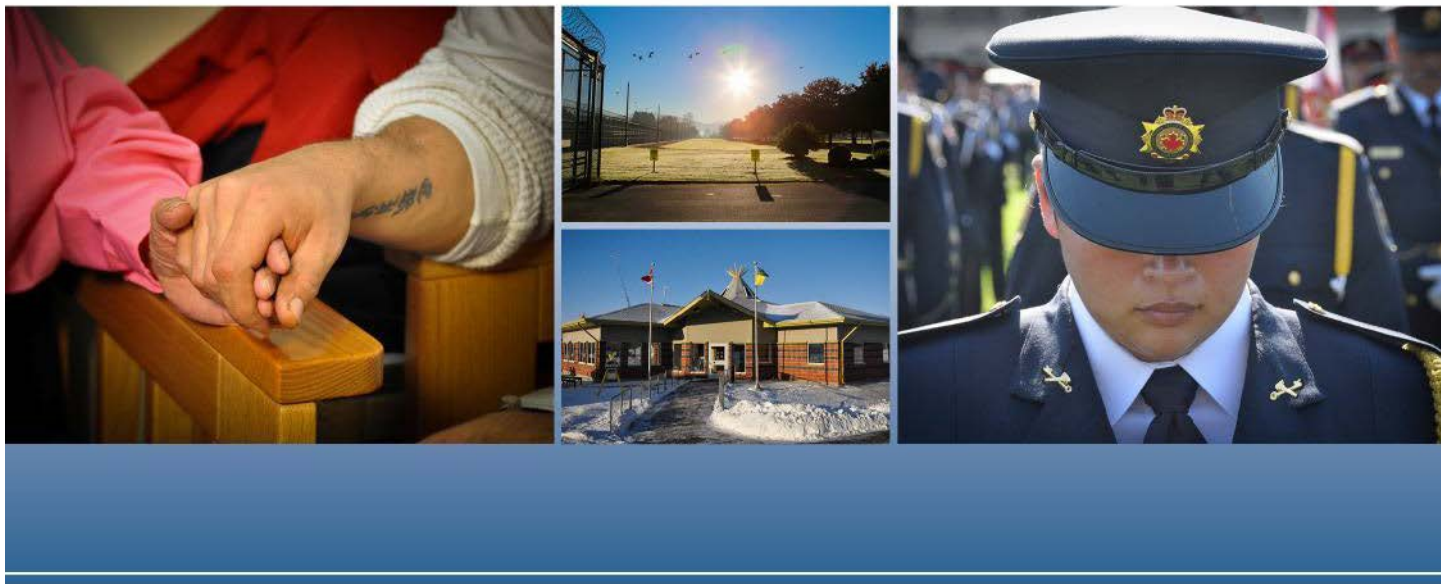


# CORRECTIONAL SERVICE CANADA

CHANGING LIVES. PROTECTING CANADIANS.



## Status Report on Administrative Segregation

**INTERNAL AUDIT SECTOR**

**DECEMBER 8, 2016**

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# 1.0 Introduction

## 1.1 Background

The Status Report on Administrative Segregation was conducted as part of Correctional Service Canada's (CSC) 2015–2018 Risk-Based Audit Plan (RBAP). The status report links to CSC's corporate priorities of "safety and security of members of the public, victims, staff, and offenders in our institutions and in the community" and "efficient and effective management practices that reflect values-based leadership in a changing environment". The project also links to CSC's corporate risks that "CSC will not be able to maintain required levels of operational safety and security in institutions and in the community" and "CSC will not be able to manage significant change related to transformation, legislative changes and fiscal constraints". At the request of the Departmental Audit Committee, this project was incorporated into the RBAP as an interim monitoring measure prior to the national Audit of Administrative Segregation that is scheduled for completion in fiscal year 2017-2018.

The "Mandela Rules" which were adopted by the United Nations Commission on Crime and Prevention and Criminal Justice in 2015, indicate under rule 44 that "solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days."<sup>1</sup> In Canada, the law lays out two types of segregation within the federal prison system: administrative and disciplinary. In CSC policy, administrative segregation is defined as "the separation of an inmate to prevent association with other inmates, when specific legal requirements are met, other than pursuant to a disciplinary decision." The *Corrections and Conditional Release Act (CCRA)* lays out the purpose of administrative segregation, which is "to maintain the security of the penitentiary or the safety of any person by not allowing an inmate to associate with other inmates." Meanwhile, disciplinary segregation occurs when an offender is found guilty of a serious disciplinary offence.<sup>2</sup> For offenders who are segregated through the disciplinary process, they are not to be segregated for more than 30 days. However, when an inmate is ordered to serve a period of segregation while he/she is still serving a period of segregation for another serious offence, the order will specify whether the two periods are to be served concurrently or consecutively. Where the sanctions are to be served consecutively, the total period of segregation imposed will not exceed 45 days.<sup>3</sup>

Concerns with administrative segregation, specifically possible non-compliance with legislative and internal requirements, have brought additional focus on the subject matter. As a result, CSC is working on a number of projects, including a renewal of the administrative segregation policy framework, to address many of the recommendations that have been made through external inquests, reports from the Office of the Correctional Investigator, internal reports, and others.

## 1.2 Legislative and Policy Framework

There are legislative and internal requirements guiding the use of administrative segregation. The *CCRA* and the *Corrections and Conditional Release Regulations (CCRR)* establish specific legislative requirements which must be met. In accordance with section 31(3) of the Act, the institutional head may order that an inmate be confined in administrative segregation if the institutional head is satisfied that there is no reasonable alternative to administrative segregation and he or she believes on reasonable grounds that:

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<sup>1</sup> <http://www.solitaryconfinement.org/mandela-rules>

<sup>2</sup> A serious offence is defined in Commissioner's Directive 580 - *Discipline of Inmates*, Annex A as "commits, attempts, or incites acts that are serious breaches of security, violent, harmful to others, or repetitive violations of rules."

<sup>3</sup> Commissioner's Directive 580 - *Discipline of Inmates*.

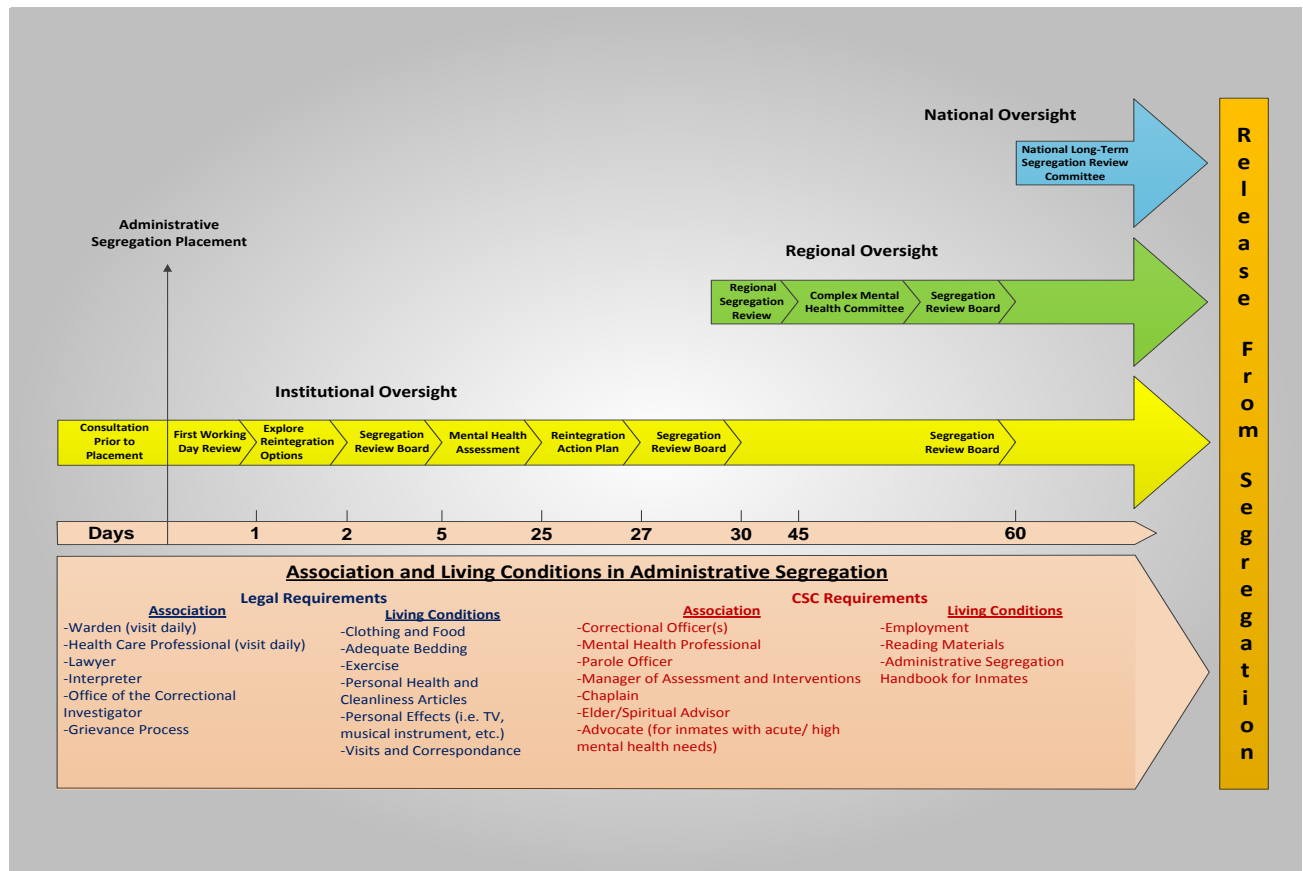
- (a) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person and allowing the inmate to associate with other inmates would jeopardize the security of the penitentiary or the safety of any person;
- (b) allowing the inmate to associate with other inmates would interfere with an investigation that could lead to a criminal charge or a charge under subsection 41(2) of a serious disciplinary offence; or
- (c) allowing the inmate to associate with other inmates would jeopardize the inmate’s safety.

