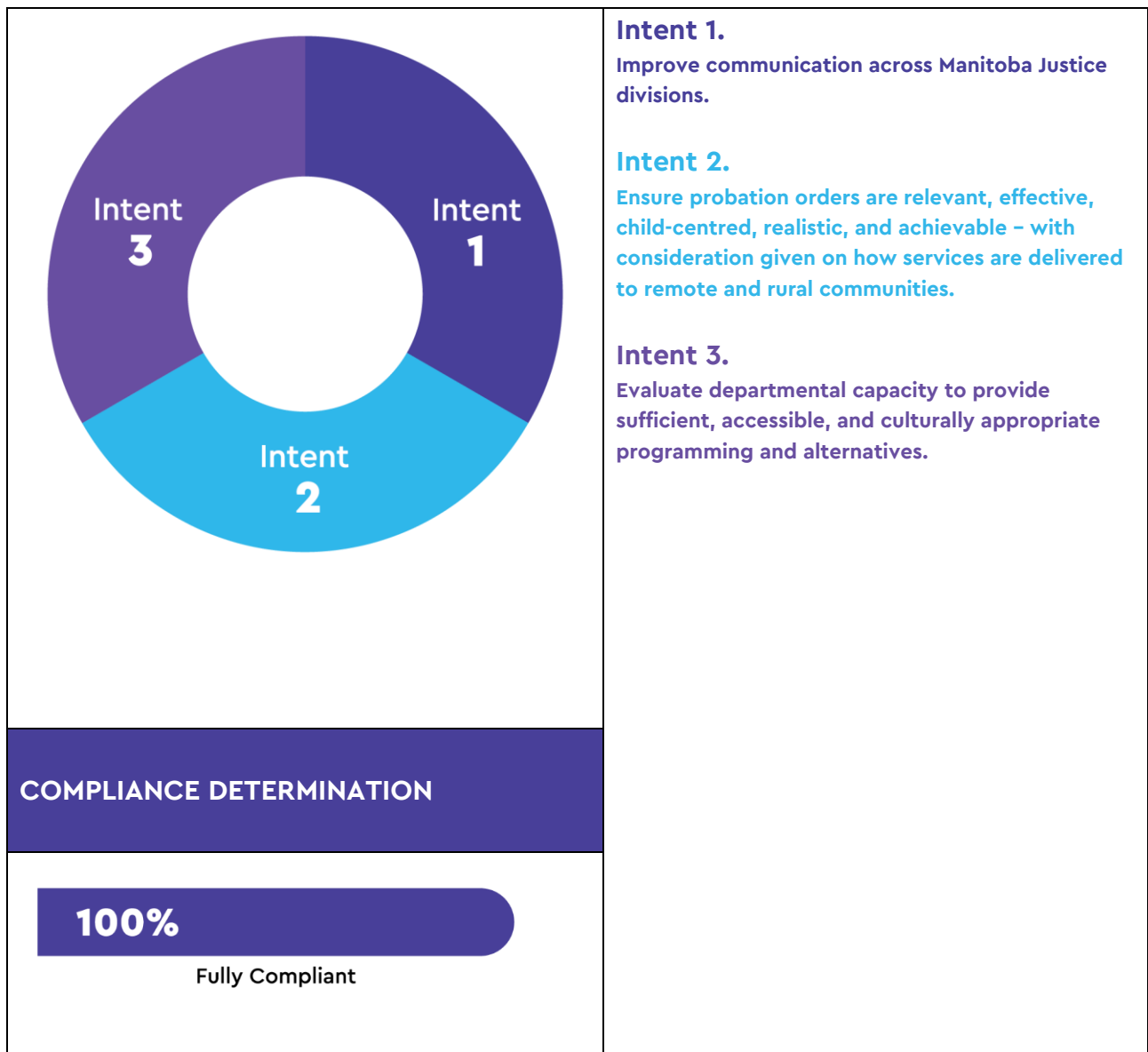


COMPLIANCE DETERMINATION

Circling Star – Recommendation 5

Recommendation Summary: Improve communication across Manitoba Justice and improve probation orders.

