

**Ministry of Community Safety
and Correctional Services**

Office of the Deputy Minister
Correctional Services

25 Grosvenor Street
11th Floor
Toronto ON M7A 1Y6
Tel: 416-327-9734
Fax: 416-327-9739

**Ministère de la Sécurité communautaire et
des Services correctionnels**

Bureau du sous-ministre
Services correctionnels

25, rue Grosvenor
11^e étage
Toronto ON M7A 1Y6
Tél. : 416-327-9734
Télééc. : 416-327-9739



April 7, 2017

Mr. J. Paul Dubé
Ombudsman
Office of the Ombudsman of Ontario
10th Floor, South Tower
483 Bay Street
Toronto ON M5G 2C9

Dear Mr. Dubé:

Thank you for the opportunity to review a draft of your report on the admission and placement of segregated inmates in Ontario's correctional institutions. I appreciate your detailed and thoughtful recommendations. I want to assure you that the ministry is committed to addressing each of your recommendations as expeditiously as possible.

We fully accept that the ministry needs to improve when it comes to defining, tracking and reviewing segregation placements to ensure human rights are protected while ensuring the safety of those in our custody and our staff, and maintaining the security of our institutions. As you note in your report, segregation is one of the most restrictive forms of confinement. It is, therefore, critical that the policies and procedures in this area ensure fairness, accountability, transparency and consistency.

The safety, security and well-being of Ontarians, which includes those incarcerated in the province's correctional facilities, is a top priority for the government and the ministry. As part of our overall reform of correctional services in Ontario, reforming the use of segregation is a key pillar. Our goal is a correctional system where:

- the use of segregation is truly a last resort;
- appropriate alternatives to segregation are available across the system; and
- conditions are improved for those who must be housed in segregation for their own safety or the safety of others.

As you know, last fall we announced a number of significant changes in the use of segregation to help us achieve these goals. We also announced the appointment of Mr. Howard Sapers, the former correctional investigator of Canada, to work as an Independent Advisor on Corrections Reform to provide advice on segregation and broader reforms of Ontario's correctional services.

Mr. J. Paul Dubé
Page 2

Your report and recommendations complement the work planned and already underway, and will help guide us in key areas such as:

- clearly defining segregation based on conditions of confinement;
- ensuring appropriate and effective review mechanisms for those held in segregation;
- improving our policies and procedures on segregation;
- ensuring consistent implementation of policies and procedures across the system;
- modernizing our technology and improving reporting and analysis; and
- implementing robust oversight of the use of segregation.

While work is underway in all of these areas, I would like to highlight the ministry's work on Data Collection, Analytics and Management Reform. When completed, this will provide a solid foundation to ensure our reforms are supported by modern data collection and analysis systems that will automate and eliminate manual reporting processes and help ensure data quality. These improvements will support timely and effective decision-making resulting in better care for those in our custody.

I have attached a detailed initial response to each of your recommendations, and I have also asked my senior corrections officials to engage your office to establish an ongoing dialogue as we move forward on this important work. I will also formally report back to you on our progress every six months as you request.

Thank you again for the opportunity to respond to this thorough report. I look forward to working with you and your office as we move forward to reform Ontario's correctional system.

Sincerely,



Matthew Torigian
Deputy Minister
Ministry of Community Safety and Correctional Services

