

COMPLIANCE DETERMINATION

Nelson Mandela - Recommendation 6

Recommendation Summary: Create specialized facility for youth in custody with cognitive vulnerabilities and/or mental illness.

Primary Public Body: Manitoba Justice

1. Develop specialized programming for youth with cognitive disabilities who are in custody led and run by mental health professionals.

Manitoba Justice has questioned the relevance of a facility given lower numbers in custody, and is also awaiting the Department of Mental Health, Wellness and Recovery's (MHWR) input on the matter.

Outstanding Action: Determination of MHWR mandate.

2. Have mental health professionals conduct mental health assessments within 72 hours of youth entering custody.

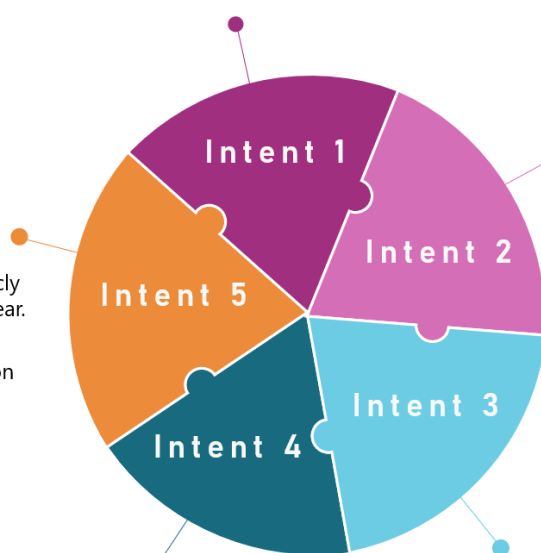
Evidence is needed that assessments are indeed conducted within 72 hours of admission at AYC. Youth Justice Review will also review issue. As of Oct 1, 2021, MAYSI-2 is utilized for all MYC admissions.

Outstanding Action: Evidence provided that assessments are done for all AYC admissions within that time frame.

5. Publicly report on therapeutic alternative outcomes, rates of recidivism, and the proportion of Indigenous youth in custody – as outlined in the TRC Calls to Action.

Manitoba Justice has committed to publicly reporting on these statistics within one year.

Outstanding Action: Revise existing recidivism reporting and report publicly on outcomes.



4. For Manitoba Justice with Manitoba Families and Manitoba Health to develop a detailed action plan to address the mental health and wellness of youth in custody.

Manitoba Justice advised that the Youth Justice Review would have resulted in an action plan but is delayed due to COVID-19.

Outstanding Action: Development of an action plan.

3. For Manitoba Health with Manitoba Justice to evaluate the status of the Manitoba Youth Centre as a mental health facility.

MHWR will need to be involved in determining next steps, as it will likely be the department conducting an evaluation.

Outstanding Action: Consultations with the Department of Mental Health, Wellness and Recovery on the matter.

COMPLIANCE DETERMINATION

0.25

Limitedly Compliant

Some progress has been made on this recommendation, particularly with the formation of the new Department of Mental Health, Wellness and Recovery. The delay of the Youth Justice Review, as well as some questions raised by Manitoba Justice around implementation, however, have stalled movement.

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.