Annex C provides the specific elements of the CCRA and CCRR that pertain to administrative segregation.

At CSC, Commissioner’s Directive (CD) 709 - *Administrative Segregation* provides direction over administrative segregation. Guidelines 709-1 – *Administrative Segregation Guidelines* accompanies the CD and includes direction that must be followed for procedures associated with the following areas: the segregation assessment tool, the segregation assessment framework, how to run an institutional segregation review board, and total accumulated days in segregation – continuous status. Further, CSC policy bulletins 512 and 534 provide summaries of changes made to the CD and guidelines. In addition, the segregation assessment tool user guide and administrative segregation handbook for staff are two key tools to help ensure administrative segregation is managed efficiently and effectively.

### 1.3 CSC Administrative Segregation Process

The following diagram is a graphical representation of CSC’s administrative segregation process. Further detail for each of the oversight steps (institutional, regional, and national) can be found in Annex B.



This figure is a pictorial representation of CSC's administrative segregation process, from admission to release. Overall, the picture highlights CSC oversight activities in place for administrative segregation, as well as association (interaction with other individuals) and living conditions required by legislation and CSC policy.

The top of the picture is comprised of three arrows denoting oversight activities in place at the institutional, regional, and national levels (one arrow per level). Below these arrows is a timeline presented in days. The oversight activities depicted on the arrows correspond with a day's value on the timeline. To the right of the arrows is a box indicating release from segregation.

The institutional oversight activities, which are presented on the first arrow, and the corresponding days value are as follows: consultation prior to placement, day 0; first working day review, day 1; explore reintegration options, day 2; segregation review board, day 5; mental health assessment, day 25; reintegration action plan, day 27; segregation review board, day 30; and segregation review board, day 60.

The regional oversight activities, which are presented on the second arrow, and the corresponding days value are as follows: regional segregation review, day 45; complex mental health committee, no corresponding day; and segregation review board, day 60.

The national oversight activity, which is presented on the third arrow, and the corresponding number of days value is as follows: national long-term segregation review committee, after day 60.

Below the timeline is a box outlining association and living conditions in administrative segregation, which are presented as either a legal requirement or a CSC requirement.

Association required by law are as follows: Warden (visit daily); health care professional (visit daily); lawyer; interpreter; Office of the Correctional Investigator; and grievance process. Living conditions required by law are as follows: clothing and food; adequate bedding; exercise; personal health and cleanliness articles; personal effects (i.e. TV, musical instrument, etc.); and visits and correspondence.

Association required by CSC are as follows: correctional officer(s); mental health professional; parole officer; manager of assessment and interventions; chaplain; elder/spiritual advisor; and advocate (for inmates with acute/high mental health needs). Living conditions required by CSC are as follows: employment; reading materials; and Administrative Segregation Handbook for Inmates.

## 1.4 Risk Assessment

This engagement was identified as a high priority and an area of risk to CSC in the 2015-2018 RBAP. A formal risk assessment was not completed for this status report; however, a full risk assessment will be conducted during the 2017–2018 Audit of Administrative Segregation.

During the planning phase of this engagement, interviews were completed with the Office of Primary Interest and other members of CSC senior management. As well, a review of legislation, CSC guidance, past audit work, results of external reviews/inquests, and other documentation was completed to guide the direction of this project. Please refer to section 5 for additional detail about the planning of the status report.

## 2.0 Objective and Scope

### 2.1 Objective

The objective of this engagement was to provide some assurance that demonstrable progress has been made on recent segregation initiatives, including the segregation renewal strategy.

Specific lines of enquiry are included in Annex A.

### 2.2 Methodology and Scope

#### 2.2.1 Methodology

At the request of the Departmental Audit Committee, this project was added to the RBAP as an interim monitoring measure prior to the national Audit of Administrative Segregation that is scheduled for completion in fiscal year 2017-2018. In essence, the Internal Audit Sector was asked to provide an independent opinion on the status of administrative segregation initiatives, including implementation of its revised administrative segregation framework. The nature and scope of this engagement, including its criteria, were agreed upon with the client and the Departmental Audit Committee.

The Institute of Internal Auditors' *International Professional Practices Framework* defines consulting services as: "Advisory and related client service activities, the nature and scope of which are agreed with the client, are intended to add value and improve an organization's governance, risk management, and control processes without the internal auditor assuming management responsibility." As such, **the work performed for this engagement is categorized as a consulting service. Given the type of service provided, testing for this project was not commensurate with the high level of assurance expected from an internal audit assurance engagement. Evidence used in the formulation of observations relied heavily on interview and questionnaire results, and although file and analytical reviews were performed, they were not sufficient to meet assurance engagement requirements.**

Section 5 provides additional detail on the methodology deployed for this consulting engagement.

#### 2.2.2 Scope

This engagement excluded disciplinary segregation, as the main interests (for the purposes of this status report) of the Departmental Audit Committee and CSC senior management related to administrative segregation. Work performed included all five regions and NHQ. As an Audit of Administrative Segregation is planned for completion in 2017–2018, this status report does not provide an opinion on the control design of the administrative segregation framework.

The work was conducted in two phases, the first of which spanned the period of June to November 2015, while the second spanned the period of January 2016 to May 2016.



## 3.0 Observations

### 3.1 Administrative Segregation Framework Renewal

CSC realized that there was a need to renew its administrative segregation framework in order to strengthen the management of this important correctional tool.<sup>4</sup> As such, CSC promulgated its revised CD 709 – *Administrative Segregation* on October 13, 2015. Key changes were made to the administrative segregation admission process, review process, and to supporting procedures. An overview of these changes can be found in Annex D.

Pursuant to the CD, the assistant commissioner, correctional operations and programs, revised the associated guideline that must be followed with respect to administrative segregation procedures. Guideline 709-1 – *Administrative Segregation Guidelines* includes the following areas:

- Segregation Assessment Tool;
- Segregation Assessment Framework;
- How to Run an Institutional Segregation Review Board; and
- Total Accumulated Days in Segregation - Continuous Status.

### 3.2 Administrative Segregation Profile

#### 3.2.1 Number of Offenders in Administrative Segregation

As at August 9, 2016, there were 360 offenders in administrative segregation.<sup>5</sup> This number has decreased from the 474 offenders that were in administrative segregation in November 2015.<sup>6</sup> The following table indicates the total number of offenders in administrative segregation by region and offender security level. For context, the total regional institutional offender population is included as well.

**Number of Offenders in Administrative Segregation (as at August 9, 2016)<sup>7</sup>**

	Offender Security Level				Total by Region
	Maximum	Medium	Minimum	Undetermined <sup>8</sup>	
Atlantic Region (institutional population: 1,348)	30	18	2	1	51 (3.8%)
Québec Region (institutional population: 3,356)	46	30	2	2	80 (2.4%)
Ontario Region (institutional population: 3,629)	13	26	3	8	50 (1.4%)
Prairie Region (institutional population: 4,130)	60	50	5	17	132 (3.2%)
Pacific Region (institutional population: 2,052)	21	24	0	2	47 (2.3%)
<b>Total by Security Level (total institutional population: 14,515)</b>	<b>170</b>	<b>148</b>	<b>12</b>	<b>30</b>	<b>360 (2.5%)</b>

4 Correctional Service Canada: Information for Staff, Changes to Administrative Segregation, October 2015

5 Correctional Service Canada: Reports of Automated Data Applied to Reintegration (RADAR)

6 *ibid*

7 *ibid*

8 As an example, an offender's security level could be undetermined while the offender is going through the intake assessment process.

