaps in the current services for Aboriginal persons before the court that you think could be filled by Courtworkers?

Yes No Don't know/ No response

4a. (if yes) What are the gaps?

5. Is there a need for additional Courtworker services with respect to:

	Yes	No	Don't know/ No response
5a. Family justice matters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
5b. Gladue information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
5c. Public Legal Education and Information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			
5d. Specialized Courts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:			

5e. (if yes) What new or additional services would you propose to address the current gaps?

6. Is the Aboriginal Courtwork Program aligned with what you see as the roles and responsibilities of the federal government related to the justice system and Aboriginal people?

- Yes Somewhat No Don't know

Please explain.

C. PERFORMANCE OF THE PROGRAM

1. The overall objective of the Aboriginal Courtwork Program is to help Aboriginal people in contact with the criminal justice system to obtain fair, just, equitable, and culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

1a. (if 3 or more) In what ways or areas has the Aboriginal Courtwork Program been successful? Please provide examples.

1b. (if 3 or less) In what ways or areas has the Aboriginal Courtwork Program been less successful?

2. Another objective of the Aboriginal Courtwork Program is to serve as a bridge between criminal justice officials and Aboriginal people and communities, by providing a liaison function and facilitating communication and promoting understanding, thereby providing culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

2a. How have the Aboriginal Courtworkers been successful in building linkages in the Aboriginal communities they serve? Please provide examples.

2b. In what respects have the Aboriginal Courtworkers been less successful at building linkages in the Aboriginal communities they serve?

3. What (other) significant impacts (either positive or negative) has the Aboriginal Courtwork Program generated for clients, the court(s), or the communities?

D. RELATIONSHIP TO COMMUNITIES AND OTHER INITIATIVES

1. Does the Aboriginal Courtwork Program overlap or duplicate other programs, policies, or initiatives delivered by other stakeholders?

- Yes Somewhat No Don't know

1a. (if yes or somewhat) In what ways does the Aboriginal Courtwork Program overlap or duplicate these other programs, policies, or initiatives?

2. In your opinion, on a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent have the Aboriginal Courtworkers been successful in linking their clients to programs in the justice system (i.e., legal aid, anger management)?

- | | | | | | |
|------------|---|----------|---|--------------|-----|
| Not at All | | Somewhat | | Great Extent | |
| 1 | 2 | 3 | 4 | 5 | N/A |

3. How has the Aboriginal Courtwork Program contributed to other federally funded community-based justice programs for Aboriginal people? Please provide examples.

3a. In what ways, if any, could the Aboriginal Courtwork Program contribute more to these programs?

4. Have you noticed a change in the level of interaction between the Aboriginal Courtwork Program and other justice programs providing services to Aboriginal people?

- Yes Somewhat No Don't know

4a. (if yes or somewhat) How has it changed over the past five years?

5. What specific actions would you recommend be taken to improve the level of interaction or collaboration?

E. ABORIGINAL COURTWORKERS

1. Since you first became involved with the Aboriginal Courtwork Program, in your opinion, have the challenges faced by Aboriginal persons before the court changed?

- Yes Somewhat No Don't know

1a. (if yes or somewhat) How have the challenges changed?

2. Has the role of the Courtworkers changed?

- Yes Somewhat No Don't know

2a. (if yes or somewhat) In what way has their role changed?

2b. What factors contributed to these changes (e.g., changes in the use of technologies)?

2c. (if yes or somewhat) How have the changes affected the capacity of the Courtworkers to do their job?

3. What do you see as the strengths of the Aboriginal Courtwork Program? What is working well in the Program?

4. What do you see as the weaknesses of the Aboriginal Courtwork Program? What is not working so well in the Program?

5. What do you see as the major challenges or pressures (either internal or external) that are affecting the service delivery of the Aboriginal Courtwork Program?

6. What has been the impact of these challenges or pressures on the Aboriginal Courtwork Program?

7. What suggestions do you have to improve the Aboriginal Courtwork Program with respect to the delivery of its services?

F. DESIGN AND DELIVERY OF THE PROGRAM

1. The objectives of the Aboriginal Courtwork Program include:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Does the Aboriginal Courtwork Program have the resources it needs to achieve its objectives?

- Yes Somewhat No Don't know

1a. Why do you say that?

2. In your jurisdiction, on a scale of 1 to 5, where 1 is not at all efficient, 3 is somewhat efficient, and 5 is very efficient, how efficient would you say the design and delivery of the Aboriginal Courtwork Program services are in producing their intended outcomes?

Not at All		Somewhat		Very Efficient	
1	2	3	4	5	N/A

2a. In your opinion, what are some of the factors that contribute to the Aboriginal Courtwork Program's efficiency?

2b. What are some of the factors that constrain the efficiency of the Aboriginal Courtwork Program?

2c. What changes, if any, would you recommend to improve the efficiency of the Aboriginal Courtwork Program in delivering its services?

3. Are there pressures to expand the objectives of the Program to other areas?

- Yes Somewhat No Don't know

3a. (If yes or somewhat) In what areas?

4. Given the range of services that Courtworkers are expected to provide:

	Yes	Somewhat	No	Don't know
4a. Is an appropriate level of resources allocated to the training of staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
4b. Is an appropriate level of resources available to recruit and retain staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5. Is the Aboriginal Courtwork Program able to fully meet the demand of its Courtworker services in your jurisdiction?

- Yes Somewhat No Don't know

5a. (if somewhat or no) In what ways is it not able to fully meet the demand? Why is that?

6. Do all of the court points in your jurisdiction have access to Courtworker services?

- Yes Somewhat No Don't know

Please explain.

7. Have you been involved, as part of the Tripartite Working Group, in the process to determine national performance measurements/national data requirements?

- Yes Somewhat No Don't know

7a. (if yes or somewhat) How have you been involved?

8. What are the major challenges associated with developing shared national data requirements and collecting data nationally?

9. Has your jurisdiction submitted the national performance reporting information annually?

- Yes Somewhat No Don't know

10. What are the major challenges to collecting and reporting the information annually?

11. On a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent has:

		Scale of 1 to 5					
		Not at All		Somewhat		Great Extent	
		1	2	3	4	5	n/a
a	The addition of a third co-chair improved communication and collaboration relationships among Tripartite Working Group members?	1	2	3	4	5	n/a
Please explain.							
What are some examples of effective tripartite collaboration on program and policy issues?							
What suggestions do you have for improving the level of tripartite collaboration?							
b	The Tripartite Working Group been successful in setting priorities and accomplishing activities as outlined in its work plan?	1	2	3	4	5	n/a
Please explain.							
c	The creation of the Federal, Provincial and Territorial Working Group improved communication and collaboration among federal, provincial and territorial partners?	1	2	3	4	5	n/a
Please explain.							

12. On a scale of 1 to 5, where 1 is not at all, 3 is to some extent and 5 is to a great extent, to what extent has the Aboriginal Courtwork Program four-year Project Fund (the \$40K fund) impacted the Program?

