

Matrix of Recommendations and Responses

This matrix tracks activities undertaken by the Corrections Branch to respond to the recommendations of the *Whitehorse Correctional Centre 2018 Inspection Report*.

Categories of recommendations

Related to mental wellness (Pages 1-9): Eleven recommendations

Related to separate confinement/segregation (Pages 10-17): Sixteen recommendations

Related to First Nations (Pages 17-23): Nine recommendations

Related to Justice system matters (Pages 24-25): Four recommendations

	Recommendation	Work to date and moving forward
1.	<p>Mental Health</p> <p>The Corrections Branch should, collaborating with the Department of Health and Social Services (HSS), expeditiously plan and implement enhanced on-site and in-community mental wellness services and supports for Whitehorse Correctional Centre (WCC) clients and former clients. This should include creation of an on-site mental wellness coordinator position.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The Department of Health and Social Services (HSS) and the Department of Justice (Justice) have signed a Memorandum of Understanding (MOU) in respect of service provisions. • The Forensic Complex Care Team (FCCT) has been established and provides services to the WCC and Yukon Community Corrections (YCC) clients. • HSS’s Mental Wellness and Substance Use (MWSU) provides services for all inmates requiring additional mental wellness support who may not require complex care through the FCCT. • Segregation and restrictive confinement placements are currently reviewed in accordance with the amended provisions of the <i>Corrections Act and Regulations</i>, as well as operational policy. These reviews involve the interdisciplinary care team. This team’s composition may include Health Services, case managers, program staff, members of the FCCT and the First Nations Liaison Officer, depending on the individualized needs of the individual.

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		<p>Current/ongoing work:</p> <ul style="list-style-type: none"> • As of April 2019, MWSU has been offering group programming in the area of mental health and addictions. • The Corrections Branch will continue to enhance provisions for forensic mental health services for WCC and YCC clients through added programs and services.
<p>2.</p>	<p>Mental Health</p> <p>Noting the Corrections Branch’s current plan to enhance mental wellness services for WCC clients, it is recommended that, in consultation with mental wellness professionals, the branch should review its mental wellness screening process, and who delivers it, to ensure that appropriate in-depth mental wellness screening occurs on admission to WCC, administered by a registered psychologist.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • HSS and Justice have signed a MOU in respect of service provisions. <p>Current work:</p> <ul style="list-style-type: none"> • On admission, correctional officers conduct a suicide assessment, and if there are any concerns, the individual in custody is immediately referred to Health Services. Health Services then completes a second screening and consults with a physician if necessary. Also on admission, all individuals undergo a health intake, administered by Health Services. Part of this intake includes two validated mental health screens. If a mental health concern is identified, appropriate action is taken in consultation with a physician. • Where necessary, individuals are referred to the FCCT. Once referred to the FCCT, a formalized and statistically validated brief mental status examination is administered to assess the individual’s mental wellness. • Implementation of the FCCT includes provisions to increase screening of Corrections’ clients and the continued monitoring of individuals throughout their incarceration.

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3.	<p>Mental Health</p> <p>The Corrections Branch should create a mental wellness unit at WCC along the lines of Nova Scotia’s (NS) transitional day room program.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • Work is underway to develop a regulatory and operational framework to establish alternative housing at the WCC.
4.	<p>Mental Health</p> <p>The Fetal Alcohol Spectrum Disorder (FASD) strategy for corrections in Yukon should, given the incidence of FASD – affected individuals at WCC and the behavioural implications of FASD, ensure that appropriate FASD-related services and supports are provided to WCC clients in a consistent, professionally-informed manner. This should include training for all correctional officers in how to work with individuals with diagnosed or suspected FASD.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • Fetal Alcohol Syndrome Society Yukon (FASSY) has reviewed the Correctional Officer Basic Training (COBT) training content. • FASD is included as a component of Corrections Officer Basic Training (COBT). • The Yukon FASD Action Plan was released in September 2019 and includes justice-specific initiatives. • Training sessions were held with Department of Justice and Corrections staff (probation officers, correctional officers, and case managers) as part of the FASD in Yukon Corrections strategy. The sessions were designed to increase staff awareness about FASD, and included information on how to work more effectively with those diagnosed with a cognitive disability. • HSS has developed the Spruce program, a modification of their substance use program for clients with FASD or low cognition. <p>Current/ongoing work:</p> <ul style="list-style-type: none"> • The WCC and HSS are working together to increase support and services for individuals with FASD, including reintegration with a focus on continuity of care for the individual. • The Corrections Branch continues to participate in the work to implement the Yukon FASD Strategy. Additional resources are allocated for justice-involved clients through Yukon’s FASD Action and Implementation Plan. • Work is underway to ensure that correctional officers receive targeted FASD training. Refresher training on FASD was expected to take place for all correctional officers in March 2020, but some of the training was temporarily postponed due to the COVID-19 pandemic.

