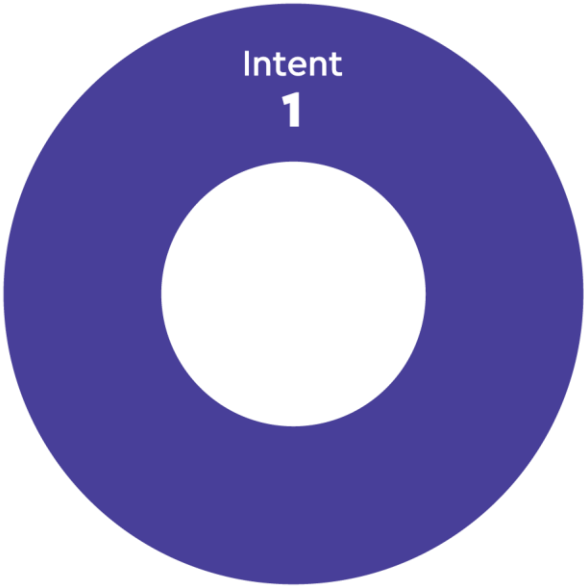


# COMPLIANCE DETERMINATION

## Mandela – Recommendation 5

**Recommendation Summary:** Enhance therapeutic behaviour management alternatives in youth custody facilities.

**Primary Public Body:** Manitoba Justice

	<p><b>Intent 1.</b> Develop an action plan with Manitoba Health, Seniors and Active Living (now Manitoba Health), and Manitoba Families to implement evidence informed and culturally safe therapeutic behavioural management programs.</p>
<p>COMPLIANCE DETERMINATION</p>	
<p><b>100%</b> Fully Compliant</p>	

# 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	
<b>Report Name:</b>	<b>Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities</b>
<b>Date Released:</b>	2/21/2019
<b>Full Recommendation:</b> (including details)	<b>Recommendation Five:</b> The Manitoba Advocate for Children and Youth recommends that Manitoba Justice respond to the overrepresentation of youth with mental illnesses, cognitive vulnerabilities, and childhood trauma by developing an action plan with Manitoba Health, Seniors and Active Living and Manitoba Families for the implementation of evidence informed and culturally-safe therapeutic behavioural management alternatives to solitary confinement and pepper spray, with the goals of enhancing the rehabilitation and successful reintegration of youth in Manitoba communities, reducing recidivism, and improving the public safety of all Manitobans.
<b>Intent(s) of Recommendation:</b>	<b>1. Develop an action plan with Manitoba Health, Seniors and Active Living (now Manitoba Health), and Manitoba Families to implement evidence informed and culturally safe therapeutic behavioural management programs.</b>
<b>Issue:</b>	Solitary Confinement
<b>Public Body</b>	Manitoba Justice
<b>Dates of Previous Official Updates from Public Body:</b>	August 31, 2023
	August 18, 2023
	May 31, 2023
	June 30, 2022
	May 31, 2021
	June 30, 2020
	December 31, 2019
	June 26, 2019
2. Compliance Determination	
<b>Fully Compliant 1</b>	Actions taken fully implement the recommendation.
<b>Self-Assessment</b>	Fully Compliant
<b>Previous Compliance Determination</b>	Limitedly Compliant
3. Rationale for Determination	
<i>(How did you reach this compliance determination)</i>	

**Intent 1: For Manitoba Justice to develop an action plan with Manitoba Health, Seniors and Active Living (now Manitoba Health), and Manitoba Families to implement evidence informed and culturally safe therapeutic behavioural management programs.**

**2023**

- The Youth Justice Branch reports participation on the Mental Health and Addiction cross-departmental working group, which has representation from Families. These meetings, which occur bi-monthly, serve as a forum for cross-departmental planning to advance and strategize work with linked initiatives related to mental health, addiction, and wellness priorities. Information on progression of meetings has been requested.
- Manitoba Justice reported culturally safe and therapeutic programming is available for youth within the Manitoba Youth Centre (MYC). Manitoba Justice provided MACY with a list of all programs available. The range of programs include those which serve to address criminogenic needs (e.g., substance use, family/relationships, etc.), and those based around traditional practices (e.g., full moon ceremonies, sweats, Elder guidance, beading, soap stone carving, etc.). The Department holds special events and collaborates with external agencies who attend the facility to offer programs/information to the youth (e.g., Project Choices, Sexuality Education Resource Centre, Inner City Youth Alive, etc.). Manitoba Justice reported working on increasing its programming opportunities and agencies of collaboration.
- MYC is deemed a mental health facility and is considered a hospital under *The Mental Health Act*. MYC employs health care staff including Registered Nurses, Psychiatric Nurses, and a Psychologist. Youth have access to other programs and supports such as the FASD Justice Program (if applicable) and Spiritual Care. Institutional staff are trained in Trauma Informed Care, Mental Health First Aid, and Case Management principles of risk/need/responsivity. Risk/need/responsivity principles were referenced in the *Mandela* report as being those considered best practices, as they consider the unique qualities of each youth in case planning. The Department also trains staff in recognizing and working with individuals impacted by FASD, and FASD Youth Justice Program staff are available for ongoing consultations, referrals, and intervention for those youth connected with the program.
- The Department reported the Reducing Youth Justice Involvement Social Impact Bond, delivered in collaboration with Manitoba Keewatinowi Okimakanak (MKO). Named Kakiskinawtahitonan, it blends Indigenous knowledge, wisdom, and healing practices with western treatment modalities (CBT and high-fidelity wraparound) to support a child-centred, individual, and holistic approach to wellness and healing. The program will provide services to a minimum of 45 youth (30 in Winnipeg and 15 in Thompson). Per Manitoba Justice, this ensures program delivery is rooted in Indigenous worldviews, and teachings will provide holistic and healing supports to Indigenous youth involved in the justice system. Led by Elders and Indigenous

leadership, the validated High-Fidelity Wraparound model has been modified into an Indigenous framework, identifying this program as a "Two-Eyed Seeing" approach that is grounded in Indigenous research and knowledge.