Not at All		Some Extent		Great Extent	
1	2	3	4	5	N/A

12a. (if 2 or less) Why is that?

12b. (if 3 or more) What kinds of impacts or changes did the Project Fund have on the Program?

12c. Do you have any suggestions regarding the Project Fund?

13. Finally, if you could make changes to improve the Aboriginal Courtwork Program, what would you suggest?

14. Do you have any final comments or suggestions regarding the Aboriginal Courtwork Program?

THANK YOU FOR YOUR PARTICIPATION

Interview Guide for Provincial and Territorial Partners

Good morning/afternoon/evening. My name is _____ and I am calling from Ference Weicker, a management consulting firm.

On behalf of the Department of Justice Canada, we are conducting an interview with provincial and territorial partners to obtain feedback on your involvement with the Aboriginal Courtwork Program. We would appreciate the time you take to provide responses to the questions.

The results from the survey will provide important information that will be used to support the national evaluation and renewal of the Aboriginal Courtwork Program. Please note that the information we collect from you will be held confidential and will only be reported in summary format with the responses obtained from the other people whom we interview. The interview will take approximately 45 minutes.

Do you have time now to answer the questions?

CONTACT INFORMATION

Name: _____ Telephone Number: _____
Position: _____

A. INVOLVEMENT WITH THE ABORIGINAL COURTWORK PROGRAM

1. To begin, please describe your position, roles and responsibilities with respect to the Aboriginal Courtwork Program.

2. How long have you been involved in the Aboriginal Courtwork Program?

_____ years

B. RELEVANCE OF THE PROGRAM

1. In your opinion, on a scale of 1 to 5, where 1 is no need at all, 3 is somewhat of a need, and 5 is major need, how much of a continuing need is there for the Aboriginal Courtwork Program?

No Need at All		Somewhat		Major Need	
1	2	3	4	5	N/A

1a. Why do you say that?

C. PERFORMANCE OF THE PROGRAM

1. The overall objective of the Aboriginal Courtwork Program is to help Aboriginal people in contact with the criminal justice system to obtain fair, just, equitable, and culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

1a. (if 3 or more) In what ways or areas has the Aboriginal Courtwork Program been successful? Please provide examples.

1b. (if 3 or less) In what ways or areas has the Aboriginal Courtwork Program been less successful?

2. Another objective of the Aboriginal Courtwork Program is to serve as a bridge between criminal justice officials and Aboriginal people and communities, by providing a liaison function and facilitating communication and promoting understanding, thereby providing culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

- 2a. How have the Aboriginal Courtworkers been successful in building linkages in the Aboriginal communities they serve? Please provide examples.

- 2b. In what respects have the Aboriginal Courtworkers been less successful at building linkages in the Aboriginal communities they serve?

3. What (other) significant impacts (either positive or negative) has the Aboriginal Courtwork Program generated for clients, the court(s), or the communities?

D. RELATIONSHIP TO COMMUNITIES AND OTHER INITIATIVES

1. Does the Aboriginal Courtwork Program overlap or duplicate other programs, policies, or initiatives delivered by other stakeholders?

Yes Somewhat No Don't know

- 1a. (if yes or somewhat) In what ways does the Aboriginal Courtwork Program overlap or duplicate these other programs, policies, or initiatives?

2. In your opinion, on a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent have the Aboriginal Courtworkers been successful in linking their clients to programs in the justice system (i.e., legal aid, anger management)?

Not at All		Somewhat		Great Extent	
1	2	3	4	5	N/A

3. How has the Aboriginal Courtwork Program contributed to other federally funded community-based justice programs for Aboriginal people? Please provide examples.

- 3a. In what ways, if any, could the Aboriginal Courtwork Program contribute more to these programs?

4. Have you noticed a change in the level of interaction between the Aboriginal Courtwork Program and other justice programs providing services to Aboriginal people?

Yes Somewhat No Don't know

- 4a. How has it changed over the past five years?

5. What specific actions would you recommend be taken to improve the level of interaction or collaboration?

E. ABORIGINAL COURTWORKERS

1. Since you first became involved with the Aboriginal Courtwork Program, in your opinion, have the challenges faced by Aboriginal persons before the court changed?

- Yes Somewhat No Don't know

1a. (if yes or somewhat) How have the challenges changed?

2. Has the role of the Courtworkers changed?

- Yes Somewhat No Don't know

2a. (if yes or somewhat) In what way has their role changed?

2b. (if yes or somewhat) What factors contributed to these changes (e.g., changes in the use of technologies)?

2c. (if yes or somewhat) How have the changes affected the capacity of the Courtworkers to do their job?

3. What do you see as the strengths of the Aboriginal Courtwork Program? What is working well in the Program?

4. What do you see as the weaknesses of the Aboriginal Courtwork Program? What is not working so well in the Program?

5. What do you see as the major challenges or pressures (either internal or external) that are affecting the service delivery of the Aboriginal Courtwork Program?

6. What has been the impact of these challenges or pressures on the Aboriginal Courtwork Program?

7. What suggestions do you have to improve the Aboriginal Courtwork Program with respect to the delivery of its services?

F. DESIGN AND DELIVERY OF THE PROGRAM

1. The objectives of the Aboriginal Courtwork Program include:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Does the Aboriginal Courtwork Program have the resources it needs to achieve its objectives?

- Yes Somewhat No Don't know

1a. Why do you say that?

2. In your jurisdiction, on a scale of 1 to 5, where 1 is not at all efficient, 3 is somewhat efficient, and 5 is very efficient, how efficient would you say the design and delivery of the Courtworker services are in producing their intended outcomes?

Not at All		Somewhat		Very Efficient	
1	2	3	4	5	N/A

2a. In your opinion, what are some of the factors that contribute to the Aboriginal Courtwork Program's efficiency?

2b. What are some of the factors that constrain the efficiency of the Aboriginal Courtwork Program?

2c. What changes, if any, would you recommend to improve the efficiency of the Aboriginal Courtwork Program in delivering its services?

3. Are there pressures to expand the objectives of the Program to other areas?

Yes Somewhat No Don't know

3a. (If yes or somewhat) In what areas?

4. Given the range of services that Courtworkers are expected to provide:

	Yes	Somewhat	No	Don't know
4a. Is an appropriate level of resources allocated to the training of staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
4b. Is an appropriate level of resources available to recruit and retain staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5. Is the Aboriginal Courtwork Program able to fully meet the demand of its Courtworker services in your jurisdiction?

- Yes Somewhat No Don't know

5a. (if somewhat or no) In what ways is it not able to fully meet the demand? Why is that?

6. Do all of the court points in your jurisdiction have access to Courtworker services?

- Yes Mostly yes No Don't know

Please explain.