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5.	Mental Health Given the high rate of incidence of FASD at WCC, the Corrections Branch should implement a program for managing the behavioural difficulties that FASD clients exhibit, including in relation to use of separate confinement for disciplinary purposes. The program should be informed by the FASD in Yukon Corrections Strategy as it moves forward and be informed by best healthcare practice.	Completed work <ul style="list-style-type: none">• The FCCT and WCC Health Services participated in reviews of segregation and restrictive confinement placements, as well as the development of individualized care plans. This helps to address concerns regarding the detrimental effects that segregation may have on an individual's mental wellness, including those with FASD.• HSS and Justice have signed a MOU in respect of service provisions. Current/ongoing work: <ul style="list-style-type: none">• Work is underway to develop a regulatory framework for alternative housing at the WCC. It is anticipated that one of these housing options may provide additional clinical support to individuals exhibiting behavioural difficulties associated with FASD and other cognitive disorders.• FASD and all other considerations of mental health and causes for mental health issues will continue to be considered in improved forensic mental health provisions.
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6.	Mental Health The government should direct Justice and Health and Social Services to work with the Corrections Branch to conduct a comprehensive review of the approach to client case management, with case management being available to all clients, both sentenced and remanded. The goal should be to design, fund and implement, at the earliest opportunity, a modern, comprehensive, multi-agency program for integrated case management that meets the needs of clients while at WCC and to transition them back into their communities, with special regard to mental health and addictions services for those who need them.	Completed Work: <ul style="list-style-type: none">• In collaboration with partners and stakeholders, the Corrections Branch reviewed its current case management process with the vision of better integrating services available through other parties based on an individual's needs.• The Corrections Branch reviewed and updated the current case management policy and protocols to ensure they are consistent with best correctional practices.• Work has been completed to better integrate discharge/release planning into case management plans for all individuals (sentenced or on remand), beginning at admission. Current/Ongoing Work <ul style="list-style-type: none">• Work is underway to secure an electronic case management system that is consistent with best practices across Canada. This system will enhance the ability to maintain and share information as needed.• The Corrections Branch and HSS are working collaboratively to increase continuity of care and services, both within the WCC and while in the community. This includes care and services for the referred care clinic, Opioid Agonist Therapies (OATs), foundations programming, etc.
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7.	Mental Health a. The Corrections Branch, both WCC and probation services, should work with HSS, and other stakeholders, to continue to enhance the addictions treatment services delivered to WCC clients, both at WCC and in communities. Programs and services at WCC should be provided to both sentenced and remanded clients.	Completed work: <ul style="list-style-type: none">• In collaboration with HSS, the MWSU team has increased programming availability to WCC and YCC clients.• The FCCT has been established and service delivery to WCC and YCC clients began in spring 2019. Current/ongoing work: <ul style="list-style-type: none">• HSS and the Corrections Branch are currently sharing priorities to deliver on common interests. This will ensure continued utilization of programs, shared resources and sharing of information.• All services are available to sentenced and remanded individuals, though the latter undertake programming voluntarily as no order exists to ensure compliance with programming.• The WCC will continue to work on partnered service delivery, including partnering with non-governmental organizations to deliver addictions treatment, such as Alcoholics Anonymous (AA).
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<p>7.</p>	<p>b. The government should assess the need for additional residential healing and treatment facilities in Yukon.</p>	<p>Current/ongoing work:</p> <ul style="list-style-type: none"> • Services continue to be offered through the residential treatment facility for alcohol and drug treatment (adult) at the recently constructed Sarah Steele Building. HSS residential programming also includes an on-the-land component. • The Corrections Branch is working with Kwanlin Dün First Nation (KDFN) and HSS to explore opportunities at Jackson Lake for Corrections’ clients. • The Corrections Branch is currently discussing on-the-land and residential healing facilities with First Nations governments. • The Corrections Branch will explore options for additional facilities in consultation with governments and justice partners. • The Corrections Branch will continue to refer appropriate correctional clients to treatment/healing programs offered at Jackson Lake. • The HSS FCCT members will be taking the Peacemakers course.
<p>8.</p>	<p>Mental Health</p> <p>The Corrections Branch should review the present availability of AA and NA groups at the facility to ensure that, with the participation of community organizations, these peer support groups are regularly available to all clients who wish to participate.</p>	<p>Current/ongoing work:</p> <ul style="list-style-type: none"> • AA representatives currently attend the WCC regularly to facilitate meetings with males and females during their incarceration. • The WCC library has sufficient copies of the AA Big Book and the WCC will explore the potential to offer audio versions of the book. • The Corrections Branch will continue to work to find a NA facilitator who can provide services to all individuals to ensure availability and increased opportunities to undertake the program during their incarceration.