Enclosure

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<ol style="list-style-type: none"> 1. The Ministry of Community Safety and Correctional Services should revise the definition of segregation to ensure that it encompasses all inmates who are held in segregation-like conditions. The revised definitions should be in accordance with the international standards, which define segregation as the physical isolation of individuals to their cells for 22 to 24 hours a day. 2. The Ministry's revised segregation definition should clearly indicate whether confining a group of inmates to their cells (e.g. lockdowns) comes within the definition. 3. The Ministry of Community Safety and Correctional Services should clearly define what constitutes a break from segregation for the purposes of determining whether a segregation placement is continuous. 4. The Ministry of Community Safety and Correctional Services should consult with frontline correctional staff to ensure that any proposed definition can be easily, accurately, and consistently applied at Ontario's various correctional facilities. 5. Correctional officials from all organizational levels should receive training regarding the revised definition for segregation. This training should include examples of how the definition applies to different factual scenarios that commonly occur in correctional facilities. 7. The Ministry of Community Safety and Correctional Services should implement a revised definition of segregation as soon as possible, and no later than six months after receiving this report. 	<p>The ministry accepts these recommendations and will implement clear and accurate definitions of all placement types and capacities, including segregation (administrative segregation and close confinement), and applying them uniformly and consistently across institutions. All elements of these recommendations are being considered as part of the Data Collection, Analytics, and Management Reform (DCAMR¹).</p> <p>Revised definitions will be used as a foundation for new automated methods to capture capacity and utilization data, and for reporting.</p> <p>The development of a streamlined, stand-alone segregation policy is underway.</p> <p>The ministry's work on a revised definition of segregation has included input from subject matter experts and senior representatives from the ministry, and has taken national and international jurisdictional scan information into account. Further consultations with front line staff, including training/guidance on application of new definitions, will occur as definitions are refined.</p> <p>In addition, the independent reviewer's interim report will provide additional guidance on our next steps. We expect to provide your office with a more thorough timeline of our work at the six month report back.</p>

¹ Data Collection, Analytics and Management Reform seeks to identify and implement modern data collection, management and analysis systems that will automate and in some cases eliminate manual processes, ensure data quality, and provide the reporting and analysis needed to support timely and effective decisions.

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>6. The Ministry of Community Safety and Correctional Services should codify the revised segregation definition in the <i>Ministry of Correctional Services Act</i> or its regulation. Additional interpretative guidance regarding the application of the definition should be set out in a separate segregation policy.</p>	<p>The ministry accepts this recommendation and is examining legislative options as part of overall Corrections reform.</p> <p>The development of a streamlined, stand-alone segregation policy is underway.</p> <p>In addition, the independent reviewer’s interim report will provide additional guidance on our next steps. We expect to provide your office with a more thorough timeline of our work at the six month report back.</p>
<p>8. The Ministry of Community Safety and Correctional Services should ensure that correctional staff have sufficient resources, including access to computers and time during their shifts, to record changes in an inmate’s placement as they occur or as soon as practicable.</p> <p>9. The Ministry of Community Safety and Correctional Services should research technological solutions that would streamline or automate tracking inmate movement and reduce the possibility of human error, with the goal of implementing a solution within the next 12 months.</p> <p>10. The Ministry of Community Safety and Correctional Services should develop policies and provide training on how to accurately and consistently record information necessary to track segregation placements. The training should emphasize the importance of this information and explain how it is used by corrections managers and senior Ministry staff during segregation reviews.</p>	<p>The ministry accepts these recommendations and is committed to ensuring correctional staff have appropriate technology, sufficient resources, and adequate training to track and manage segregation placements.</p> <p>In December 2016, an additional 239 staff resources were announced to help reduce the use of segregation and assist in its management.</p> <p>As part of DCAMR, all institutions are required to record segregation placements and movements electronically in the OTIS Care in Placement (CIP) screen² as of January 2017. These changes will improve the recording and tracking of inmate segregation movements and reduce human error. A user guide was developed to support the implementation of the CIP screen, and it is in use system-wide.</p>

² The Care in Placement screen in OTIS is a newly implemented function that enables the effective tracking of segregation placements and movement. It allows the recording of details including length of segregation, reason for segregation, required review dates, etc. The intent of the DCAMR is to use the Care in Placement screen to track all movement within the institution, regardless of conditions of confinement

