

COMPLIANCE DETERMINATION

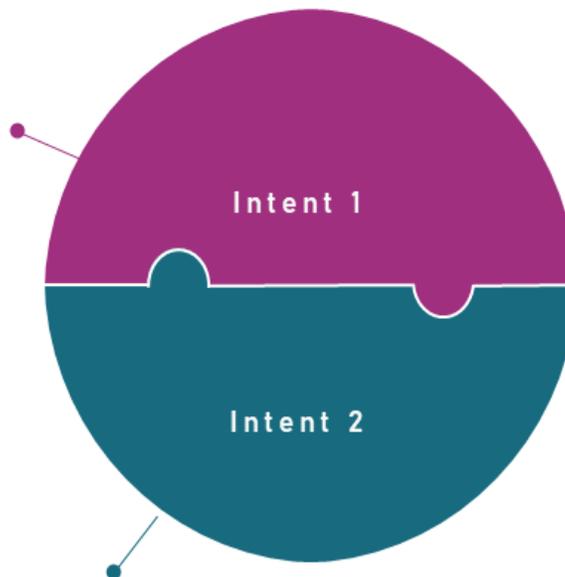
Mandela – Recommendation 2

Recommendation Summary: Restrict the use of segregation under 24 hours for vulnerable populations.

Primary Public Body: Manitoba Justice

1. Restrict the use of segregation for vulnerable populations such as youth under the age of 16, youth with cognitive disabilities, physical disabilities, or mental illnesses.

Manitoba Justice has implemented a procedure requiring that management review and approve all Observation stays over 18 hours to ensure use of Observation is in accordance with their policies. This new procedure limits the use of Observation over 24 hours that falls outside the scope of their policies. Excluding covid-19 related protocols requiring isolation per health guidelines, rates of segregation under 24 hours have decreased since 2019. In addition, divisional policies are reviewed regularly and training is regularly conducted with staff about vulnerable youth in custody.



2. Require and track mental health assessments for youth who are segregated for any period of time

Assessments are being completed, are used to inform case planning, and work is underway in collaboration with MACY to track them as well as daily check-ins more systematically.

COMPLIANCE DETERMINATION

0.50

Partially Compliant

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	
Special Report Name:	Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities
Date Released:	2/21/2019
Full Recommendation (including details)	<p>Recommendation Two: The Manitoba Advocate for Children and Youth recommends that the Manitoba government and Manitoba Justice restrict the use of any form of segregation under 24 hours in youth custody facilities through an amendment to <i>The Correctional Services Regulation</i>.</p> <p>DETAILS:</p> <ul style="list-style-type: none"> • That Manitoba Justice restrict the use of any form of segregation for the purposes of discipline, punishment, coercion, convenience, or retaliation. • That Manitoba Justice restrict the use of segregation by legislating maximum time limitations for these vulnerable populations and communicate clear expectations of what is required from the youth to be removed from segregation. • That Manitoba Justice track and require comprehensive mental health assessments for youth subjected to any period of segregation. • That Manitoba Justice conduct consultations with relevant stakeholders, including the Manitoba Advocate for Children and Youth, in preparation for amending <i>The Correctional Services Regulation</i>.
Intent(s) of Recommendation:	<p>The intents of the recommendation are to:</p> <ol style="list-style-type: none"> 1. Restrict the use of segregation for vulnerable populations such as youth under the age of 16, youth with mental disabilities, physical disabilities, or mental illnesses. These groups are found to be more susceptible to the negative impacts of any type or length of social isolation or segregation. 2. Require and track mental health assessments for youth who are segregated for any period of time.
Issue:	Solitary Confinement
Public Body	Manitoba Justice Government of Manitoba
Dates of Previous Official Updates from Public Body	June 30, 2022 May 31, 2021 June 30, 2020 December 31, 2019 June 26, 2019
2. Compliance Determination	