Primary Public Body: Manitoba Justice



Recommendation Compliance Summary



This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions
Date Released:	10/19/2018
Full Recommendation: (including details)	<p>Recommendation Five:</p> <p>The Manitoba Advocate for Children and Youth recommends that the Department of Justice improve communication across the divisions within its department, including probation services, victim services, and prosecution services, as well as with the legal community (e.g., legal aid), and the courts to ensure that probation orders are relevant, effective, child-centred, realistic (given limitations in remote and rural communities), and achievable. The Advocate further recommends that the Department of Justice evaluate their capacity to provide the programming for youth to meet their probation conditions and determine whether or not existing programs and services are sufficient and accessible to youth living in rural and remote locations. When gaps are identified, strategies for culturally appropriate alternatives and program delivery need to be developed.</p> <p>DETAILS:</p> <ul style="list-style-type: none"> • The Advocate recognizes that it does not have jurisdiction over the courts. Following this report, we recommend that the Department of Justice initiate a process of improved communication and dialogue within its department, with the courts, and other key stakeholders to ensure that probation orders are relevant, effective, child-centred, realistic, and achievable. • The Department of Justice's evaluation of existing capacity to provide programming for youth to meet their probation conditions should contain an overview of existing accountability data and analysis of the effectiveness and accessibility of current services and programming delivered to youth in Manitoba. • A plan is needed for situations when probation services do not have the capacity to provide ongoing supervision, monitoring, or formal programming such that collaboration and partnership with local communities occurs to devise a strategy to deliver these services.

Intent(s) of Recommendation:	<ol style="list-style-type: none"> 1. Improve communication across Manitoba Justice divisions. 2. Ensure probation orders are relevant, effective, child-centred, realistic, and achievable – with consideration given on how services are delivered to remote and rural communities. 3. Evaluate departmental capacity to provide sufficient, accessible, and culturally appropriate programming and alternatives.
Issue:	Probation
Public Body	Manitoba Justice
Dates of Previous Official Updates from Public Body:	August 18, 2023
	May 31, 2023
	Oct 17, 2022
	May 31, 2022
	May 31, 2021
	June 30, 2020
	December 31, 2019
June 26, 2019	
2. Compliance Determination	
Fully Compliant 1	Actions taken fully implement the recommendation.
Self-Assessment	Largely Compliant
Previous Compliance Determination	Largely Compliant
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
Intent 1: Improve communication across Manitoba Justice divisions.	
2023	
<ul style="list-style-type: none"> • No updates, this intent has been fulfilled previously. 	
2022	
<ul style="list-style-type: none"> • Manitoba Justice reported Crown/Probation meetings to be ongoing and judge liaison meetings to be scheduled as needed. Probation Officers consult with Crown Attorneys prior to submitting allegations of non-compliance. There is opportunity through pre-sentence reports, bail, and sentencing conferences to communicate and share relevant information for sentencing considerations. • They further reported that the Judicial Conferencing Coordinator is also a pathway for communication between the Division and Judges. • Probation Officers, Area Directors, and Senior Management of Probation Services frequently speak with Crown Attorneys on specific cases. • Through the FASD Justice Program, Program Coordinators provide diagnostic 	

information to the judge, crown, and defence. The Program Coordinator is able to speak directly to the judge in the FASD Docket to advocate for appropriate conditions that reflect the youth's abilities. This is an alternative sentencing model that promotes equitable sentencing for youth.

- Manitoba Justice also reported improvements to communication with judges and a new pilot project focused on reducing youth breaches that involves consultation with Crowns.
- As such, this intent has been met.

2021

- No new initiatives have been developed.
- Current ongoing processes exist to improve communication. Judge liaison meetings have been put on hold during COVID-19, but Crown/Probation meetings continue.

2020

- There has been movement to improve communication across Manitoba Justice Departments, including Judge liaison meetings, that include representatives from the Crown Attorneys (provincial and federal, and the Director of Regional Prosecutions), Defense, Custody, Probation (Executive Director of Probation Services), and the Executive Director of Policing.
- The objective of these meetings was to "continue building and improving upon the communication and sharing of information." Initiatives taken to enhance communication are largely compliant with intent 1 of this recommendation.

Intent 2: Ensure probation orders are relevant, effective, child-centred, realistic, and achievable – with consideration given on how services are delivered to remote and rural communities.

2023

- No updates, this intent has been fulfilled previously.

