

# COMPLIANCE DETERMINATION

## Nelson Mandela - Recommendation 3

**Recommendation Summary:** Collect, track, analyze, and publish reports of segregation incidents in youth custody facilities.

**Primary Public Body:** Manitoba Justice

### 1. Monitor the use of segregation, by collecting, tracking, analyzing, and reporting on segregation through a centralized information management system that accounts for transfers between institutions

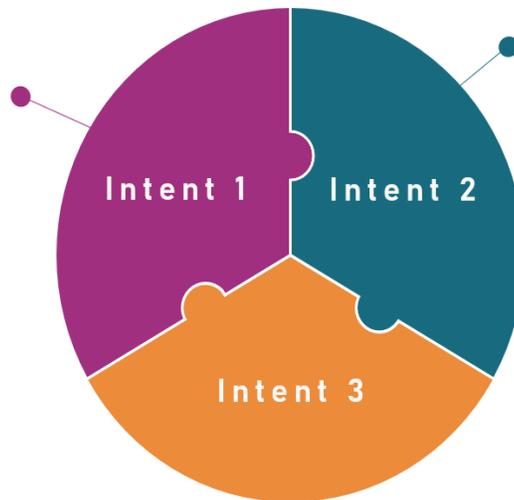
There has been no progress on Manitoba Justice's capacity to track, analyze, and report on segregation data in-house, other than to centralize data collection for spreadsheets. The department continues to collect and share said data with MACY.

**Outstanding Action:** Improve tracking to account for transfers between institutions, integrate tracking into existing database.

### 2. Submit a quarterly report on segregation use and demographics to the Manitoba Advocate

Manitoba Justice continues to submit spreadsheets on segregation use and demographics to MACY on a monthly basis.

**Actions meet the intent of the recommendation.**



### 3. Report publicly on the use of segregation

Manitoba Justice still has not made data on segregation use available to the public.

**Outstanding Action:** Include segregation statistics in public reporting.

## COMPLIANCE DETERMINATION

0.50

Partially Compliant

Manitoba Justice continues to collect, track, and report quarterly (now monthly) to the Manitoba Advocate on segregation use, but it does not yet analyze the data internally nor report publicly on the use of segregation. There has been some progress on improving data sharing with MACY and towards transitioning monitoring and reporting from MACY to the department.

Manitoba Advocate

## 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 Three:</b> The Manitoba Advocate for Children and Youth recommends that Manitoba Justice collect, track, analyze, and report on incidents of segregation across youth custody facilities to ensure transparency and accountability.</p> <p><b>DETAILS:</b></p> <ul style="list-style-type: none"> <li>• That Manitoba Justice invest in the development of a centralized information management system to implement a process to aggregate data and analyze trends on the use of segregation by youth, reflecting transfers between institutions.</li> <li>• 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.</li> <li>• That Manitoba Justice report publicly on aggregated data of the use of segregation practices in youth custody facilities through their Annual Report.</li> </ul>
<b>Intent(s) of Recommendation:</b>	<p>The intents of the recommendation are to:</p> <ol style="list-style-type: none"> <li><b>1. Increase Manitoba Justice’s ability to monitor the use of segregation, by collecting, tracking, analyzing, and reporting on segregation use through a centralized information management system that accounts for transfers between institutions.</b></li> <li><b>2. Submit a quarterly report on segregation use and demographics to the Manitoba Advocate.</b></li> <li><b>3. Report publicly on the use of segregation.</b></li> </ol>
<b>Issue:</b>	Solitary Confinement
<b>Public Body</b>	Manitoba Justice
<b>Dates of Previous Official Updates from Public Body</b>	May 31, 2021 June 30, 2020 December 31, 2019
<b>2. Compliance Determination</b>	
<b>Partially Compliant 0.50</b>	Actions taken only implement part of the recommendation. Important requirements have been met and the recommendation is acted upon,

