

Circling Star	Recommendation Five	Reported Status: (not reported)
Report Sent: October 19, 2018	Public Body: The Department of Justice	
<p>Recommendation Five: 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. 		

Response from the Manitoba Government on April 23, 2019:

Summary of activities completed in the last six months

In March 2018, the government announced the criminal justice system modernization (CJSM) strategy. The CJSM strategy clearly outlines the department's plan to move forward as a collective with the goal of improved outcomes and public safety in our communities. The introduction of the CJSM strategy has contributed to improved communication and dialogue within all divisions of the department. It has also enhanced much of the previous work already completed between the community safety division, courts division and other key stakeholders to ensure a youth-centered lens to youth sentencing practices.

In February 2019, the government announced it is undertaking a review of the current youth justice system in Manitoba and its connections to the child welfare system, with the aim of ending cycles of crime for at-risk youth.

A team of senior staff from Manitoba Justice and Manitoba Families will report back to government, with recommendations and an implementation plan to be made public later in the 2019-20 fiscal year. Significant process has been made in this work and the review team has completed an analysis on leading practices throughout the country. In addition, the review team has assessed several pieces of legislation, inclusive of The Protection of Sexually Exploited Children Act (Alberta) and The Protection of Children Abusing Drugs Act (Alberta) as recommended by MACY in previous reports, as well as The Child, Youth and Family Services Act (Ontario).

This work will result in changes to how the province deals with youth who come into the criminal justice system, with the goals of:

- reducing reoffending;
- reducing incarceration, while still managing risks to public safety; and
- enhancing access to treatment and support for young offenders to end cycles of crime.

In March 2019, the government announced new Fetal Alcohol Spectrum Disorder (FASD) court dockets in Winnipeg for youth and adults (to age 25) with a FASD diagnosis. These new court dockets will enhance the good work already done by the department over the last several years in working with youth who struggle with the realities of living with FASD.

Manitoba Justice continuously monitors programming provided throughout the province. Significant changes have been made to service delivery over the last several years, after Circling Star's time receiving services within the criminal justice system. These changes include the creation of the Centralized First Nations Unit which provides more comprehensive service to remote Indigenous communities.



Additionally, the department broadly supports the development, delivery and evaluation of rehabilitative programming for individuals involved in the justice system. Rehabilitative programs based on best practices, such as Thinking Awareness Group, Informational Anger Management and Reclaiming Youth Self Expressions are offered throughout the province.

Furthermore, Indigenous departmental staff have created the Reclaiming Our Identity (ROI) program. ROI is a culturally-based program that promotes awareness, personal development, and healing for Indigenous people. Participants learn the culture, history, and impacts of colonization on Indigenous societies during the pre-contact, contact, and current periods. Cultural teachings are used to assist Indigenous people to internalize and take responsibility for their actions. The program structure is based on the Medicine Wheel and is widely applicable. Participants develop their own culturally appropriate case plans. ROI also emphasizes how additional intervention programs are part of the healing journey.

Manitoba Justice continues to have open communication with community leadership to address intermittent challenges in rural and remote locations. This includes jurisdictional issues, which can make it difficult for provincial programming to always occur seamlessly throughout each community in Manitoba.

Response from the Manitoba Government on June 27, 2019:

Summary of activities completed since April 23, 2019 report

The review of the current youth justice system in Manitoba and its connections to the child welfare system remains ongoing and more information will be available in the 2019/20 fiscal year.

(continued below)

Analysis of Manitoba Government's Response by the Manitoba Advocate for Children and Youth:

Activities Completed:

- In March 2018, the government announced the criminal justice system modernization (CJSM) strategy: “enhanced much of the previous work already completed between community safety division, courts division and other key stakeholders to ensure a youth centered lens to youth sentencing practices”.
- In February 2019, the government committed to reviewing the current youth justice system in Manitoba and its relation to CFS with the goal of ‘ending cycles of crime for at-risk youth’. It also aims to change how Manitoba works with youth who enter the criminal justice system through:
 - Reducing reoffending
 - Reducing incarceration
 - Enhancing access to treatment and support for young offenders to end cycles of crime
- In March 2019, the government announced new Fetal Alcohol Spectrum Disorder (FASD) court dockets in Winnipeg for youth and adults (up to age 25) with an FASD diagnosis.
- Changes made within Manitoba Justice following the death of Circling Star have also occurred and are being monitored by the province. These include:
 - The creation of the Centralized First Nations Unit (CNFU).
 - The creation of the ‘Reclaiming Our Identity’ (ROI) program – a culturally-based program that promotes awareness, personal

Level of Compliance

This response does not provide enough information to determine when or how the intent of this recommendation or its details will be met.

Analysis of Response

- What documentation can be provided to demonstrate that the previous work has been enhanced?
- Is there documentation to describe the youth-centered lens to youth sentencing practices? How does this manifest in court? What sort of initiatives will continue in this area? Is there reviewable evidence to support that sentencing practices have become more youth-centered in Manitoba? If not, can a review be done?
- The review of the relationship between CFS and the justice system is important work. MACY is interested in the outcome and tangible outputs of the review.
- Specialized courts are a proven, effective mechanism for addressing pathways to criminal justice system involvement in a court setting. Is there information on the terms of reference or mandate of the FASD court? How does it plan to address the needs of youth diagnosed with FASD differently? Will there be more diversion? Will there be additional treatment or programming?
- MACY is interested in the evaluation of this court process, and in understanding if youth with FASD have had positive outcomes based on the new process.
- More context is needed around the initiatives identified as occurring “after Circling Star’s time receiving services with the criminal justice system”. The CFNU and Thinking Awareness Group program were in existence prior to or near the time of his death.
- Is there evidence that these programs, especially CFNU, are sufficient and accessible for remote communities? CFNU is based in Winnipeg. How

<p>development, and healing for Indigenous people.</p> <ul style="list-style-type: none"> The department “broadly supports the development, delivery, and evaluation of rehabilitative programming”. “Rehabilitative programs based on best practices, such as Thinking Awareness Group (TAG), Informational Anger Management and Reclaiming Youth Self Expressions are offered throughout the province.” 	<p>does it provide more comprehensive service to First Nations Communities? Is the programming offered by a Probation Officer travelling to a remote community sufficient to assist a youth in meeting probation conditions?</p> <ul style="list-style-type: none"> For the mentioned programming available for youth, such as TAG, Anger Management and Reclaiming Youth Self Expressions, have these programs been recently evaluated in the Manitoba context? How often do youth outside of Winnipeg participate in these programs, and have they been proven to be successful rehabilitation programs for Indigenous youth? To be addressed in the short term*: <ul style="list-style-type: none"> Status of implementation Information indicating a timeline for implementation
<p>*On September 30, 2019, the Manitoba Advocate sent a letter to the members of the government’s MACY-RAP committee and working group requesting additional information regarding the government’s progress on recommendations made by the Advocate. The Advocate communicated to the government representatives short-term questions for information that could be provided quickly. Additionally, the Advocate sent long-term questions for the government to address in future progress reports. The questions are designed to seek clarification on activities, seek evidence or documentation to support the activities, or to determine how the government’s responses are meeting the intent of the recommendations made by the Advocate. All of this information will be used by the Advocate to determine the levels of compliance with implementation, in accordance with s.11(1)(d), s.30(2)(d), and s.30(4), of <i>The Advocate for Children and Youth Act</i>.</p>	