2022

- Manitoba Justice reported that ongoing communication to ensure probation orders are achievable and to ensure groups involved are working in the best interests of youth is occurring. This includes ongoing work with probation staff in rural and remote areas to ensure child-centred service delivery, including where there are not high enough concentrations of youth on probation to allow for group programming.
- If probation conditions prove to be unattainable, the Probation Officer and Area Director have the capacity to advocate for a variance on any condition. Indeed, Probation Orders now trend with more general conditions that provide the Probation Officer with flexibility in directing the youth toward programming that is

available and a youth's assessed stage of change and their abilities are factored into program decisions.

- Manitoba Justice highlighted how correctional and community services are inherently child-centred through the case management tools they use, sharing new information. Manitoba Justice reported that case management, in both correctional and community services is guided by the outcome of a structured and standardized assessment tool, the Youth Level of Service Case Management Inventory (Y/LSCMI). The Y/LSCMI reportedly entails engaging with the youth and all of their supports in comprehensive interviews which helps case managers to understand and respond to the youth's past and present circumstances which may have led them to be justice-involved. The outcome of the Y/LSCMI determines a youth's risk to recidivism, criminogenic needs, and level of supervision required in the community, which ultimately inform what resources are provided to the youth.
- Probation officers assess a youth's readiness for change through the Stages of Change model and base their intervention on what the youth is ready for. Further, once risk and needs are identified, services and interventions are based on the individual's unique characteristics (i.e., responsivity factors) such as gender, age, ethnicity, learning style, motivation to change, cognitive abilities, and mental health.
- Based on the youth's stage of change, Probation Officers support youth to set SMART goals toward reducing their risk level and promote involvement in pro-social activities. Youth are supported to reach these goals through motivational interviewing. Further, Probation Officers receive a level of training in Cognitive Behaviour Therapy (CBT) which promotes a youth's agency to change by helping youth to see the connection between their thoughts, feelings, and actions.
- There is the ability to return to Court to amend supervision orders if conditions are not realistic/achievable and so youth are not criminalized as a result.
- In addition, PSR's/bail conferences/sentencing conferences ensure sentences are child-centred and relevant through engagement with child/youth's support system to coordinate planning.
- Correctional Services Divisional policy outlines the Assessment/Recommendation section of Pre-Sentence Reports, which link assessed risk factors, the unique background of the youth, systemic factors and explores the part they play in bringing the youth before the Court. This section includes culturally appropriate community resources to address those factors linked to criminal activity, and presents conditions that would support the young person in the community. This section also identifies culturally appropriate resources available inside or outside the community; family, community members or Elders willing to support the young person; and specific programming and how that would address the underlying issues.
- In addition, case management in remote and rural communities reflects the resources in that community. For example, a youth may be permitted to report by phone or at an alternative interval depending when the PO is in the community.

- As such, this intent has been met.

2021

- Both the Reclaiming Our Identity program and the Fetal Alcohol Spectrum Disorder docket were cited again as examples in the department's May 2021 response.

2020

- The Reclaiming Our Identity program continues to be offered in communities. This program, however, is not specifically for children or youth, and according to reports, there is not much uptake at present in light of the pandemic and the lack of critical mass for youth-only group sessions.
- The Fetal Alcohol Spectrum Disorder docket has been established, and is now being expanded to include youth. This is a promising initiative that could lead to more relevant, effective, child-centred, and realistic probation orders. No information/evidence, however, was provided on how the FASD docket for youth has specifically improved probation orders, as per the intent of the recommendation. The department explained that while probation staff have input on probation orders if pre-sentence reports are requested, probation orders are created by a Judge.
- Judge liaison meetings and Crown/Probation meetings which allow for communication between groups to work together, also assist in ensuring probation orders that a Judge develops are appropriate.

Intent 3: Evaluate departmental capacity to provide sufficient, accessible, and culturally appropriate programming and alternatives.

