

## 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>               |   |
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| <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><br>(including details) | <p><b>Recommendation Six:</b> The Manitoba Advocate for Children and Youth recommends that Manitoba Justice and Manitoba Health, Seniors and Active Living 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><b>DETAILS:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• That Manitoba Health, Seniors and Active Living, 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>.</li> <li>• That Manitoba Justice collaborate with Manitoba Families, Manitoba Health, Seniors and Active Living, 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.</li> <li>• 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 Calls to Action.</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>1. To develop specialized programming via a facility for youth with cognitive disabilities who are in custody which are led and run by mental health professionals.</b></li> </ol>   |

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|   | <ol style="list-style-type: none"> <li>2. To have mental health professionals conduct mental health assessments within 72 hours of youth entering custody.</li> <li>3. For Manitoba Health with the cooperation of Manitoba Justice to evaluate the status of MYC as a mental health facility.</li> <li>4. For Manitoba Justice with Manitoba Families and Manitoba Health to develop a detailed action plan with timelines and outcomes to address the mental health and wellness of youth in custody.</li> <li>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.</li> </ol> |
| <b>Theme:</b>   | Solitary Confinement  |
| <b>Issue:</b>   | Specialized Facility  |
| <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   |
| <b>2. Compliance Determination</b>  |   |
| Limitedly Compliant<br>0.25   | The requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation.  |
| <b>3. Rationale for Determination</b><br><i>(How did you reach this compliance determination)</i>   |   |
| <ol style="list-style-type: none"> <li>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. <ul style="list-style-type: none"> <li>• Information on existing specialized programming for children and youth with complex needs was provided on June 30, 2020. It is unclear whether the programming was led by mental health professionals or what programming was enhanced since the recommendation was released.</li> </ul> </li> <li>2. To have mental health professionals conduct mental health assessments within 72 hours of youth entering custody <ul style="list-style-type: none"> <li>• Upon admission, Manitoba Justice reported that all youth meet with a Correctional Psychiatric Nurse (CPN) for a suicide assessment and safety plan, and a risk 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.</li> </ul> </li> <li>3. To evaluate the status of MYC as a mental health facility. <ul style="list-style-type: none"> <li>• 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.</li> </ul> </li> <li>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). <ul style="list-style-type: none"> <li>• Information on the youth justice review was provided on June 30, 2020. In addition to Manitoba Families, Manitoba Justice confirmed on September 2, 2020 that Manitoba Health, Seniors and Active Living has been engaged with the youth justice review. While the youth justice review is promising, no action plan has been provided.</li> </ul> </li> <li>5. To publicly report on therapeutic alternative outcomes, rates of recidivism, and the proportion</li> </ol> |   |

**of Indigenous youth in custody – as outlined by the Truth and Reconciliation Commission of Canada’s Calls to Action.**

- The department reports publicly on recidivism rates and these statistics are available on the Manitoba government website. However, visuals to report recidivism rates are not easily accessible. 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 Statistics Canada website. There is no indication in the documents provided that the department plans to report publicly on therapeutic alternative outcomes.

Actions indicate that the requirements of the recommendation have been fulfilled to a limited degree. In particular, Manitoba Justice reports completing a mental health assessment of every youth upon admission which complies with the requirement to complete mental health assessments within 72 hours of admission, and that the department publicly reports on recidivism rates on their website and provides the Canadian Centre for Justice Statistics (CCJS) with statistics on Indigenous ancestry which is made public on the CCJS’s website.

Other requirements of the recommendation including the development of mental health professional-run specialized services for youth with cognitive vulnerabilities, to report publicly on therapeutic alternative outcomes, to evaluate MYC’s capacity to serve as a mental health facility, and to create an action plan for mental health services have not been addressed in the responses. As a result, this recommendation is deemed limitedly compliant.