



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

March 7, 2019

John Phelps  
Deputy Minister and  
Deputy Attorney General  
Department of Justice

Dear Mr. Phelps:

**Re: Letter of Report: Implementation Working 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 working group), we are providing the following as a second reporting (December 2018 through February 2019) response to our work thus far. This Letter of Report will layout the engagements the working group has had during this period, the work to date in the three areas of approach identified in the Report, and anticipated work ahead for the Implementation Working Group.

#### Continued Engagement

As indicated in the first Letter of Report (December 2018) the Implementation Working Group continues to engage with stakeholders and partners to better understand concerns surrounding the correctional environment and to learn more about potential ways to improve corrections in Yukon.

The working group met with the Community Advisor Board (CAB) during this reporting period. The CAB obtains its mandate and authority under Part 6, Section 43 of the *Corrections Act 2009*. The CAB is also subject of Mr. Loukidelis' *Inspection Report* (pp. 73-75, recommendation #30) where he makes a number of suggested recommendations which include; the considerations to refresh the mandate of the CAB, consider improving First Nations representation on the Board or create an additional First Nations advisory board, provide the Board the opportunity to retain professional experts to advance its work, and to publish any of the board reports and recommendations.

During the meeting with the CAB, the working group discussed the mandate, representation and financial structures of the CAB. Discussions also included a recent information session the CAB had received on the educational programming at Whitehorse Correctional Centre (WCC). And finally, consideration was given to the relationship between the CAB and the working group. While the latter was not finalized, there is a strong understanding and rationale to support a fully functioning, independent and representative CAB. The existence of this group will be integral to providing ongoing external oversight and governance leading to continued improvements at WCC.

Members of the working group also met, on two separate occasions, with members of the 2009 Corrections Redevelopment Team. This group spent over a year traveling Yukon, conducting extensive consultations before the *Corrections Act 2009* was finalized and the new WCC was designed and constructed. These meetings gave the working group a good sense of some history to the existence of the long-standing issues in corrections. While the report created by the corrections redevelopment team was not significantly referred to in Mr. Loukidelis' report it was raised during the spring 2018 *Exploring Justice: Our Way* conference held in Whitehorse. Having this deeper understanding of the issues at play and the relationships required to advance the important work of improving corrections will be of assistance to the working group.

Identified in the first *Letter of Report* (December 2018) the working group met with Mr. Howard Sapers. This meeting provided a thorough base understanding to the group of the complex considerations surrounding separate confinement; in particular, confinement considered administrative separate confinement. Mr. Sapers' expert voice on matters such as purpose of corrections, conditions of confinement, human rights considerations and pending outcomes of current legal actions have provided the working group, and supporting policy analysts, with solid considerations to make necessary changes in this area (more detail and consideration in *Work to Date* section).

Finally, and most recently, the working group met with the Council of Yukon First Nations (CYFN) justice caucus. This group is made up of representatives from Yukon First Nations justice officials. They meet regularly to listen, share and learn, and impart their voices to issues related to justice interests in and for Yukon First Nations. In an earlier meeting, the caucus had reviewed the *Inspection Report* of Mr. Loukidelis and many of them had the opportunity to meet with him and provide input into his report.

The justice caucus provided good input into areas related to cultural programming, such as language programs, art programming and cultural sport and recreation programming. The caucus also indicated the need for the working group to consider how reintegration to First Nations communities needs to be understood; balancing family (victim and offender) and community dynamics. Additionally, there is a need to understand and recognize community capacity for program and service delivery.

The continued engagement with the justice caucus will provide insight and understanding into the requirements of working with communities in improving corrections.

## Work to Date

In this section of the *Letter of Report* the working group will provide a summary of the activities in the three respective areas of focus in the *Inspection Report*, those being; enhancing mental wellness services at WCC, assessment of separate confinement at WCC and Improving outcomes for First Nations individuals.