Of the 360 administratively segregated offenders:

- 354 (98%) were male and 6 (2%) were female;
- 224 (62%) were non-aboriginal and 136 (38%) were aboriginal; and
- In accordance with the *CCRA* grounds for confinement: 205 (57%) offenders were segregated based on safety and security; 142 (39%) were segregated based on the inmate being in danger; and 13 (4%) were segregated due to interference with an investigation.

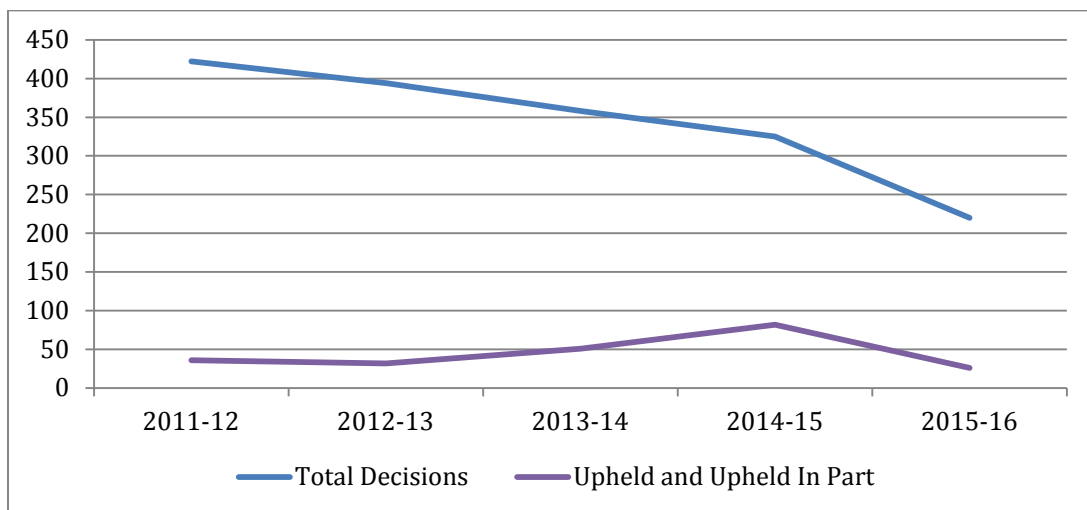
### 3.2.2 Offender Complaints and Grievances

Section 91 of the *CCRA* states that “[e]very offender shall have complete access to the offender grievance procedure without negative consequences.”, while section 90 indicates that “[t]here shall be a procedure for fairly and expeditiously resolving offenders’ grievances on matters within the jurisdiction of the Commissioner [...]”. In fiscal year 2015-2016, 609 decisions were made by CSC in response to offender complaints and grievances that related to segregation. Within CSC’s corporate reporting system, these decisions can be sub-categorized by offender complaints and grievances related to segregation placements and segregation living conditions.

#### Segregation Placements

Offender complaints and grievances (for which a decision has been rendered) related to segregation placements have been declining over the past four fiscal years. However, the number of grievances that were upheld, or upheld in part, have increased relative to the number of total decisions rendered. To illustrate, in fiscal year 2011-2012, 36/422 (9%) of grievances related to segregation placements were upheld or upheld in part, while in fiscal year 2015-2016, 26/220 (12%) of these grievances were upheld or upheld in part.

#### **Offender Complaints and Grievances: Segregation Placements**<sup>9</sup>



This figure is a line graph that depicts CSCs offender complaints and grievances: segregation placements for 5 fiscal years; from 2011-2012 to 2015-2016. The Y axis (vertical) depicts number of complaints and grievances and increases in increments of 50, starting at 0 and ending at 450. The X axis (horizontal) depicts fiscal years, starting at

<sup>9</sup> As per CSC’s Corporate Reporting System, these complaints and grievances can include: “[a] decision for or against placement in administrative segregation was unfair or improperly made, or an offender wants to get into or out of administrative segregation; the procedures pertaining to placement in segregation, right of recourse to the services of legal counsel at the time of placement in administrative segregation, the reviews and recommendations of the Segregation Review Board, the rationale for maintenance in administrative segregation, the segregation period and the review by Regional Headquarters.”

2011-2012, and ending at 2015-2016. There are two lines on the line graph, one for total decisions and one for upheld and upheld in part.

For the total decisions line, the number of complaints and grievances associated with each fiscal year is as follows:

2011-2012 – 422  
 2012-2013 – 394  
 2013-2014 – 358  
 2014-2015 – 325  
 2015-2016 – 220

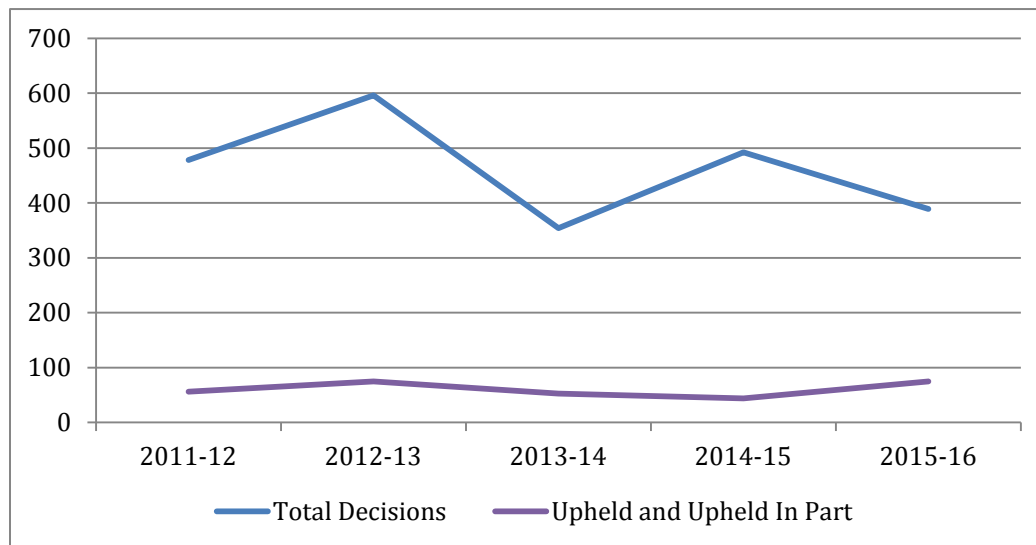
For the upheld and upheld in part line, the number of complaints and grievances associated with each fiscal year is as follows:

2011-2012 – 36  
 2012-2013 – 32  
 2013-2014 – 51  
 2014-2015 – 82  
 2015-2016 – 26

### Segregation Living Conditions

The number of offender complaints and grievances (for which a decision has been rendered) related to segregation living conditions have declined over the past four fiscal years. However, the number of grievances that were upheld, or upheld in part, have increased relative to the number of total decisions rendered. To illustrate, in fiscal year 2011-2012, 56/478 (12%) of grievances related to segregation living conditions were upheld or upheld in part, while in fiscal year 2015-2016, 75/389 (19%) of grievances were upheld or upheld in part.

### **Offender Complaints and Grievances: Segregation Living Conditions**<sup>10</sup>



This figure is a line graph that depicts CSCs offender complaints and grievances: segregation living conditions for 5 fiscal years; from 2011-2012 to 2015-2016. The Y axis (vertical) depicts number of complaints and grievances and increases in increments of 100, starting at 0 and ending at 700. The X axis (horizontal) depicts fiscal years, starting

<sup>10</sup> As per CSC's Corporate Reporting System, these complaints and grievances can include: "[s]ome aspect of the living conditions in the administrative segregation or disciplinary segregation areas, or perceived unfair treatment experienced by a segregated offender because of segregated status; the programs and services available in segregation, staff visits to the segregation area, daily visits from certified health services professionals, the opportunity to exercise at least one hour a day and access to showers and telephones."

at 2011-2012, and ending at 2015-2016. There are two lines on the line graph, one for total decisions and one for upheld and upheld in part.

For the total decisions line, the number of complaints and grievances associated with each fiscal year is as follows:

2011-2012 – 478  
2012-2013 – 596  
2013-2014 – 354  
2014-2015 – 492  
2015-2016 – 389

For the upheld and upheld in part line, the number of complaints and grievances associated with each fiscal year is as follows:

2011-2012 – 56  
2012-2013 – 75  
2013-2014 – 53  
2014-2015 – 44  
2015-2016 – 75

### 3.3 Testing Results – Phase 1 (June – November 2015)

Phase 1 of the status report on administrative segregation assessed the framework renewal strategy, the policy framework, roles and responsibilities, and monitoring.

