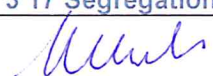


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STATEMENT OF POLICY

This policy defines segregation, outlines the categories of inmates who are prohibited from being held in conditions that meet the definition of segregation, sets out the statutory limits on the number of days during which an inmate may be held in segregation, and describes the process for segregation placements and placement reviews. This policy also sets out the rights of inmates held in segregation, their daily routine and the routine procedures to be followed in managing inmates in segregation, as well as standards of supervision and requisite documentation.

AUTHORITIES

Corrections Act, 2009: ss. 1, 2(g), 14, 15, 19.01-19.09

Corrections Regulation (2020): ss. 8, 20-23, 23.01-23.05

DEFINITIONS

Chair: the chair of the review panel.

Disciplinary Segregation: segregation 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.

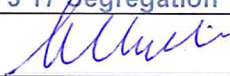
Hearing Adjudicator: an adjudicator appointed under section 26 of the *Corrections Act*, 2009.

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.

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Mental Disorder: a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behaviour, capacity to recognize reality, or ability to meet the ordinary demands of life.

Non-Disciplinary Segregation: segregation other than disciplinary segregation.

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*.

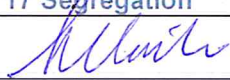
Segregation: any type of custody where an inmate's association with other persons is significantly restricted for, unless a shorter period is prescribed, a period or periods that total, in a particular day, 22 hours or more. An inmate is not considered to be held in segregation if the criteria set out in section 19.07 of the *Corrections Act*, 2009 are met.

PROVISIONS

Segregation Prohibitions

1. The Person in Charge will ensure that an inmate not be held in segregation (whether disciplinary or non-disciplinary) if the inmate:
 - 1.1. Is pregnant or has given birth within four weeks, beginning on the day immediately after the day on which the inmate gave birth;
 - 1.2. Is suicidal or chronically self-harming;
 - 1.3. Has a mental disorder, or an intellectual disability, that meets the prescribed conditions as set out in section 20(4) of the *Corrections Regulation (2020)*;
 - 1.4. Requires medical observation; or,
 - 1.5. Has a mobility impairment that meets the prescribed conditions.
2. Where a Unit Officer or Hearing Coordinator believes that an inmate may fall within the scope of a prohibition set out in section 19.01 of the *Corrections Act*, 2009, he/she/they will document any reasons for this belief in "Part A: Initial Placement" of Appendix A in the inmate's Daily Observation Report.
 - 2.1. As soon as practicable but no later than four (4) hours, the Unit Officer or Hearing Coordinator will notify the Officer in Charge, who will then advise WCC Health Services via email that he/she/they believes that an inmate may fall within the scope of a prohibition.
3. The Person in Charge will make a determination with respect to whether an enumerated prohibition applies to an inmate in accordance with section 20 of the *Corrections Regulation (2020)*.

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- 3.1. In making a determination under section 20 of the *Corrections Regulation* (2020), the Person in Charge must review and give consideration to the inmate's Safety Guide, Individualized Care Plan, information provided by WCC Health Services, information gathered from Interdisciplinary Care Team Reviews, and any relevant Daily Observation Reports.
- 3.2. The Person in Charge will document his/her/their determination in "Part D: Person in Charge Review" of Appendix A in an inmate's Daily Observation Report.


Segregation – Consecutive and Aggregate Day Limits

4. No inmate will be held in segregation (whether disciplinary or non-disciplinary) for a period that is longer than 15 consecutive days.
5. An inmate who has been held in segregation for a period of 15 consecutive days must not be held in segregation again until he/she/they have been held in conditions that do not meet the definition of segregation for at least five days. The Person in Charge must ensure that this 15-day consecutive cap is adhered to.
6. No inmate will be held in segregation (whether disciplinary or non-disciplinary) for periods that total more than 60 days in a 365-day period unless the criteria under section 19.06(2) of the *Corrections Act*, 2009 have been met.
 - 6.1. For greater clarity, the 365-day period does not reset each time an inmate is admitted to the correctional centre; it is a continuous 365-day period regardless of whether an inmate is discharged and admitted multiple times during that period.

