

COMPLIANCE DETERMINATION

Circling Star – Recommendation 5

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

Primary Public Body: Manitoba Justice

1. Improve communication across Manitoba Justice divisions

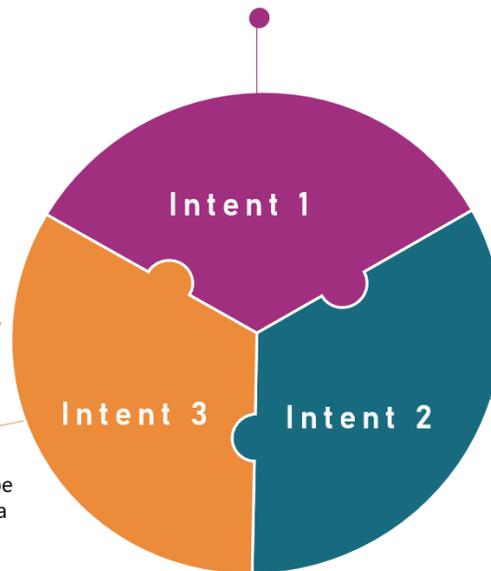
No new initiatives have been developed. Current ongoing processes exist to improve communication.

Outstanding Action: None currently, as initiatives are largely compliant.

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

The Youth Justice Review continues to be delayed due to COVID-19. There is not a high enough concentration of youth on probation in rural and remote areas to allow for group programs.

Outstanding Action: Release of the Youth Justice Review with details on planned improvements to orders and programming in rural/remote areas.

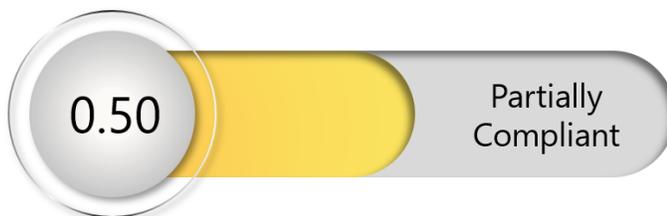


2. Ensure probation orders are relevant, effective, child-centred, realistic, and achievable – with consideration given to how services are delivered in remote and rural communities

Manitoba Justice reiterated the Reclaiming Our Identity program and the Fetal Alcohol Spectrum Disorder docket as examples.

Outstanding Action: Information provided on how programs cited as examples have improved orders.

COMPLIANCE DETERMINATION



Requirements have been fulfilled to some degree on all three intents, with particular consideration to some limitations and COVID-related delays. There are still some deficiencies in adequacy related to measurable improvement in communication and ascertaining departmental capacity with respect to programming and alternatives.

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: 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:	<p>The intents of the recommendation are to:</p> <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

	<p>services are delivered to remote and rural communities.</p> <p>3. Evaluate departmental capacity to provide sufficient, accessible, and culturally appropriate programming and alternatives.</p>
Issue:	Probation
Public Body	Manitoba Justice
Dates of Previous Official Updates from Public Body	May 31, 2021 June 30, 2020 December 31, 2019 June 26, 2019
2. Compliance Determination	
Partially Compliant 0.50	Actions taken only implement part of the recommendation. Important requirements have been met and the recommendation is acted upon, however, deficiencies remain.
Self-Assessment	Largely Compliant
Previous Compliance Determination	Partially Compliant
3. Rationale for Determination (How did you reach this compliance determination)	
<p>Intent 1: Improve communication across Manitoba Justice divisions.</p> <p>2021</p> <ul style="list-style-type: none"> • 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. <p>2020</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>2021</p> <ul style="list-style-type: none"> • 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. <p>2020</p> <ul style="list-style-type: none"> • 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.

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: The department has self-assessed its progress on this recommendation as largely compliant, citing the ongoing communication to ensure groups involved are working in the best interests of youth, the adaption of services such as one-to-one individual probation programming, and the continued input of Probation Services on sentences and conditions of orders.

Requirements have been fulfilled to some degree on all three intents of this recommendation, with particular consideration to the limitations explained by Manitoba Justice on Intents 2 and 3 regarding Judges giving orders and COVID-related delays in the evaluation findings that will emerge from the Youth Justice Review. There are still some deficiencies in the adequacy of the implementation related to measurable improvement in communication and ascertaining departmental capacity with respect to programming and alternatives. It is expected that the release of a youth justice review which includes details on increasing the effectiveness, child-centredness, feasibility of probation orders, as well as the accessibility and cultural safety of probation programs, will meet the remaining requirements of this recommendation. As such, actions taken to date continue to fulfill part of the requirements, resulting in a partially compliant status determination.