7. Finally, if you could make changes to improve the Aboriginal Courtwork Program, what would you suggest?

8. Do you have any final comments or suggestions regarding the Aboriginal Courtwork Program?

THANK YOU FOR YOUR PARTICIPATION

Interview Guide for Service Delivery Agencies in the Tripartite Working Group

Good morning/afternoon/evening. My name is _____ and I am calling from Ference Weicker, a management consulting firm.

On behalf of the Department of Justice Canada, we are conducting an interview with representatives of service delivery agencies in the Tripartite Working Group to obtain feedback on your involvement with the Aboriginal Courtwork Program. We would appreciate the time you take to provide responses to the questions.

The results from the survey will provide important information that will be used to support the national evaluation and renewal of the Aboriginal Courtwork Program. Please note that the information we collect from you will be held confidential and will only be reported in summary format with the responses obtained from the other people whom we interview. The interview will take approximately 45 minutes.

Do you have time now to answer the questions?

CONTACT INFORMATION

Name: _____ Telephone Number: _____
Position: _____

A. INVOLVEMENT WITH THE ABORIGINAL COURTWORK PROGRAM

1. To begin, please describe your position, roles and responsibilities with respect to the Aboriginal Courtwork Program.

2. How long have you been involved in the Aboriginal Courtwork Program?

_____ years

B. RELEVANCE OF THE PROGRAM

1. In your opinion, on a scale of 1 to 5, where 1 is no need at all, 3 is somewhat of a need, and 5 is major need, how much of a continuing need is there for the Aboriginal Courtwork Program?

No Need at All		Somewhat		Major Need	
1	2	3	4	5	N/A

1a. Why do you say that?

2. What do you see as the major needs of Aboriginal persons before the court?

3. To what extent have the services of Aboriginal Courtworkers been able to meet the needs of Aboriginal persons before the courts, on a scale of 1 to 5, where 1 is not at all, 3 is partially meet, and 5 is fully meet?

Not at All		Partially Meet		Fully Meet	
1	2	3	4	5	N/A

3a. Why do you say that?

4. Are there any gaps in the current services for Aboriginal persons before the court that you think could be filled by the Courtworkers?

Yes No Don't know/ No response

4a. (if yes) What are the gaps?

1b. (if 3 or less) In what ways or areas has the Aboriginal Courtwork Program been less successful?

2. Another objective of the Aboriginal Courtwork Program is to serve as a bridge between criminal justice officials and Aboriginal people and communities, by providing a liaison function and facilitating communication and promoting understanding, thereby providing culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

2a. How have the Aboriginal Courtworkers been successful in building linkages in the Aboriginal communities they serve? Please provide examples.

2b. In what respects have the Aboriginal Courtworkers been less successful at building linkages in the Aboriginal communities they serve?

3. What (other) significant impacts (either positive or negative) has the Aboriginal Courtwork Program generated for clients, the court(s), or the communities?

D. RELATIONSHIP TO COMMUNITIES AND OTHER INITIATIVES

1. Does the Aboriginal Courtwork Program overlap or duplicate other programs, policies, or initiatives delivered by other stakeholders?

Not at All		Somewhat		Great Extent	
1	2	3	4	5	N/A

1a. (if yes or somewhat) In what ways does the Aboriginal Courtwork Program overlap or duplicate these other programs, policies, or initiatives?

2. In your opinion, on a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent have the Courtworkers been successful in linking their clients to programs in the justice system (i.e., legal aid, anger management)?

Not at All		Some Extent		Great Extent	
1	2	3	4	5	N/A

3. How has the Aboriginal Courtwork Program contributed to other federally funded community-based justice programs for Aboriginal people? Please provide examples.

3a. In what ways, if any, could the Aboriginal Courtwork Program contribute more to these programs?

4. Have you noticed a change in the level of interaction between the Aboriginal Courtwork Program and other justice programs providing services to Aboriginal people?

Yes Somewhat No Don't know

4a. How has it changed over the past five years?

5. What specific actions would you recommend be taken to improve the level of interaction or collaboration?

E. ABORIGINAL COURTWORKERS

1. Since you first became involved with the Aboriginal Courtwork Program, in your opinion, have the challenges faced by Aboriginal persons before the court changed?

- Yes Somewhat No Don't know

1a. (if yes or somewhat) How have the challenges changed?

2. Has the role of the Courtworkers changed?

- Yes Somewhat No Don't know

2a. (if yes or somewhat) In what way has their role changed?

2b. What factors contributed to these changes (e.g., changes in the use of technologies)?

2c. (if yes) How have the changes affected the capacity of the Courtworkers to do their job?

3. What do you see as the strengths of the Aboriginal Courtwork Program? What is working well in the Program?

4. What do you see as the weaknesses of the Aboriginal Courtwork Program? What is not working so well in the Program?

5. What do you see as the major challenges or pressures (either internal or external) that are affecting the service delivery of the Aboriginal Courtwork Program?

6. What has been the impact of these challenges or pressures on the Aboriginal Courtwork Program?

7. What suggestions do you have to improve the Aboriginal Courtwork Program with respect to the delivery of its services?

F. DESIGN AND DELIVERY OF THE PROGRAM

1. The objectives of the Aboriginal Courtwork Program include:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Does the Aboriginal Courtwork Program have the resources it needs to achieve its objectives?

- Yes Somewhat No Don't know

1a. Why do you say that?

2. In your jurisdiction, on a scale of 1 to 5, where 1 is not at all efficient, 3 is somewhat efficient, and 5 is very efficient, how efficient would you say the design and delivery of the Courtworker services are in producing their intended outcomes?

Not at All		Somewhat		Very Efficient	
1	2	3	4	5	N/A

2a. In your opinion, what are some of the factors that contribute to the Aboriginal Courtwork Program's efficiency?

2b. What are some of the factors that constrain the efficiency of the Aboriginal Courtwork Program?

2c. **What changes, if any, would you recommend to improve the efficiency of the Aboriginal Courtwork Program in delivering its services?**

3. **Are there pressures to expand the objectives of the Program to other areas?**

- Yes Somewhat No Don't know

3a. **(If yes or somewhat) In what areas?**

4. **Given the range of services that Aboriginal Courtworkers are expected to provide:**

	Yes	Somewhat	No	Don't know
4a. Is an appropriate level of resources allocated to the training of staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
4b. Is an appropriate level of resources available to recruit and retain staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5. **Is the Aboriginal Courtwork Program able to fully meet the demand of its Courtworker services in your jurisdiction?**

- Yes Somewhat No Don't know

5a. **(if somewhat or no) In what ways is it not able to fully meet the demand? Why is that?**

6. Do all communities in your jurisdiction have access to Courtworker services?

- Yes Mostly yes No Don't know

Please explain.

7. Have you been involved, as part of the Tripartite Working Group, in the process to determine national performance measurements/national data requirements?

- Yes Somewhat No Don't know

7a. (if yes or somewhat) How have you been involved?

8. What are the major challenges associated with developing shared national data requirements and collecting data nationally?