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>16. The Ministry of Community Safety and Correctional Services should develop policies regarding the use of the Care in Placement tool to ensure frontline staff know who is responsible for inputting data and when this must be completed. The Ministry should also ensure that staff have sufficient resources – access to computers and time during their shift – to enter the information in OTIS.</p>	<p>Additional technology will be required to achieve this recommendation, so that inmate movement can be tracked in real time. Options are being explored as part of DCAMR.</p> <p>The development of a streamlined, stand-alone segregation policy and corresponding procedure is underway. This policy will include the requirement that all information be recorded accurately and consistently. Real-time data analytics will help the ministry measure compliance and identify non-compliance immediately.</p> <p>A training plan will be developed as part of implementation.</p> <p>More details on the ongoing implementation, including timelines, will be provided at the six month report back.</p>
<p>11. The Ministry of Community Safety and Correctional Services should review its existing methods for capturing segregation data and, where possible, eliminate duplication.</p> <p>14. The Ministry of Community Safety and Correctional Services should increase the functionality of the OTIS Care in Placement tool so that it automatically calculates when segregation reviews need to be completed for each inmate.</p> <p>15. The computer system (OTIS) should provide frontline correctional staff and facility managers with automated notifications of any reviews that must be completed.</p> <p>26. The Ministry of Community Safety and Correctional Services should consider integrating the Segregation Decision/Review form process into the Care in Placement screen workflow to streamline reporting and eliminate duplication. The Ministry should also examine how to integrate other segregation-related documentation into this portion of OTIS.</p>	<p>The ministry accepts these recommendations and is committed to eliminating duplication in the management of segregation data as part of DCAMR and broader Corrections reform.</p> <p>This work relies on the implementation of a modern data collection and management system. Once this system is in place, work can begin on addressing gaps and eliminating redundancy, and improving compliance monitoring.</p> <p>Efforts are underway to increase the functionality of the Care in Placement function in OTIS in order to eliminate manual Daily Segregation Reports. We are validating data integrity by identifying discrepancies between the two methods of data collection.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
	<p>Further opportunities for automating manual processes are now being explored as a priority, e.g. integrating/interfacing Segregation Decision/Review forms into OTIS Care in Placement.</p> <p>The ministry will integrate the segregation review process into the workflow.</p> <p>The ministry will increase the functionality of Care in Placement. Work is underway as part of DCAMR to identify all necessary changes to the CIP screen for ease of use and accuracy of data entry.</p>
<p>12. The Ministry of Community Safety and Correctional Services should develop a standard method to accurately track the total number of consecutive days that an inmate spends in segregation for inmates who are transferred between correctional facilities. Staff should receive training on the new procedure and the Ministry should revise its policy to reflect the revised practice.</p> <p>13. The Ministry of Community Safety and Correctional Services should ensure that it has a standardized method for accurately tracking and reporting on inmates who spend 60 days in segregation over a 365-day period.</p>	<p>The ministry accepts these recommendations and will ensure the accurate tracking of the total number of days spent in segregation over time and across institutions.</p> <p>The use of the Care in Placement screen and the Active Segregation Report (currently in prototype) provides a standardized method for reporting on the number of consecutive days and aggregate days spent in segregation for each inmate. This will include a standardized method for reporting on inmates who spend 60 days in segregation over a 365-day period.</p> <p>A user guide was developed to support the implementation of the CIP screen. A training plan will be developed as part of implementation and revised policies will reflect new practices.</p>
<p>17. The Ministry of Community Safety and Correctional Services should regularly audit data entered in the OTIS Care in Placement tool to ensure its accuracy and integrity.</p> <p>20. The Ministry of Community Safety and Correctional Services should create a permanent data management and reporting team and ensure</p>	<p>The ministry accepts that the ministry needs to do better when it comes to defining, tracking, and reviewing segregation placements to ensure human rights are protected while ensuring the safety of those in our custody and our staff, and maintaining the security of our institutions.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>it is sufficiently resourced. This team should be included in discussions about policy changes that could affect segregation data collection or statistical reporting.</p>	<p>The ministry validates data entered in OTIS Care in Placement daily. This includes working directly with institutions to reconcile inconsistencies/inaccuracies.</p> <p>The ministry has begun recruitment for a permanent unit to build capacity for ongoing data quality management. Part of the mandate of this unit will be to audit data for accuracy. The unit will be in place by the end of 2017.</p> <p>The reporting outputs from this team will directly inform ongoing policy development/refinement.</p>