Inmate's Placement in Segregation and Internal Review of Placement Decision

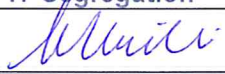
7. Prior to placing an inmate in segregation, the Unit Officer must consider whether the inmate falls within the scope of any of the prohibitions outlined under section 19.01 of the *Corrections Act*, 2009.
 - 7.1. Where the Unit Officer believes that a prohibition may exist, the inmate will not be held in segregation until the Person in Charge has made a determination in accordance with section 20 of the *Corrections Regulation* (2020).
8. As soon as a decision is made to place an individual in non-disciplinary segregation, the Unit Officer will complete "Part A: Initial Placement" of Appendix A in the inmate's Daily Observation Report. Where a decision is made by a hearing adjudicator to place an individual in disciplinary segregation, 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.

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9. 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.
10. 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.
11. 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.
12. Where the Officer in Charge disagrees with the need to place an inmate in segregation, the inmate's conditions of confinement will be changed immediately so that he/she/they are no longer held in segregation.
13. Where the Officer in Charge agrees with an inmate's placement in segregation, 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.
14. Where the Officer in Charge agrees with an inmate's placement in segregation, he/she/they will note this decision on the daily WCC MCS shift report for further discussion at an Interdisciplinary Care Review.
15. On the next business day following an inmate's initial placement in segregation, the Interdisciplinary Care Team will meet following the WCC's morning management meeting to conduct an Interdisciplinary Care Review.
16. 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.
17. 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.
18. The Deputy Superintendent will provide a copy of all materials considered during the Interdisciplinary Care Review to the Person in Charge.
19. 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. All original copies of documentation will be stored in the inmate's master file.

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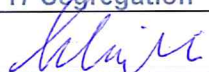
Review of Non-Disciplinary Segregation by the Chair

20. Where an inmate is placed in non-disciplinary segregation, the Person in Charge or delegate will refer the matter to the Chair and provide a copy of all Daily Observation Reports related to the inmate's placement in non-disciplinary segregation no later than four days after the day on which the inmate was placed in non-disciplinary segregation.
21. Where the Chair conducts a review under section 23.01 or 23.02 of the *Corrections Regulation (2020)* and makes an order under section 23.03 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.

Review of Segregation by Review Panel – 60-day Limit

22. After an inmate has been held in segregation for more than 40 days in a 365-day period, unless there are fewer than 25 days left in the 365-day period, the Person in Charge must do the following as soon as practicable:
 - 22.1. Refer the matter to the Chair; and,
 - 22.2. Provide the Chair with copies of:
 - 22.2.1. Every Daily Observation Report prepared in relation to the inmate during the 365-day period during which the inmate was in segregation;
 - 22.2.2. The written reasons issued after every review conducted under section 23.01 or 23.02 of the *Corrections Regulation (2020)* in relation to the inmate during the 365-day period;
 - 22.2.3. Where the inmate has been held in disciplinary segregation during the 365-day period:
 - 22.2.3.1. The notice given to the inmate under section 27 of the *Corrections Regulation* in relation to the breach(es) for which the inmate was held in disciplinary segregation;
 - 22.2.3.2. The record of the disciplinary hearing(s);
 - 22.2.3.3. The written reasons for the decision provided following the disciplinary hearing(s); and,
 - 22.2.3.4. The inmate's request(s) and the decision(s) of the Director of Investigations and Standards if the inmate requested a review of a decision(s) under section 35 of the *Corrections Regulation*.
23. Where the Review Panel conducts a review under section 23.04 of the *Corrections Regulation (2020)* and makes an order under section 23.05 of that *Regulation*, the Person in Charge must comply with that order.

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Inmate Rights During Placement in Segregation

24. The Person in Charge will ensure that the rights of inmates placed in segregation (whether disciplinary or non-disciplinary) are observed by all staff, including the following:
- 24.1. Unless there is an immediate threat to the safety and security of the correctional centre, all inmates in segregation have a right to be out of their cells for ablutions, fresh air and telephone calls;
 - 24.2. In addition to the inmate rights prescribed under subsection 8(1) of the *Corrections Regulations*, the person in charge will ensure that inmates in segregation 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 including canteen items;
 - 24.3. Inmates in segregation 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;
25. 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.
26. 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.

