

# COMPLIANCE DETERMINATION

## Nelson Mandela - Recommendation 2

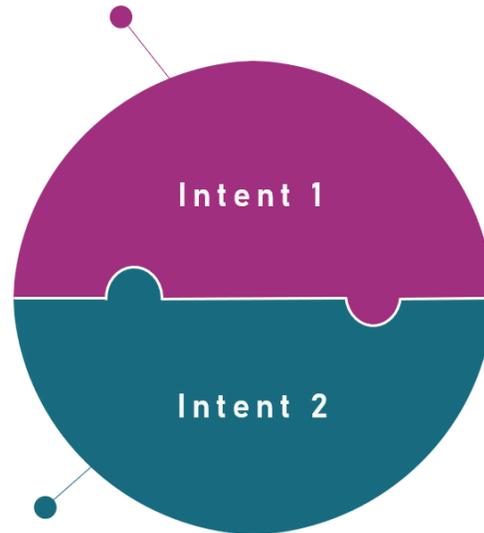
**Recommendation Summary:** Restrict the use of segregation under 24 consecutive hours for vulnerable populations of youth.

**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 agreed to review and update its Standing Orders over the next year to limit the use of segregation on vulnerable populations.

**Outstanding Action:** An update of the Standing Orders.



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

Manitoba Justice is in the process of ascertaining what is needed for a comprehensive mental health assessment when youth are segregated and has engaged in discussions with MACY regarding what is expected.

**Outstanding Action:** Assessments are completed and tracked for youth are segregated.

## COMPLIANCE DETERMINATION



With Manitoba Justice agreeing to implement Intent 1 within one year, this recommendation is almost partially compliant. There is evidence that mental health assessments are completed for all admissions at one youth custody facility, but not the other.

## 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.

<b>1. Recommendation Information</b>	
<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)	<p><b>Recommendation Two:</b> 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><b>DETAILS:</b></p> <ul style="list-style-type: none"> <li>• That Manitoba Justice restrict the use of any form of segregation for the purposes of discipline, punishment, coercion, convenience, or retaliation.</li> <li>• 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.</li> <li>• That Manitoba Justice track and require comprehensive mental health assessments for youth subjected to any period of segregation.</li> <li>• 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>.</li> </ul>
<b>Intent(s) of Recommendation:</b>	<p>The intents of the recommendation are to:</p> <ol style="list-style-type: none"> <li>1. <b>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.</b></li> <li>2. <b>Require and track mental health assessments for youth who are segregated for any period of time.</b></li> </ol>
<b>Issue:</b>	Solitary Confinement
<b>Public Body</b>	Manitoba Justice Government of Manitoba
<b>Dates of Previous Official Updates from Public Body</b>	May 31, 2021 June 30, 2020 December 31, 2019 June 26, 2019
<b>2. Compliance Determination</b>	
<b>Limitedly Compliant</b>	Actions taken only implement a small part of the recommendation,

0.25	requirements are only fulfilled to a limited degree by actions taken, resulting in significant deficiency in implementation.
Self-Assessment	Partially Compliant
Previous Compliance Determination	Limitedly Compliant
<b>3. Rationale for Determination</b> (How did you reach this compliance determination)	
<p><b>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.</b></p> <p><b>2021</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>2020</b></p> <ul style="list-style-type: none"> <li>• 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.”</li> <li>• 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.</li> </ul> <p><b>Intent 2: Require and track mental health assessments for youth who are segregated for any period of time.</b></p> <p><b>2021</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><b>2020</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	

- There is no indication that these assessments are being tracked systematically; they are kept in individual files.

**Analysis Summary:** With Manitoba Justice agreeing to implement Intent 1 within the time frame of one year, commitments to implement the recommendation are promising. Mental health assessments, such as the MAYSI-2 screening instrument, are still not completed consistently as per the Standing Orders (specifically the Youth Observation Policy). The department, however, has articulated it is willing to improve its processes and has begun looking into how its current practices can be modified to not just meet Intent 2 of this recommendation, but also ensure compliance with its own policies. Implementation of this recommendation remains at early stages; thus, this recommendation is assessed as limitedly compliant.