

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 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.
Intent(s) of Recommendation:	<p>The intent of the recommendation is to:</p> <ol style="list-style-type: none"> 1. To 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. 2. To submit a quarterly report on segregation use and demographics to the Manitoba Advocate. 3. To report publicly on the use of segregation.
Theme:	Solitary Confinement
Public Body	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 26, 2019

2. Compliance Determination

Partially Compliant 0.50

The most important requirements have been met; certain deficiencies affect the adequacy of the implementation, but without resulting in a situation where the given recommendation has not been acted upon.

3. Rationale for Determination

(How did you reach this compliance determination)

1. To 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

- Manitoba Justice has implemented a tracking system not previously in existence for segregation incidents. While Manitoba Justice reports that 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.
- 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 they will integrate the tracking form into their current centralized information management system, COMS, or develop an alternative centralized information management system.
- The recommendation calls for Manitoba Justice to analyze segregation data; however, at present, 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 subsequently analyzes this data.

2. To submit a quarterly report on segregation use and demographics to the Manitoba Advocate

- 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.
- Manitoba Justice segregation data submitted to MACY includes the length of time each youth was in segregation, the Indigenous status, age, and gender of each youth, the reason each 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 (i.e. Indigenous status, mental health, gender); however, this was 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. This intent has been deemed fully compliant.

3. To report publicly on the use of segregation

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

Manitoba Justice has begun to collect, track, and report quarterly to the Manitoba Advocate on segregation use which implement part of the recommendation. Manitoba Justice has not yet analyzed the data internally and is unable at this time to recognize cases of segregation overuse. Manitoba Justice has not made their use of segregation public. Thus, actions taken are deemed partially compliant.