



Department of Justice
PO Box 2703, Whitehorse, Yukon Y1A 2C6

MEMORANDUM

December 4, 2018

TO: Mark Pindera
A/Deputy Minister

FROM: Allan Lucier
Chair of the WCC Report Implementation Group

**RE: LETTER OF REPORT: IMPLEMENTATION GROUP FOR THE WCC INSPECTION
REPORT**

As set out in the letter of August 28, 2018, establishing the *Implementation Working Group to Support the Fulfillment of the Whitehorse Corrections Centre Inspection Report* (hereafter the Implementation Working Group or the group), we are providing the following as an initial reporting response to our work undertaken thus far. This *Letter of Report* will lay out engagement of the group so far, the general methodology applied to our work, the work to date, future work, as well as some observations and considerations relevant to the work of the group.

Engagement

The group has been created consistent with the direction provided in the August letter and all members have participated fully in the meetings to date. As of this letter, the group has met four times including the opportunity to meet with David Loukidelis and discuss in more depth his work behind the recommendations. Consideration has been given to providing a position to a third First Nations representative, but to date the group has not found an equitable means to do so without presenting a perception of bias within other First Nations. The group has benefited from input by the CYFN Justice Caucus; the Caucus provides equal participation to all Yukon First Nations on matters relating to Justice. The CYFN Justice Caucus has reviewed the *Inspection Report* and will be involved going forward as an existing venue to engage with a broader First Nations community. This will provide the group with the Caucus' input as improvements to WCC and corrections more broadly advance.

The group also asked the Chair to initiate a conversation with Mr. Howard Sapers – a Canadian authority on corrections practice. The group is seeking a greater understanding of key principles that might guide or inform work surrounding the implementations of recommendations and changes in separate confinement/segregation (more on this under the section of *Future Work*). Mr. Sapers will be a part of future conversations.

Methodology

The approach the group has taken to the *Inspection Report* recommendations is to break them down into three main areas: Mental Health, Segregation and First Nations. It is becoming evident to the members of the group that there is no clear way to separate the three areas of the recommendations cleanly, as all seem to have an inter-relation with one another in some way. That said, the separation does allow for the discussions and work to remain focused and at some point the interconnected aspects will be aligned to the greatest degree possible. Further to the approach of separating out the recommendations, the group has moved forward with the philosophy of not simply to “tick” the boxes of the recommendations with hasty, but perhaps not complete solutions. This is developing into what could be referred to as an ‘organic approach’ with a real willingness to take the opportunity presented by way the recommendations and make positive and lasting change in the operations of corrections and the lives of those involved.

Work to Date

The group has met and considered the report and its intentions. This benefited from the opportunity to meet and discuss the work report and recommendations with Mr. Loukidelis. Substantively, the group has met and discussed fully the recommendations related to mental health (number 1-11). This discussion benefitted greatly from recent developments and current work being undertaken by an enhanced Justice/ Health and Social Services partnership. This partnership will provide and support the provision of a forensic mental health team to improve services to inmates of WCC who suffer from mental health issues. In addition to inmates benefiting, the development and imbedding of these professional staff into the leadership and operations of WCC will better inform the leadership team and corrections officers in their understanding and response to persons suffering from mental illness. The development of this team, the services they will provide and the enrichment of the WCC environment by the respective professions looks promising. This team will be supported with a more integrated case management system and thorough transitioning of inmate to services upon release, leading to more success on eliminating the return of persons to the justice system.

In addition to this work, exploration of “day room” style operations for those suffering from mental illness continues. To this end, we have begun to have an exchange with British Columbia who has implemented a similar system throughout their institutions. Policy development has also been done that would allow inmates greater outdoor time, while further analysis is being done on what costs and operational impacts would be involved to create more access to outdoor environments. Other new partnerships include training for all staff with the Fetal Alcohol Syndrome Society Yukon, and enhanced mental health training for WCC staff.

Future Work

In keeping with the separation of the recommendations into the respected sections, the group has chosen to work on the First Nations section next (substantively number 27-36). The group is set to meet in early December to begin this work. This decision was made because the group felt that they

would benefit from increased understanding of the complications and legal elements related to the use of separate confinement in its various formats. As mentioned above, this led to the Chair contacting Mr. Howard Sapers, who was fully aware of the WCC report, and eagerly accepted the opportunity to work with the group to provide key elements that would inform and guide the development of this work. It is believed that through this approach, improvements can be made and the merits of the recommendations achieved.

The group continues to work with the public matrix of work that grows more outdated each day. There will be a concerted effort to update this document before the end of December 2019 and this will be submitted for review.

Observations and Considerations

There are some realities that have become evident to the group, and these are important to note. The first is that this is not easy work. In some areas there are changes or improvements that can be made and things put in place in relative short order, but the creation of work teams, the development of programming, the understanding of complex systems within a thoroughly entrenched culture takes time. Secondly, being able to get things right may mean taking some less calculated or evaluated approaches. The environment of corrections in Canada, and more generally the western democracies for that matter, is a quickly changing field. For example, moving to eliminate separate confinement today with one set of operational policies might mean changes are not finished. The group realizes the need to move with the best of intention to improve conditions, programs and reintegration, and resist the expectation that this will mean change is over. The ethos that the group seems to be forming around is one that sets in place a principle to embark on work that benefits the current conditions and operating environments while continuously seeking improvement where it makes sense or is required by changes external to the influence of the group. Finally, there is a capacity issue. This work, while of paramount importance, is being executed from the sides of the Implementation Group members' desks and in the case of the Corrections branch, while operations continue. This does not take away the eagerness of those involved but does play to some degree on the ability to hasten the implementation of some of the changes desired.

In conclusion, the group remains enthusiastic and interested in the work ahead and the opportunity for change. The word is spreading of the undertakings of the group and its intentions, and this spurs on the effort and innovation. We remain available for your questions, thoughts and input. We look forward to providing information in the future on the successes of implementing change at WCC and more broadly in the corrections system.

Sincerely,



Allan Lucier

cc: Implementation Working Group