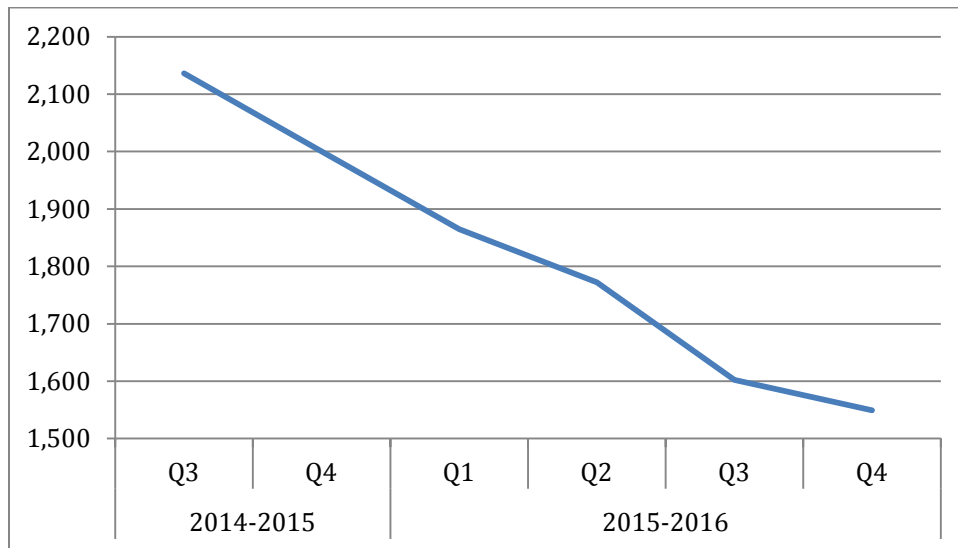
#### 3.3.1 Strategy

We expected to find that a clear vision for the framework renewal had been established and communicated; and stakeholders had been consulted during its renewal.

We found that:

- The revised framework was established, documented, and communicated to staff via the revised CD and Guideline;
- There was evidence to support that CSC incorporated recommendations from previous inquests into its revised administrative segregation framework; and
- Extensive consultations, both internal and external to CSC, were conducted when formulating the framework renewal.

The following tables demonstrate that over the past four quarters, new segregation admissions and average length of stay in administrative segregation have been declining. This provides further indication that the enhanced rigour, which was introduced by the revised framework, has been applied to the use of administrative segregation.

**Number of Admissions to Administrative Segregation by Quarter<sup>11</sup>**

This figure is a line graph that depicts the number of admissions to administrative segregation by quarter, for 6 fiscal year quarters; from Q3 2014-2015 to Q4 2015-2016. The Y axis (vertical) depicts number of admissions to administrative segregation and increases in increments of 100, starting at 1,500 and ending at 2,200. The X axis (horizontal) depicts fiscal year quarters, starting at Q3 2014-2015, and ending at Q4 2015-2016. The number of admissions to administrative segregation associated with each fiscal year quarter is as follows:

Q3 2014-2015 – 2,136

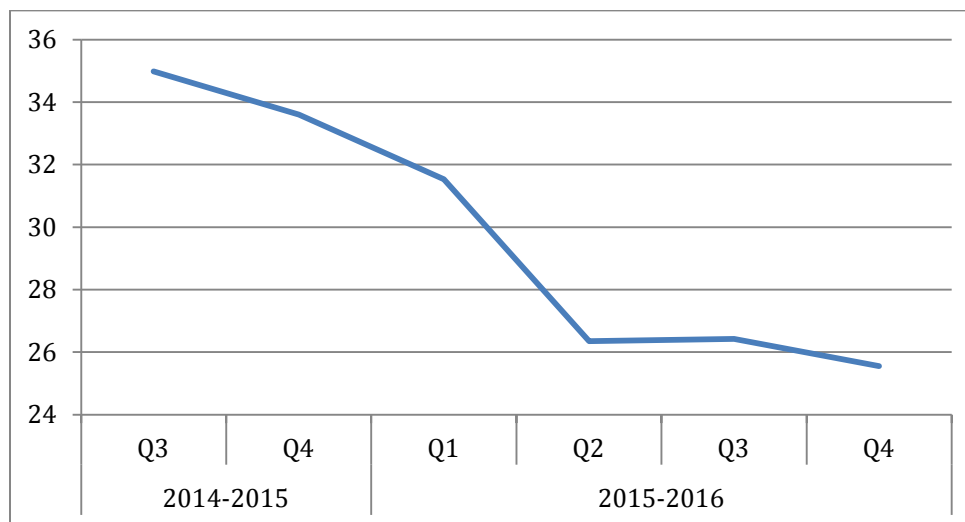
Q4 2014-2015 - 2,000

Q1 2015-2016 – 1,865

Q2 2015-2016 – 1,772

Q3 2015-2016 – 1,602

Q4 2015-2016 – 1,549

**Average Length of Stay (in days) in Administrative Segregation by Quarter<sup>12</sup>**

11 Correctional Service Canada: Performance Direct

12 ibid

This figure is a line graph that depicts the average length of stay (in days) in administrative segregation by quarter, for 6 fiscal year quarters; from Q3 2014-2015 to Q4 2015-2016. The Y axis (vertical) depicts average length of stay in administrative segregation (in days) and increases in increments of 2, starting at 24 and ending at 36. The X axis (horizontal) depicts fiscal year quarters, starting at Q3 2014-2015, and ending at Q4 2015-2016. The average length of stay in administrative segregation associated with each fiscal year quarter is as follows:

Q3 2014-2015 – 35.0  
 Q4 2014-2015 – 33.6  
 Q1 2015-2016 – 31.5  
 Q2 2015-2016 – 26.4  
 Q3 2015-2016 – 26.4  
 Q4 2015-2016 – 25.6

In addition to the enhanced rigour that was introduced by the revised framework, two key strategies have been put in place at the local and regional levels to identify alternatives to the use of segregation: the inter-regional transfer process and the creation of additional sub-populations. We were informed that these two strategies have contributed to a reduction in segregation admissions and average length of stay.

Areas of concern that were brought to our attention by management at the institutional level included the following:

- Despite the fact that the consultation process occurred over several months, staff indicated that the roll-out of the changes was too fast, and did not provide enough time to have fulsome discussions to ensure everyone understood the new requirements. To note, concerns were related primarily to the implementation of the changes, not necessarily the principles behind the changes; and
- Staff questioned the practicality of some of the changes. For example, some staff felt that the revised framework was too restrictive with respect to segregation placements; in some cases the tool would not capture all relevant information that might have justified the placement. In addition, others indicated that they are risk averse when it comes to release from administrative segregation; for example, if an inmate on voluntary segregation status had threatened staff and/or inmate safety if he/she was to be released from segregation.

### 3.3.2 Policy Framework

We expected to find that the revised CSC policy framework, including associated tools, is compliant with legislative requirements and supported the framework renewal.

We found that:

- CSC requirements outlined in the CD, Guideline, and Segregation Assessment Tool align with legal requirements, and generally supported the framework renewal.

Areas of concern that were brought to our attention by management at the regional and institutional levels included the following:

- For some cases, the new time period (15 days) between the regional segregation project officer's review and the assistant deputy commissioner correctional operations' regional review was not long enough for new information to become available for consideration. However, management at the national level indicated that this change was made to increase oversight over these cases whether or not new information had become available;
- Segregation of responsibility with respect to chairing the Institutional Segregation Review Board was diminished. Previously, CD 709 - *Administrative Segregation* indicated that the institutional segregation review board (ISRB) would be chaired by:

- a. the Manager Assessment and Intervention/Manager Intensive Intervention Strategy, or Correctional Manager, at the fifth-day review
  - b. the Assistant Warden, at the 30-day review
  - c. the Deputy Warden, at the 60-day review and subsequent reviews, for all placements.
- The current CD indicates that the ISRB will be chaired by:
  - a. Deputy Warden, at the fifth-working-day review
  - b. The Warden, at the 30th day review and all subsequent reviews. The 30-day review can be delegated to the Deputy Warden with the approval of the Regional Deputy Commissioner. This delegation will be provided in writing to the Institutional Head.

The effect is that one person (the DW and/or Warden) can now chair subsequent meetings whereas under the previous CD, a new person would chair subsequent meetings until at least the 60 day mark.

- Voluntary long-term cases remain a challenge; and
- Having the warden inspect conditions of confinement for all cells on a daily basis is time consuming and there is concern that it has reduced the amount of interaction between inmates and other staff.

### 3.3.3 Roles and Responsibilities

We expected to find that revised and/or newly established roles and responsibilities are documented and communicated; and an overall training plan is in place for staff responsible for implementing the framework.

We found that:

- Revised roles and responsibilities are documented and communicated to staff via the revised CD and Guideline; and
- Training to address revised roles and responsibilities has been done informally at all levels.

Areas of concern that were brought to our attention by management at the regional and institutional levels included the following:

- Staff at the institutional level are not always clear on when use of the Segregation Assessment Tool is required;
- The extent to which a warden is required to inspect conditions of confinement for all cells is not clear; and
- The employee segregation handbook had not been updated to reflect changes made to the framework.

### 3.3.4 Monitoring

We expected to find that monitoring mechanisms are in place to track implementation of the framework renewal, and to promote continuous improvement.