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<p>9. Mental Health</p> <p>WCC should review its current mental wellness training for correctional officers and enhance it as necessary in light of training approaches elsewhere.</p>	<p>Completed work:</p> <ul style="list-style-type: none">• Psychological trauma training has been developed and provided by a trained facilitator.• Training developed by the Mental Health Commission of Canada (Mental Health First Aid) is provided to correctional officers. The WCC has two certified trainers. A new version of this program, designed specifically for northern First Nations populations, has been developed and is currently being delivered.• WCC and YCC employees attended a one-day course entitled “The Working Mind for First Responders Leadership Program”. The course supported learning new skills to help reduce stigma in the workplace, build resiliency, offer a supportive and healthy working environment, and provide the tools and skills to help reduce stress and promote good mental health.• The WCC has a Critical Incident Team that is comprised of managers who provide support following a critical incident. <p>Current/ongoing work:</p> <ul style="list-style-type: none">• Work is underway to develop a peer-driven Critical Incident Team at the WCC. The WCC has begun identifying staff that have expressed interest in becoming certified in critical incident stress management.• The Corrections Branch will continue to review training standards and best practices against other jurisdictions, share information through Heads of Corrections and explore other empirically based options.
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<p>10.</p>	<p>Mental Health / First Nations</p> <p>WCC should, subject to supervision and other appropriate security measures, permit clients who wish to do so to spend their outdoor time in the WCC yard and not their unit’s fresh air yard.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • An outdoor healing circle was established in April 2018. • An outdoor recreation program was established at the WCC in 2019 and is available to inmates based on their individualized circumstances. • The Corrections Branch has reviewed and revised its institutional placement policy to increase access to outdoor programs and services. • The Corrections Branch has explored the feasibility of introducing counter-contraband technologies at the WCC. <p>Ongoing work:</p> <ul style="list-style-type: none"> • The Corrections Branch remains committed to working with partners to find solutions to enable meaningful contact with the land.
<p>11.</p>	<p>Mental Health</p> <p>The government should continue to work toward establishing a new secure forensic unit at Whitehorse General Hospital (WGH) as soon as practicable. They should at this time remove WCC’s statutory designation as a hospital, without waiting for creation of a new secure forensic unit at the WGH.</p>	<p>Next steps:</p> <ul style="list-style-type: none"> • This recommendation is under consideration as there is currently no appropriate place to house complex forensic inmates • The Corrections Branch will continue to consider the best way to implement this recommendation. • The Corrections Branch is involved in preliminary discussions with the Yukon Hospital Corporation and HSS regarding the development of a new secure medical unit.

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<p>12. Segregation</p> <p>WCC should review its rules of conduct for WCC clients, with a view to ensuring they are truly necessary in the interests of safety and proper order, are communicated clearly in plain language and are explained to clients who require clarification.</p>	<p>Current work:</p> <ul style="list-style-type: none"> The WCC ensures that rules are clearly communicated to all individuals in custody. <p>Next steps:</p> <ul style="list-style-type: none"> The WCC will review its rules of conduct to ensure that they are required for safety and proper order of the institution. The Corrections Branch will review and, where required, update the inmate handbook to ensure that all rules of conduct are communicated clearly in plain language. The Corrections Branch will explore the feasibility of creating a video that clearly communicates the rules of conduct in plain language and helps explain them to individuals who require clarification.
<p>13. Segregation</p> <p>The legislative requirements recommended in this report should include a definition of separate confinement, whether called disciplinary, administrative or secure supervision placement, as confinement of an individual apart from others for more than 18 hours a day.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> The Corrections Branch has completed a review of contemporary correctional legislation in Canada as well as international standards. The Corrections Branch has reviewed the <i>Corrections Act, 2009</i> and <i>Regulation</i>. The Corrections Branch has explored possible ways to institute legislative change as well as regulatory options to clarify the states of confinement as well as confinement periods. The legislative framework governing segregation and restrictive confinement has been amended. These amendments include a new definition of segregation that is in line with international standards and the spirit of this recommendation. Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020. The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements.
<p>14. Segregation</p> <p>The <i>Corrections Act</i> and <i>Corrections Regulation</i> should be amended to provide a clearer, more comprehensive, framework to govern use of separate confinement at WCC. The amendments need to define what “separate confinement” is, when it may be used, and how it is regulated. This is necessary</p>	<p>Completed work:</p> <ul style="list-style-type: none"> The Corrections Branch has completed a review of contemporary correctional legislation in Canada and international standards. The Corrections Branch has reviewed the <i>Corrections Act, 2009</i> and <i>Regulation</i>. The Corrections Branch has explored possible ways to institute legislative change as well as regulatory options to clarify the states of confinement as well as confinement periods. The legislative framework governing segregation and restrictive confinement has been amended.

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	<p>even if the substantive changes recommended in this report are not implemented.</p>	<ul style="list-style-type: none"> • Legislative amendments include: <ul style="list-style-type: none"> ○ defining segregation and restrictive confinement; ○ imposing limits on which individuals may be held in segregation and the number of days during which an individual may be held in segregation; ○ requiring that the circumstances of individuals who are held in non-disciplinary segregation or non-disciplinary restrictive confinement be reviewed in accordance with the <i>Regulations</i>; ○ providing for the appointment of adjudicators to review the circumstances of individuals who are held in non-disciplinary segregation and non-disciplinary restrictive confinement; and, ○ expanding the application of the principle of least restrictive measures. • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020. • The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements. These policies are found at open.yukon.ca.
15.	<p>Segregation</p> <p>Even if the recommended overhaul of the separate confinement scheme does not proceed, the Corrections Branch should amend the Corrections Regulation, and Corrections Branch policies and standing orders, to ensure consistency in the grounds for administrative separate confinement, notably respecting the nature and degree of risk that must be present before administrative separate confinement may be used.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The legislative framework governing segregation and restrictive confinement has been amended. • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulations</i> came into force on June 19, 2020. • The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements.
16.	<p>Segregation/Mental Health</p> <p>Because separate confinement can cause or exacerbate mental illness concerns, the <i>Corrections Regulation</i> and Corrections Branch policies should be amended to remove mental illness as a ground for placing an individual in any form of separate confinement. The Corrections Branch should, pending those amendments,</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The legislative framework governing segregation and restrictive confinement has been amended. One legislative change prohibits the placement of an individual in disciplinary or non-disciplinary segregation if the individual, as determined in accordance with the regulations, has a mental disorder, or an intellectual disability, that meets the prescribed conditions. • HSS and Justice have signed a MOU in respect of service provisions. • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020.

