

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)	Recommendation Five: The Manitoba Advocate for Children and Youth recommends that Manitoba Justice respond to the overrepresentation of youth with mental illnesses, cognitive vulnerabilities, and childhood trauma by developing an action plan with Manitoba Health, Seniors and Active Living and Manitoba Families for the implementation of evidence informed and culturally-safe therapeutic behavioural management alternatives to solitary confinement and pepper spray, with the goals of enhancing the rehabilitation and successful reintegration of youth in Manitoba communities, reducing recidivism, and improving the public safety of all Manitobans.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. To develop an action plan with Manitoba Health, Seniors and Active Living, and Manitoba Families to implement evidence informed and culturally safe therapeutic behavioural management programs.
Theme:	Solitary Confinement
Issue:	Mental Health
Primary Department:	Manitoba Justice
Dates of Previous Official Updates from Public Body:	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 <i>(How did you reach this compliance determination)</i>	
<p>1. For Manitoba Justice to develop an action plan with Manitoba Health, Seniors and Active Living, and Manitoba Families to implement evidence informed and culturally safe therapeutic behavioural management programs</p> <ul style="list-style-type: none"> • The partnership between the ADMs of the Community Safety Division (Manitoba Justice) and Manitoba Families on the youth justice review announced February 2019 for youth involved in both justice and child welfare is a promising one, and addresses one portion of the recommendation. On September 2, 2020, Manitoba Justice confirmed that Manitoba Health, Seniors and Active Living has been engaged with the youth justice review to bring expertise in mental health and therapeutic supports. 	

- The focus of the youth justice review on increasing supports for youth and reducing reliance of incarceration is in line with the intent of the recommendation to reinforce rehabilitative and therapeutic approaches. However, given the early stages of the youth justice review, not enough information was provided on whether a plan has been developed to increase therapeutic and rehabilitative supports for youth in custody. No information has been provided on concrete changes made to current services in Manitoba youth custody facilities; however the department noted on September 2, 2020 that with the recent decreases in the number of youth being held in custody yet no decreases in the number or availability of health care professionals, this “has resulted in the possibility of more time being available for youth in need of this type of assistance”.
- It is also not clear how the youth justice review will impact youth in custody that are not involved in the child welfare system.
- The department’s June 30, 2020 MACY-RAP submission as well as its responses to MACY’s June 2020 questions provided substantial information on existing therapeutic supports for MACY to assess whether services are evidence informed and culturally appropriate. It remains unclear whether services have been enhanced since the issuance of this recommendation or were pre-existing, and how many youth access these programs.

Steps have been taken which align with the intent of the recommendation and fulfill requirements to a limited degree, particularly with the youth justice review. However, significant deficiencies exist in implementation activities, namely that an action plan has not yet been created to enhance therapeutic and rehabilitative programs in Manitoba youth custody facilities.