

ABORIGINAL JUSTICE IMPLEMENTATION COMMISSION

SECOND QUARTERLY REPORT

JUNE 30, 2000

Commissioners:

Paul L. A. H. Chartrand
Wendy Whitecloud

Elders:

Eva McKay
Doris Young

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June 30, 2000

Honourable Gord Mackintosh
Minister of Justice and
Attorney General
104 Legislative Building
Winnipeg, MB R3C 0V8

Honourable Eric Robinson
Minister of Aboriginal and
Northern Affairs
344 Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister Mackintosh and Minister Robinson:

Re: Quarterly Report

We are honoured to provide the second quarterly report of the Aboriginal Justice Implementation Commission. This report includes activities up to June 30, 2000.

Yours truly,



Paul L.A.H. Chartrand
Commissioner



Wendy J. Whitecloud
Commissioner

Summary

This Report covers the period April 1, 2000 to June 30, 2000. In that period the Commission,

- Continued consultations with Aboriginal people, Aboriginal organizations, and Manitoba Government Ministers and officials,
- Contracted for expert advice in some priority areas,
- Continued research in its priority areas.

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1. Background

The Aboriginal Justice Implementation Commission was established by the Manitoba Government on November 29, 1999, to be:

“responsible for recommending priority areas for government action with respect to those areas for which the Manitoba Government is accountable and responsible; recommending practical, cost-effective and attainable implementation and funding strategies for the activities for priority action within existing Canadian law; reporting on the current status of implementation of the recommendations of the Aboriginal Justice Inquiry; and communicating and consulting with Manitobans in relation to the setting of priorities and development of implementation strategies”. (O/C 459, 1999)

The Commissioners are Wendy Whitecloud and Paul Chartrand. Elders are Eva McKay and Doris Young.

The tasks of the Commission are:

- Providing a report on the current status of implementation of the recommendations of the Aboriginal Justice Inquiry in the areas for which the Manitoba Government is responsible and accountable.
- Consulting with Manitobans on priority areas for action.
- Consulting with Manitobans on implementation strategies.
- Providing the Manitoba Government with recommendations on practical, cost-effective and attainable, implementation and funding strategies in the priority areas as those recommendations are developed.

In carrying out its work, the Commission is required to keep in mind the Framework Agreement, entered into between Canada and First Nations and the Reports of the Royal Commission on Aboriginal Peoples.

Further information on the Commission, including its terms of reference and first quarterly report can be found at the Commission’s website at www.ajic.mb.ca.

2. Activities

The Commission continued to work in the priority areas it had established through consultation with Manitobans. Those priority areas are:

Child Welfare
 Equity Issues
 Police
 Community Justice
 Early Support and Crime Prevention Measures for Youth
 Violence towards Women and Children
 Aboriginal Rights
 Northern Flood Agreement
 Treaty Land Entitlement
 Métis Issues

Continuing Consultations:

During the last quarter the Commission or Commission staff met with the following organizations or persons:

The Minister of Labour and Minister responsible for Multiculturalism, Honourable Becky Barrett
 The Minister of Conservation, Honourable Oscar Lathlin
 Assembly of Manitoba Chiefs Grand Chief, Rod Bushie and staff
 Manitoba Métis Federation President, David Chartrand and staff
 Deputy Minister of Justice, Mr. Bruce MacFarlane, Q.C.
 Elders and Chaplains of the Corrections Department of Manitoba
 Northern Association of Community Councils
 The Manitoba Civil Service Commission, Deputy Minister Paul Hart and staff
 Ms Jane Ursel, RESOLVE
 Marlene Bertrand, Director, Family Violence Protection Unit, Family Services
 Mr. Art Shofley and Mr. Sam Anderson, Co-ordinators for Restorative Justice 2001
 Mr. Russ Gurluck, Community Contract and Aboriginal Policing
 Mr. Rod McKenzie, Special Advisor to the Minister of Conservation
 Mr. Louis Goulet and Ms Carolyn Brock of Community and Youth Corrections
 The Elizabeth Fry Society
 The Native Brotherhood Organization
 Mr. Peter Dubiński, Assistant Deputy Minister, Family Services
 Mr. Ed Buller, Corrections Canada
 Mr. Joe Pinterics, First Nations Family Justice

