


Yukon Corrections: Adult Custody Policy Manual

Section:	B Security, Safety, and Control	Effective Date:	June 19, 2020
Number:	B 3 Operational Policies		
Item:	B 3 18 Restrictive Confinement		
Approved by:		Revised:	

STATEMENT OF POLICY

This policy defines restrictive confinement and describes the process for restrictive confinement placements and placement reviews. This policy also sets out the rights of inmates held in restrictive confinement, their daily routine and the routine procedures to be followed in managing inmates in restrictive confinement, as well as standards of supervision and requisite documentation.

AUTHORITIES

Corrections Act, 2009: ss. 1, 2(g), 14, 15, 19.04-19.08

Corrections Regulation (2020): ss. 8, 21, 23.06-23.10

DEFINITIONS

Chair: the chair of the review panel.

Disciplinary Restrictive Confinement: restrictive confinement that is imposed by a hearing adjudicator in respect of an inmate as a penalty for a breach by the inmate of the Regulations or the rules of a correctional centre.


Hearing Adjudicator: an adjudicator appointed under section 26 of the *Corrections Act*, 2009.

Hearing Coordinator: a correctional officer who liaises with hearing and review adjudicators and provides all relevant records and documents on behalf of the correctional centre.

Individualized Care Plan: a written document that guides a consistent approach for the Interdisciplinary Care Team members on how to meet care goals and support needs. Individualized Care Plans are dynamic documents and are updated as the needs of an individual in custody evolve over time. Interdisciplinary Care Team members (e.g. correctional staff, program staff, mental health providers, First Nation Liaison Officer, Forensic Complex Care Team, etc.) work collaboratively to develop the Care Plan.

Interdisciplinary Care Team: a group of individuals that work collaboratively to develop an Individualized Care Plan for each inmate admitted to the correctional centre. The composition of the Interdisciplinary Care Team varies depending on the individualized needs of each inmate and may include correctional staff, program staff, case managers, mental health providers, a First Nation Liaison Officer, the Forensic Complex Care Team, and Health Services.

Non-Disciplinary Restrictive Confinement: restrictive confinement other than disciplinary restrictive confinement.

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Restrictive Confinement: 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. An inmate is not considered to be held in restrictive confinement if the criteria set out in section 19.07 of the *Corrections Act*, 2009 are met.

Review Adjudicator: an adjudicator appointed under section 19.08 of the *Corrections Act*, 2009.

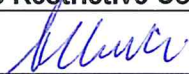
Review Panel: the review panel established under the *Review Panel Regulation*.

PROVISIONS

Inmate's Placement in Restrictive Confinement and Internal Review of Placement Decision

1. As soon as a decision is made to place an individual in non-disciplinary restrictive confinement, the Unit Officer will complete "Part A: Initial Placement" of Appendix A in the inmate's Daily Observation Report. Where a decision is made to place an individual in disciplinary restrictive confinement, the Hearing Coordinator will complete "Part A: Initial Placement" of Appendix A in the inmate's Daily Observation Report as soon as this decision is made. .
2. Once "Part A: Initial Placement" of Appendix A is completed, the Unit Officer or Hearing Coordinator will provide a printed copy to the inmate within 24 hours of the placement decision.
3. Once "Part A: Initial Placement" of Appendix A is completed, the Unit Officer or Hearing Coordinator will provide a copy to the Officer in Charge for his/her/their review.
4. Upon receipt of Appendix A, the Officer in Charge will review "Part A: Initial Placement" and complete "Part B: Officer in Charge Review" not later than 24 hours after the initial placement.
5. Where the Officer in Charge disagrees with the need to place an inmate in restrictive confinement, the inmate's conditions of confinement will be changed immediately so that he/she/they are no longer held in restrictive confinement.
6. Where the Officer in Charge agrees with an inmate's placement in restrictive confinement, he/she/they will provide a printed copy of "Part B: Officer in Charge Review" to the inmate as soon as practicable after completing that form.

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7. Where the Officer in Charge agrees with an inmate's placement in restrictive confinement, he/she/they will note this decision on the daily WCC shift briefing for further discussion at the daily Interdisciplinary Care Review.
8. On the next business day following an inmate's initial placement in restrictive confinement, the Interdisciplinary Care Team will meet following the WCC's morning management meeting to conduct an Interdisciplinary Care Review.
9. During the Interdisciplinary Care Review, a Case Manager other than the Case Manager assigned to the inmate whose placement is under review will, with input from the Interdisciplinary Care Team attendees, complete "Part C: Interdisciplinary Care Review" live during the meeting.
10. The Superintendent or Deputy Superintendent designate present at the Interdisciplinary Care Review will sign "Part C: Interdisciplinary Care Review" prior to the conclusion of the meeting.
11. The Deputy Superintendent will provide a copy of all materials considered during the Interdisciplinary Care Review to the Person in Charge.
12. The Person in Charge will complete "Part D: Person in Charge Review" and provide a signed copy to the Superintendent's Administrative Research Assistant by no later 1300hrs on the same day on which the Interdisciplinary Care Review was completed. The Superintendent's Administrative Research Assistant will scan and upload the inmate's completed Daily Observation Report (including Appendix A) to the inmate's file saved on the WCC "G" Drive.