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	<p>immediately undertake not to place anyone in any form of separate confinement on this ground.</p>	<ul style="list-style-type: none"> The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements.
<p>17.</p>	<p>Segregation/Mental Health</p> <p>Very short-term administrative separate confinement to protect an individual, including a mentally-ill individual, from a risk of suicide or other serious self-harm should be permitted, but it should be used only as a last resort where other measures, notable mental health interventions, are not reasonably likely to keep the inmate safe from imminent self-harm, notably suicide. Even in these cases, separate confinement on this basis should not exceed a maximum of 48 to 72 hours, with the choice between these two limits to be made in consultation with mental health professionals who have expertise in separate confinement and mental wellness.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> The legislative framework governing segregation and restrictive confinement has been amended. One legislative change prohibits the placement of an individual in segregation if the individual, as determined in accordance with the regulations, is suicidal or chronically self-harming or has a mental disorder, or an intellectual disability, that meets the prescribed conditions. The FCCT and WCC Health Services participate in reviews of segregation and restrictive confinement placements as well as the development of individualized care plans, where appropriate, based on the individualized circumstances of the individual. Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020. The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements. <p>Current work:</p> <ul style="list-style-type: none"> Work is underway to develop a regulatory framework to create alternative housing at the WCC. It is anticipated that one of these housing options may accommodate individuals who are experiencing an acute mental health crisis, such as those who are engaging in self-harm, suicidal ideation or who are actively suicidal. Where required, Health Services conducts daily assessments of individuals with specific medical reasons. Prior to changing the individual's status, appropriate clearance must be obtained from a physician, psychiatrist or clinical counsellor.
<p>18.</p>	<p>Segregation</p> <p>The <i>Corrections Regulation</i> should be amended to eliminate risks to the “management” or “operation” of WCC as grounds for use of non-disciplinary administrative separate confinement. Administrative</p>	<p>Completed work:</p> <ul style="list-style-type: none"> The legislative framework governing segregation and restrictive confinement has been amended. Legislative amendments put limits on the circumstances in which an individual may be held in non-disciplinary segregation and non-disciplinary restrictive confinement and stipulate that all other options to manage the individual without segregating them or imposing restrictive confinement on them must

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	<p>separate confinement should be limited to real and imminent safety needs grounded in clear evidence. Confinement on this ground should be for no longer than is necessary to remove or sufficiently mitigate the threat. At the very least, the existing grounds, set out in the <i>Corrections Regulation</i> and WCC policy, need clarification.</p>	<p>first be exhausted. The legislative changes also expand the application of the principle of least restrictive measures.</p> <ul style="list-style-type: none"> • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020. • The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements. <p>Current work:</p> <ul style="list-style-type: none"> • Work is underway to develop a regulatory framework to create alternative housing at the WCC. It is anticipated that one of these housing options may accommodate individuals whose behaviour poses immediate safety risks to others or in situations where there is an immediate concern for possible contraband.
<p>19. Segregation</p>	<p>The <i>Corrections Regulation</i> and Corrections Branch policy should be amended to provide an expeditious and independent external review process for decisions to place individuals in both short and long term administrative separate confinement, with reviews being completed as soon as practicable, with a 24 hour turnaround being optimal.</p>	<p>Completed work</p> <ul style="list-style-type: none"> • The legislative framework governing segregation and restrictive confinement has been amended. The legislative amendments require that the circumstances of individuals who are held in non-disciplinary segregation or non-disciplinary restrictive confinement be reviewed in accordance with the regulations and provide for the appointment of adjudicators to conduct prescribed reviews. • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020. • The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements. <p>Current Work:</p> <ul style="list-style-type: none"> • Segregation and restrictive confinement placements are currently reviewed in accordance with the amended provisions of the <i>Corrections Act</i> and <i>Regulations</i> as well as operational policy. These reviews involve the interdisciplinary care team, which may include Health Services, case managers, program staff, members of the FCCT, and the First Nations Liaison Officer, depending on the individualized needs of the individual.

