

Learning from Nelson Mandela	Recommendation Three	Reported Status: (not reported)
Report Sent: February 21, 2019	Public Body: Manitoba Justice; Manitoba Health, Seniors and Active Living	
<p>Recommendation Three: The Manitoba Advocate for Children and Youth recommends that Manitoba Justice collect, track, analyse, and report on incidents of segregation across youth custody facilities to ensure transparency and accountability.</p> <p>DETAILS:</p> <ul style="list-style-type: none"> • That Manitoba Justice invest in the development of a centralized information management system to implement a process to aggregate data and analyse trends on the use of segregation by youth, reflecting transfers between institutions. • That Manitoba Justice submit a report quarterly to the Manitoba Advocate for Children and Youth on the number of youth placed in any form of segregation; the length of time each youth was in segregation, the race, ethnicity, age, and gender of each youth; facility staffing levels at the time of confinement; the reason each youth was placed in segregation; any knowledge of mental health (illness or cognitive vulnerability), and services provided while in confinement. • That Manitoba Justice report publicly on aggregated data of the use of segregation practices in youth custody facilities through their Annual Report. 		

Response from the Manitoba Government on June 27, 2019:

Summary of activities completed since report was released

The department implemented this recommendation prior to the public release of the report and currently tracks the time in and out of segregation, Indigenous status, gender, mental health and reason for placement in segregation.

Analysis of Manitoba Government’s Response by the Manitoba Advocate for Children and Youth:

Activities Completed:

- Manitoba Justice states that it implemented this recommendation prior to the public release of the report, as it currently tracks:
 - the time in and out of segregation;
 - Indigenous status;
 - gender;
 - mental health; and
 - reason for placement in segregation.

Level of Compliance

This response indicates a commitment to respond to the intent of the recommendation and its details.

Analysis of Response

- Evidence is needed: no supporting documentation on the tracking system was provided with the MACY-RAP response (other than Manitoba Justice’s mention that it was implemented prior to the public release of the special report), therefore MACY is not able to assess whether the current tracking process meets the intent of the recommendation.
- The Manitoba Advocate specifically requests that Manitoba Justice share the data that has been collected from this tracking system, from the time of the special report’s public release (February 2019) until present, which would be the current numbers for the past six months. This data will also be used to assess whether other recommendations from this special report have been met. A formal request letter for this tracking tool and data will follow to Manitoba Justice.
- How will Manitoba Justice “report on” incidents of segregation? Will the reports be made public, as identified in the details of the recommendation?
- To be addressed in the short term*:
 - Status of implementation
 - Information indicating a timeline for implementation

*On September 30, 2019, the Manitoba Advocate sent a letter to the members of the government’s MACY-RAP committee and working group requesting additional information regarding the government’s progress on recommendations made by the Advocate. The Advocate communicated to the government representatives short-term questions for information that could be provided quickly. Additionally, the Advocate sent long-term questions for the government to address in future progress reports. The questions are designed to seek clarification on activities, seek evidence or documentation to support the activities, or to determine how the government’s responses are meeting the intent of the recommendations made by the Advocate. All of this information will be used by the Advocate to determine the levels of compliance with implementation, in accordance with s.11(1)(d), s.30(2)(d), and s.30(4), of *The Advocate for Children and Youth Act*.