Partially Compliant 0.50	Actions taken only implement part of the recommendation. Important requirements have been met and the recommendation is acted upon, however, deficiencies remain.
Self-Assessment	Partially Compliant
Previous Compliance Determination	Limitedly Compliant
3. Rationale for Determination (How did you reach this compliance determination)	
<p>Intent 1: Restrict the use of segregation for vulnerable populations (youth under the age of 16, youth with mental or physical disabilities, youth with mental illness), who are more susceptible to the negative impacts of social isolation or segregation.</p> <p>2022</p> <ul style="list-style-type: none"> Manitoba Justice has implemented a procedure requiring that management review and approve all Observation stays over 18 hours to ensure use of Observation is in accordance with their policies. This new procedure limits the use of Observation over 24 hours that falls outside the scope of their policies. Excluding COVID-19 related protocols requiring isolation per health guidelines, rates of segregation under 24 hours have decreased since 2019. In addition, Manitoba Justice reported that divisional policies (shared with MACY) are reviewed regularly and training is regularly conducted with staff about vulnerable youth in custody. The department also advised that Standing Orders will be reviewed within a period of one year, to include provisions/considerations for vulnerable populations. <p>2021</p> <ul style="list-style-type: none"> In discussions over December 2020 and January 2021, Manitoba Justice has agreed to review and update its Standing Orders over the next year to include provisions that limit the use of segregation with vulnerable populations. Because no amended policies were provided for review, the intent remains limitedly compliant. <p>2020</p> <ul style="list-style-type: none"> Section 5 of the Youth Observation Policy on Alternatives to Observation, specifically subsection a. on Temporary Placements/Restrictions, outlines when and how youth can be segregated under 24 hours. When a young person is in a Quiet Room for longer than 24 hours, that restriction “transition[s] to observation.” There is nothing in the Youth Observation Policy that refers to vulnerable populations, nor does the policy restrict the use of segregation (e.g., maximum time limitations) on vulnerable populations. Rather, the use of observation is defined by a minimum time period of “18 or more hours.” There is no consideration to vulnerable youth, including youth with mental illnesses, in the use of observation/segregation. <p>Intent 2: Require and track mental health assessments for youth who are segregated for any period of time.</p> <p>2022</p> <ul style="list-style-type: none"> Manitoba Justice reported that assessments are being completed and are used to inform case planning. Work is underway in collaboration with MACY to better understand how mental health assessments are defined, by whom they are carried out, and to track them as well as daily check-ins more systematically. The department reported its recent purchase of an endoscope to ensure youth are safe when a visual is not able to be attained. 	

2021

- Manitoba Justice is still in the process of ascertaining what would need to be involved for a comprehensive mental health assessment when youth are segregated in order to meet the intent of this recommendation. The department has engaged in discussions with MACY regarding what is expected to occur in such assessments.

2020

- According to the Youth Observation Policy, medical attention/visitation/review will take place in the form of a nurse on a daily basis, a medical supervisor on a weekly basis, or a psychologist after a young person is in observation for three consecutive days.
- According to the responses provided by the department to MACY's June 2020 questions, mental health nurses assess youth in observation a minimum of once a day. Mental health visitation by a psychologist occurs after a young person has been in observation for three days.
- As per the responses provided by the department at the July 13, 2020 pre-assessment meeting, the Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2) is the screening instrument that is used to conduct a comprehensive mental health assessment on youth placed in observation. This tool was designed for youth 12 to 17 years of age with a primary use in juvenile corrections. It is a self-report inventory of 52 yes/no questions measuring various scales including: alcohol/drug use, anger, depression, anxiety, somatic complaints, suicide ideation, thought disturbances, and traumatic experiences.
- There is no indication that these assessments are being tracked systematically; they are kept in individual files.

Analysis Summary: In light of movement made this year to implement Intent 1 and Intent 2, both of which are now in progress, this recommendation is assessed as partially compliant.