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<p>20.</p>	<p>Segregation</p> <p>The Corrections Regulation should be amended to prohibit use of any kind of separate confinement for more than 15 days in any one-year period, running from the date on which an individual is first placed in separate confinement. Pending this change, the Corrections Branch should undertake that no individual will ever be held in separate confinement of any kind other than in compliance with this recommendation.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The legislative framework governing segregation and restrictive confinement has been amended. The legislative amendments impose a 15 consecutive day maximum cap on segregation placements and a 60-day aggregate cap in a 365-day period. The legislative amendments also require that an individual who has been held in segregation for a period of 15 consecutive days must not be held in segregation again until a period of five days has expired. • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020. • The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements.
<p>21.</p>	<p>Segregation</p> <p>Consistent with the above recommendation [19] regarding administrative separate confinement, if secure supervision placement is to continue, the Corrections Branch should provide for independent external review of decisions to place someone in secure supervision placement. A maximum 24-hour turnaround for review decisions is optimal. The Corrections Branch should implement this change, preferably, through amendments to the Corrections Regulation.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The legislative framework governing segregation and restrictive confinement has been amended. The legislative changes include: <ul style="list-style-type: none"> ○ a new definition of segregation, which is defined as “any type of custody where an inmate’s association with other persons is significantly restricted for, unless a shorter period is prescribed, a period or periods that total, in a particular day, 22 hours or more”; and ○ restrictive confinement defined as “any type of custody where an inmate’s association with other persons is significantly restricted for, unless a shorter period is prescribed, a period or periods that total, in a particular day, at least 18 hours but less than 22 hours”. • Secure supervision placements have thereby been eliminated from operational practice. • The legislative amendments also provide for a mechanism by which the circumstances of individuals who are held in non-disciplinary segregation or non-disciplinary restrictive confinement can be reviewed. Changes to regulations provide further guidance in this area. • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020. • The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements. <p>Current work:</p> <ul style="list-style-type: none"> • Segregation and restrictive confinement placements are currently reviewed in accordance with the amended provisions of the <i>Corrections Act and Regulation</i>, as well as operational policy.

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<p>22. Segregation</p> <p>Consistent with the above recommendations, “jeopardizing the management, operation or security” of WCC, or being a risk to the management, operation or security of WCC, should not be ground for placement in segregation after a disciplinary conviction. Disciplinary separate confinement should be reserved for more serious offences, being those involving actual harm to others or a real risk of it. If this recommendation is not accepted, it would be desirable to clarify what is intended by “jeopardizing the management, operation or security” of WCC and to restrict its use as a sanction to the greatest extent possible.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The legislative framework governing segregation and restrictive confinement has been amended. • Legislative changes include: <ul style="list-style-type: none"> ○ defining segregation and restrictive confinement; ○ expanding the application of the principle of least restrictive measures; ○ prohibiting the placement of certain individuals in disciplinary and non-disciplinary segregation; and ○ permitting a hearing adjudicator to order that an individual be held in disciplinary segregation or disciplinary restrictive confinement in accordance with the regulations. • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulation</i> came into force on June 19, 2020. • The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements.
<p>23. Segregation</p> <p>The legislative framework for separate confinement should be amended to implement the recommendations in this report.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The legislative framework governing segregation and restrictive confinement has been amended. • Amendments to the <i>Corrections Act, 2009</i> and <i>Corrections Regulations</i> came into force on June 19, 2020. • The Corrections Branch has developed operational policies related to segregation and restrictive confinement placements.
<p>24. Investigations and Standards Office (ISO) Investigations</p> <p>All ISO inspection and investigation reports, and government’s responses and progress tracking reports, should be published in a timely manner.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • ISO reports have been electronically published online. To date, all past inspection reports have been published on the ISO webpage and ISO endeavours to continue this practice in the future. <p>Next steps:</p> <ul style="list-style-type: none"> • The Corrections Branch will continue to have regular meetings with the Director of ISO to ensure that relevant future and outstanding issues that have been identified by ISO are addressed promptly. • Government responses to ISO inspection and investigation reports under sections 36 and 37 of the <i>Corrections Act, 2009</i> will be provided to ISO and progress will continue to be tracked.

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<p>25.</p>	<p>ISO Governance</p> <p>Government should consider whether ISO’s reporting lines should be changed, to provide clearer assurance of its independence.</p> <p>Government also could consider, in consultation with the Ombudsman, examining how her office and ISO might work together to coordinate their functions and activities.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • ISO met with the Yukon Ombudsman’s Director of Intake and Early Resolution in May 2019 to discuss ISO’s work generally, enhance understanding of ISO’s role and discuss the appropriate jurisdiction for a specific complaint issue. • ISO’s reporting lines have been examined and there has been an organizational restructure. The Regulatory Services Branch has been created and the Director of ISO now reports to the Director of Regulatory Services.
<p>26.</p>	<p>Segregation</p> <p>The Corrections Branch should enhance its reporting on the use of separate confinement by publishing statistics and analyses at least quarterly, in the interests of accountability, public understanding and trust.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • Segregation statistics are publicly available at yukon.ca. • Work is underway to procure an electronic case management system that is consistent with best practices across Canada. This system will enhance the ability to maintain and share information as needed. <p>Next steps:</p> <ul style="list-style-type: none"> • The Corrections Branch will continue to provide statistics for web posting and will endeavour to do so on a quarterly basis. • The Department of Justice is committed to working with partners to determine what reporting is needed to build trust and increase transparency in respect to segregation practices and placements.
<p>27.</p>	<p>Restorative Justice</p> <p>The Corrections Branch should create policies and procedures requiring WCC to take a restorative justice approach to disciplinary offences before disciplinary charges are laid against a WCC client. These should acknowledge that both offender and victim must be willing to participate in a restorative justice process. The process should also involve, where possible, use of a sentencing circle participated in by all willing residents of the living unit where the incident occurred. One-on-one resolution should be used where a sentencing circle is not possible (e.g., because the offender and victim do not wish it or because others</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • Training on restorative practices and principles was provided to one of WCC’s hearing adjudicators in spring 2019. <p>Current work:</p> <ul style="list-style-type: none"> • The WCC conducts restorative justice practices on units, though this is currently done on an informal and case-by-case basis. This includes the use of mediation to resolve issues within units and may involve the First Nations Liaison Officer and/or Elders. • The Corrections Branch has begun working towards the development of alternative measures as a way to mitigate against formal disciplinary proceedings. Policy work is currently underway in this area.