9. Has your jurisdiction submitted the national performance reporting information annually?

- Yes Sometimes No Don't know

10. What are the major challenges to collecting and reporting the information annually?

11. On a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent has:

		Scale of 1 to 5					
		Not at All		Somewhat		Great Extent	
		1	2	3	4	5	n/a
a	The addition of a third co-chair improved communication and collaboration relationships among Tripartite Working Group members?	1	2	3	4	5	n/a
Please explain.							
What are some examples of effective tripartite collaboration on program and policy issues?							
What suggestions do you have for improving the level of tripartite collaboration?							
b	The Tripartite Working Group been successful in setting priorities and accomplishing activities as outlined in its work plan?	1	2	3	4	5	n/a
Please explain.							
c	The creation of the Federal, Provincial and Territorial Working Group improved communication and collaboration among federal, provincial and territorial partners?	1	2	3	4	5	n/a
Please explain.							

12. On a scale of 1 to 5, where 1 is not at all, 3 is to some extent and 5 is to a great extent, to what extent has the four-year Project Fund (the \$40K fund) impacted the Program?

Not at All		Some Extent		Great Extent	
1	2	3	4	5	N/A

12a. (if 2 or less) Why is that?

12b. (if 3 or more) What kinds of impacts or changes did the Project Fund have on the Aboriginal Courtwork Program?

12c. Do you have any suggestions regarding the Project Fund?

13. Finally, if you could make changes to improve the Aboriginal Courtwork Program, what would you suggest?

14. Do you have any final comments or suggestions regarding the Aboriginal Courtwork Program?

THANK YOU FOR YOUR PARTICIPATION

Interview Guide for Service Delivery Agencies

Good morning/afternoon/evening. My name is _____ and I am calling from Ference Weicker, a management consulting firm.

On behalf of the Department of Justice Canada, we are conducting an interview with representatives of service delivery agencies to obtain feedback on your involvement with the Aboriginal Courtwork Program. We would appreciate the time you take to provide responses to the questions.

The results from the survey will provide important information that will be used to support the national evaluation and renewal of the Aboriginal Courtwork Program. Please note that the information we collect from you will be held confidential and will only be reported in summary format with the responses obtained from the other people whom we interview. The interview will take approximately 45 minutes.

Do you have time now to answer the questions?

CONTACT INFORMATION

Name: _____ Telephone Number: _____
Position: _____

A. INVOLVEMENT WITH THE ABORIGINAL COURTWORK PROGRAM

1. To begin, please describe your position, roles and responsibilities with respect to the Aboriginal Courtwork Program.

2. How long have you been involved in the Aboriginal Courtwork Program?

_____ years

B. RELEVANCE OF THE PROGRAM

1. In your opinion, on a scale of 1 to 5, where 1 is no need at all, 3 is somewhat of a need, and 5 is major need, how much of a continuing need is there for the Aboriginal Courtwork Program?

No Need at All		Somewhat		Major Need	
1	2	3	4	5	N/A

1a. Why do you say that?

C. PERFORMANCE OF THE PROGRAM

1. The overall objective of the Aboriginal Courtwork Program is to help Aboriginal people in contact with the criminal justice system to obtain fair, just, equitable, and culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

1a. (if 3 or more) In what ways or areas has the Aboriginal Courtwork Program been successful? Please provide examples.

1b. (if 3 or less) In what ways or areas has the Aboriginal Courtwork Program been less successful?

2. Another objective of the Aboriginal Courtwork Program is to serve as a bridge between criminal justice officials and Aboriginal people and communities, by providing a liaison function and facilitating communication and promoting understanding, thereby providing culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

- 2a. How have the Aboriginal Courtworkers been successful in building linkages in the Aboriginal communities they serve? Please provide examples.

- 2b. In what respects have the Aboriginal Courtworkers been less successful at building linkages in the Aboriginal communities they serve?

3. What (other) significant impacts (either positive or negative) has the Aboriginal Courtwork Program generated for clients, the court(s), or the communities?

D. RELATIONSHIP TO COMMUNITIES AND OTHER INITIATIVES

1. Does the Aboriginal Courtwork Program overlap or duplicate other programs, policies, or initiatives delivered by other stakeholders?

Yes Somewhat No Don't know

- 1a. (if yes or somewhat) In what ways does the Aboriginal Courtwork Program overlap or duplicate these other programs, policies, or initiatives?

2. In your opinion, on a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is to a great extent, to what extent have the Aboriginal Courtworkers been successful in linking their clients to programs in the justice system (i.e., legal aid, anger management)?

Not at All		Somewhat		Great Extent	
1	2	3	4	5	N/A

3. How has the Aboriginal Courtwork Program contributed to other federally funded community-based justice programs for Aboriginal people? Please provide examples.

3a. In what ways, if any, could the Aboriginal Courtwork Program contribute more to these programs?

4. Have you noticed a change in the level of interaction between the Aboriginal Courtwork Program and other justice programs providing services to Aboriginal people?

Yes Somewhat No Don't know

4a. How has it changed over the past five years?

5. What specific actions would you recommend be taken to improve the level of interaction or collaboration?

E. ABORIGINAL COURTWORKERS

1. Since you first became involved with the Aboriginal Courtwork Program, in your opinion, have the challenges faced by Aboriginal persons before the court changed?

- Yes Somewhat No Don't know

1a. (if yes or somewhat) How have the challenges changed?

2. Has the role of the Courtworkers changed?

- Yes Somewhat No Don't know

2a. (if yes or somewhat) In what way has their role changed?

2b. (if yes or somewhat) What factors contributed to these changes (e.g., changes in the use of technologies)?

2c. (if yes or somewhat) How have the changes affected the capacity of the Courtworkers to do their job?

3. What do you see as the strengths of the Aboriginal Courtwork Program? What is working well in the Program?

4. What do you see as the weaknesses of the Aboriginal Courtwork Program? What is not working so well in the Program?

5. What do you see as the major challenges or pressures (either internal or external) that are affecting the service delivery of the Aboriginal Courtwork Program?

6. What has been the impact of these challenges or pressures on the Aboriginal Courtwork Program?

7. What suggestions do you have to improve the Aboriginal Courtwork Program with respect to the delivery of its services?

F. DESIGN AND DELIVERY OF THE PROGRAM

1. The objectives of the Aboriginal Courtwork Program include:

- Assist Aboriginal people to understand their right to speak on their own behalf or to request legal counsel, and to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system;
- Assist in enhancing the awareness and appreciation of the values, customs, languages and socio-economic conditions of Aboriginal people on the part of those involved in the administration of the criminal justice system; and
- Respond to problems and special needs caused by communication barriers which exist between Aboriginal people and those who are involved in the administration of the criminal justice system.

Does the Aboriginal Courtwork Program have the resources it needs to achieve its objectives?

- Yes Somewhat No Don't know

1a. Why do you say that?