2023

- The Youth Justice Branch is currently developing an action plan to guide a Youth Justice Strategy. The framework is expected to be completed in Fall 2023. While there is no formal evaluation component, Manitoba Justice confirmed the plan is informed by a wealth of previously released public documents (e.g., TRC and MMIWG reports) which reinforce the array of social factors that contribute to youth justice involvement. This analysis will inform youth interventions undertaken by the Department going forward.
- Manitoba Justice reported on the development of the Youth Healing Lodge in Thompson, led by Manitoba Keewatinowi Okimakanak (MKO), and indicated this will provide supports to justice-involved youth in northern communities. Provided information notes this development ensures accessible justice resources are available to support sentenced youth with a focus on early intervention and prevention through traditional teachings, ceremony, and cultural activities.
- The Department referenced the Reducing Youth Justice Social Impact Bond, delivered in partnership with MKO. The cited Reducing Youth Justice Involvement Initiative (named, Kakiskinawtahitonan – We Will Show You the Way) blends

Indigenous knowledge, wisdom, and healing practices together with western treatment modalities (CBT and high-fidelity wraparound) to support a child-centred, individual, and holistic approach to wellness and healing. The Department's cited research suggests approaches leveraging culturally relevant components with conventional principles are the best ways to reduce justice involvement. Manitoba Justice confirmed Kakiskinawtahitonan has an evaluation component.

- For youth on probation and also housed at the Manitoba Youth Centre (MYC), Manitoba Justice provided MACY with a list of all programs available. The programs include those which serve to address criminogenic needs (e.g., substance use, family/relationships, etc.), and those which encourage healing through traditional practices (e.g., full moon ceremonies, sweats, Elder guidance, beading, soap stone carving, etc.). The Department also holds special events, and collaborates with external agencies who attend the facility to offer programs/information to the youth (e.g., Project Choices, Sexuality Education Resource Centre, Inner City Youth Alive, etc.). Manitoba Justice reported working on increasing its programming opportunities and agencies of collaboration on an ongoing basis.

2022

- Manitoba Justice reported that the youth justice review and ongoing evaluation are strategic priorities for the department. The youth justice review remains in early stages and more information about how the department will carry out ongoing evaluation has been requested.
- New initiatives have been launched to provide sufficient, accessible, and culturally appropriate programming alternatives, including a healing lodge in Thompson, the Zaagiwe Oshkinawe Inaakonigewin Program through Marymount, and the Restoring Our Identity program.
- Manitoba Justice reported adapting services to ensure optimal delivery in each area, including one-to-one work with probation staff in rural and remote areas where there are not high enough concentrations of youth on probation to allow for group programming. It would be helpful for MACY to receive supporting documentation of this work.

2021

- In its May 2021 response, the department provided an update on the youth justice review, reporting that it was delayed due to the COVID-19 pandemic.
- The department also explained that in rural and remote areas where there is not a high enough concentration of youth on probation to allow for group programs, the same work is done one-to-one with probation staff.

2020

- Manitoba Justice reported that a review of the current youth justice system in Manitoba is underway, and includes the evaluation of departmental capacity to provide culturally appropriate and accessible programming.

- This review will consider the child welfare system and has the intended goal of increasing supports for youth, reducing re-offending, and reducing reliance on incarceration of youth.
- Manitoba Justice reported the youth justice review, which includes the evaluation of departmental capacity to provide programming and alternatives, is not yet complete.

Analysis Summary: Intents 1 and 2 of this recommendation remain met, regarding continued communication across Manitoba Justice divisions and child-centred Probation Orders that are relevant, effective, and achievable, including in remote and rural communities. The Department has self-assessed its progress on this recommendation as largely compliant, with outstanding requirements being evaluating departmental capacity with respect to programming and alternatives. Manitoba Justice reported this is to be assessed by the Youth Justice Review/Strategy in progress (anticipated to be finalized in Fall of 2023). It is noteworthy it was later clarified there is no formal evaluative component to this process. Clarification from the Department indicates this review is informed by a range of considerations on social factors/systemic failures which increase youth propensity to engage in criminal activity/become involved in the justice system. Partnership with MKO demonstrates recognition of culturally appropriate collaboration for alternatives to traditional justice interventions. The ongoing actions of considering said factors, and implementing the noted resources served to mitigate risks, serve to meet the spirit of intent 3 which requires the department to assess their own capacity to provide services. Overall, the ongoing demonstrated improvements and efforts on the part of Manitoba Justice together serve to meet the overarching aim of this recommendation, which strives to improve communication, child-centredness, and accessible/culturally appropriate programming/alternatives. To retain ongoing compliance with this recommendation, it is encouraged the Youth Justice Review/Strategy findings be shared with MACY upon completion.