<p>18. The Ministry of Community Safety and Correctional Services should, on an expedited basis, give frontline staff and corrections managers access to view portions of the Active Segregation Report and exception reports related to their facility. The Ministry should provide training to these individuals about how to use and interpret the report.</p>	<p>The Active Segregation Report remains in prototype while the ministry validates the data.</p> <p>Corrections managers will have access to the Active Segregation Report and exception reports and these reports will be shared with correctional staff as required to carry out their duties.</p> <p>A training/communication plan will be developed in advance of delivery/distribution of the report.</p>
<p>19. The Ministry of Community Safety and Correctional Services should make segregation data available to the public in an anonymized form on an ongoing basis as part of the province’s open data initiative.</p>	<p>The ministry accepts this recommendation and, as part of the open government initiative, the ministry will provide this data set online to increase transparency and accountability as part of its work to make corrections data available to the public.</p>
<p>21. The Ministry of Community Safety and Correctional Services should collect information on:</p>	<p>The Ministry accepts this recommendation.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<ul style="list-style-type: none"> - whether segregated inmates have mental health or developmental disabilities or other <i>Human Rights Code</i>-related needs; - when inmates have last met with a health care professional; and - whether there is a care or treatment plan for the inmate. 	<p>This information is recorded through various mechanisms (e.g. individual health care records and inmate files). The ministry will centralize collection of this (and other) information, through:</p> <ul style="list-style-type: none"> • DCAMR’s work to track accommodations and integrate segregation processes, • A case management framework for segregated inmates. <p>Work to achieve this is occurring now, with case management operational in Fall 2017.</p>
<p>22. The Ministry of Community Safety and Correctional Services should collect and analyze statistics about the use of segregation across facilities and amongst various inmate populations. This data should include information about the inmate’s gender, race, mental health status, aboriginal status, and other relevant personal factors, as well as instances of self-harm, increased medical treatment, hospitalization, and deaths occurring during segregation. The results of this analysis, as well as the underlying data, should be reported publicly and on an annual basis.</p>	<p>The Ministry accepts this recommendation and will work in consultation with MCSCS’ Human Rights plan, ARD, MSW, MOHLTC and the Ontario Human Rights Commission to proceed with the collection of statistics by Human Rights Code protected data.</p> <p>All collection of personal data is dependent on self-identification and the willingness of clients to share personal information.</p> <p>All work will take privacy legislation into account.</p> <p>A standard form/script will be developed.</p>
<p>23. The Ministry of Community Safety and Correctional Services should develop a plan to implement the December 2015 recommendations of the Correctional Services Oversight and Investigations unit regarding the need to provide clearer reasoning and more fully documented decision-making during the Segregation Decision/Review process.</p>	<p>The ministry recognizes the need for clearer reasoning and more fully documented decision-making during segregation reviews.</p> <p>Five of 10 CSOI 2015 recommendations have been implemented, and others will be considered for implementation. We will report on progress this Fall.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>i. There is a need for improved documentation at the initial stage of the Segregation Decision / Review process. Specifically, clearer reasoning and more fully documented decision-making should be observed from a review of the decision and review documents.</p>	<p>Manual processes are being automated as part of DCAMR to enhance documentation accuracy, e.g. integrating/interfacing Segregation Decision/Review forms into OTIS Care in Placement.</p> <p>The development plan for enhanced training will be ready in 6 months.</p>
<p>ii. Additional training or guidance should be provided to managers making segregation decisions. Such training or guidance should include an emphasis on clear decision-making in the special management inmate's context.</p>	<p>The development plan for enhanced training will be ready in 6 months.</p>
<p>iii. The obligation to provide an inmate with an opportunity to make a written or oral submission on their segregation placement remains in the September 2015 update of the <u>Placement of Special Management Inmates</u> policy.</p> <p>Correctional staff should be advised that an inmate may request to provide both a written and oral submission on their segregation placement and staff are obliged to accept both. Documenting each opportunity to make a submission is helpful in tracking when these opportunities are provided and ensuring they are provided at the correct times.</p>	<p>Complete- Policy Revision launched September 2015.</p> <p>As per the Placement of Special Management Inmates policy, an inmate in segregation is given an opportunity to offer information either in person or in writing during the initial 24 hour review, after 5 days in segregation, and every 30 days thereafter. Inmates can choose to make a submission at any time while housed in segregation.</p> <p>The offering of an opportunity for inmates to make such submissions is documented on the Segregation Decision/Review Form.</p>