2. In your jurisdiction, on a scale of 1 to 5, where 1 is not at all efficient, 3 is somewhat efficient, and 5 is very efficient, how efficient would you say the design and delivery of the courtworker services are in producing their intended outcomes?

Not at All		Somewhat		Very Efficient	
1	2	3	4	5	N/A

2a. In your opinion, what are some of the factors that contribute to the Aboriginal Courtwork Program's efficiency?

2b. What are some of the factors that constrain the efficiency of the Aboriginal Courtwork Program?

2c. What changes, if any, would you recommend to improve the efficiency of the Aboriginal Courtwork Program in delivering its services?

3. Are there pressures to expand the objectives of the Program to other areas?

Yes Somewhat No Don't know

3a. (If yes or somewhat) In what areas?

4. Given the range of services that Courtworkers are expected to provide:

	Yes	Somewhat	No	Don't know
4a. Is an appropriate level of resources allocated to the training of staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
4b. Is an appropriate level of resources available to recruit and retain staff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

5. Is the Aboriginal Courtwork Program able to fully meet the demand of its Courtworker services in your jurisdiction?

- Yes Somewhat No Don't know

5a. (if somewhat or no) In what ways is it not able to fully meet the demand? Why is that?

6. Do all communities in your jurisdiction have access to Courtworker services?

- Yes Mostly yes No Don't know

Please explain.

7. Finally, if you could make changes to improve the Aboriginal Courtwork Program, what would you suggest?

8. Do you have any final comments or suggestions regarding the Aboriginal Courtwork Program?

THANK YOU FOR YOUR PARTICIPATION

Appendix D:
Judicial and Court Officials Interview Guide

Judicial and Court Officials Interview Guide

Good morning/afternoon/evening. My name is _____ and I am calling from Ference Weicker, a management consulting firm.

On behalf of the Department of Justice Canada, we are conducting a telephone survey of judicial and court officials to obtain feedback on your involvement with the Aboriginal (Criminal) Courtwork Program. As part of this process, we are conducting interviews with judges, defence counsel, crown counsel, judicial assistants/court clerks and probation officers who have been directly involved in activities associated with the Program. We would appreciate the time you take to provide responses to the questions.

The results from the survey will provide important information that will be used to support the national evaluation and renewal of the Aboriginal Courtwork Program. Please note that the information we collect from you will be held confidential and will only be reported in summary format with the responses obtained from the other people whom we interview. The interview will take approximately 45 minutes.

Do you have time now to answer the questions?

CONTACT INFORMATION

Name: _____ Telephone Number: _____
Province/Territory: _____ City/town based in: _____

A. PERCEPTIONS OF THE ABORIGINAL COURTWORK PROGRAM

1. On a scale of 1 to 5, where 1 is not at all familiar, 3 is somewhat familiar, and 5 is very familiar, how familiar would you say you are with the Aboriginal Courtwork Program?

Not at All		Somewhat		Very Familiar	
1	2	3	4	5	N/A

IF NOT AT ALL FAMILIAR, PLEASE STOP THE INTERVIEW.

2. How long have you been aware of Aboriginal Courtworkers?

- Less than 1 year
- 1 to 2 years
- 2 to 5 years
- 5 to 10 years
- Over 10 years

3a. One objective of the Aboriginal Courtwork Program is to help Aboriginal people who are in conflict with the criminal justice system to obtain fair, just, equitable, and culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

3b. Another objective of the Aboriginal Courtwork Program is to serve as a bridge between criminal justice officials and Aboriginal people and communities, by providing a liaison function and facilitating communication and promoting understanding, thereby providing culturally sensitive treatment. In your opinion, on a scale of 1 to 5, where 1 is not at all successful, 3 is somewhat successful, and 5 is very successful, how successful do you believe the Program is in achieving this objective?

Not at All		Somewhat		Very Successful	
1	2	3	4	5	N/A

4a. In what ways or areas has the Aboriginal Courtwork Program been successful? Please provide examples.

4b. In what areas or respects would you say that the Program has been less successful? Please provide examples.

B. SERVICES OF THE COURTWORKERS

**QUESTION B1 IS ONLY FOR JUDGES, DEFENCE COUNSEL,
CROWN COUNSEL, PROBATION OFFICERS**

ALL OTHER PARTICIPANTS - PLEASE PROCEED TO QUESTION B2

1. One of the services of Aboriginal Courtworkers is to provide information to representatives of the justice system such as you.

1a. How **important** is the information provided by the Aboriginal Courtworkers regarding:

(On a scale of 1 to 5, where 1 is not at all important, 3 is somewhat important, and 5 is very important)

1b. How **satisfied** have you been with the information provided by the Aboriginal Courtworkers regarding:

(On a scale of 1 to 5, where 1 is not at all satisfied, 3 is somewhat satisfied, and 5 is very satisfied)

Information Regarding	Importance Rating						Satisfaction Rating						Have not Received Information
	1	2	3	4	5	n/a	1	2	3	4	5	n/a	
A1 The circumstances of Aboriginal persons before the court as they pertain to the decision-making process in court? (e.g., concerning bail, sentencing, etc.)	1	2	3	4	5	n/a	1	2	3	4	5	n/a	<input type="checkbox"/>
A2	(if 3 or more) In what way is this information important?												
A3	How does the Courtworker provide you with this information? (e.g., in written or verbal format?)												
B1 The legal and social resources available in the community?	1	2	3	4	5	n/a	1	2	3	4	5	n/a	<input type="checkbox"/>
B2	(if 3 or more) In what way is this information important?												

Information Regarding	Importance Rating						Satisfaction Rating						Have not Received Information						
	1	2	3	4	5	n/a	1	2	3	4	5	n/a							
B3	How does the Courtworker provide you with this information? (e.g., in written or verbal format?)																		
C1	Identifying alternative/restorative justice programs and services (where they exist)?						1	2	3	4	5	n/a	1	2	3	4	5	n/a	<input type="checkbox"/>
C2	(if 3 or more) In what way is this information important?																		
C3	How does the Courtworker provide you with this information? (e.g., in written or verbal format?)																		
D1	Information regarding cultural and social considerations that are relevant to the decision-making process						1	2	3	4	5	n/a	1	2	3	4	5	n/a	<input type="checkbox"/>
D2	(if 3 or more) In what way is this information important?																		
D3	How does the Courtworker provide you with this information? (e.g., in written or verbal format?)																		
E1	Considerations regarding sentencing (i.e., Aboriginal persons before the court's reply to circumstances, information on the range of appropriate sentences available)						1	2	3	4	5	n/a	1	2	3	4	5	n/a	<input type="checkbox"/>
E2	(if 3 or more) In what way is this information important?																		
E3	How does the Courtworker provide you with this information? (e.g., in written or verbal format?)																		

