

MKO First Nations Justice Strategy (FNJS)

The First Nations Justice Strategy (FNJS) provides culturally relevant justice alternatives to the “Euro-Canadian” justice system for First Nations people charged, or about to be charged, with a range of offences. FNJS is essentially a court diversion model that provides community-based alternatives to court proceedings. Further, FNJS is a mechanism for community development and implementation of even more appropriate and effective justice practises within FNJS communities. The program involves restoring the wrong that has been done. It is not based on punitive measures, rather it is about “righting the wrong” at the community level. The traditional approach to dealing with wrongdoing within the communities has been seriously eroded since the introduction of the Euro-Canadian justice system.

FNJS has two main components: the first is a Judicial Justice of the Peace (JJP) Court, which alternates with the Provincial Judges Court. The JJP Court travels with a Crown Attorney, defence counsel, and a court clerk to seven of the sixteen targeted communities. These courts are less formal and deal with matters in a more culturally relevant manner. The JJP Court also acts as a primary screening mechanism for all post-charge referrals. The following seven communities is where the JJP courts travel to (Cross Lake, Norway House, Nelson House, Gods Lake, Shamattawa, Split Lake and Oxford House). The second main component is the Program Manager, Assistant Program Manager and the Community Justice Workers (CJWs). The CJWs develop and use culturally and community appropriate methods of dealing with cases diverted to the CJWs by the courts (post-charge), the police and the First Nation Safety Officer’s (pre-charge), and the community.

The Justice Committee are comprised of a wide spectrum of community members, which include Elders, health care resources, spiritual/traditionalist leaders, lay people and others. The members of the Justice Committee, bring to the process their experience, as well as, their familiarity with the community, understanding of their local language and customs, and their knowledge of the social realities of the communities in which they serve. The CJW’s utilize traditional processes based on holistic healing for the wrongdoer and victim(s). They also know what other resources are in the community to address the needs of both the wrongdoer and victim for additional healing methods.

The FNJS model is premised on the concept of “restorative justice.”

- Emphasis on healing the wrongdoer, the victim(s), and the community, resolve disputes and restore harmony between people.
- Input/participation by the victim(s) and the community and
- Restoration of harmony between the wrongdoer, the victim(s), and the community, Heal wounds and restore social harmony.

The FNJS program has successful results in the area of Community Restorative Justice. This success is a result of the continuum commitment of the community justice workers in providing service that is reflective of the cultural appropriateness of their approach, understanding of the local languages and customs and their knowledge of the geographic and social realities of the communities they service.

Many offences that would ordinarily appear on Court dockets could be more appropriately dealt with at the community level at first instance as opposed to being diverted by the Crown Attorneys office. The CJWs and Committee members are trained to develop and use culturally and community appropriate methods of dealing with cases diverted by the courts (post-charge), the Police and First Nations Safety Officers (pre-charge), and the community.

- Reduced Recidivism
- Reduced Delay and Remands
- Reduced incarceration

It is very important the Community Justice Worker and Justice Committee members to understand the roles of the Provincial Court, Judicial Justice of the Peace (JJP) Courts and to work closely with the Crown Attorney and Defense Counsel, in addition to having an understanding of courtroom decorum when court is in session. The primary goal of the CJWs is to work with law enforcement, coupled with an understanding of policing procedures. Therefore, it is essential that CJWs establish a good working relationship with law enforcement.

Under the current format, the community-based model allows First Nations to incorporate peacemaking and conflict resolution concepts in the justice system.

The Community Justice Worker receive referrals from three main sources

- Peace officers (RCMP and Safety Officers) – Pre Charge
- Community (Chief and Council, Schools, Probation, other) – Pre Charge
- Crown Attorney's office (JJP & Judges Courts) – Post Charge



The process operates with the cooperation and input of Peace Officers, the Crown Attorney's office, the victim, and the community. Direct referrals, either from law enforcement agencies or community sources addresses critical issues in the existing court system. Systemic delay and alleged discrimination associated with the court process are bypasses by utilization of direct referral processes.

Offences fall into three broad categories:

- Crimes against person (assault, assault with a weapon, etc.)
- Crimes against property (theft, break and enter, etc.)
- Other: relates to miscellaneous such as, breach of probation, community referrals and By Laws, Federal and Provincial offences.

Upon receiving a referral, either post- or pre-charge, the CJW will meet and review the Prosecutor's Information Sheet (PIS) with the wrongdoer and determines whether the wrongdoer takes responsibility of his/her actions. The CJW will then contact the victim(s) and inform him/her/them of the diversion and that the wrongdoer is taking full responsibility of the wrongdoing. Every case is unique; the CJW will exercise his or her discretion and develop a program for the person depending on the circumstances of the referral. This approach focuses on: healing, teaching, and recognizing that while the wrongdoer may have broken the law which has harmed his/her community, he/she has many redeeming qualities which should be emphasized while trying to repair the harm that was done. This model takes a holistic approach and addresses the whole person; i.e. mental, spiritual, emotional and physical.

Pre-charge Diversions

Peace Officers can exercise their discretion and refer matters directly to the CJW and Justice Committee or Peacemakers without instituting criminal charges. If the peace officer deems the circumstances of the case to be appropriate for resolution at the community level and if the diversion protocol is met, the individual in conflict with the law can be referred to the CJW. The peace officer provides the CJW with the relevant facts and circumstances of the referral. Other pre-charge referrals can come directly from the Chief and Council, schools, parents, and community.

