

## **SOUTHERN CHIEFS' ORGANIZATION DEPARTMENT OF JUSTICE**

Southern Chiefs' Organization (SCO), an independent political forum that is composed by thirty-six Chiefs from Southern Manitoba established its Department of Justice in 2001. The mission of SCO's Department of Justice is to reassert full First Nation control and jurisdiction over criminal law and the administration of justice. First Nation systems will be based on fairness, impartiality, community healing, offender reintegration and good government.

SCO's Department of Justice is currently intent on devising projects geared toward the transfer of certain justice programs to SCO from the Province of Manitoba. Additionally, the organization seeks to design and implement culturally specific justice programs that are informed by the expressed needs of its widely diverse Aboriginal constituency.

### **SCO JUSTICE DEPARTMENT ACTIVITIES**

SCO's Department of Justice is currently involved in the following activities:

#### ***Aboriginal Justice Inquiry - Devolution of Probation Services Initiative***

In September of 2001, Southern Chiefs' Organization, Manitoba Keewatinowi Okimakanak (MKO) and Manitoba Métis Federation (MMF) began negotiations with the Province of Manitoba – Department of Justice to devolve Probation Services to each respective Aboriginal organization. The table is known as the "Joint Implementation and Management Committee" and is chaired by the Province.

The fundamental work pursued from the beginning of negotiations until present time has been the Memorandum of Understanding (MOU) and the Protocol Agreement for all parties. The MOU and Protocol have been consistently debated and held up by virtue of Section 3.1 in the MOU. Section 3.1 talks about how the Province wants each of the organizations to deliver the service on a *cost neutral basis*. On May 31<sup>st</sup>, 2004, the Province has made some concessions regarding this matter recognizing the unique and transitional costs associated with the devolution.

Once the negotiations for the Memorandums of Understanding and Protocol Agreement are complete, each of the organizations will both collectively and individually begin to work with the Province of Manitoba to transfer the following Community Correctional Services to an autonomous southern First Nation probation services agency:

- *Offender Supervision*
  - Adult Probation
  - Youth Probation
  - Bail
  - Other Pre-Court Release
- *Alternative Justice Programming*
  - Extra judicial Sanctions
  - Alternative Measures
- *Court Assessments*
  - Community Justice Forum Reports
  - Pre-Disposition Reports
  - Pre-Sentence Reports

#### **Women's Portage Correctional Facility Closure**

The Aboriginal Justice Implementation Commission has focused its attention on community justice and community development initiatives. The commission gives priority to measures that

reduce the use of incarceration and that encourage correctional program service delivery in communities. The AJIC has not developed a set of recommendations on Manitoba correctional institutions. However, the Aboriginal Justice Inquiry comments the following in relation the Portage Correctional Institution in its 1991 report:

*The Portage Correctional Institution is the Provinces' only correctional institution for women. We believe the institution is an inappropriate facility and should be closed. In its place, we recommend the establishment of co-correctional facilities and community houses where female offenders can be required to live. These homes should exist in Aboriginal and in urban communities. Counseling and job-related training should be available in the home and in the community. The inmate should be able to attend school or work during the day, returning to the home for counseling and to stay at night (AJI, Volume I, page 1).*

Two recommendations by the Aboriginal Justice Implementation Commission are that:

- The Portage Correctional Institution be closed.
- The Government of Manitoba establish a new correctional facility for women that provides them with adequate treatment, training, and cultural and spiritual supports, and provides the greatest possible number of opportunities for community integration.

The Portage Correctional Institution has recently been the subject of a Manitoba Human Rights Complaint brought forward by a coalition of Aboriginal and non-Aboriginal women's groups. As a result, the Government of Manitoba has agreed to close the facility and is in the process of looking at a variety of different, and more culturally conducive incarceration models. It was two years ago that the Minister had made the announcement that a new facility was to be opened; however, there have been no recent movements on this matter.

Southern Chiefs' Organization's Justice Department has begun the consultation process with various institutions/facilities and community members to gain a broader perspective on different models currently operational.

Further, Southern Chiefs' Organization's Justice Department is currently providing technical support and expertise to Long Plain First Nation in their bid to host a healing lodge on their land which serve as a healing mechanism for First Nation women housed within the new correctional facility.

### ***Policing and Police/First Nation Relations***

Throughout the last several years, SCO has received numerous public complaints from First Nation citizens from within our constituency involving the First Nation policing institutions. Complaints have varied from physical and verbal assault to forcible confinement. Most, if not all, of those First Nation citizens who came to SCO seeking help indicated having an intrinsic distrust of the police and of the justice institution as a whole and simply refuse to utilize existing judicial systems available to them.

SCO currently Co-Chairs with the Province of Manitoba a Law Enforcement Review Agency (LERA) Steering Committee to look at and address the issue of accessibility of LERA with respect to Aboriginal peoples in Manitoba.

In addition, SCO has recently become a part of the consultation process with the RCMP – "D" Division and their process of reallocating resources across the province. Their focus is to develop and foster police/community partnerships to mutually identify what are the criminal and social concerns to Manitoba Justice. It provides a competent, efficient, and effective approach to administering police services to communities.

Further, SCO's Justice Department currently provides technical advocacy, support and expertise to southern First Nation communities in their attempts at securing community-based police services.

### ***Youth and Elders Conference***

SCO has partnered with MKO and MMF in hosting a *First Nations and Métis Youth and Elders Justice Conference* to be held in Winnipeg, MB February 18<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup>, 2005.

The conference seeks to ensure that Aboriginal youth's socio-economic, political, cultural and spiritual judicial contexts and lived experiences get voiced and acknowledged. These contexts and experiences need to play a fundamental role in any discussions with respect to the overall Justice system and in particular, the Youth Criminal Justice Act.

All three Aboriginal organizations will continue to request fund from the Youth Justice Renewal Fund to support a First Nations and Métis Youth and Elders Conference to be held annually.

### ***Gangs***

Currently SCO, in cooperation with Mother of Red Nations Women's Council of Manitoba and Ka Ni Kanichihk Inc. is conducting research entitled "*An Aboriginal Capacity and Leadership Development Community Response to Aboriginal Girls and Women Involved in Gangs: A Program Curriculum Project*".

The project seeks to provide a culturally relevant response to Aboriginal females in gangs and provide a forum whereby individuals might begin to discuss their social, economic, cultural and spiritual context as it pertains to gang membership and lived experience. There currently exists little, if any, substantial indigenously driven research into this area of concern and will greatly add to our base knowledge as an indigenous community.

In addition, the project seeks to interview community members and leadership with respect to the various programs available to Aboriginal females participating in gangs and how they see these mechanisms operating in the lives of these particular girls and women. Further, the project seeks to derive recommendations on how we, as an indigenous community, might best approach and address this issue.

Further, SCO has recently partnered with Manitoba Keewatinowi Okimakanak's (MKO) Justice Department on another community-based gang research project which seeks to provide a thorough analysis into the structure and make-up of gangs throughout Manitoba and interview current male gang members on their particular lived experience.

### **DEPARTMENT OF JUSTICE STAFF**

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