Information Regarding	Importance Rating						Satisfaction Rating						Have not Received Information
	1	2	3	4	5	n/a	1	2	3	4	5	n/a	
F1	Other information relevant to the court process? Please specify _____												

2. We have developed a series of statements regarding Aboriginal Courtworkers. For each statement, please indicate whether you strongly disagree, somewhat disagree, neither agree nor disagree, somewhat agree or strongly agree, on a scale of 1 to 5.

Statement	Strongly Disagree	Somewhat Disagree	Neither	Somewhat Agree	Strongly Agree	
	1	2	3	4	5	n/a
a Aboriginal Courtworkers are available when I need them (If disagree, why do you say that?) _____ _____	<input type="radio"/>					
b Aboriginal Courtworkers expedite legal matters (or process) of Aboriginal persons before the court	<input type="radio"/>					
c Aboriginal Courtworkers provide valuable services to the court	<input type="radio"/>					
d Aboriginal Courtworkers provide valuable services to other justice personnel and their clients (i.e., sheriffs, court registry, court clerks, etc.)	<input type="radio"/>					

3. What suggestions do you have for improving the services provided by Aboriginal Courtworkers?

4. In your experience, where is the greatest demand for Aboriginal Courtworker services: (check all that apply)

- On circuit
- In the “base” court
- Out of court and/or in the communities?
- Other (please specify) _____

C. RESULTING IMPACTS AND EFFECTS

1. The Aboriginal Courtwork Program is designed to achieve a wide variety of impacts. Based on your experience, on a scale of 1 to 5 where 1 is no impact at all, 3 is somewhat of an impact, and 5 is major impact, what impact do you think that the Program has had in:

Impact		Impact Rating on a Scale of 1 to 5					
		Not at All		Somewhat		Major	
		1	2	3	4	5	n/a
a	Contributing to Aboriginal persons to receive fair and equitable treatment before the court?	1	2	3	4	5	n/a
(if 3 or more) In what way? (obtain concrete examples)							
b	Helping Aboriginal persons to make better informed decisions regarding their charges before the court?	1	2	3	4	5	n/a
(if 3 or more) In what way? (obtain concrete examples)							
c	Helping Aboriginal persons before the court to make better informed decisions about pursuing alternative measures as a result of the information provided by the Aboriginal Courtworkers (e.g., diversion programs, community justice processes)?	1	2	3	4	5	n/a
(if 3 or more) In what way? (obtain concrete examples)							

2. Based on your experience, on a scale of 1 to 5 where 1 is no impact at all, 3 is somewhat of an impact, and 5 is a major impact, what impact do you think that the Aboriginal Courtwork Program has had in:

Impact		Impact Rating on a Scale of 1 to 5					
		Not at All		Somewhat		Major	
		1	2	3	4	5	n/a
a	Helping justice and court officials to be more aware of cultural considerations and social issues (i.e. Residential Schools) when dealing with or sentencing Aboriginal persons before the court?	1	2	3	4	5	n/a

Impact		Impact Rating on a Scale of 1 to 5					
		Not at All		Somewhat		Major	
		1	2	3	4	5	n/a
(if 3 or more) In what way? (obtain concrete examples)							
b	Helping to relay information to justice officials of the availability and capacity of alternative justice processes/options in a given community and the potential benefit to Aboriginal persons before the court?	1	2	3	4	5	n/a
(if 3 or more) In what way? (obtain concrete examples)							
c	Helping to relay information about the justice system to the community and other service providers?	1	2	3	4	5	n/a
(if 3 or more) In what way? (obtain concrete examples)							
d	Improving the efficiency and effectiveness of the court dealing with Aboriginal persons before the court?	1	2	3	4	5	n/a
(if 3 or more) In what way? (obtain concrete examples)							
e	Strengthening communication and understanding between justice system professionals and Aboriginal persons before the court by supporting language and literacy challenges?	1	2	3	4	5	n/a
(if 3 or more) In what way? (obtain concrete examples)							

3. What other impacts, whether intended or not, do you think the Aboriginal Courtwork Program has had?

D. ROLES OF THE COURTWORKERS

1. Since you were first introduced to Aboriginal Courtworker services, in your opinion, have the challenges faced by Aboriginal persons before the courts changed?

- Yes Somewhat No

1a.. (if yes or somewhat) In what way have the challenges changed?

2. Based on your observations of the services being provided by the Aboriginal Courtworkers, to what extent have their services been able to meet the needs of Aboriginal persons before the court? On a scale of 1 to 5, where 1 is not at all, 3 is partially meet, and 5 is fully meet..

Not at All		Partially Meet		Fully Meet	
1	2	3	4	5	N/A

3. Are there any gaps in the current services for Aboriginal persons before the court that could be filled by the Aboriginal Courtworkers?

- Yes No Don't know/No response

3a. (if yes) What are the gaps?

3b. What new or additional services would you propose to address the current gaps?

3c. In your view, do you think the Aboriginal Courtworkers need any additional skills and knowledge to provide those new/additional services to address the current gaps?

4. Are there any other enhanced or different services that you would like the Aboriginal Courtworkers to provide?

- Yes No Don't know/No response

4a. (if yes) Please list those services.

5. What type of training would you recommend to enhance the skills of the Aboriginal Courtworkers to better provide services to the courts?

6. In your opinion, what are the factors that are contributing/affecting the retention rates among the Aboriginal Courtworkers?

- Job satisfaction
- Access to training
- Compensation (salary and benefits)
- Workplace stress
- Workplace conditions (physical)
- Work-life balance
- Lack of recognition
- Discrimination
- Don't know
- Not applicable
- Other _____ (please specify)

E. RELATIONSHIP TO OTHER INITIATIVES

1. In your jurisdiction, are there any other Aboriginal-specific services available to Aboriginal persons before the court?

- Yes
 No
 Don't know/No response

IF NO, SKIP TO SECTION I.

1a, (if yes) Please list the other Aboriginal-specific services available to Aboriginal persons before the court.

1b. In your opinion, have the Aboriginal Courtworkers demonstrated knowledge of these other Aboriginal-specific services within the community by suggesting or referring Aboriginal persons before the court to them?

- Yes
- No
- Don't know/No response

1c. (If yes or no) Why do you say that?

2. On a scale of 1 to 5, where 1 is not at all, 3 is somewhat, and 5 is significantly, to what extent do the Aboriginal Courtworkers contribute to the success of other Aboriginal-specific services available to Aboriginal persons before the court?

Not at All		Somewhat		Significantly	
1	2	3	4	5	N/A

F. NEED FOR AND SATISFACTION WITH PROGRAM

1. Do Aboriginal people appearing in court continue to need the services provided by the Aboriginal Courtwork Program?

- Yes
- No
- Don't know/No response

2. Based on your experience, on a scale of 1 to 5, where 1 is not satisfied, 3 is somewhat satisfied and 5 is very satisfied, how would you rate your overall satisfaction with the Aboriginal Courtwork Program?