Post-charge Diversions

In many cases, the peace officer will decide that the circumstances warrant the laying of criminal charges. The wrongdoer is charged with an offence and is ordered to appear in court. In communities which have a Judicial Justice of the Peace Court sitting, this is the court of first appearance, which is presided over by a JJP. The Crown Attorney, in consultation with the CJW, screens cases, and if the diversion protocol is met, the person is referred to the CJW.

Voluntary Agreement & Community Models:

The wrongdoer is required to complete a voluntary agreement form that he/she fully understands the outcome of the Justice Committee/Peacemaker process or conditions. If he/she complies with and completes the diversion program, the CJW will advise the Crown Attorney (post-charge) and charges will be stayed (SOP). At the pre-charge stage, the CJW will advise the peace officer that the matter has been resolved and the criminal process is discontinued.

Each community is unique in how they handle matters, depending on the customs and traditions of their community. However, three core areas are addressed in the diversionary process:

1. Emphasis on healing the wrongdoer, the victim(s), and the community;
2. Input/participation by the victim(s) and the community; and
3. Restoration of harmony between the wrongdoer, the victim(s) and the community.

The communities directly involved in the diversion program have been asked to help design and implement changes to the way justice is administered in their communities in a manner that is appropriate for them.

The CJW's work with the leadership, elders, youth, volunteers and the community resources to address Justice Issues affecting the members. These include Policing (RCMP), Federal and Manitoba Correctional Institutes, Courts, Band Policing (FNSO) and Adult and Youth Corrections throughout the MKO region.

The CJW's attended training in Winnipeg on October 3, 4, 5, 2017. The 3 day agenda included the Data base training, Roles & Responsibilities, Court Setting, Policing & challenges. During the three days there were special presenters from Manitoba Justice, Aboriginal Policing and from the Office of the Fire Commissioner. The CJW's really enjoy the presentation from the presenters, Wilf Lavallee, Manager of the Restorative Justice Contracts, Manitoba Justice, Rick Sinclair, Aboriginal Policing, Donica Franchweski Office of The Fire Commissioner, Irene Young FNJS Assistant Program Manager.

The CJW's also attended the Indigenous Justice Regional Gathering (IJP) on February 26, 2018 to March 02, 2018 in Winnipeg, MB. The gathering was hosted by Onashowawin Restorative Justice Program from Winnipeg. The gathering started with welcoming remarks & networking from Manitoba Justice; Wilf Lavallee, Dillon Halt and Paul Girdlestone. The next few days training was on Later Violence facilitated by Wilma Schroeder, Anxiety and Self Care with Sarah Petty and Janet Head. All the CJWs that attended the Later Violence and Anxiety - Self Care received Certificates.

The total stats completed this fiscal year from April 01, 2017 to the end of March 31, 2018 was 626 and the breakdown is as follows;

Post Charges –	178
<u>Pre Charges -</u>	<u>448</u>
Total	626

Adult -	562
<u>Youth -</u>	<u>064</u>
Total	626

Crime against property -	135
Crime against person -	139
<u>Other -</u>	<u>452</u>
Total	626

The Honourable Minister of Justice Jody Wilson Raybould announce on June 17, 2017, that Justice Canada is renewing their agreement to March 30, 2022 with the MKO FNJS diversion program.

There are 14 First Nations communities that are part of the MKO FNJS initiative for this fiscal year 2017-2018 and are served by the Prosecutions Office from Thompson, The Pas, Swan River & Winnipeg.

MKO COMMUNITY JUSTICE WORKERS

Jesse Wood	Oxford House	204-538-2164 - jessie2@myucn.ca
Roba Gott	Split Lake	204-342-2045 - roba.gott@mkonorth.com
Robert W. Ogemow	Gods Lake	204-335-2711 - cjwogemow@hotmail.com
Louise Denechezhe	Lac Brochet	204-337-2111 - denelouise@hotmail.ca
Lloyd Daniels	Pukatawagan	204-553-2658 - josephlloyd.daniel@gmail.com
Carol Munroe	Grand Rapids	204-639-2485 - carol.munroe@mkonorth.com
John James Easter	Moose Lake	204-678-2566 - jjeaster@mko5@live.ca
Dora Kematch	Easterville	204-329-2161 - dora.kematch@mkonorth.com
Edward Cook	Sapotaweyak	204-587-2012 - edcook18@gmail.com
Adelaide Lathlin	Opaskwayak	204-627-7288 - Adelaide.lathlin@opaskwayak.ca
Leonard Flett	Garden Hill	204-456-2085 - lflett532@yahoo.ca
Maggie Linklater	Nelson House	204-484-2332 - maggielinklater@nncree.com
George Wood	Waasagamack	204-457-2003 - woodgeorge@icloud.com
Posted	Shammattawa	204-565-2772 - no email

Senior Staff:

Irene Young	OCN	204-620-2699 - ireneyoung@opaskwayak.ca
Roy Smith	Thompson	204-679-2530 - roy.smith@mkonorth.com

Separated Communities;

Pamela Friesen	Norway House	204-359-6786 -pamelajoyfrisen@yahoo.ca
Louann Flett	Cross Lake	204-676-2218 -Louflett27@cloud.com