We found that:

- Segregation Review Boards are an effective monitoring mechanism that is built into the segregation process at all levels;
- Regional segregation project officers provide value to local and regional management; and
- Additional monitoring is being done at the institutional and regional levels that go beyond what is required. For example, some institutions discuss each and every segregation case during morning briefings, institutional committees have been struck to regularly discuss segregation cases, and regions require compliance attestations from sites at regular intervals.

Although a national plan to monitor implementation of the revised segregation framework had yet to be developed, the Correctional Operations and Programs Sector has indicated that such a plan will be developed after approximately six months of implementation.

## CSC Management Comments – Phase 1

To address and resolve concerns that were brought forward during Phase 1 of this status report, CSC management:

- Held focus groups and information sessions with various levels of staff throughout the process to ensure staff were apprised of changes and provided the opportunity for their input.
- Continued open dialogue following the changes with regions and sites in order to ensure that all have the opportunity to provide any suggestions for further enhancements. CSC management carefully considers all received suggestions as CSC continues to work towards building a better approach to administrative segregation, while ensuring safety and security in the institutions.
- Updated the Segregation Handbook for Staff and the Segregation Assessment Tool (SAT) User Guide which outlines all relevant information regarding administrative segregation and its procedures to ensure all staff have the required tools to do their jobs. We continue to modify the SAT as concerns are raised to better improve the tool.
- Continues to monitor monthly data via Performance Direct and RADAR the rate of admissions and the length of time spent in administrative segregation in order to analyze any trends or areas of improvements.
- Continues to communicate the importance of a robust internal review process with multiple high levels of oversight. Having cases reviewed more frequently by higher levels of management ensures enhanced due diligence. CSC strives to ensure that inmates are released from administrative segregation at the earliest and safest appropriate time.
- Holds in accordance with policy, a National Long-Term Segregation Review Board, which is chaired by the Director General of Security at national headquarters. In 2016, the frequency of these review boards was enhanced in order to ensure that cases are reviewed sooner and more frequently. Cases of voluntary segregation (or refusals to leave segregation) are not only discussed at the institutional level, but they are also discussed by regional and national management who also strive to find a resolution to these placements on a national level. CSC management continues open dialogue with the regions and the institutions in order to offer support and provide further guidance where required. CSC management has also outlined the importance of continued efforts to release these cases from administrative segregation at the safest and most appropriate time.

## 3.4 Testing Results – Phase 2 (January – May 2016)

Phase 2 of the status report on administrative segregation further assessed monitoring, safety and security of staff and inmates, mental health services, regional and institutional strategies and initiatives, and releases from administrative segregation.

### 3.4.1 Monitoring

We examined the extent to which monitoring is in place, and the potential impact of eliminating the distinction of involuntary/voluntary status.

#### Case Monitoring

There is extensive monitoring of administrative segregation on a case-by-case basis. In addition, questionnaire results indicate that 83% (29/35) of respondents utilize the national monitoring tools (i.e. RADAR), and generally find them useful.



### Involuntary/Voluntary Status

During phase 1 of this status report, we identified a risk that eliminating the distinction between voluntary and involuntary status could impact CSC's ability to effectively portray the administrative segregation offender profile, both internally and externally.

From a national perspective (Correctional Operations and Programs Sector), it was stated that an inmate's request to be placed in administrative segregation is not enough to justify a placement; the risk must be validated by CSC and the eventual placement must meet one of the criteria outlined in the *CCRA*. We were informed that the distinction between voluntary and involuntary status was eliminated to help ensure that segregation placements are properly justified in accordance with the legal criteria.

From a regional and institutional perspective, questionnaire results indicated that:

- 81% (29/36) of respondents felt that the elimination of the distinction had little or no impact on their ability to monitor administrative segregation activity; and
- 61% (22/36) had very few or no concerns with the elimination of the distinction.

### 3.4.2 Security Incidents

We examined the relationship between the reduced use of administrative segregation and the safety and security of staff and inmates in the institutions.

Questionnaire results indicated that:

- 91% (29/32) of respondents (from the institutional and regional levels) indicated that there had not been an increase in the number of security incidents since the revised administrative segregation framework was released;
- 92% (22/24) of wardens indicated that no security incidents had occurred as result of diverting an offender from administrative segregation by using an alternative approach; and
- 96% (25/26) of wardens indicated that no security incidents had occurred as result of a release from segregation.

We asked those who indicated a security incident occurred to provide examples of incidents that were due to diverting an offender from administrative segregation by using an alternative approach, or by releasing an offender from administrative segregation. Through file review, we identified one example of a security incident that could have been directly related to the inmate's release from segregation. We did not substantiate any incidents related to diversion on placement.

### 3.4.3 Mental Health

We examined mental health services prior to admission into administrative segregation, and if the right to engage an advocate to assist with the review process was being respected for inmates with acute or a high level of mental health needs.

The regional project officers had not identified any cases where a referral to mental health services should have been made, but was not, since the framework was promulgated in October 2015.

File review results indicated that:

- 88% (140/160) contained evidence that health care professionals were consulted during admission to segregation pursuant to the CD; and
- When health care professionals were consulted, 5% (7/140) of the files included evidence that mental health issues could affect the inmate's segregation placement. For these cases, 100% (7/7) included evidence that the inmate was subsequently referred to mental health services pursuant to the CD.

Questionnaire results indicated that:

- 97% (33/34) of respondents believed that engaging an advocate is an inmate's right; whereas 3% (1/34) believe it to be an inmate's privilege. Further, 56% (14/25) of respondents indicated that, in theory, the hearing would proceed if an advocate is not present at a segregation review board hearing, while 44% (11/25) indicated the hearing would not proceed if an advocate is not present. Although the CD indicates that an inmate will be "informed of the right to engage an advocate to assist with the institutional segregation review process in the case of inmates with acute or high (elevated/substantial) level of mental health needs", this is not a right that is outlined in legislation. As such, results of the questionnaire present a concern because efforts to adhere to a CSC requirement (engaging an advocate) could be prioritized over a legislative requirement (segregation review board timelines).
- When asked if the use of an advocate has helped to facilitate or strengthen the segregation review board process, 25% (3/12) of respondents said yes; whereas 75% (9/12) said no. To note, 19 respondents indicated "do not know" and thus these responses were not included in our totals.

We conducted file review for a sample of inmates with an acute or high level of mental health needs. We expected to find that each of these inmates would have been informed of their right to engage an advocate pursuant to the CD. However, only 43% (34/79) of the files we reviewed had documentation to support that they were informed. To note, these results reflect early days of implementation of this requirement as the sample of files covered the time period from the day of CD promulgation to January 31, 2016.

### 3.4.4 Strategies and Initiatives

We examined institutional administrative segregation strategies and initiatives, including the creation and maintenance of specialized units/ranges for specific populations.

Questionnaire respondents identified 31 specialized units/ranges (i.e. enhanced supervision, protective custody, drug free, intermediate mental health care, etc.) that have been established in the past two years to help manage the population as a whole, including the use of administrative segregation. We reviewed documentation to look for indicators that inmates are not being segregated on these specialized, non-segregation ranges. However, file evidence showed that this may not always be the case as some inmates on three of these ranges (from two institutions) were enrolled in a program called "SEGREGATION/DISSOCIATION (60016)" or "ADMINISTRATIVE SEGREGATION (60092)" without having a documented stay in segregation during the time they were enrolled in the program. This is a concern because these inmates could have been segregated on a non-segregation range, without their legal rights being respected. We followed-up with the wardens at these two institutions for an explanation and were advised that these programs were entered into the system in error. We have followed-up on these errors and found that they have since been corrected in the system.

### 3.4.5 Releases from Administrative Segregation

We examined the management of releases from administrative segregation.

File review results indicated that:

- 97% (58/60) contained evidence that the inmate was released at the earliest appropriate time pursuant to legislative requirements;
- 65% (39/60) contained evidence that the decision to release the inmate from administrative segregation occurred outside of, and prior to, the regularly prescribed segregation review board hearing. This result demonstrates that efforts are being made to release an inmate from administrative segregation at the earliest appropriate time pursuant to legislative requirements;
- 99% (605/611) contained evidence that the institutional segregation review board hearings were held within the legislative timeframes; and
- 90% (142/158) contained evidence that the regional segregation review board hearings were held within the requirements outlined in the CD.

## CSC Management Comments – Phase 2

CSC management continues to monitor at a national level the use of administrative segregation. For example, monthly statistical reviews are conducted in order to monitor any trends, long term cases are reviewed more frequently than required by policy, regional audits are reviewed at the national level, and SITREP is completed and monitored by Security, which includes significant incidents that may occur in segregation. CSC management recognises the significant work conducted by the sites and the regions, and the continued efforts which have had a demonstrable positive impact.