1. Recommendation Information	
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 Six: The Manitoba Advocate for Children and Youth recommends that Manitoba Justice and Manitoba Health, Seniors and Active Living (now Manitoba Health and Seniors Care) immediately embark on the development of a specialized health facility led and run by mental health professionals to provide evidence-informed programming for youth with mental illnesses or cognitive vulnerabilities in custody, including youth who are found not criminally responsible.</p> <p>DETAILS:</p> <ul style="list-style-type: none"> • That Manitoba Justice conduct comprehensive mental health assessments, followed by ongoing treatment and assessments by mental health professionals within 72 hours of youth entering custody. • That Manitoba Health, Seniors and Active Living (now Health and Seniors Care), with the full cooperation of Manitoba Justice, evaluate the ability and capacity for the Manitoba Youth Centre to serve as a mental health facility as provided by <i>Facilities Designation Regulation</i> for the purposes of <i>The Mental Health Act</i>. • That Manitoba Justice collaborate with Manitoba Families, Manitoba Health, Seniors and Active Living (now Health and Seniors Care), youth with lived and living experience in correctional facilities, subject-matter experts, correctional officers, and Indigenous Knowledge Keepers as well as representatives with critical perspectives from the juvenile justice, health care, advocacy, and legislative arenas in the development of a detailed action plan with timelines and measurable outcomes to address the mental health and wellness of youth in custody. • That Manitoba Justice identify, measure, and publicly report on the therapeutic alternative outcomes of the action plan annually, including rates of recidivism and the proportion of Indigenous youth in custody as outlined by the Truth and Reconciliation Commission of Canada's <i>Calls to Action</i>.
Intent(s) of Recommendation:	<p>The intents of the recommendation are:</p> <ol style="list-style-type: none"> 1. To develop specialized programming via a new facility for youth with cognitive disabilities who are in custody which are led and run by mental health professionals.

	<ol style="list-style-type: none"> 2. To have mental health professionals conduct mental health assessments within 72 hours of youth entering custody. 3. To evaluate MYC as a mental health facility. 4. To develop a detailed action plan with timelines and outcomes to address the mental health and wellness of youth in custody (Justice, Families, Health). 5. To publicly report on therapeutic alternative outcomes, rates of recidivism, and the proportion of Indigenous youth in custody – as outlined by the Truth and Reconciliation Commission of Canada’s <i>Calls to Action</i>.
Issue:	Solitary Confinement
Public Body	Manitoba Justice Manitoba Health and Seniors Care
Dates of Previous Official Updates from Public Body	May 31, 2021 June 30, 2020 December 31, 2019 June 26, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	Actions taken only implement a small part of the recommendation, requirements are only fulfilled to a limited degree by actions taken, resulting in significant deficiency in implementation.
Self-Assessment	Partially Compliant (for Intents 2, 3, and 4) Largely Compliant (for Intent 5) Non-Compliant (for Intent 1)
Previous Compliance Determination	Limitedly Compliant
3. Rationale for Determination (How did you reach this compliance determination)	
<p>Intent 1: To develop specialized programming via a new facility for youth with cognitive disabilities who are in custody which are led and run by mental health professionals.</p> <p>2021</p> <ul style="list-style-type: none"> • As of May 2021, Manitoba Justice has questioned the relevancy of this recommendation in light of the decrease in numbers of youth in custody since the <i>Mandela</i> report was released. • The department has also cited “the [current] mental health supports available and the formation of the Department of Mental Health, Wellness and Recovery” as additional rationale for the irrelevancy of this recommendation. While the new department’s formation is a legitimate reason for the delay of Intent 1, limited information was provided as to the quality of current mental health supports available for youth in custody. Service providers at the Manitoba Youth Centre (MYC) and Agassiz Youth Centre (AYC) identified the need for more specialized mental health supports in June 2021 (Manitoba Advocate for Children and Youth. 2021. <i>Breaking the cycle: An update on the use of segregation and solitary confinement in Manitoba youth custody facilities</i>, p. 16) <p>2020</p> <ul style="list-style-type: none"> • The numerous investments referenced in the Update on the Youth Justice Review dated June 16, 2020 speak to supporting positive outcomes for youth, reducing justice involvement in the area of mental health and addictions, which will support children and youth with complex multi-system needs (Confidential Information). 	

- There is no indication, however, whether a specialized facility run by mental health professionals is being considered as one of the specialized programming (Confidential Information).

Intent 2: To have mental health professionals conduct mental health assessments within 72 hours of youth entering custody.

