

## 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	
<b>Report Name:</b>	Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities
<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 intent of the recommendation is to:</p> <ol style="list-style-type: none"> <li><b>To 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><b>To require and track mental health assessments for youth who are segregated for any period of time.</b></li> </ol>
<b>Theme:</b>	Solitary Confinement
<b>Primary Department:</b>	Manitoba Justice
<b>Dates of Previous Official Updates from Public Body:</b>	June 30, 2020
	December 31, 2019
	June 26, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	The requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation.

### 3. Rationale for Determination

*(How did you reach this compliance determination)*

- 1. To 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**
  - 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”.
  - There is nothing in the Youth Observation Policy that refers to vulnerable populations, nor does the policy restrict the use of segregation (ex. 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 policies on the use of observation/segregation.
  
- 2. To require and track mental health assessments for youth who are segregated for any period of time.**
  - 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.
  - In the responses provided by the department to MACY’s June 2020 questions, mental health nurses assess youth in Observation once daily at minimum. Mental health visitation by a psychologist occurs after a young person has been in Observation for three days.
  - 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.
  - There is no indication that these assessments are being tracked systematically; they are kept in individual files. The Manitoba Advocate audited the files of three youth that experienced segregation and solitary confinement in 2019-20 to assess compliance with this recommendation. The review found that the Youth Observation Policy was not consistently followed when it comes to mental health assessments for youth in segregation.

The response provided to address intent #1 of the recommendation is not in line with the recommendation. While responses for intent #2 evidenced that mental health assessments, using the MAYSI-2 screening instrument, are required and tracked under the Youth Observation Policy, assessments are not completed consistently as per the Standing Orders and it is unclear if MAYSI-2 is in fact used every time. Ultimately, this indicates that actions taken implement the recommendation to a limited degree.