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	<p>decline to participate). This process should also be applied where the client has broken a WCC rule, such that there is no individual victim. Formal disciplinary charges should be laid, or proceed to hearing, only where reasonable efforts to resolve the matter in this way have failed.</p>	<p>Next steps:</p> <ul style="list-style-type: none"> • The Corrections Branch is committed to partnering with First Nations governments to improve restorative justice throughout the territory. • The WCC will provide correctional staff with training in restorative justice practices and will hold information sessions with those incarcerated at the institution. • The WCC will work towards tracking restorative justice and other alternative measures used in the institution.
<p>28.</p>	<p>First Nations</p> <p>The Corrections Branch should appoint a fulltime First Nations services officer for WCC to help improve outcomes for First Nations individuals at WCC, whose specific duties should include those recommended in this report.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The Corrections Branch created a First Nations Liaison Officer position in May 2019. This position assists in providing culturally relevant support to individuals who identify as First Nations. In addition, the First Nations Liaison Officer provides support in the areas of rehabilitation, reconciliation, community reintegration, cultural awareness, staff training, and First Nations community engagement. • A work plan has been established for the First Nations Liaison Officer position.
<p>29.</p>	<p>First Nations</p> <p>The Corrections Branch should direct WCC's Superintendent of Programs to support the work of the First Nations services officers and to report on that work, with the specific duties including those recommended in this report.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • The First Nations Liaison Officer position reports to the Deputy Superintendent of Programs, providing a direct line of engagement with operations. This also functions to provide status on the implementation of recommendations. • A work plan has been established for the First Nations Liaison Officer position.

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<p>30.</p>	<p>First Nations</p> <p>The Minister should refresh the mandate of WCC’s Community Advisory Board (CAB), giving it clear direction to review and make recommendations on programs that WCC operates and on new programs. The board should be able to retain experts as necessary for its work from time to time. The Minister should also ensure that the Corrections Branch responds to the board’s recommendation, and reports on progress in implementing them. The Minister should either establish a new First Nations advisory board for WCC or enhance First Nation representation on the existing board, including to ensure good representation of FN from across Yukon. All advisory board reports and recommendations should be published in a timely way, as should Corrections Branch responses and progress reporting.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The Corrections Branch, in partnership with the Implementation Working Group, has reviewed the mandate and structure of the CAB, as well as supports provided to the board. • The Minister of Justice has provided direction on the revitalization of the CAB, which has been shared with existing CAB members. <p>Next steps:</p> <ul style="list-style-type: none"> • The Corrections Branch will ensure that it provides a timely response to any CAB reports and recommendations. • Recruitment efforts are underway to fill vacant positions on the CAB.
<p>31.</p>	<p>First Nations</p> <p>The Corrections Branch should redouble its efforts to offer improved culturally appropriate programs and services at WCC. The focus should be on better supporting spiritual renewal and healing, and connection with traditional knowledge and practices, including to improve mental wellness outcomes. Programs that exist or are in development in other jurisdictions should be considered and adapted to Yukon needs. The branch should consult with WCC clients, elders and First Nations. This work should be supported by the FN Liaison Officer for WCC. This recommendation should implement improvements in access to elders and to spiritual practices such as smudging and sweats. This should include serious consideration of re-</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The Corrections Branch created a First Nations Liaison Officer position in May 2019. The position assists in providing culturally relevant support to individuals who identify as First Nations. The position also provides support in the areas of rehabilitation, reconciliation, community reintegration, cultural awareness, staff training, and First Nations community engagement. In partnership with an Elder, the First Nations Liaison Officer scheduled several storytelling circles to introduce individuals incarcerated at the WCC to this traditional practice. • The Corrections Branch has incorporated First Nation culture into the fabric of operations and programming at the WCC. Examples of measures undertaken include: <ul style="list-style-type: none"> o incorporating traditional foods into the menu; o ensuring that Elders are consulted on cultural matters;

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purposing unused portions of WCC for FN programs and supports, including smudging and sweat facilities.

- o maintaining a roster of available Elders who attend the institution to provide services, support and programming for individuals during their incarceration. This includes traditional teachings, ceremonies, and the use of healing circles for dispute resolution;
 - o facilitating solstice gatherings and feasts for clients and their families, which incorporate traditional foods;
 - o making smudge kits available on every unit, upon request;
 - o establishing a library of Yukon First Nations books for clients; and,
 - o scheduling storytelling circles to introduce clients to this traditional practice.
- An outdoor healing circle has been created at the WCC for spiritual and healing activities such as smudging, drumming, circle storytelling, and restorative justice practices.
 - The Corrections Branch has identified a Sweat Lodge program facilitator, established program requirements and operational procedures, and constructed an outdoor Sweat Lodge at the WCC. This effort was undertaken in collaboration with CYFN and the first Sweat took place on October 31, 2019.
 - The Corrections Branch has identified a carving program facilitator, established program requirements, and developed operational policies and procedures at the WCC.