2021

- As of October 1, 2021, Manitoba Justice began using the Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2) tool for all youth admitted to MYC.
- In response to MACY following-up with the department to see if a snapshot of admissions during a specific time period could be provided to demonstrate that this process is indeed being followed for every single admission, Manitoba Justice sent MACY data of two weeks of admissions to the Manitoba Youth Centre (MYC) which showed a MAYSI-2 was completed every time.
- Evidence that the MAYSI-2 is being done for every Agassiz Youth Centre (AYC) admission is needed.
- As of May 2021, the Youth Justice Review, which would have provided information on mental health professionals conducting mental health assessments in youth custody facilities, has yet to be released due to the COVID-19 pandemic. In October 2021, the department additionally shared that the Youth Justice Branch was created in early 2021 to lead the review and that a review engagement strategy for the review would soon be established.

2020

- Upon admission, Manitoba Justice reported that all youth meet with a Correctional Psychiatric Nurse (CPN) for a suicide assessment and safety plan, and an assessment of risk within the facility. The risk assessment that is utilized is the (Y)LS/CMI. This is done at MYC within 24 hours and at AYC within 72 hours of a youth being admitted.
- Within 24 hours of youth being placed in observation, a mental health nurse uses the mental health assessment MAYSI-2 to identify signs of potential mental, emotional, and behavioural concerns, and assess mental health and cognitive capacity. Actions reported comply with the intent of this recommendation.
- Other than Manitoba Justice's response noting mental health assessments are conducted by a mental health nurse within 24 hours of a youth being admitted at MYC, and on the same day or within 72 hours of a youth being admitted at AYC, as of May 2021, no specific evidence was provided to prove this occurs. Assessments entail an initial greeting, orientation to assessing services, and an evaluation for any immediate needs. Assessments are documented within the youth's COMS record. Mental health nurses at each facility communicate with each other on any recommendations.

Intent 3: To evaluate MYC as a mental health facility.

2021

- In May 2021, and confirmed in October 2021, Manitoba Justice reported that Intent 3 is on pause until the new Department of Mental Health, Wellness and Recovery is able to assist in reviewing this recommendation and provide feedback as to further action on evaluation of the Manitoba Youth Centre. COVID-19 has also contributed to the delay.

2020

- There is no indication in any of the documents provided by Manitoba Justice of a plan to

evaluate the ability and capacity of MYC to serve as a mental health facility.

Intent 4: To develop a detailed action plan with timelines and outcomes to address the mental health and wellness of youth in custody (Justice, Families, and Health).

2021

- As of May 2021, the Youth Justice Review, which would have resulted in the development of an action plan on the mental health and wellness of youth in custody, has yet to be released due to the COVID-19 pandemic.

2020

- The Youth Justice Review appears to be promising in fulfilling the development of a detailed action plan to address the mental health and wellness of youth in custody. Although on September 2, 2020 Manitoba Justice confirmed Manitoba Health, Seniors and Active Living has been engaged with the Youth Justice Review, no timelines for the completion of the action plan have been provided (Confidential Information).

Intent 5: To publicly report on therapeutic alternative outcomes, rates of recidivism, and the proportion of Indigenous youth in custody – as outlined by the Truth and Reconciliation Commission of Canada’s *Calls to Action*.

2021

- In their May 2021 MACY-RAP response, Manitoba Justice has committed to publicly reporting these statistics within one year, and is in communication with MACY regarding what is required.

2020

- The department reports publicly on recidivism rates and these statistics are available on the Manitoba government website. The department also annually submits data on the proportion of Indigenous youth in custody (if a youth self-reports as Indigenous) to the Canadian Centre for Justice Statistics, a division of Statistics Canada, and these statistics are made public on the latter’s website. There is no indication in the documents provided that the department plans to report publicly on therapeutic alternative outcomes.

Analysis Summary: Some progress has been made on this recommendation, particularly with the commitment of Manitoba Justice to implement Intent 5 and with the formation of the new Department of Mental Health, Wellness and Recovery which has the potential to move Intent 3 forward. As of October 2021, the department provided evidence to demonstrate progress on Intent 2. The delay of the Youth Justice Review due to the COVID-19 pandemic, however, has stalled any movement on Intent 4. Furthermore, Manitoba Justice’s concerns related to the relevance of Intent 1 additionally impedes on the implementation of this recommendation. The department remains limitedly compliant with this recommendation.