65% of decisions to release inmates from administrative segregation occurred outside of prescribed reviews. This demonstrates that CSC ensures that inmates are released from administrative segregation at the earliest appropriate time, in accordance with legislation.

In response to the concerns outlined during Phase 2 of this status report, CSC management:

- Held Administrative Segregation Working Groups in February 2016 and again in May 2016 comprised of institutional heads, regional and national management. Areas of concerns and suggestions for further enhancements were discussed. An action plan was established and enhancements were completed (e.g. updates were made to the Segregation Assessment Tool based on feedback received).
- Continues the collaborative work between the Mental Health Services Branch and the Security Branch in order to ensure that all information sharing is streamlined and that all suggestions for enhancements are analysed and considered. The Health Assessment for Administrative Segregation Guidelines are to be updated and clarified. Further, a memo clarifying the role of the mental health professional at the Institutional Segregation Review Board has been shared.
- Continues to investigate any incident resulting in serious bodily injury or death and continues to monitor security incident, including incidents that occur in the segregation unit. Should any practice pose a potential risk to the safety and security of the institutions and the people therein, those practices are analysed in order to determine new enhanced approaches.

## 4.0 Conclusion

Overall, the observations from this status report indicate that demonstrable progress has been made on recent segregation initiatives, including the segregation renewal strategy.

- A clear vision for the framework renewal was established and communicated; and stakeholders were consulted during its renewal;
- CSC requirements outlined in the CD, Guideline, and Segregation Assessment Tool align with legal requirements, and generally support the framework renewal;
- Revised roles and responsibilities are documented and communicated to staff via the CD and Guideline;
- Segregation Review Boards are an effective monitoring mechanism that is built into the segregation process at all levels;
- There is extensive monitoring of administrative segregation on a case-by-case basis;
- Generally, the reduced use of administrative segregation has not had a negative impact on the safety and security of staff and inmates in the institutions;
- Mental health services prior to admission into administrative segregation were generally compliant;
- Institutional strategies and initiatives are in place and appear to be functioning as intended; and
- Offender releases from administrative segregation and the timing of segregation review board hearings were generally compliant.

Areas that require further attention include:

- Continue to develop and implement a national monitoring approach which would include lead indicators such as number of admissions, volume and nature of inmate grievances, and compliance;
- Further considering the risk of eliminating the distinction between voluntary and involuntary status; and
- Clarifying the process of engaging an advocate.

The Internal Audit Sector encourages CSC to continue with the implementation of its administrative segregation framework and looks forward to commencing work for the national Audit of Administrative Segregation which is scheduled for completion in fiscal year 2017-2018. The preliminary objectives of this audit are to provide assurance that a management framework is in place to support administrative segregation; and to assess compliance with relevant legislation, policy and procedures.

### CSC Management Summary

Administrative segregation has been of high priority to both CSC and the Canadian public. Following multiple recommendations stemming from various partners and stakeholders, CSC moved forward with numerous enhancements. This status report demonstrates that CSC's efforts have positive impacts which support CSC's Mission. CSC management is dedicated to ensuring that all procedures and practices are well understood and will continue to hold open dialogue with internal and external partners and stakeholders to ensure its policies and procedures are reflective of Canadian's needs and expectations. Open dialogue also creates a collaborative environment where all have the opportunity to provide any suggestions for further enhancements. CSC management carefully considers all received suggestions as CSC continues to work towards building a better approach to administrative segregation.

Following review of this report's findings, CSC management is satisfied that the new framework not only has contributed to a significant reduction in admissions and long-term placements in administrative segregation, but has also kept our institutions safe and secure.

Further, in support of the Prime Minister's mandate letter to the Minister of Justice and Attorney General of Canada, the Correctional Operations and Programs Sector is working towards proposing legislative changes that will support "implementation of recommendations from the inquest into the death of Ashley Smith regarding the restriction of the use of solitary confinement and the treatment of those with mental illness."<sup>13</sup> In this aspect, CSC management, including the Mental Health Services Branch, is exploring possible enhancements that would provide better support to both inmates and staff involved in the administrative segregation process.

CSC management believes it is essential to underline the positive work that is conducted within the institutions and at the regional level. Data has shown over the past fiscal year that all efforts have proven successful in ensuring that administrative segregation is only used as a last resort, and for the shortest time possible, while working towards keeping our institutions safe and secure.

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<sup>13</sup> <http://pm.gc.ca/eng/minister-justice-and-attorney-general-canada-mandate-letter>

## 5.0 About the Status Report

### 5.1 Approach and Methodology

#### 5.1.1 Phase 1 (June-November 2015)

**Interviews** were conducted at the national, regional, and local levels to gain an understanding of their perspective as it pertains to the segregation framework renewal. Interviews were conducted with 10 wardens, regional management, and national management.

**Documentation review** was performed to support assertions made by management.

**Analytical review** was performed to: ensure changes to the segregation framework comply with legislation; determine trends in data; and determine if results from previous oversight work have been incorporated into the revised segregation framework.

#### 5.1.2 Phase 2 (January-May 2016)

**Interviews** were conducted with the Correctional Operations and Programs Sector senior management to gain an understanding of monitoring and oversight activities at the national level.

**Questionnaires** were distributed to the assistant deputy commissioner correctional operations (response received from 3/5) and regional project officer segregation (response received from 5/5) in each region, as well as wardens of every institution with a maximum and/or medium security unit (response received from 28/33), to gain an understanding of their perspective on the risks identified during phase 1 of this status report. In total, 36 questionnaires were received.

**File review** was completed to assess compliance with key policy requirements, and to validate responses received in the questionnaire. File review was limited to a review of electronic records available in OMS and RADAR.

**Analytical review** was completed to assess compliance with institutional and regional segregation review board timeframes.

### 5.2 Past Work on Administrative Segregation

A review of legislation, CSC guidance, past audit work, results of external reviews/inquests, and other documentation was completed to guide the direction of this project.

#### Audit Work

The Internal Audit Sector has undertaken numerous audits which focused on administrative segregation.

- Audit of National Administrative Segregation (December 2002)

The objectives of this audit were to assess compliance with legal and policy requirements and to identify and assess the institutional and regional internal control systems in place to monitor and control the segregation process. The

audit team found that policy amendments/clarifications and strengthening the internal control system for administrative segregation was required.

- Audit of Administrative Segregation (May 2007)

The objective of this audit was to provide assurance that CSC's management of segregation complies with policy. The audit team identified several areas where improvement was required including: staff understanding policies, procedures and responsibilities and documentation issues.

- Review of Practices in Place to Prevent/Respond to Death in Custody (February 2012)

The objective of this review was to provide moderate assurance that the most significant commitments made by CSC to address risks of death in custody have been implemented. The review team examined a number of commitments, of which 24 were reviewed. These commitments were deemed to be significant to addressing risks within the organization. The review team found that Commissioner's Directive 709 - *Administrative Segregation* needed to be amended to provide guidelines for: segregation placement admissions, segregation review board report content, and mental health assessments for administrative segregation.

#### Coroner's Inquest Touching the Death of Ashley Smith

In October 2007, an inmate (Ashley Smith) died in her cell while in administrative segregation. The jury serving on the *Coroner's Inquest Touching the death of Ashley Smith* made 104 recommendations that touched on a number of issues pertaining to mental health of offenders in the federal corrections system. Out of the 104 recommendations, 11 recommendations were related to administrative segregation.

#### Report to the Minister of Justice and Attorney General Public Fatality Inquiry on Edward Snowshoe

In August 2010, an inmate (Edward Snowshoe) committed suicide while in segregation at Edmonton Institution. In March 2010, he was segregated for threatening others with a weapon and remained in segregation until his death. The inquiry found that "given the evidence received there would appear to be no formal process for a transfer of records [...] in a manner that would allow alerts to be given to a new institution in respect of psychological or mental health issues [...]"<sup>14</sup> A number of recommendations were made which focused on ensuring mental health concerns are identified and addressed. Since Mr. Snowshoe's death, "CSC has put a number of new policy directives in place and enhanced mental health screening and intervention capacities for all offenders [...]"<sup>15</sup> Further, changes to the Administrative Segregation Placement/Admission screen in the Offender Management System were made, a new field entitled "Continuation of Segregation Placement" was added to address the concern that the total accumulated days spent in segregation reverting back to zero when an offender was released for a period of more than 24 hours. As well, "CSC has added a process to ensure that regular audits of timeframe for segregation reviews were conducted."<sup>16</sup>

#### Office of the Correctional Investigator

According to Sections 192 and 193 of the *CCRA*, the Office of the Correctional Investigator (OCI) shall submit to the Minister at the end of the fiscal year an annual report. Since 2009, the OCI's reports have been making recommendations to CSC related to segregation, most of which focus on offenders with mental health concerns.