Expert Advice:

The Commission, having set its priorities, wishes to design recommendations that can be implemented in a practical, efficient and cost effective manner. To do this, it is

examining experience elsewhere and soliciting opinions from experts. To these ends the Commission has contracted for short research or advisory memoranda in the following areas,

- employment equity,
- a continuing government capacity to focus on Aboriginal issues,
- institutions or structures to facilitate change,
- Métis issues,
- Aboriginal Rights

Other Activities:

The Commission also facilitated a meeting between representatives of Manitoba Keewatinowi Okimakanak Inc. and the Department of Conservation aimed at assisting the parties with communications and other matters of mutual interest.

3. Observations

In 1991 the Aboriginal Justice Inquiry noted that, in 1983 Aboriginal people accounted for 37% of the population of the Headingley Correctional Institution and that by 1989 they had accounted for 41% of the population. A recent one-day snapshot of the population of Headingley Correctional Institute indicated that Aboriginal people made up 60% of the population. The Aboriginal Justice Inquiry also noted that in 1989 Aboriginal people accounted for 67% of the population at the Portage Correctional Centre for Women. The same one-day snapshot indicated that the percentage of Aboriginal women on that day was 82.4% of the resident population. In 1989 the Aboriginal population in institutions for young people was 61%. Recently it was 85% at the Agassiz Youth Centre and 80.3% at the Manitoba Youth Centre. In Manitoba, Aboriginal people represent less than 15% of the population. Thus Aboriginal people have been, and currently are, significantly over represented in the population of penal institutions in Manitoba. Further, this over representation has been increasing.

The causes of this over representation are complex and varied but, as it carried on its consultations and reviewed the literature, the Commission has been struck by the consistency of advice that it has received. This advice confirmed its earlier priority setting exercise. Person after person speaking to the Commission has pointed to areas outside the justice system that need addressing, in particular, the effects on the family of poverty, ill health and marginalization. For example in the National Crime Prevention Centre publication, *Young People Say*, a young person is quoted as follows:

“If you are interested in creating a criminal you would have a pretty good chance if you took a young person from a seriously troubled home, put them into a series of foster and group homes, changed their primary worker on a regular basis, let them run away from ‘home’ at an early age, allowed them to drop out of school and enabled them to develop a drug and/or alcohol addiction. Your chances would improve if, somewhere in their lonely and painful existence, they had been sexually, physically, or emotionally abused. If in those few instances that they sought help you would ensure that there were no accessible services, that the workers they encountered were rushed and overwhelmed by heavy caseloads, and that they would be seen first and foremost as trouble rather than troubled, is it surprising then that these young people would become perpetrators or victims of crime?”

Many people consulted spoke of the importance of a child’s early years. In the Early Years Study: Final Report, Margaret McCain and J. Fraser Mustard note:

“We know now that development of the brain in the early years of life, particularly the first three years, sets the base of competence and coping skills for the later stages of life. Improving the prospects for the next generation – with respect to school performance, health and quality of life, and success in the labour market – will improve the future for all of us.”(p. 2)

The Commission believes that its recommendation in the Child Welfare area that Aboriginal people provide Child Welfare services to Aboriginal families will help to improve the conditions for Aboriginal youth and, in the long run, help reduce the number of Aboriginal youth that come into contact with the Justice system. The Commission also agrees that emphasis on the early years is extremely important and it hopes that the recently announced Healthy Child Initiative of the Manitoba Government will aid in reducing the number of young people, in particular Aboriginal young people, that become involved in the Criminal Justice System.

The Commission intends to keep these observations in mind as it proceeds with its work in its priority areas.

4. Next Steps

The Commission will continue its consultations. It will also continue to examine the recommendations of the Aboriginal Justice Inquiry and the Royal Commission on Aboriginal Peoples in its priority areas. It will review the advice it has currently contracted for and will seek further advice in other priority areas. The Commission also expects to consult with senior government officials to ensure its recommendations are appropriately designed. It may do this through individual consultations or, where appropriate, through the use of round tables. The Commission will make further recommendations over the fall and winter.

