

Topic: Administrative Segregation

Ministry of Corrections, Policing and Public Safety
Custody, Supervision and Rehabilitation Services

LEGISLATIVE AUTHORITY: <i>The Correctional Services Act, 2012</i> , section 58-61 <i>The Correctional Services Regulations, 2013</i> , section 40-43	Authorization: Assistant Deputy Minister, Custody, Supervision and Rehabilitation Services Policy Owner: Executive Director, Custody Services
Prepared by: Karlie Gurski	Effective Date: July 11, 2013
Revised by: Lindsay Tokarski	Latest Revisions Effective: August 5, 2022

SCOPE:

This policy applies to all adult correctional centres as defined by section (s.) 2(g) of *The Correctional Services Act, 2012*.

POLICY OBJECTIVE:

The objective of this policy is to provide standards for the management of inmates placed on administrative segregation status. Adherence to this policy will ensure that the placement and review of inmates on administrative segregation is conducted in a manner that balances the duty to act fairly with the safety of individuals and the security of the correctional centre.

PRINCIPLES:

- The purpose of administrative segregation is to ensure the security of the correctional centre, the safety of persons in the correctional centre, preserving the integrity of investigations or for the inmate's own safety.
- Administrative segregation is a temporary, non-punitive measure that is used as a last resort.
- Inmates on administrative segregation are to be removed from this status at the earliest appropriate time.
- All decisions related to an administrative segregation placement or review will be made in a manner that reflects the duty to act fairly and respect for the rule of law.

DEFINITIONS:

Administrative Segregation: a status within a correctional facility, subject to a legislated process, that may be used as a last resort to contribute to the safety of inmates, staff and the public by assisting in maintaining the security of the correctional facility. Administrative segregation is a temporary, non-punitive measure that does not include disciplinary segregation or temporary confinement pending a disciplinary hearing.

Disciplinary Segregation: when an inmate is confined to a cell, unit or security area for a period not exceeding 10 days for a single offence, pursuant to s. 77(1)(d) of *The Correctional Services Act, 2012*. Disciplinary segregation may be appealed to the Correctional Centre Director but is not subject to review by a segregation review panel.

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Without delay: is immediately, unless there are compelling circumstances preventing immediate action and in those circumstances, the delay cannot be more than 24 hours.

STANDARDS:

1.0 GENERAL

- 1.1 Inmates placed on administrative segregation shall be removed from this status at the earliest appropriate time regardless of prescribed review dates. If removed outside of a review, the removal shall be documented using the *Admin Seg Removal* log on the Criminal Justice Information Management System (CJIMS).
- 1.2 Inmates on administrative segregation shall be given the same rights, privileges and conditions of confinement as the general inmate population, except for those rights, privileges and conditions that:
- Can be enjoyed only in association with other inmates; or
 - Cannot reasonably be given because of the specific security limitations of the area in which the inmate is on administrative segregation.
- 1.3 Inmates on administrative segregation shall receive a minimum of two hours out of cell leisure time per day.
- 1.4 An inmate on administrative segregation may be double bunked with another compatible segregated inmate when it is necessary to do so as a population management measure.

2.0 PLACEMENT

- 2.1 A Correctional Facility Manager may order that an inmate be confined on administrative segregation if the manager believes on reasonable grounds that:
- The inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the correctional facility or the safety of inmates, staff members or the public **and** the continued presence of the inmate in the general inmate population would jeopardize the security of the correctional facility or the safety of inmates, staff members or the public; **or**
 - The continued presence of the inmate in the general inmate population would interfere with an investigation that could lead to a criminal charge or a charge of a major disciplinary offence; **or**
 - The continued presence of the inmate in the general inmate population would jeopardize the inmate's own safety.
- 2.2 The Correctional Facility Manager shall complete the *Administrative Segregation Assessment Tool* (ASAT) prior to placing an inmate on administrative segregation. If the ASAT cannot be completed prior to the placement (e.g., in emergent circumstances), then it must be completed as soon as possible, but no later than 24 hours after the inmate is placed.

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- 2.3 The results of the ASAT shall be copied and pasted into an *Administrative Segregation Assessment* log on CJIMS.
- 2.4 An *Administrative Segregation Initial Placement* form shall be completed in CJIMS for all administrative segregation placements. This form must include the reason(s) as to why the inmate was placed on administrative segregation and provide sufficient information to allow for the inmate to make representations.
- 2.5 The Correctional Facility Manager shall ensure that the inmate is informed without delay of their right to seek legal advice and be provided with a reasonable opportunity to contact a lawyer. Inmates will also be provided with a reasonable opportunity to contact a lawyer at any point during their administrative segregation placement.
- 2.6 Day one of administrative segregation begins on the date of the initial placement regardless of the time of day the inmate is placed.
- 2.7 The final day of administrative segregation is the date the inmate is removed from this status regardless of the time of day the inmate is removed.
- 3.0 NOTIFICATION**
- 3.1 The Correctional Facility Manager who placed the inmate on administrative segregation shall ensure that the inmate receives Part B of the *Administrative Segregation Initial Placement* form within 24 hours of placement.
- 3.2 The staff member who gives the inmate the *Administrative Segregation Initial Placement* form shall read it to the inmate to ensure the inmate understands the reasons for the placement and shall advise them of their right to seek legal advice and to make representations to the segregation review panel.
- 4.0 SEGREGATION REVIEW PANELS**
- 4.1 The Correctional Centre Director shall establish one or more segregation review panels for the purpose of reviewing administrative segregation placements.
- 4.2 The Correctional Centre Director shall:
- Appoint at least one staff member but no more than three staff members to review administrative segregation placements; and
 - If a segregation review panel consists of more than one staff member, appoint a Correctional Facility Manager as the chairperson of the panel.
- 4.3 In addition to panel members, the Correctional Centre Director may permit other staff members to attend or provide input at segregation reviews.