Additionally, the OCI released a report entitled *A Three Year Review of Federal Inmate Suicides 2011-2014*. This report, which is part of the OCI's continued focus on prevention of deaths in custody, consisted of a comprehensive

<sup>14</sup> Report to the Minister of Justice and Attorney General Public Fatality Inquiry on Edward Snowshoe

<sup>15</sup> *ibid*

<sup>16</sup> *ibid*

review of all completed acts of suicide that occurred in federal penitentiaries in the three year period between April 2011 and March 2014. The report had 11 recommendations and out of the 11, four pertained to administrative segregation. Many of these recommendations focused on addressing mental health concerns of offenders.



## Annex A: Lines of Enquiry

The following table outlines the lines of enquiry developed to meet the stated objective of the Status Report on Administrative Segregation.

Objective	
To provide some assurance that demonstrable progress has been made on recent segregation initiatives, including the segregation renewal strategy.	
Lines of Enquiry	
Phase 1	Phase 2
<b>Strategy</b> - we expected to find that a clear vision for the framework renewal was established and communicated; and stakeholders were consulted during its renewal.	<b>Monitoring</b> - we examined the extent to which monitoring is in place, and the potential impact of eliminating the distinction of involuntary/voluntary segregation status.
<b>Policy Framework</b> - we expected to find that the revised CSC policy framework, including associated tools, is compliant with legislative requirements and supports the framework renewal.	<b>Security</b> - we examined the relationship between the reduced use of administrative segregation and the safety and security of staff and inmates in the institutions.
<b>Roles and Responsibilities</b> - we expected to find that revised and/or newly established roles and responsibilities are documented and communicated; and an overall training plan is in place for staff responsible for implementing the framework.	<b>Mental Health</b> - we examined referrals to mental health services prior to admission into administrative segregation, and if the right to engage an advocate to assist with the review process was being respected for inmates with acute or a high level of mental health needs.
<b>Monitoring</b> - we expected to find that monitoring mechanisms are in place to track implementation of the framework renewal, and to promote continuous improvement.	<b>Strategies and Initiatives</b> - we examined institutional administrative segregation strategies and initiatives, including the creation and maintenance of specialized units/ranges for specific populations.
	<b>Releases from Administrative Segregation</b> - we examined the management of releases from administrative segregation.

## Annex B: Administrative Segregation Process

This section provides a narrative to accompany the graphic in section 1.3.

### **Institutional Oversight Activities**

#### Consultation Prior to Placement

Pursuant to the CD, before an inmate is admitted to administrative segregation, a consultation will normally occur with the members of the Case Management Team to ensure that the admission is justified and that all alternative options have been considered. Consultation will minimally include the parole officer and health care professionals and may also include the elder, chaplain, or other relevant staff as necessary. During the health care consultation, and normally prior to the admission into administrative segregation, the case will be reviewed to determine whether referral to mental health services (acute psychiatric hospital care, intermediate mental health care, or primary care) is appropriate. When an inmate is admitted to administrative segregation outside regular business hours, the consultation with the Case Management Team, including the elder where feasible, will occur prior to finalizing the first-working-day review.

#### Placement in Administrative Segregation

Pursuant to the *CCRA*, the institutional head may order that an inmate be confined in administrative segregation if the institutional head is satisfied that there is no reasonable alternative to administrative segregation and he or she believes on reasonable grounds that:

- (a) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person and allowing the inmate to associate with other inmates would jeopardize the security of the penitentiary or the safety of any person;
- (b) allowing the inmate to associate with other inmates would interfere with an investigation that could lead to a criminal charge or a charge under subsection 41(2) of a serious disciplinary offence; or
- (c) allowing the inmate to associate with other inmates would jeopardize the inmate's safety.

#### First Working Day Review

Pursuant to the CD, when an inmate is admitted to administrative segregation outside regular business hours, the institutional head will review the admission decisions made by a delegate within one working day to either confirm the admission or order the release from administrative segregation. Consideration of the inmate's aboriginal social history, mental health and health care needs, including specific consideration of available mental health treatment options, must be given in the decision to either maintain or release. The inmate will be provided with a copy of the institutional head's decision within two working days.

#### Explore Reintegration Options

Pursuant to the CD, following an inmate's admission to administrative segregation, a parole officer will meet with the inmate within two working days to explore reintegration options.

### Institutional Segregation Review Board (ISRB)

Pursuant to the CD, and in accordance with section 21 of the *CCRR*, the ISRB will conduct a hearing within five working days after the inmate's admission or following any readmission to administrative segregation, as well as within 30 calendar days of the inmate's admission. Subsequent hearings will be held at least once every 30 calendar days from the date of the last 30-day review. Cases will be reviewed at any time when the ISRB receives new reliable information that challenges the reasons for the inmate's admission in segregation. The ISRB will make recommendations to the institutional head in writing, addressing the inmate's maintained segregation or release from segregation. The ISRB recommendations will also consider aboriginal social history, state of mental and physical health and health care needs, including available mental health treatment options. Unless the ISRB is satisfied that the inmate must be maintained in segregation pursuant to section 31 of the *CCRA*, the board's recommendation must be to release the inmate from administrative segregation.

The ISRB will be chaired by:

(a) the deputy warden, at the fifth-working-day review

(b) the warden, at the 30-day review and all subsequent reviews. The 30-day review can be delegated to the deputy warden with the approval of the regional deputy commissioner. This delegation will be provided in writing to the institutional head.

### Mental Health Assessment

Pursuant to CD 800 – Health Services, a mental health professional, or other mental health staff under the supervision of a mental health professional, must provide a written opinion on the inmate's current mental health status, any noted deterioration of mental health and the appropriateness of a referral to mental health services (if applicable) within the first 25 days of admission to administrative segregation and an assessment of current mental health status once every subsequent 60 days.

### Reintegration Action Plan (RAP)

Pursuant to the CD, if the inmate remains in administrative segregation after the fifth-working-day review, the parole officer, in consultation with other Case Management Team members, will develop an RAP that will be consistent with the inmate's correctional plan. The purpose of the RAP is to outline the actions to be taken to safely release the inmate from administrative segregation at the earliest appropriate time, and to monitor and support the inmate in the time period immediately following release from administrative segregation.

## **Regional Oversight Activities**

### Regional Segregation Review

Pursuant to the CD, the regional project officer responsible for segregation will conduct a review at least once within the first 45 days from the date of admission to administrative segregation to ensure that all policy requirements are met, to determine whether admission in segregation continues to be justified, and whether options exist intra or inter-regionally to resolve the segregation status.

### Regional Complex Mental Health Committee (RCMHC)

Pursuant to the CD, when an inmate has been identified as having an acute or high (elevated/substantial) level of mental health need, the chair of the ISRB will request, within one working day of the ISRB hearing, a review by the

RCMHC to assist in identifying any practical alternatives to administrative segregation. When the ISRB has determined that a review by the RCMHC is required, as above, it will be conducted within 30 days of the request.

#### Regional Segregation Review Board (RSRB)

Pursuant to the CD, the RSRB will review the case of every inmate who has reached 60 days in administrative segregation, and will review such cases at least once every 30 days thereafter. The timeframe between the initial 30-day review, the 60-day review and every subsequent review must not exceed 30 days. The board will also review any case specifically referred. The RSRB will review the information contained in the most recent institutional review to determine whether, based on section 31 of the *CCRA*, the administrative segregation of the inmate continues to be justified.

The assistant deputy commissioner (correctional operations or integrated services) will chair the RSRB for all cases over 60 consecutive days in segregation (this task may not be delegated).

#### **National Oversight Activities**

##### National Long-Term Segregation Review Committee

Pursuant to the CD, the director general security will chair the National Long-Term Segregation Review Committee and review, as required, cases over 60 days where resolution has not been identified or determined following the assistant deputy commissioner's review in an attempt to seek resolution for cases when reintegration options have been exhausted.

## Annex C: Legislative Requirements

### Corrections and Conditional Release Act

#### **Purpose**

31 (1) The purpose of administrative segregation is to maintain the security of the penitentiary or the safety of any person by not allowing an inmate to associate with other inmates.

#### **Duration**

(2) The inmate is to be released from administrative segregation at the earliest appropriate time.

#### **Grounds for confining inmate in administrative segregation**

(3) The institutional head may order that an inmate be confined in administrative segregation if the institutional head is satisfied that there is no reasonable alternative to administrative segregation and he or she believes on reasonable grounds that

- (a) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person and allowing the inmate to associate with other inmates would jeopardize the security of the penitentiary or the safety of any person;
- (b) allowing the inmate to associate with other inmates would interfere with an investigation that could lead to a criminal charge or a charge under subsection 41(2) of a serious disciplinary offence; or
- (c) allowing the inmate to associate with other inmates would jeopardize the inmate's safety.

#### **Considerations governing release**

32 All recommendations to the institutional head referred to in paragraph 33(1)(c) and all decisions by the institutional head to release or not to release an inmate from administrative segregation shall be based on the considerations set out in section 31.