	however, deficiencies remain.
<b>Self-Assessment</b>	Partially Compliant (for Intents 1 and 3) Fully Compliant (for Intent 2)
<b>Previous Compliance Determination</b>	Partially Compliant
<b>3. Rationale for Determination</b> (How did you reach this compliance determination)	
<p><b>Intent 1: Increase Manitoba Justice’s ability to monitor the use of segregation, by collecting, tracking, analyzing, and reporting on segregation use through a centralized information management system that accounts for transfers between institutions.</b></p> <p><b>2021</b></p> <ul style="list-style-type: none"> <li>As of May 2021, there has been no progress on Manitoba Justice’s capacity to track, analyze, and report on segregation data in-house, other than to centralize/combine the spreadsheets from the two youth custody facilities into one. The department continues to collect and share said data with MACY, who subsequently track, monitor, and conduct analyses. MACY has also released a special report update in June 2021, summarizing findings from the spreadsheets Manitoba Justice has shared.</li> </ul> <p><b>2020</b></p> <ul style="list-style-type: none"> <li>While Manitoba Justice reports the tracking form is “in use at both” youth custody facilities, there are inconsistencies between the two facilities’ tracking forms and, as a result, inconsistencies in the data the department provides to MACY. Significant data cleaning is currently required to ensure that transfers of the same individual between segregation units at both facilities are accounted for, and it is difficult to see through current tracking mechanisms how many times and for how long a youth is placed in segregation.</li> <li>Storage and tracking of segregation data using a centralized information management system would allow Manitoba Justice to have a better understanding of the use of segregation per youth in custody, instead of per facility, and to identify cases of overuse. The department has not provided any indication that it will integrate the tracking form into their current centralized information management system, COMS, or develop an alternative centralized information management system.</li> <li>The recommendation calls for Manitoba Justice to track and analyze segregation data. At present, however, Manitoba Justice collects, tracks, and reports on segregation incidents on a quarterly basis to MACY (increased to monthly since the onset of the COVID-19 pandemic), and MACY Quality Assurance and Research staff subsequently analyze this data.</li> </ul> <p><b>Intent 2: Submit a quarterly report on segregation use and demographics to the Manitoba Advocate.</b></p> <p><b>2021</b></p> <ul style="list-style-type: none"> <li>As of May 2021, Manitoba Justice continues to submit spreadsheets on segregation use and demographics to MACY on a monthly basis, meeting this intent in full.</li> </ul> <p><b>2020</b></p> <ul style="list-style-type: none"> <li>Manitoba Justice has been reporting quarterly on the use of segregation in Manitoba youth custody facilities to the Manitoba Advocate. Due to COVID-19 restrictions, the Manitoba Advocate requested monthly reports, and Manitoba Justice has complied with the request for more frequent reporting.</li> <li>Manitoba Justice segregation data submitted to MACY include the length of time each youth was in segregation, the Indigenous status, age, and gender of each youth, the reason each</li> </ul>	

youth was placed in segregation, and any knowledge of mental health (illness or cognitive vulnerability). Manitoba Justice has not been reporting on the facility staffing levels at the time of confinement or services provided to youth while in confinement.

- In the early stages of Manitoba Justice sharing its segregation data with MACY, some of the variables that this recommendation outlined as essential to be tracked had not been integrated into the department's tracking tool (e.g., Indigenous status, knowledge of mental health, gender). This was later corrected and updated. In addition, some of the columns in the data shared by Manitoba Justice contain many blank cells. Manitoba Justice has been working with MACY to rectify this and ensure any missing pieces are included in the quarterly/monthly submissions.

**Intent 3: Report publicly on the use of segregation.**

**2021**

- As of May 2021, Manitoba Justice still has not reported publicly on segregation use.
- Previous updates did not indicate any progress on this intent.

**Analysis Summary:** Manitoba Justice continues to collect, track, and report quarterly (now monthly) to the Manitoba Advocate on segregation use, but it does not yet analyze the data internally nor report publicly on the use of segregation. While some progress has been made to improve data sharing with MACY and towards transitioning monitoring and reporting from MACY to the department, Manitoba Justice remains partially compliant with this recommendation.