

Report Summary for Youth

Learning from Nelson Mandela: Solitary Confinement and Pepper Spray Use in Manitoba Youth Custody Facilities

What is Solitary Confinement?

When a person is placed alone in a cell for most of the day without much contact with others or things to do.

What is Pepper Spray?

Pepper spray contains an extract found in hot peppers and causes pain. It is illegal for citizens to use pepper spray against other people, as it is a chemical weapon.

What is the report about?

This special report is about the use of pepper spray and solitary confinement in Manitoba youth custody facilities. The report makes recommendations to improve services and protect the rights of youth.

Why does it matter?

Youth in custody have rights in Canadian law and the *United Nations Convention on the Rights of the Child* (UNCRC). In 2015, the Manitoba Advocate for Children and Youth (MACY) received complaints that solitary confinement and pepper spray were used on youth in custody. These practices can cause serious harm and violate the rights of youth. For example, the Nelson Mandela Rules established by the United Nations, prohibit the solitary confinement of youth.

How did we write the report?

- Worked with the Manitoba Ombudsman;
- Reviewed research;
- Analyzed data;
- Conducted interviews with: youth, correctional officers, psychologists, and Elders;
- Reviewed alternatives to solitary confinement and pepper spray;
- Consulted with youth in the Youth Ambassador Advisory Squad (YAAS); and
- Met with Manitoba Justice, Health, and Families to discuss findings and recommendations.

What did we find?

Solitary Confinement

- Solitary confinement is harmful for youth.
- It has negative effects on rehabilitation and reintegration.
- It may increase a youth's likelihood to re-offend, ultimately compromising public safety.
- There is no maximum time limit in Manitoba law on the use of solitary confinement.
- Provincial law states that segregation should only be applied as a last resort. But, in 2015-2016, segregation was common. It was used at least 1,455 times.
- 498 incidents were over 24 hours in length. Of them, 99 incidents were over 15 days long.

Pepper Spray

- Pepper spray use is physically and potentially psychologically harmful to youth.
- It can be misused without restrictions.
- Most places do not allow the use of pepper spray in youth custody facilities.
- In 2010-2015, Manitoba's use of pepper spray on youth in custody was high compared to other provinces.
- Pepper spray use in Manitoba youth custody facilities has decreased by 89% since 2010.

Alternatives

- Most youth in custody live with mental illness, cognitive vulnerabilities, and childhood trauma.
- Therapy and mental health care are more effective, humane ways of ensuring that youth are rehabilitated and return successfully into communities, compared to solitary confinement and pepper spray.

What are the recommendations to Manitoba Justice?

1. End Solitary Confinement over 24 hours	2. Restrict Segregation under 24 hours	3. Collect and Analyze Data on Segregation	4. Use pepper spray only in life-threatening situations
5. Work together with other government departments to offer more mental health supports for youth in custody			6. Create a mental health facility for youth in custody

Statement for Youth by Youth

We are members of the Youth Ambassador Advisory Squad (YAAS) at the Manitoba Advocate for Children and Youth. We advise the Manitoba Advocate on issues that are affecting youth in Manitoba. This report matters to us as youth because it is not right what our government is doing to our young people in custody.

Solitary confinement and pepper spraying youth in custody is a big issue and it happens for no reason. We have friends who are currently incarcerated. Some of us have experienced incarceration ourselves. Things need to change because solitary confinement and pepper spray is not helping to rehabilitate youth back into society.

We need to end these practices because it is damaging our young people psychologically and scarring them emotionally, mentally, and spiritually.

We hope that youth in custody know that what is happening to them will eventually end. We want youth in custody to have a better life, help, and hope.

We hope that this report can make the government aware that change has to happen, and that it changes the way youth are treated. We hope that this report reaches and teaches people all across Canada.

We want solitary confinement and pepper spray to stop.