Next steps:

- The Corrections Branch will continue to engage with CYFN and First Nations governments on culturally relevant programming.
- The Corrections Branch will continue to explore the potential to enhance the provision of on-the-land healing options to correctional clients.

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<p>32.</p>	<p>First Nations</p> <p>The Corrections Branch should, with the support of First Nations, work to increase the complement of Elders who visit WCC and ensure they are able to do so as often as needed to meet the needs of WCC clients who wish to see them.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • Ongoing recruitment efforts are underway to ensure the needs of WCC clients continue to be met. This includes efforts to increase the complement of male Elders. • The WCC maintains a roster of available Elders who attend the institution to provide services, support and programming to individuals, including traditional teachings, ceremonies and the use of healing circles for dispute resolution. <p>Next steps:</p> <ul style="list-style-type: none"> • The Corrections Branch will continue to work with First Nations governments and CYFN to ensure a full complement of Elders are available.
<p>33.</p>	<p>Government of Yukon</p> <p>a. As part of the efforts recommended below to enhance and expand a whole of-system approach to helping suited individuals to resolve such challenges, the government should examine the feasibility of building further treatment centres such as the Jackson Lake facility and program, operated by KDFN.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • Services through the residential treatment facility for alcohol and drug treatment (adult) at the recently constructed Sarah Steele Building continue to be offered to correctional clients. <p>Next steps:</p> <ul style="list-style-type: none"> • The Government of Yukon will continue to explore options with partners to support individuals in addressing addictions challenges. • The Corrections Branch will explore the potential to enhance the provision of on-the-land healing options for correctional clients. • The Corrections Branch will continue to refer appropriate correctional clients to healing/treatment programs being offered at Jackson Lake.

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<p>33.</p>	<p>First Nations</p> <p>b. It [Justice] should also examine the feasibility of re-purposing unused portions of WCC, to provide FN programs and supports, including smudging and sweat facilities.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The Corrections Branch has identified a Sweat Lodge program facilitator, established program requirements and operational procedures, and constructed an outdoor Sweat Lodge at the WCC. This effort was undertaken in collaboration with CYFN and the first Sweat took place on October 31, 2019. • The WCC has a purpose built healing room and has established an outdoor healing circle program. • In partnership with the John Howard Society Pacific, in May 2020, the WCC re-purposed one unit of the correctional centre to promote community reintegration and assist with keeping justice-involved men out of custody. <p>Current work:</p> <ul style="list-style-type: none"> • The Corrections Branch will continue to work through current space/infrastructure options and those available outside the current WCC footprint to examine opportunities for program options, including, but not limited to, First Nations programming. • CYFN’s funding to facilitate the Sweat Lodge program at the WCC ended on March 31, 2020. Since then, the Corrections Branch has been in discussions with CYFN to continue to offer the program and traditional ceremony on a regular basis, subject to the availability of facilitators.
<p>34.</p>	<p>First Nations / Other</p> <p>The Corrections Branch should ensure that WCC staff, notably correctional officers, have adequate training in First Nations matters, and also training in trauma-informed approaches to corrections clients.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • All correctional officers have received an orientation session on human rights. • Senior administrators and WCC managers participated in a training session focused on human rights in October 2019. • The FCCT provides trauma-informed training and guidance to correctional staff when developing individualized care plans. <p>Ongoing work:</p> <ul style="list-style-type: none"> • All Corrections Branch staff are required to complete Yukon First Nations 101, an online training course developed in partnership with Yukon College and CYFN. This training educates employees on the culture and history of the First Nations Peoples of Yukon, their cultural values and respectful communication. • Opportunities are available for correctional staff to participate in additional First Nations training sessions, as well as programs and services at the WCC.

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		<ul style="list-style-type: none"> • Education on First Nations history and culture is also emphasized through awareness campaigns and incorporated into the work of the WCC First Nations Liaison Officer position. • CYFN continues to provide a half-day training on Yukon First Nations for all new correctional officer recruits during Correctional Officer Basic Training (COBT). • Correctional officers continue to receive a three-day training program (Mental Health First Aid for Northern Peoples) developed by the Mental Health Commission of Canada, which is in line with trauma-informed practices. • Periodic reviews of staff training is to ensure that it is responsive to the needs and unique circumstances of Yukon’s diverse correctional population. • Through the FCCT, corrections staff can receive feedback, support, and mentoring provided through a trauma-informed lens.
35.	<p>Other</p> <p>The Corrections Branch should cease charging clients for local or long-distance calls, in order to enhance ongoing connections between clients, their families and their communities.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • Operationally, individuals incarcerated at the WCC are given an initial free phone call. • WCC staff have discretion to give free phone cards to individuals who are unable to fund calls on their own. • Members of the public can set up a prepaid account that allows them to pay for an individual’s phone calls while they are incarcerated. • The current phone system primarily used to maintain ongoing connections between clients and their families and communities is in line with practices in eight other Canadian jurisdictions. • The current phone system is tied to a procurement process, but the Corrections Branch will continue to review other service options. While options are explored, the Corrections Branch will maintain the current phone system with continued options to provide discretionary free phone cards. • The Corrections Branch will consider ways to implement the spirit of this recommendation by exploring options to offset the cost of the phone system.