<p>iv. Institutions should leverage all available scheduling options including Microsoft Office calendars, day timers or Tickler systems (date labelled folders) to ensure segregation reviews are not missed. During the review, Compliance officers were made aware of a Microsoft Access database created at a provincial institution to track all inmates in segregation and the status of their reviews.</p>	<p>Manual processes are being automated as part of DCAMR to improve tracking and reviewing of segregation placements, such as integrating/interfacing Segregation Decision/Review forms into OTIS Care in Placement that will include automatically notifying managers of every upcoming deadline for completing segregation reviews.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>v. Compliance Officers were made aware that some 5-day reviews were incomplete due to a manager’s absence. To avoid a manager’s absence from preventing completion of segregation reviews, alternate correctional managers should be designated at each institution to complete 5-day reviews in the event another manager cannot complete the review.</p>	<p>The ministry is deploying additional dedicated segregation managers to seven institutions with the highest number of segregation clients. For institutions that did not receive dedicated managers, plans are being implemented to ensure reviews are completed. This includes putting a structured local Segregation Review Committee in place and using case management methods to supervise segregated clients.</p> <p>Reviews are managed at the local level to ensure staff absences are properly managed.</p>
<p>vi. The update to the <i>Placement of Special Management Inmates</i> policy includes a more explicit direction to consider alternatives to segregation before its implementation. This includes an obligation to accommodate inmates up to the point of undue hardship where <u>Human Rights Code</u>- related factors are present.</p> <p>Information sharing between institutional departments, institutions, and across regions should be encouraged. This will ensure all alternatives to segregation can be explored and any necessary accommodations can be made. In addition, improved information sharing will prevent the loss of segregation documentation for inmates transferred between institutions.</p>	<p>Complete – Policy revision launched in September 2015.</p> <p>The use of the Care in Placement screen has allowed for the recording of segregation data to be shared more easily. Efforts are underway to further increase the functionality of the CIP screen.</p> <p>The development plan for enhanced training will be ready in 6 months.</p>
<p>vii. Cases where healthcare and segregation areas of the institution provided conflicting reports on the reason for segregation highlighted the need for enhanced communication between these departments.</p> <p>The need for enhanced communication is even more important in light of the elevated obligations in the updated <u>Placement of</u></p>	<p>Complete – A staff member from the healthcare area is now a mandatory member of the weekly Segregation Review Committees since Fall 2016.</p> <p>The development plan for enhanced training will be ready in 6 months.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p><u>Special Management Inmates</u> policy. Healthcare and segregation areas should cooperate to ensure all alternatives to segregation are explored and all <i>Human Rights Code</i>- related factors are accommodated to the point of undue hardship.</p>	
<p>viii. Descriptions of cells in OTIS should be updated on a continuing basis to accurately reflect whether the cell is used for the purpose of segregation.</p>	<p>Work to address this recommendation is underway as part of DCAMR.</p> <p>Beginning the week of April 3, 2017, the ministry is verifying exact capacity configurations in OTIS for each institution, including segregation capacity.</p>
<p>ix. The Ministry should explore the feasibility of using the <i>Historical Care in Placement</i> function in OTIS to track the amount of time an inmate spends in segregation. This tracks all placements in segregation and could be used to more easily determine whether an inmate is placed in segregation for a continuous period of 30 days, or for 60 days within a calendar year.</p>	<p>Complete – As of January 9, 2017, the CIP screen is now being used provincially.</p>
<p>x. Some segregation information could not be obtained by Compliance Officers through self-reporting from the institution. In these cases, the inmate who had been in segregation for 30 days or more had been transferred to another institution.</p> <p>To prevent a transfer from interfering in the segregation process, and to prevent the loss of critical segregation information, segregation documentation should be treated as “crucial information” within the meaning of the <i>Transfer</i> policy within the ISPPM. This involves the transmission of segregation documentation to the receiving institution prior to transfer, where possible.</p>	<p>Complete – The use of the CIP screen has eliminated the loss of transfer data. CIP records in OTIS are available to receiving institutions upon the transfer of an inmate.</p>
<p>24. The Ministry of Community Safety and Correctional Services should provide training and guidance to correctional staff on the importance of fulsome and error-free segregation review documentation. This</p>	

