

Backgrounder on the Silent World of Jordan

Introduction:

The Silent World of Jordan is a special investigative report prepared by the Saskatchewan Advocate for Children and Youth. Released on June 15, 2016, it offers an extended account of services provided to a First Nations youth with a significant hearing loss who died in September 2013 while in the care and custody of a Prince Albert youth facility operated by the Saskatchewan Ministry of Justice, Corrections and Policing.

This 16-year-old youth, referred to as “Jordan” in the report, passed away in hospital on September 19, 2013, approximately a week after he was first remanded to custody. The Coroner determined that the cause of death was bronchopneumonia with associated sepsis, and that the manner of death was natural. Around this same time, Jordan’s family was receiving support services from Agency Chiefs Child and Family Services.

This report examines whether Jordan received the services he was entitled to under provincial legislation, policy and practice as well as the *United Nations Convention on the Rights of the Child (UNCRC)*. Jordan had a significant hearing loss, and his ability to communicate was limited.

Jordan was first placed in custody at the Prince Albert Youth Residence (PAYR) on September 12, 2013. His initial time at the facility was uneventful, but four days after his admission facility workers noticed Jordan walking with a slight limp. He was promptly taken to a local medical clinic and diagnosed with a soft tissue injury. Jordan’s health subsequently deteriorated, and 911 was called late on September 18. He died in hospital twelve hours later.

Key findings:

The Advocate’s investigation found that:

- there was no formal process at PAYR to adequately respond to Jordan’s complex needs as a young person with significant hearing loss.
- there is no provincial health care policy and while a provincial admissions policy provided some guidance, PAYR failed to implement complementary local procedures to ensure that youth had proper access to health services. Further, the Ministry failed to ensure that youth facilities were compliant with existing provincial policies.
- Initially, Jordan’s right to healthcare was honoured when he was examined by a physician on September 16, 2013. In the succeeding 48 hours symptoms of his deteriorating health were observed by several facility workers. Deputy sheriffs, who transported Jordan to and from youth court in Prince Albert, also reported serious concerns about his declining health to facility staff. However, aside from sporadically providing him over-the-counter pain relief, few steps were taken to alleviate Jordan’s condition, and a supervisor’s decision not to seek emergency medical treatment notwithstanding the serious concerns raised by several youth workers only made matters worse.

- Jordan's vulnerability was elevated when PAYR failed to provide a reasonable accommodation based on his hearing impairment. Even though largely unintentional, this resulted in a situation that was discriminatory. Although the duty to accommodate was addressed to some extent in local procedures and provincial policies, information to staff about this duty under *The Saskatchewan Human Rights Code* was lacking.
- When deputy sheriffs received no response after reporting Jordan's illness to their supervisor, they expedited his return to PAYR on the assumption that he would get prompt medical attention. However, critical information was not passed along to a PAYR supervisor – in part because the deputy sheriffs had no guidelines to inform decision making in situations where health concerns are serious but not immediately life-threatening.
- Agency Chiefs Child and Family Services provided support to Jordan's mother and brothers, but did not extend services to him. Services were denied on two occasions – when the Agency was first informed that Jordan was in trouble with the law, and again when the youth court issued a Section 35 referral requesting an assessment of the family home and Jordan's communication needs. This denial of support services further intensified his vulnerability.

Recommendations:

In light of these findings, *The Silent World of Jordan* advances ten recommendations:

Recommendation #1: The Ministry of Justice, Corrections and Policing amend the policy, Clinical Supervision Review of Complex, Serious Violent and Violent Offence Cases to broaden the scope of complex cases to incorporate youth with broader complex needs and/or disabilities.

Recommendation #2: The Prince Albert Youth Residence develop procedures that reflect identification, assessment, and referral for planning for the care of remanded youth with complex needs as directed in the Clinical Supervision Review of Complex, Serious Violent and Violent Offence Cases policy.

Recommendations #3: The Ministry of Justice, Corrections and Policing develop and implement a stand-alone healthcare policy to guide effective practice and safeguard the right to health services, which youth in custody are entitled to under Article 24 of the United Nations *Convention on the Rights of the Child*. The new policy should incorporate:

- a directive to Facility Directors to develop procedural guidelines ensuring youth in custody have access to healthcare;
- explicit guidelines for times when on-site health services are not available; and,
- guidelines for supervisors for administrative decision making, including documentation of decisions, and reporting decisions back to facility staff and to the youth.

Recommendation #4: The Ministry of Justice, Corrections and Policing establish an oversight system for monitoring, reviewing, and approving local policies to ensure alignment with Ministry policies.

Recommendation #5: The Ministry of Justice, Corrections and Policing develop and implement training for all facility staff on their roles and obligations for the effective management of health-related issues of young persons in custody. Training should incorporate:

- critical thinking skills and their application when assessing the needs of youth;

- proper documentation and reporting back when youth request medical attention, and when health-related concerns of a young person are received by external parties and the youth's parents; and,
- problem-solving when there is conflict among staff and supervisors regarding a health-related decision.

Recommendation #6: The Ministry of Justice, Corrections and Policing develop and implement a policy on its duty to accommodate that outlines the responsibilities, expectations and processes applicable to youth in custody and youth in the community that includes training for management and staff as part of its implementation.

Recommendation #7: The Ministry of Justice and Attorney General, Courts and Tribunals Division in Prince Albert to develop procedures for non-emergency situations involving young people who are ill or injured and require medical attention. The new procedures should incorporate:

- an overarching statement regarding the right of youth to access healthcare services (UNCRC, Article 24);
- guidelines for deputy sheriffs for reporting health-related concerns regarding a young person;
- guidelines for supervisors for making effective administrative decisions, including the documentation and reporting back to the deputy sheriff and to the youth; and,
- guidelines for effective communication of events or concerns to the youth facility if applicable.

Recommendation #8: That the Prince Albert Youth Residence and Court Services in Prince Albert develop a protocol to govern the roles and responsibilities to ensure youth have timely access to healthcare services.

Recommendation #9: The Agency Chiefs Child & Family Services Inc. review its current caseload to determine the number of children ages 0 to 18 with disabilities to ensure:

- up-to-date assessments are on file;
- youth and families are connected to the necessary supports and services and, provide the results of the review to our office within one year of this report

Recommendation #10: The Agency Chiefs Child & Family Services Inc. examine the internal process when a Section 35 referral is received from the Provincial Court and make any necessary changes to ensure timely responses to meet the needs of youth involved in the youth justice system.