

# COMPLIANCE DETERMINATION

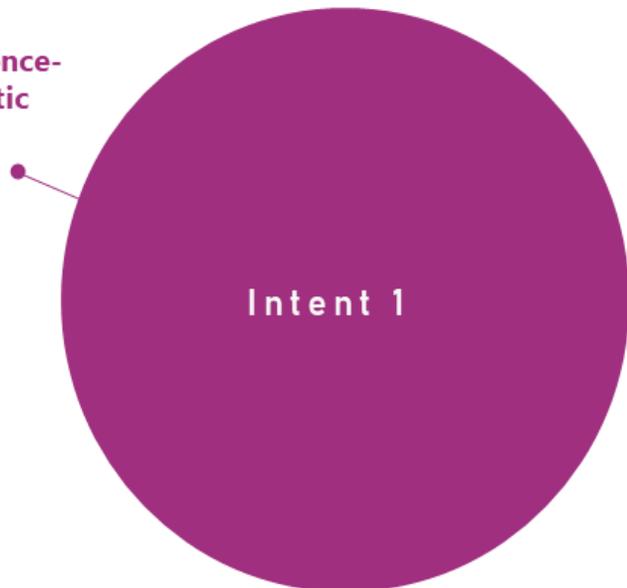
## Mandela – Recommendation 5

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

**Primary Public Body:** Manitoba Justice

**1. Develop an action plan with Manitoba Health, Seniors and Active Living, and Manitoba Families to implement evidence-informed and culturally safe therapeutic behavioural management programs**

Manitoba Justice advised that “An action plan will be completed following the Youth Justice Review which is in the beginning stages.”



COMPLIANCE DETERMINATION



## Recommendation Compliance Summary

In accordance with subsection 11(1) clause (d) of *The Advocate for Children and Youth Act (ACYA)*, the Advocate retains the responsibility "to monitor the implementation of recommendations included in reports made under section 27 (investigation) or special reports made under section 31."

This form details the assessment of implementation of compliance made under the referenced subsection of the ACYA. MACY assesses implementation of compliance with recommendations once a year but receives updates from public bodies every six months.

1. Recommendation Information	
<b>Special 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>	The intent of the recommendation is to: <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>	June 30, 2022 May 31, 2021 June 30, 2020 December 31, 2019 June 26, 2019
2. Compliance Determination	
<b>Limitedly Compliant 0.25</b>	Actions taken only implement a small part of the recommendation, requirements are only fulfilled to a limited degree by actions taken, resulting in significant deficiency in implementation.
<b>Self-Assessment</b>	Limitedly Compliant
<b>Previous Compliance Determination</b>	Limitedly Compliant
3. Rationale for Determination (How did you reach this compliance determination)	
<b>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.</b>	
<b>2022</b>	
<ul style="list-style-type: none"> <li>• Manitoba Justice advised that "An action plan will be completed following the Youth Justice Review which is in the beginning stages."</li> </ul>	

- 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:** There has been minimal progress on this recommendation since June 2020. The creation of the Youth Justice Branch in early 2021 and the work that has begun on the Youth Justice Review now that the position of Executive Director of Youth Justice has been filled are promising steps in implementation. At this point in time, however, Manitoba Justice remains limitedly compliant with this recommendation.