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>training should emphasize the importance of documenting why the inmate was placed in segregation and what alternatives were considered, as well as justifying why required certain steps have not been taken.</p>	<p>The Ministry accepts this recommendation and training for staff will follow the development of a training plan, which will be ready in 6 months.</p>
<p>25. To promote consistency and accuracy, the Ministry of Community Safety and Correctional Services should consider using dedicated staff with specialized knowledge and training to complete the required reviews.</p>	<p>The Ministry accepts this recommendation. In December 2016, the ministry committed to hiring 239 staff, to investing in psychiatric services, and to improving facilities.</p> <p>Of the 239 staff, 231 will be assigned to institutions, with the largest numbers being assigned to the seven facilities with the highest numbers of segregation clients.</p> <p>The new positions will use case management methods and will be provided with direction (new and updated policies and procedures) as well as necessary tools to support their role (i.e., specialized forms, training and orientation to function and role).</p> <p>This role will include assessing the inmate’s placement in segregation and reviewing alternatives to segregation and reintegration to other living units away from segregation where possible.</p> <p>Eight of the positions announced are corporate resources, with five providing oversight to institution segregation practices.</p> <p>All job competitions are complete, and hiring is expected to be complete in the next three months.</p>
<p>27. The Ministry of Community Safety and Correctional Services should develop processes and procedures to integrate the 5-day and 30-day review process with the weekly segregation review committee</p>	<p>The ministry is committed to eliminating duplication in the management of segregation data as part of DCAMR and broader Corrections reform, including finding ways to better integrate the 5-</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>meetings. The integrated process should eliminate unnecessary duplication and ensure that information is shared between the multi-disciplinary team that supports segregated inmates and the staff who complete the segregation reporting.</p> <p>28. The Ministry of Community Safety and Correctional Services should ensure the minutes and recommendations produced by weekly review committees are included with the segregation reporting information sent to regional and senior Ministry staff.</p> <p>29. The Ministry of Community Safety and Correctional Services should ensure that all 30-day reports are rigorously reviewed by regional and senior Ministry staff to make certain that administrative segregation is only being used as a last resort and that the conditions of confinement are the least restrictive possible in every case.</p>	<p>day and 30-day review process with the weekly segregation review committee meetings.</p> <p>The interdisciplinary weekly segregation review committees are required to forward all recommendations to the Superintendent for review.</p> <p>Effective April 14, 2017 Superintendents will forward the Segregation Review Minutes and recommendations to the regional office. Regional Offices will include the Segregation Review Committees minutes and recommendations with their Regional 30-Day Segregation Report.</p> <p>In December 2016, the ministry committed to hiring 239 staff, to investing in psychiatric services, and to improving facilities. These new staff positions included a dedicated Segregation Compliance Manager for each regional office and a dedicated Compliance Manager for the Assistant Deputy Minister’s office. These new managers will be tasked with reviewing all 30-day segregation placement decisions with a mandate to ensure administrative segregation is only being used as a last resort, and that the conditions of confinement are the least restrictive possible.</p> <p>The Regional and Corporate Compliance Managers will meet on a monthly basis to discuss best practices in managing segregated clients, improving conditions of confinement and sharing of regional resources, where applicable. The Regional and Corporate Compliance Managers will also be the identified link between the institutions and the Ministry of Health and Long-Term Care for client placement in the special psychiatric beds pilot.