Review of Non-Disciplinary Restrictive Confinement by the Person in Charge

13. If an inmate is held in non-disciplinary restrictive confinement for 10 consecutive days, the Person in Charge must do the following on the 10th day:
 - 13.1. Review all Daily Observation Reports related to the inmate's placement in non-disciplinary restrictive confinement during those 10 consecutive days;
 - 13.2. Complete "Part E: Person in Charge Review – Non-Disciplinary Restrictive Confinement"; and,
 - 13.3. Have a face-to-face meeting with the inmate unless a safety or security concern prevents a face-to-face meeting.
 - 13.3.1. If the Person in Charge does not have a face-to-face meeting with the inmate, he/she/they must:
 - 13.3.1.1. Clearly document the reason(s) why a face-to-face meeting could not be held in "Part E: Person in Charge Review – Non-Disciplinary Restrictive Confinement";
 - 13.3.1.2. Provide the inmate with a printed copy of all of the Daily Observation Reports related to the inmate's current placement in non-disciplinary restrictive confinement as well as an opportunity to respond to those reports; and,

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13.3.1.3. Consider any response the inmate provides.

14. If the Person in Charge determines that the requirements in subsection 19.05(1) of the *Corrections Act*, 2009 are met and that it is appropriate for the inmate to continue to be held in non-disciplinary restrictive confinement, he/she/they must:
 - 14.1. Inform the inmate of this decision as soon as practicable;
 - 14.2. Provide the inmate with a printed copy of "Part E: Person in Charge Review – Non-Disciplinary Restrictive Confinement" not later than 48 hours after completing "Part E: Person in Charge Review – Non-Disciplinary Restrictive Confinement";
 - 14.3. Provide the inmate with an opportunity to respond to the placement decision; and,
 - 14.4. Consider any response the inmate provides to the placement decision at the next review of non-disciplinary restrictive confinement by the Person in Charge.
15. If an inmate is held in non-disciplinary restrictive confinement for 20 consecutive days, the Person in Charge must complete the review process outlined in paragraphs 13 and 14 of this policy again.

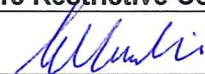
Review of Non-disciplinary Restrictive Confinement by the Chair

16. After an inmate has been held in non-disciplinary restrictive confinement for more than 21 consecutive days, the Person in Charge must, as soon as practicable:
 - 16.1. Refer the matter to the Chair and provide a copy of all Daily Observation Reports related to the inmate's placement in non-disciplinary restrictive confinement.
17. Where the Chair conducts a review under section 23.08 of the *Corrections Regulation* (2020) and makes an order under section 23.09 of that *Regulation*, the Person in Charge must comply with that order unless the criteria under section 19.05(3) of the *Corrections Act*, 2009 are met.
18. If the Chair orders that the requirements prescribed in subsection 19.05(1) of the *Corrections Act*, 2009 are met and that the inmate's conditions of confinement are to be maintained or that some of the inmate's conditions of confinement are to be changed, the review process outlined in paragraphs 13-16 of this policy must be repeated.
 - 18.1. For greater clarity, the inmate is considered to have been held in conditions amounting to non-disciplinary restrictive confinement beginning on the day that the inmate is provided with notice of the Chair's order.

Inmate Rights During Placement in Restrictive Confinement

19. The Person in Charge will ensure that the rights of inmates placed in restrictive confinement (whether disciplinary or non-disciplinary) are observed by all staff, including the following:

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- 19.1. Unless there is an immediate threat to the safety and security of the correctional centre, all inmates in restrictive confinement have a right to be out of their cells for ablutions, fresh air and telephone calls.;
- 19.2. In addition to the inmate rights prescribed under subsection 8(1) of the *Corrections Regulations*, the person in charge will ensure that inmates in restrictive confinement have reasonable access to personal and professional visits, the Forensic Complex Care Team, the First Nation Liaison Officer, Elders and other spiritual advisors, case management services, and, when it is safe and operationally feasible to do so, to modified programming as well as personal belongings;
- 19.3. Inmates in restrictive confinement retain the same rights as all other inmates subject to the practical limitations posed by operational requirements and the need to maintain separation between individual inmates or classes of inmates;
20. The rights of inmates referred to in subsection 8(1) of the *Corrections Regulation* will only be restricted in accordance with subsection 8(2) of that *Regulation*. In restricting any of the rights of inmates referred to in subsection 8(1) of the *Corrections Regulation*, consideration must be given to the principle of least restrictive measures.
21. Where the rights of inmates referred to in subsection 8(1) of the *Corrections Regulation* are restricted in accordance with subsection 8(2), the Interdisciplinary Care Team will document the reason(s) for the restriction(s) in "Part C: Interdisciplinary Care Review" of Appendix A.


Inmate Movement and Separation

22. Inmates in restrictive confinement may be out of their cells and in common areas with other inmates in consultation with Case Managers as per Individualized Care Plans and in accordance with the principle of least restrictive measures.
23. All movements of inmates in conditions that amount to restrictive confinement outside of the unit on which they are held must be done in accordance with his/her/their Inmate Safety Guide and must also be in line with the principle of least restrictive measures.