#### **Case to be reviewed**

33 (1) Where an inmate is involuntarily confined in administrative segregation, a person or persons designated by the institutional head shall

- (a) conduct, at the prescribed time and in the prescribed manner, a hearing to review the inmate's case;
- (b) conduct, at prescribed times and in the prescribed manner, further regular hearings to review the inmate's case; and
- (c) recommend to the institutional head, after the hearing mentioned in paragraph (a) and after each hearing mentioned in paragraph (b), whether or not the inmate should be released from administrative segregation.

#### **Presence of inmate**

(2) A hearing mentioned in paragraph (1)(a) shall be conducted with the inmate present unless

- (a) the inmate is voluntarily absent;
- (b) the person or persons conducting the hearing believe on reasonable grounds that the inmate's presence would jeopardize the safety of any person present at the hearing; or

(c) the inmate seriously disrupts the hearing.

#### **Where institutional head must meet with inmate**

34 Where the institutional head does not intend to accept a recommendation made under section 33 to release an inmate from administrative segregation, the institutional head shall, as soon as is practicable, meet with the inmate

- (a) to explain the reasons for not intending to accept the recommendation; and
- (b) to give the inmate an opportunity to make oral or written representations.

#### **Idem**

35 Where an inmate requests to be placed in, or continue in, administrative segregation and the institutional head does not intend to grant the request, the institutional head shall, as soon as is practicable, meet with the inmate

- (a) to explain the reasons for not intending to grant the request; and
- (b) to give the inmate an opportunity to make oral or written representations.

#### **Visits to inmate**

36 (1) An inmate in administrative segregation shall be visited at least once every day by a registered health care professional.

#### **Idem**

(2) The institutional head shall visit the administrative segregation area at least once every day and meet with individual inmates on request.

#### **Inmate rights**

37 An inmate in administrative segregation has the same rights and conditions of confinement as other inmates, except for those that

- (a) can only be enjoyed in association with other inmates; or
- (b) cannot be enjoyed due to
  - (i) limitations specific to the administrative segregation area, or
  - (ii) security requirements.

Corrections and Conditional Release Regulations

19 Where an inmate is involuntarily confined in administrative segregation, the institutional head or a staff member designated in accordance with paragraph 6(1)(c) shall give the inmate notice in writing of the reasons for the segregation within one working day after the inmate's confinement.

20 Where an inmate is involuntarily confined in administrative segregation by a staff member designated in accordance with paragraph 6(1)(c), the institutional head shall review the order within one working day after the confinement and shall confirm the confinement or order that the inmate be returned to the general inmate population.

21 (1) Where an inmate is involuntarily confined in administrative segregation, the institutional head shall ensure that the person or persons referred to in section 33 of the Act who have been designated by the institutional head, which person or persons shall be known as a Segregation Review Board, are informed of the involuntary confinement.

(2) A Segregation Review Board referred to in subsection (1) shall conduct a hearing

(a) within five working days after the inmate's confinement in administrative segregation; and

(b) at least once every 30 days thereafter that the inmate remains in administrative segregation.

(3) The institutional head shall ensure that an inmate who is the subject of a Segregation Review Board hearing pursuant to subsection (2)

(a) is given, at least three working days before the hearing, notice in writing of the hearing and the information that the Board will be considering at the hearing;

(b) is given an opportunity to be present and to make representations at the hearing; and

(c) is advised in writing of the Board's recommendation to the institutional head and the reasons for the recommendation.

22 Where an inmate is confined in administrative segregation, the head of the region or a staff member in the regional headquarters who is designated by the head of the region shall review the inmate's case at least once every 60 days that the inmate remains in administrative segregation to determine whether, based on the considerations set out in section 31 of the Act, the administrative segregation of the inmate continues to be justified.

23 Where an inmate is voluntarily confined in administrative segregation by a staff member designated in accordance with paragraph 6(1)(c), the institutional head shall review the order within one working day after the confinement and shall confirm the confinement or order that the inmate be returned to the general inmate population.

## Annex D: Information for Staff and Offenders – Changes to Administrative Segregation

### Information for Staff – Changes to Administrative Segregation October 2015

The recent changes to Commissioner's Directive 709 – *Administrative Segregation* have been made to strengthen CSC's management of this important correctional tool. The following is a general overview of the key changes.

#### ADMISSION PROCESS:

- A Segregation Assessment Framework has been developed to assist staff and decision makers to apply a thorough review of risks and, examine alternatives while ensuring all procedural safeguards are met both upon admission and during subsequent reviews.
- The Segregation Assessment Tool must now be completed prior to admission to administrative segregation as well as at all subsequent reviews.
- All inmates will be reviewed to decide if a referral to mental health services is appropriate prior to and throughout placements.

#### REVIEW PROCESS:

- A mental health professional has been added as a permanent member of the Institutional Segregation Review Board.
- There will be an additional executive review as well as an external review, where required, of all cases of inmates with an acute or high (elevated/substantial) level mental health need so that practical alternatives to administrative segregation can be identified, management plans can be assessed and to help minimize time spent in administrative segregation.
- Inmates with mental health disorders designated as acute or high (elevated/substantial) mental health need will be able to engage an advocate to assist them with the institutional segregation review process. An advocate is a person who, once approved by the Institutional Head, will act in the inmate's best interest.
- Prior to the 30 day working review, if it is determined that there are no reintegration options for the inmate in his/her parent institution, the Case Management Team must conduct a review of the inmate's security classification and or initiate the involuntary transfer process.
- The Deputy Warden will now chair the Institutional Segregation Review Board at the fifth day working review and the Warden will chair it at the 30-day and at all subsequent reviews.
- A Segregation Review Board hearing is not needed to release an inmate from administrative segregation if the inmate is in agreement with that decision. The Assistant Warden (or higher) can recommend the release to the Institutional Head.
- The Regional Project Officer responsible for segregation will now review cases of inmates within the first 45 days. The regional review will occur for inmates that have been in segregation for 60 days. Further reviews will then occur, at the regional level, every 30 days after the first 60 days.

#### CHANGES TO THE SUPPORTING PROCEDURES

- The Institutional Head is only authorized to provide information about an inmate's placement in administrative segregation if there is reason to believe that the information will not jeopardize the safety of any person, the security of a penitentiary, and/or the conduct of any lawful investigation.
- The Institutional Head will continue to visit the segregation unit on a daily basis but this responsibility can be assumed by the highest authority when the Institutional Head is absent from the institution. This visit consists of conducting a walk of the entire range/unit and inspecting the conditions of confinement.



**QUESTIONS?**

Please contact your Manager for more information.

### **Information for Offenders – Changes to Administrative Segregation October 2015**

The Correctional Service of Canada (CSC) has made changes to the Administrative Segregation policy. These changes are to improve the admission process, the review process, and the supporting procedures. Here is how these changes will affect you if you are admitted to administrative segregation:

#### **ADMISSION PROCESS:**

- All cases will be reviewed to decide if a referral to mental health services is appropriate. This will happen before you are put in segregation. If you are admitted to segregation outside of regular business hours, then this review will happen within one business day.
- If you have been identified as having high mental health needs, you will be given an opportunity to speak with an advocate who can also assist you during the segregation review hearing. An advocate is a person who, in the opinion of the Institutional Head, will act in your best interest. The Institutional Head will approve the advocate you choose.
- If you have been certified under the *Mental Health Act*, in most cases you will not be put in administrative segregation.

#### **REVIEW PROCESS:**

- The review board for your case will now include a mental health professional. This Board will review your case within five working days of when you were put in segregation. If you are in segregation for 30 days, the Institutional Head will chair the hearing.
- In some cases, you will be able to send a written statement to the Segregation Review Board if you are not at the hearing.
- If you have been identified as having high mental health needs, a request will be made within one working day of your hearing for a review to help in identifying any alternatives for you other than administrative segregation.
- If no other suitable options are found, an external reviewer will make recommendations to make sure you spend as little time in segregation as possible.
- A review to make sure all policies are being followed will also happen in the first 45 days. This review will decide if you should stay in segregation or if there are other options for you aside from segregation. You will get a written report about this review. The report will include information about the grievance process and all the options that have been considered for your release from segregation. This will happen within five days of the 45-day review.
- A regional review will happen if you have been in segregation for 60 days. Further reviews will then happen every 30 days after the first 60 days.

#### **WHAT ARE THE CHANGES TO THE SUPPORTING PROCEDURES?**

- The Institutional Head can choose not to share information with you about why you are in segregation if he/she believes that the information could risk the safety of any person, the security of the institution, or the integrity of any investigation.
- A Segregation Review Board hearing is not needed to release you from segregation if you are in agreement with that decision. The Assistant Warden (or higher) can recommend to the Institutional Head that you be released.

#### **QUESTIONS?**

Please contact a member of your Case Management Team for more information.