### Mental Wellness:

Work to date has been focused on the design and creation of a Mental Wellness Team. This work has substantially relied on the expertise of Health and Social Services. In this respect the creation of the Mental Wellness Team has been carried out within the Mental Wellness and Substance Use Services. The team will consist of three forensic Counsellors led by a team manager. Currently, the team manager position has been classified and is posted to the government employment site with the intentions being that the position will be filled by May 01, 2019. Two of the three Forensic Counsellors are in position with the third being posted for competition shortly. As this is a partnership between Yukon Justice and Health and Social Services there has been some fiscal realignment to support this work. This will see funds transferred from Justice to Health and Social Services in the 2019/2020 budget to support the creation and on-going work of the Mental Wellness Team. The implementation of this integrated approach will give way to a more involved and multi-disciplinary case management approach to inmates services inside the correctional facility and in their reintegration to services in the community.

Work continues on the exploration of a comprehensive approach to complex need inmates within the custodial environment. This review includes Yukon Corrections officials exploring the British Columbia complex needs approach, whereby intensified program services and trauma-informed practices help improve inmate behaviors, mental well-being and reduces the use of separate confinement. In addition to this work, Minister McPhee attended the Central Nova Scotia Correctional Facility, where Nova Scotia Corrections has collaborated with the East Coast Forensic Hospital to deliver the transitional day room (recommendation #3). These opportunities are providing key decision makers in the Government of Yukon with first-hand understanding of program considerations and is a strong indication of the government's commitments to improving the correctional landscape.

### Separate Confinement:

Certainly the opportunity to engage with Mr. Howard Sapers, as indicated earlier in this report, has provided good insight on what is needed to navigate the complexities of creating a sound and defensible separate confine policy for Yukon Corrections.

Key in this work is creating clear understanding of where the use of separate confinement is appropriate in discipline considerations and where it may apply in administrative situations. Principles such as no punishment outside of the law, least amount of force to achieve best outcomes, right to procedural fairness and review, and the preservation of human rights at all costs are key elements that will need to be considered and applied to these changes. It is a growing consideration of the group that to achieve this work in its best form there may need to be changes to governing statute and or regulation. It is the intentions of the working group to explore this fully and then present options to decision makers for their consideration.

#### First Nations individuals:

The working group understands that while some of Mr. Loukidelis' recommendations were categorical in respect of First Nations in the correctional system, given the gross over representation of Yukon First Nations in the correctional system it is difficult to undertake any changes to the system without first providing a First Nations lens to it. This impacts all aspects from employee recruitment to program development. Key in this work will be growing and strengthening relationships and partnerships with Yukon First Nations. A good first step in this process will be the follow through on the report recommendation to create a First Nations liaison position within WCC. This position has been developed and posted for advertisement. The applicants will soon be screened and interviewed with the assistance and participation of Yukon First Nations. The working group has repeatedly heard that one such position will provide much needed support and understanding to corrections, but that given the representation of First Nations in the correctional system there should be more capacity developed within the system.

Work has also commenced to explore the utilization of restorative or alternative practices to deal with infractions within the institutional setting. Recognizing that given to short duration of most sentences, one key consideration is being able to move through the restorative process in an expeditious manner. More work is needed in this area, but it is expected that restorative practices could result in a reduction of discipline hearings before adjudicators and more effective resolution to lesser infractions in WCC.

A meeting has been held with the independent adjudicators responsible for hearing discipline matters at WCC and avenues have begun to be explored and to have them consider Gladue factors in disciplinary proceedings is underway. This will likely require some form of formal education to ensure the access and use of the information related to the individual is done so in an appropriate manner.

#### Future Work:

The working group will continue to focus on both the specific implementation of the recommendations while maintaining a broader focus on continuous improvements to the correctional environment.

In respect to specific recommendations, Yukon Justice is working closely with CYFN to attempt to realize some improvements in culture programming at WCC. Other work that is focusing on a greater emphasis is being made to partnerships that will see case management, programming and services to those involved with the correctional services move much more seamlessly to service providers in the community once the individual is released from custody. While other work will continue to focus on the policy development that will support a modern and defensible use of separate confinement institutional corrections.

## Conclusion

The working group continues to benefit from a growing understanding of the subject matter and tasks before them. Growing too is the relationship between Justice and the other partners, namely CYFN and Yukon Health and Social Services. It is in this climate of understanding and strengthening partnerships that there is a need and desire of the group to move change in corrections forward in a more demonstrable way. The Implementation Working Group will continue to strive to achieve better conditions for inmates, support a knowledgeable and caring corrections staff and improve public policy where it is required.

Sincerely,



Allan Lucier  
Chair, Implementation Working Group

cc: Implementation Working Group