Not Satisfied		Somewhat Satisfied		Very Satisfied	
1	2	3	4	5	N/A

3. Do you have any other comments about the Aboriginal Courtwork Program?

G. POSITION

1. Are you:

- Presiding Judge
- Provincial Court Judge
 - base point
 - circuit point
- Justice of the Peace
- Queen's Bench Justice
- Supreme Court Justice
- Defence Counsel
- Crown Counsel
- Judicial Assistant /Court Clerk
- Probation Officer
- Other (please specify _____)

THANK YOU FOR YOUR PARTICIPATION

Appendix E:
Aboriginal Courtworker Survey

Aboriginal Courtworker Survey

The Department of Justice Canada Evaluation Division is conducting a national online survey of Courtworkers to obtain feedback on your involvement with the Aboriginal Courtwork Program. The results from this survey will provide important information that will be used to support the national evaluation of the Aboriginal Courtwork Program.

Your response is very important to us and we want to hear from you. The information that is collected from you in the survey will be held in strict confidence and remain anonymous. This means that the information you provide will be analyzed in a way so that your responses cannot be identified as coming from you. There are 26 questions in this survey and it should take approximately 30 minutes to complete. The survey is easy to answer and most questions require you to click on the appropriate responses. We would appreciate receiving your completed questionnaire by Friday, May 18, 2012. In the meantime, if you have questions about the survey, please do not hesitate to contact Susan Chan, Evaluation Division, at 613-957-9637. For technical questions, please contact Jo-Anne Chrétien at 613-957-9610.

A. DEMOGRAPHICS

1. Where do you work?

- Alberta
- British Columbia
- Manitoba
- Newfoundland and Labrador
- Northwest Territories
- Nova Scotia
- Nunavut
- Ontario
- Quebec
- Saskatchewan
- Yukon

2. Do you work in: (check all that apply)

- Urban area (city)
- Rural area (small township)
- Geographically isolated area

3. In what type of court(s) do you provide services?

- Circuit court
- Base court (fixed court building)
- Both (Circuit and Base courts)

4. Please identify your employment status:

- Full-time Courtworker
- Part-time Courtworker

4a. Do you work in a shared position? (for example, Community Justice Worker, Restorative Worker, other)

- Yes
- No
- Don't know

4b. Please list the other types of services you provide.

5. What is your gender?

- Male
- Female

6. How long have you worked as an Aboriginal Courtworker?

- less than 6 months
- over 6 months and under 1 year
- over 1 year but under 3 years
- over 3 years but under 5 years
- over 5 years but under 10 years
- over 10 years

B. DEMAND FOR COURTWORKER SERVICES

1. Based on your experience and on a scale of 1 to 5, with 1 being no need at all, 3 somewhat of a need and 5 major need, please indicate to what extent there is a continued need for Aboriginal Courtworker services.

- 1 = No need at all
- 2
- 3 = Somewhat of a need
- 4
- 5 = Major need

1a. Please explain.

2. On a scale of 1 to 5, with 1 being “not at all accessible”, 3 somewhat accessible and 5 “very accessible”, please indicate to what extent the existing Courtworker services in the community/region you serve are accessible to your clients.

- 1 = Not at all accessible
- 2
- 3 = Somewhat accessible
- 4
- 5 = Very accessible

3. In the community/region where you work, are there any gaps in Courtworker services for the following groups of clients?

	Yes	No	Don't know
Adult males	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adult females	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Male youth (less than 18 years)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Female youth (less than 18 years)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Please list the types of additional Courtworker services needed.

Adult males

Adult females

Male youth (less than 18 years)

Female youth (less than 18 years)

5. Is there a need for additional Courtworker services with respect to the following categories?

	Yes	No	Don't know
Family justice matters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<i>Gladue</i> information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Legal Education and Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Please list the types of additional Courtworker services needed.

Family justice matters

Gladue information

Public Legal Education and Information

7. Over the past 12 months, what was the approximate percentage of your clients in each of the following categories? (Total percentage should amount to 100%)

- Adult males _____
- Adult females _____
- Male youth (less than 18 years) _____
- Female youth (less than 18 years) _____

C. SERVICES PROVIDED BY COURTWORKERS

1a. On a scale of 1 to 5, with 1 being rarely, 3 sometimes and 5 very often, please indicate how often you usually provide the services listed below to male clients.

MALES

	1 Rarely	2	3 Sometimes	4	5 Very often
a) Interviewing clients	<input type="radio"/>				
b) Providing information on charges, rights, court procedures, roles and responsibilities, alternative/restorative justice options, and sentencing to clients	<input type="radio"/>				
c) Explaining documented information and forms	<input type="radio"/>				
d) Providing emotional support and non-therapeutic counselling	<input type="radio"/>				
e) Assisting clients to appear before the court	<input type="radio"/>				
f) Referring clients to legal services	<input type="radio"/>				
g) Referring clients to alcohol and drug addiction treatment or mental health services	<input type="radio"/>				
h) Referring clients to educational or employment resources	<input type="radio"/>				
i) Referring clients to other community support services (e.g., housing, child care, social assistance) for males	<input type="radio"/>				
j) Facilitating access and participation of clients in alternative/restorative justice services	<input type="radio"/>				
k) Providing general information and/or assistance to Aboriginal victims of crime	<input type="radio"/>				

1b. On a scale of 1 to 5, with 1 being rarely, 3 sometimes and 5 very often, please indicate how often you usually provide the services listed below to female clients.

FEMALES

	1 Rarely	2	3 Sometimes	4	5 Very often
a) Interviewing clients	<input type="radio"/>				
b) Providing information on charge(s), rights, court procedures, roles and responsibilities, alternative / restorative justice options, and sentencing to clients	<input type="radio"/>				
c) Explaining documented information and forms	<input type="radio"/>				
d) Providing emotional support and non-therapeutic counselling	<input type="radio"/>				
e) Assisting clients to appear before the court	<input type="radio"/>				
f) Referring clients to legal services	<input type="radio"/>				
g) Referring clients to alcohol and drug addiction treatment or mental health services	<input type="radio"/>				
h) Referring clients to educational or employment resources	<input type="radio"/>				
i) Referring clients to other community support services (e.g., housing, child care, social assistance) for males	<input type="radio"/>				
j) Facilitating access and participation of clients in alternative/restorative justice services	<input type="radio"/>				
k) Providing general information and/or assistance to Aboriginal victims of crime	<input type="radio"/>				

2. Has your role changed since you began working as a Courtworker?

- Yes
- No
- Don't know

3. In what way(s) has your role changed when working with the following?

Clients:

Courts:

Community:

4. Do you provide services through videoconferencing?

- Yes
- No
- Don't know

5. Please indicate, on a scale of 1 to 5, with 1 being no changes at all, 3, some changes and 5 many changes, to what extent videoconferencing or other technology has changed the way you provide services to your clients, to the court(s) where you work, and to the community/region you serve.