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36. First Nations

The Corrections Branch should take measures to ensure that, if a First Nation individual at WCC is to be sentenced for a disciplinary offence, any existing Gladue report that is available is used in the sentencing. If one is not available, the Corrections Branch should be required to provide the adjudicator with information sufficient to enable the adjudicator to consider Gladue factors in fashioning an appropriate sentence. The Corrections Branch should ensure that disciplinary adjudicators are provided with training and information necessary to enable them to apply Gladue factors in disciplinary proceedings.

Current work:

- The Government of Yukon is funding a three-year pilot project to develop a Gladue Report Writing Program. This pilot project will provide training to Yukon-based writers to produce high quality, standardized Gladue reports and cover the costs of report writing.
- The Corrections Branch is collaborating with CYFN and KDFN to explore how probation officers and Gladue report writers could work together to better support clients receiving Gladue reports.

Next steps:

- The Corrections Branch will work with partners to determine the ability to acquire and consider Gladue reports and factors in WCC adjudications.
- The Corrections Branch will explore how Gladue reports and factors should be used when applied within correctional environments.
- The Corrections Branch will work with First Nations governments to develop training and policies regarding the application of Gladue factors in correctional decision-making.
- This work will be ongoing for the next two to three years.

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37.	<p>Government of Yukon</p> <p>The Yukon Government should immediately initiate properly-resourced efforts by the Bail Reform Subcommittee, in <u>consultation with First Nations governments</u> and others, to study the use of release conditions and make recommendations for alternatives to abstention conditions that are consistent with real public safety needs.</p>	<p>Completed work:</p> <ul style="list-style-type: none"> • The Corrections Branch has developed strategies to inform individuals at the WCC about the Bail Verification Process and access has been expanded to facilitate bail court workers within the institution. • YCC has engaged Legal Services to provide insight on legislative changes to bail and release orders, such as Bill C-75, that impact probation officers. • YCC has assumed responsibility for the KDFN Bail Verification Program. <p>Current/ongoing work:</p> <ul style="list-style-type: none"> • The Corrections Branch continues to work with the Bail Reform Committee and the Coordinating Committee of Senior Officials to implement bail reform. • The Corrections Branch continues to work collaboratively with KDFN, as well as other justice stakeholders, to maximize the use of bail throughout the territory. • The Corrections Branch is currently revising YCC’s operational policies related to bail and will develop corresponding training materials for probation officers.
38.	<p>Government of Yukon</p> <p>The government should, working with all relevant parties, ensure that the resources available to the Community Wellness Court are adequate, including with view to ensuring stable housing and expert supports are available to all participating individuals.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • The Community Wellness Court (CWC) received permanent funding in the 2018–19 budget. A new manager has been hired and additional supports are in place. • The CWC has a contract in place that provides for service provision by a psychologist. In addition, the FCCT provides support to CWC clients when needed. • Housing support is provided for Justice Wellness Centre clients through a contract with John Howard Society. • Two probation officers/case managers have been added to the Justice Wellness Centre team, providing wrap-around services and support to individuals participating in the CWC. <p>Ongoing work:</p> <ul style="list-style-type: none"> • The Corrections Branch will continue to explore additional space/infrastructure options to help fully implement wrap-around service delivery and facilitate the provision of programming and in-house services. • The Department of Justice will continue to monitor the CWC for opportunities to provide alternative options in the justice system.

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<p>39.</p>	<p>Government of Yukon</p> <p>The government should undertake an urgent expert assessment of the need for more residential treatment facilities such as Jackson Lake and create such facilities as are shown to be necessary.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • Services through the residential treatment facility for alcohol and drug treatment (adult) at the recently constructed Sarah Steele Building continue to be offered to correctional clients. • The Corrections Branch is working with KDFN to explore opportunities to utilize Jackson Lake for Corrections clients. • The Corrections Branch is currently discussing on-the-land and residential healing facilities with First Nations governments. • The Corrections Branch will explore options for additional facilities in consultation with governments and justice partners. This will be a long-term initiative. <p>Next steps:</p> <ul style="list-style-type: none"> • The Government of Yukon will continue to explore options with partners to support individuals in addressing addictions challenges. • The Corrections Branch will explore the potential to enhance the provision of on-the-land healing options for correctional clients.
<p>40.</p>	<p>Other</p> <p>The Yukon government should design and implement appropriate program data collection systems, as well as supporting analytical measures, to support program planning and evaluation, and evidence based public policy decisions. The government should also make the raw data and related analysis publicly available, in the interests of transparency.</p>	<p>Current work:</p> <ul style="list-style-type: none"> • Work has been completed to re-scope the requirements for an electronic correctional management system. This system will enhance the ability to maintain and share information as needed and will assist in trend analysis, resulting in evidence-based decision-making. <p>Next steps:</p> <ul style="list-style-type: none"> • Once the electronic case management system is secured, the Corrections Branch will develop relevant operational policies, train staff on its use, and implement the system into daily operations.