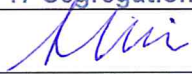
Inmate Movement and Separation

27. Inmates in segregation 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.
28. All movements of inmates in conditions that amount to segregation 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

29. If an inmate is being restricted to his/her/their cell due to concerns related to the concealing or suspected use of contraband, before the individual is confined to their

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cell, he/she/they may be escorted to the Admissions and Discharge area of the correctional centre to undergo a scan through the Sotor RS Whole Body X-ray Scanner. Inmates who are actively displaying aggressive behaviour or are non-compliant with direction to undergo the scan may be strip searched prior to being confined to their cell. The decision to conduct any of these searches will take into account the reason for the segregation placement, the inmate's Individualized Care Plan, and the principle of least restrictive measures.

30. Any strip search of an inmate will be conducted in accordance with sections 17 and 18(1) (b) of the *Corrections Regulation*.
31. 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.

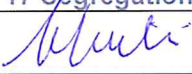
Any routine requirement for frisk searching an inmate when he/she/they leaves and re-enters his/her/their cell must be identified in the inmate's Safety Guide and Individualized Care Plan and be in line with the principle of least restrictive measures.

Standard of Supervision and Documentation

Supervision

32. Inmates in segregation will be checked by staff at intervals of no more than 1/2 hour when they are locked in their cells.
33. 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.
34. While conducting visual inspections, staff will observe the inmate's breathing/movement to identify potential concerns.
35. Viewing an inmate on closed circuit television does not constitute a visual cell inspection.
36. A second correctional officer may be required to conduct checks on inmates in segregation. In making this decision, consideration will be given to Inmate Safety Guides and Individualized Care Plans.
37. Cell cameras, viewing ports (windows) and lighting systems are essential for the protection of all inmates being held in conditions that constitute segregation 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.

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Inspections

38. The cell of an inmate in segregation 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.
39. 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 segregation twice a day, once in the morning and once in the evening, to ensure the area is clean and free from contraband.
40. The Officer in Charge is required to visit each inmate in segregation 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 segregation. The Unit Officer must make note of these tours in the unit logbook and the inmate's Daily Observation Report.
41. When an inmate is moved to another cell and placed in segregation, 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.

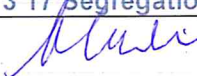
Documentation

42. Consistent with the daily practice for all other inmates, the Unit Officer must appropriately complete a Daily Observation Report for any inmate held in conditions that amount to segregation.
43. The Unit Officer assigned to a unit on which an inmate in segregation is housed will maintain the unit log, including the following information:
 - 43.1. date, length of shift, staff on duty and their signatures;
 - 43.2. security checks, visual cell inspections and counts completed;
 - 43.3. name and number of each inmate admitted to the unit;
 - 43.4. when medication is provided to inmates;
 - 43.5. the time that unlock periods and meals are offered, and whether there were any refusals;
 - 43.6. any visitors to the unit; and,
 - 43.7. unit cleaning activities.

Property

44. Personal property allowed in cells occupied by inmates housed in conditions that amount to segregation, unless withheld due to identified risks, includes:

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- 44.1. personal hygiene materials;
 - 44.2. one wedding ring and/or one religious medallion;
 - 44.3. reading material (2 with soft covers);
 - 44.4. writing materials (may be provided, but returned when not in use);
 - 44.5. legal documents and reference materials;
 - 44.6. spiritual material, which may include a medicine bundle.
45. Cell amenities and allowable articles may vary from time to time and from inmate to inmate according to the rationale for their segregation 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.

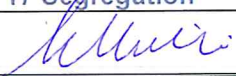
Meals

46. Inmates in segregation 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.
47. Inmates in segregation will be supplied utensils. However, utensils must, upon request, be returned after each meal, accounted for, and documented by the supervising officer. Any decision with respect to this matter must consider the inmate's Individualized Care Plan, his/her/their Safety Guide, and the principle of least restrictive measures.
48. Meals may be provided to inmates in segregation through the cell door hatch if the cell he/she/they are occupying has a cell door hatch and the inmate's current presenting behaviour poses a safety risk to the staff or others should the cell door be opened.

Daily Routine

49. The daily routine of inmates in segregation 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.

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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

HISTORY

Formerly Policy B 4 2 – Segregation Unit