	1 = No change at all	2	3 = Some changes	4	5 = Many changes
Clients	<input type="radio"/>				
Court(s)	<input type="radio"/>				
Community/Region	<input type="radio"/>				

6. What changes has technology made to the way you provide services?

D. IMPACTS OF COURTWORKER SERVICES

1. **Aboriginal Courtworker services are designed to achieve a number of outcomes for clients. Please indicate, on a scale of 1 to 5, with 1 being not successful, 3 somewhat successful and 5 very successful, to what extent, based on your experience, the services are achieving the outcomes listed below.**

CLIENTS

	1 Not successful	2	3 Somewhat successful	4	5 Very successful
a) Courtworker clients charged with an offence receive information about their circumstances prior to appearing before the court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Courtworker clients receive referrals to legal resources as well as social, education, employment, health, Aboriginal community and other resources, if required.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Courtworker clients are able to understand the nature of the charges against them.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Courtworker clients are able to understand their right to speak on their own behalf or to request legal counsel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Courtworker services increase awareness of the functioning of the criminal justice system.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Courtworker clients are able to make informed decisions about pursuing alternative options (e.g., diversion programs, elder panels, sentencing circles, and Aboriginal youth committees).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) Courtworker services contribute to helping clients receive fair and equitable treatment before the court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. **Aboriginal Courtworker services also have an impact on the work of the court officials and the court. Please indicate, based on your experience and on a scale of 1 to 5, with 1 being not successful, 3 somewhat successful and 5 very successful, to what extent the services are achieving the outcomes listed below.**

COURT OFFICIALS

	1 Not successful	2	3 Somewhat successful	4	5 Very successful	Not applicable
a) Court officials are provided with information concerning the circumstances of the client (e.g., bail, sentencing).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Court officials are provided with information on the availability of local legal and social resources.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Court officials are provided with information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

on the availability of alternative/restorative justice programs and services in the community.						
d) Court officials are provided with information on the values, customs, languages and socio-economic conditions of Aboriginal people where relevant to the decision-making process.	<input type="radio"/>					
e) Improved communication between courtworkers, clients and those involved in the administration of the criminal justice system.	<input type="radio"/>					
f) Courts are able to deal with matters more quickly (e.g., eliminating unnecessary adjournments, trials and reserving of pleas).	<input type="radio"/>					

3. In your opinion, are the Aboriginal Courtworker services meeting the justice-related needs of your clients, the court(s) where you work, and the community/region you serve?

	Yes	No
Clients	<input type="radio"/>	<input type="radio"/>
Court(s)	<input type="radio"/>	<input type="radio"/>
Community/Region	<input type="radio"/>	<input type="radio"/>

3a. Please explain.

4. Have you noticed any unintended impacts or changes (either positive or negative) from Courtworker services on your clients, on the court(s) where you work, and on the community/region you serve?

	Yes	No	Don't know
Clients	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Court(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community/Region	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4a. Please explain what the impacts are on each.

Clients

Court(s)

Community/Region

5. If you could make changes to improve Aboriginal Courtworker services, what changes would you make?

E. RELATIONSHIP TO OTHER INITIATIVES

1. In the communities/regions where you provide Courtworker services, are there any other programs and services designed to meet the needs of your Aboriginal clients?

Yes (please list those programs and services): _____

No

Don't know

2. Do you refer your clients to those programs and services?

Yes

No

3. Please indicate, on a scale of 1 to 5, with 1 being never, 3 sometimes and 5 very often, how often you are in contact with those programs and services on any given month.

1 = Never

2

3 = Sometimes

4

5 = Very often

F. JOB SATISFACTION

1. What made you decide to become a Courtworker?

2. What aspects of the job do you find the most satisfying and why?

2a. What aspects of the job do you find the least satisfying and why?

3. Given the demands of your current job responsibilities, do you feel you are compensated fairly in terms of salary and benefits?

- Yes
- No
- Don't know

G. TRAINING

1. Given the range of services that Courtworkers are expected to provide, have you received adequate training?

- Yes (please explain)

- No (please explain)

- Don't know

2. What types of training would enhance your knowledge and skills as a Courtworker?

3. Do you have any additional comments you would like to add about your role as a Courtworker and/or about the Aboriginal Courtwork Program?

THANK YOU FOR YOUR PARTICIPATION.

Appendix F:
Aboriginal Courtwork Program Client Survey

Aboriginal Courtwork Program Client Survey

Aboriginal Courtwork Program	How are we doing?
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Please take a moment to let us know your experience about the Aboriginal Courtwork Program. When you are done, please place the questionnaire in the envelope and give it to the interviewer.

Do you have a lawyer for your case?

- Yes
- No
- I don't know

How did you hear about the Aboriginal Courtwork Program? How did you find the Courtworker?

Why are you seeking help from the Courtworker?

Today, did the Courtworker give you information or what did the Courtworker help you with

Your charges	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The court process?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The meaning of your plea?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Preparing for court?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The Alternative Justice processes/diversion in your community?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
How to get a lawyer?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
How to apply for legal aid?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The resources in your community you can access?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Is there anything else that you learned as a result of talking with the Courtworker? Please tell us.

Which service/help provided about by the Courtworker made a real difference to you? Why?

Did the Aboriginal Courtwork Program help you understand the information you got from:

Your lawyer?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No additional information needed
The judge?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No additional information needed
Other court personnel?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No additional information needed

Overall, how satisfied are you with the information that you got today from the Courtworker?

<input type="checkbox"/> Very Satisfied	<input type="checkbox"/> Satisfied	<input type="checkbox"/> Dissatisfied	<input type="checkbox"/> Very Dissatisfied
---	------------------------------------	---------------------------------------	--

Did the Courtworker refer you to

Legal resources?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Community resources? (i.e., Treatment, Housing, Mental Health, Alternative Justice processes/ diversion)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable

How satisfied are you with the referral?

<input type="checkbox"/> Very Satisfied	<input type="checkbox"/> Satisfied	<input type="checkbox"/> Dissatisfied	<input type="checkbox"/> Very Dissatisfied	<input type="checkbox"/> Don't know yet
---	------------------------------------	---------------------------------------	--	---

Do you need more help or services?

<input type="checkbox"/> No	If Yes, what other help do you need?
<input type="checkbox"/> Yes	

How satisfied are you with the way your case turned out?

<input type="checkbox"/> Very Satisfied	<input type="checkbox"/> Satisfied	<input type="checkbox"/> Dissatisfied	<input type="checkbox"/> Very Dissatisfied	<input type="checkbox"/> Don't know yet
---	------------------------------------	---------------------------------------	--	---

Did the help you got from the Courtworker change your experience/perception of the justice system?

<input type="checkbox"/> Yes	Why?
<input type="checkbox"/> No	Why not?

Would you recommend these services to someone who is in a similar situation?

<input type="checkbox"/> Yes	Why?
<input type="checkbox"/> No	Why not?

If you hadn't get help from a Courtworker, what do you think would have happened? What would you have done differently?

Is there anything else you would like to say about these services or this survey?

THANK YOU FOR YOUR PARTICIPATION