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>30. The Ministry of Community Safety and Correctional Services should ensure that a special audit team, including individuals from the Correctional Services Oversight and Investigations unit, regularly reviews segregation placements to determine if they are in accordance with regulation. Given the importance of ensuring compliance with segregation policies, this procedure should be enshrined in regulation.</p>	<p>The ministry has established compliance oversight mechanisms including internal audit and five new senior level managers responsible for compliance.</p> <p>The recommendation to enshrine compliance procedures in regulation requires further consideration by the ministry and the independent reviewer's interim report will provide additional guidance that will help inform this work.</p> <p>In December 2016, the ministry committed to hiring 239 staff, to investing in psychiatric services, and to improving facilities.</p> <p>Of the 239 staff, 231 will be assigned to institutions, with the largest numbers being assigned to the seven facilities with the highest numbers of segregation clients.</p> <p>The new positions will use case management methods and will be provided with direction (new and updated policies and procedures) as well as necessary tools to support their role (i.e., specialized forms, training and orientation to function and role).</p> <p>This role will include assessing the inmate's placement in segregation and reviewing alternatives to segregation and reintegration to other living units away from segregation where possible.</p> <p>Eight of the positions announced are corporate resources, with five providing oversight to institution segregation practices.</p> <p>All job competitions are complete, and hiring is expected to be complete in the next three months.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<p>31. The Ministry of Community Safety and Correctional Services should carefully consider my Office’s previous recommendations regarding the creation and procedures of an independent panel to review all segregation placements, as follows:</p> <ul style="list-style-type: none"> • The Minister should appoint an independent panel to review all segregation placements. • The independent panel appointed by the Minister should hold administrative hearings within the first five days of each segregation placement, and each subsequent five-day period. The inmate should be allowed to attend in person or through video conferencing with a representative of his or her choosing. The inmate should be given the opportunity to prepare and to know the case that he or she will have to meet. The Ministry should provide inmates with access to duty counsel. The hearing should be held in as neutral a venue as possible, and never in an inmate’s cell or on a living unit. • Before the review hearing, a segregated inmate should be required to meet with a rights advisor who can inform the inmate of his or her rights, including the right to obtain legal representation. • At the segregation review hearings, the burden of proof must be on the facility and the Ministry to show that the inmate’s temporary placement in segregation is justified. • At the segregation review hearings, the independent panel should evaluate the mental and physical well-being of each inmate, and the panel’s decision should take these factors into account. 	<p>The ministry is exploring the feasibility of independent oversight and governance as part of broader corrections reform.</p> <p>In addition, our independent reviewer’s interim report will provide additional guidance that will help inform this work.</p>

Preliminary Response to the Preliminary Investigation of the Ombudsman of Ontario into Segregation Tracking and Review Processes

Recommendations	Response
<ul style="list-style-type: none"> • The independent panel should issue a decision within one day. Written reasons will be issued if any of the parties request them within 30 days of the hearing. • The independent panel should be empowered to recommend that Superintendents initiate investigations and discipline proceedings, as appropriate, for correctional staff found to have violated the segregation regulation and policy. • The independent panel appointed by the Minister should be subject to the Ombudsman’s jurisdiction. 	
<p>32. The Ministry of Community Safety and Correctional Services should report back to my Office in six months’ time on the progress in implementing my recommendations, and at six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.</p>	<p>The ministry accepts this recommendation.</p> <p>Our independent reviewer’s interim report will provide additional guidance on our next steps. We expect to provide your office with a more thorough timeline of our work at the next six month report back.</p>