- Manitoba Justice advised development of the Youth Healing Lodge in Thompson in partnership with MKO will ensure healing and justice resources are available in northern Manitoba. The lodge will support access to land and culturally based healing, knowledge, and cultural practices to youth from across Manitoba. The open custody beds will allow some sentenced youth to remain in their home community, within a healing environment.
- Of note, the Department no longer utilizes the Manitoba Youth Centre for youth held under *The Intoxicated Persons Detention Act* (IPDA). Funding was provided to Marymount Inc. to retrofit beds at the Youth Addictions Stabilization Unit to provide for care and safety of youth and avoid criminalization of addiction. This work was completed in May 2022.

## **2022**

- Manitoba Justice advised that "An action plan will be completed following the Youth Justice Review which is in the beginning stages."
- The department further advised that the Youth Justice Review is a priority for the department, but has been delayed due to COVID and the need to fill the position of Executive Director of Youth Justice under whose portfolio this work falls.
- Group programming, that was not possible during the height of the pandemic due to the need for social distancing, has resumed.
- The position of Executive Director of Youth Justice has now been filled, and Manitoba Justice reported its intention to increase understanding of departments through cross-departmental meetings and participation in cross-departmental working groups, which is promising for next year.

## **2021**

- The Youth Justice Branch within Manitoba Justice was created in early 2021 to lead the Youth Justice Review.
- In addition to the discussions Manitoba Justice is having with MACY regarding therapeutic supports, minimal progress on the Youth Justice Review includes work being done to establish a review engagement strategy. It was reiterated that the Youth Justice Review has been delayed due to the COVID-19 pandemic.
- It was reported by Manitoba Justice that there is a lack of clarity regarding the difference in scope between Manitoba Health and Seniors Care and the newly formed department, Manitoba Mental Health, Wellness and Recovery, which has additionally contributed to the delay in implementing this recommendation.

## **2020**

- The partnership between the ADMs of the Community Safety Division and Youth Justice Branch (Manitoba Justice) and Manitoba Families on the Youth Justice

Review for youth involved in both justice and child welfare is a promising one, and addresses one portion of the recommendation. On September 2, 2020, Manitoba Justice confirmed that Manitoba Health, Seniors and Active Living has been engaged with the Youth Justice Review to bring expertise in mental health and therapeutic supports.

- The focus of the Youth Justice Review on increasing supports for youth and reducing reliance of incarceration is in line with the intent of the recommendation to reinforce rehabilitative and therapeutic approaches. Given the early stages of the Youth Justice Review, however, not enough information was provided on whether a plan has been developed to increase therapeutic and rehabilitative supports for youth in custody. Although no information has been provided on concrete changes made to current services in Manitoba youth custody facilities, the department noted that the recent decreases in the number of youth being held in custody yet no decreases in the number or availability of health care professionals, "has resulted in the possibility of more time being available for youth in need of this type of assistance."
- It is also not clear how this review will impact youth in custody who are not involved in the child welfare system.
- The department's June 30, 2020 MACY-RAP submission, as well as its responses to MACY's June 2020 questions, provided substantial information on existing therapeutic supports for MACY QA to assess whether services are evidence-informed and culturally appropriate. It remains unclear whether services have been enhanced since the issuance of this recommendation or were pre-existing, and how many youth actually access these programs.

**Analysis Summary:** Based on the information and justifications provided by Manitoba Justice, MACY recognizes there are evidence informed and culturally-safe therapeutic behavioural management alternatives to solitary confinement and pepper spray which enhance rehabilitation and reintegration. Employing professionals, including a Psychologist, FASD Justice Coordinators, and Elders, ensures MYC has staff available to respond to youth with mental illnesses, cognitive vulnerabilities, and childhood trauma. While not an action plan by definition, the Youth Justice Branch reports participation on the Mental Health and Addiction cross-departmental working group, which has representation from the Department of Families, to serve as a forum for cross-departmental planning to advance and strategize on work with linked initiatives related to mental health, addiction, and wellness priorities. MACY is encouraged by the Department's reported information regarding the Reducing Youth Justice Involvement Social Impact Bond (Kakiskinawtahitonan) delivered in collaboration with MKO, which ensures program delivery is rooted in Indigenous worldviews and teachings. This partnership and anticipated programming meet both the evidence-informed and culturally safe qualifiers required of this recommendation. It is anticipated the completion of the Youth Justice Strategy/Review (Fall 2023), in addition to the formal opening of the Youth Healing Lodge in Thompson, will ensure continued completion of this recommendation.