Searches

24. When an inmate is placed in restrictive confinement, he/she/they may be strip searched and his/her/their personal effects may be searched. Any decision to conduct either of these searches will take into account the reason for the restrictive confinement placement, the inmate's Individualized Care Plan and the principle of least restrictive measures.

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25. Any strip search of an inmate in restrictive confinement will be conducted in accordance with sections 17 and 18 of the *Corrections Regulation*.
26. A frisk search may be conducted any time an inmate leaves and re-enters his/her/their assigned cell if there is a suspicion of contraband.
27. Any routine requirement for frisk searching an inmate when he/she/they leaves and re-enters his/her/their cell must be identified in the inmate's Safety Guide and Individualized Care Plan and be in line with the principle of least restrictive measures.

Standard of Supervision and Documentation


Supervision

28. Inmates in restrictive confinement will be checked by staff at intervals of no more than 1/2 hour when they are locked in their cells.
29. If an inmate is identified as requiring enhanced wellness checks as part of their Individualized Care Plan, he/she/they shall be checked at intervals not exceeding 15 minutes.
30. While conducting visual inspections, staff will observe the inmate's breathing/movement to identify potential concerns.
31. Viewing an inmate on closed circuit television does not constitute a visual cell inspection.
32. A second staff officer may be required to attend to conduct checks on inmates in restrictive confinement. In making this decision, consideration will be given to Inmate Safety Guides and Individualized Care Plans.
33. Cell cameras, viewing ports (windows) and lighting systems are essential for the protection of all inmates being held in conditions that constitute restrictive confinement and are not to be covered or obscured in any manner. Individuals interfering with cameras, windows or lights shall be ordered to cease or face disciplinary actions.

Inspections

34. The cell of an inmate in restrictive confinement must be physically inspected by an Officer for contraband and cleanliness immediately before and after each occupancy and may be searched any time the inmate leaves and re-enters the cell.

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35. At the direction of the Officer in Charge and if it is safe to do so, the Unit Officer will inspect the cell of an inmate in restrictive confinement twice a day, once in the morning and once in the evening, to ensure the area is clean and free from contraband.
36. The Officer in Charge is required to visit each inmate in restrictive confinement and complete a visual inspection a minimum of 2 times per shift. To the extent possible during waking hours, the Officer in Charge must speak with each inmate in restrictive confinement. The Unit Officer must make note of these tours in the unit logbook and the inmate's Daily Observation Report.
37. When an inmate is moved to another cell and placed in restrictive confinement, a list of his/her/their personal property must be completed and signed by the Unit Officer and (where possible) the inmate. Personal property will be stored in a secure designated area.


Documentation

38. The Unit Officer assigned to a unit on which an inmate in restrictive confinement is housed will maintain the unit log book, including the following information:
 - 38.1. date, length of shift, staff on duty and their signatures;
 - 38.2. security checks, visual cell inspections and counts completed;
 - 38.3. name and number of each inmate admitted to the unit;
 - 38.4. when medication is provided to inmates;
 - 38.5. the time that unlock periods and meals are offered, and whether there were any refusals;
 - 38.6. any visitors to the unit; and,
 - 38.7. unit cleaning activities.

Property

39. Personal property allowed in cells occupied by inmates housed in conditions that amount to restrictive confinement, unless withheld due to identified risks, includes:
 - 39.1. personal hygiene materials
 - 39.2. one wedding ring and/or one religious medallion;
 - 39.3. reading material (2 with soft covers);
 - 39.4. writing materials (may be provided, but returned when not in use);
 - 39.5. legal documents and reference materials;
 - 39.6. spiritual material, which may include a medicine bundle.

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40. Cell amenities and allowable articles may vary from time to time and from inmate to inmate according to the rationale for their restrictive confinement placement and in line with the principle of least restrictive measures. Exceptions to policy can only be authorized with the written consent of the Person in Charge or designate and are to be documented in the inmate's Individualized Care Plan.

Meals

41. Inmates in restrictive confinement may eat meals in their assigned cell. In making this decision, consideration will be given to operational requirements, the inmate's Individualized Care Plan, and the principle of least restrictive measures.
42. Inmates in restrictive confinement will be supplied utensils. Depending on the inmate's Individualized Care Plan, the utensils may need to be returned immediately after each meal, accounted for and documented by the supervising officer.
43. Meals may be provided to inmates in restrictive confinement through the cell door hatch.

Daily Routine

44. The daily routine of inmates in restrictive confinement will be consistent with the WCC Daily Operations Schedule (e.g., meal times, medications). Exceptions will be made where required to implement specific Individualized Care Plans or as may be required due to emergent issues.

RELATED POLICIES & DIRECTIVES

- B 3.8 Inmate Movement Policy
- B 4.6 H Units
- B 5.2 Special-Purpose Living Units
- B 5.3 Specific Inmate Populations
- C 3.13 Suicide Prevention
- D 4 Case Management