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5.0 REVIEWS (see Appendix B)

5.1 Initial Placement Review

- 5.1.1 A segregation review panel comprised of Correctional Facility Manager(s) must conduct a review *within* two business days of an inmate's placement on administrative segregation.
- 5.1.2 The Correctional Facility Manager who placed the inmate on administrative segregation shall not participate in the initial placement review.
- 5.1.3 The review shall include, but is not limited to:
- Ensuring legislative requirements for the placement have been met;
 - Reviewing the completed ASAT to ensure all reasonable alternatives have been considered;
 - Reviewing any pertinent documentation on CJIMS;
 - Consideration of any representations provided by the inmate; and
 - Results of the assessment by a health care professional.
- 5.1.4 If the placement is continued, the inmate shall be provided with Part B of the *Administrative Segregation Initial Placement Review* form and advised of their right to appeal this decision to the Correctional Centre Director within five business days of receiving notice.

5.2 Daily Reviews

- 5.2.1 Unit staff shall conduct daily reviews with all inmates on administrative segregation status on their unit. The review shall consist of, but is not limited to:
- discussing with the inmate as to whether there are any reasonable alternatives to administrative segregation;
 - reviewing any pertinent documentation on CJIMS (e.g., incident reports, scheduled interviews, etc.);
 - documenting the inmate's daily activities (e.g., time out of cell, exercise, telephone calls, visits, programming, etc.);
 - monitoring for any physical or mental health changes.
- 5.2.2 Each daily review shall be documented in a *Daily Review* log on CJIMS.

5.3 7 Day Review

- 5.3.1 The Assistant Deputy Director of Programs (ADDP) shall conduct a review of each inmate on administrative segregation on their unit seven calendar days from the date of placement.
- 5.3.2 If the review date falls on a weekend or statutory holiday, the review shall be conducted on the previous business day.

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5.3.3 The review shall include, but is not limited to:

- Completing a new ASAT;
- Reviewing the health care assessment;
- Reviewing the Daily Review logs, incident reports or other pertinent documentation on CJIMS;
- Discussing the placement with the inmate; and
- Determining whether any reasonable alternatives are now feasible and whether the inmate should remain on administrative segregation status.

5.3.4 The 7 Day Review shall be documented in the *Administrative Segregation 7 Day Review* form on CJIMS.

5.4 **14-Day Review (Formal Reviews)**

5.4.1 A segregation review panel comprised of Correctional Facility Manager(s) shall conduct a review of each administrative segregation placement 14 calendar days from the date of placement.

5.4.2 If the review date falls on a weekend day or statutory holiday, the review shall be conducted on the previous business day.

5.4.3 The review shall include, but is not limited to:

- Reviewing the most recent ASAT;
- Reviewing the Daily Review logs, incident reports or other pertinent documentation on CJIMS;
- Reviewing the 7 Day (ADDP) Review;
- Determining whether the inmate poses a continued safety and/or security risk once removed from administrative segregation status.

5.4.4 If the inmate poses a continued safety/security risk, the segregation review panel shall establish a behaviour management/safety plan as to how to manage this risk while ensuring opportunities for adequate time out of cell and meaningful human contact for the inmate.

5.4.5 The 14 Day Review shall be documented in the *Administrative Segregation 14 Day Review* form on CJIMS and Part B of the form provided to the inmate.

6.0 **LENGTH OF STAY**

6.1 Inmates are not to be placed on administrative segregation status for longer than 15 consecutive calendar days.

6.2 Inmates are not to be placed back on administrative segregation status unless a minimum of five calendar days from the end of the previous placement has passed.

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6.3 The five day period may only be shortened if a Senior Correctional Facility Manager (the Deputy Director of Operations [DDO] or Deputy Director of Programs [DDP]) believes, based on reasonable grounds, that placing the inmate back on administrative segregation is necessary to address immediate safety and/or security concerns that cannot be addressed in any other manner.

6.4 If an inmate is placed back on administrative segregation, new placement documentation (see 2.0 of this policy), including the ASAT, must be completed regardless of the length of time between placements.

7.0 HEALTHCARE ASSESSMENTS

7.1 In person health care assessments must be completed by a facility nurse within 24 hours of the initial placement and on the day of, or prior to, the 7 Day Review.

7.2 Health care assessments shall evaluate the immediate risk to the inmate's mental and physical state and include an assessment of the inmate's overall physical and mental well-being, health history and risk indicators, the inmate's present concerns and their ability to cope on segregation.

7.3 The nurse shall provide a copy of the completed *Administrative Segregation Health Care Assessment* form to the segregation review panel, unit ADDP and Nurse Manager, advising in writing if they recommend the placement be discontinued or any adjustments to the conditions of confinement are required based on the physical or mental health of the inmate. The original copy of the *Administrative Segregation Health Care Assessment* form shall be placed on the inmate's medical file.

7.4 If there are any immediate/urgent concerns, the ADDP of the unit where the inmate is residing shall be advised as soon as practicable of the concerns.

7.5 The facility nurse shall make a note in the inmate's medical file upon completion of an assessment.

8.0 APPEALS

8.1 Inmates have a right to appeal any segregation review panel decisions in accordance with Provincial Policy **Inmate Rights and Privileges 402 – Inmate Appeals Process**.

9.0 TRANSFERS

9.1 When an inmate on administrative segregation status is transferred to another correctional facility, the receiving facility shall complete new placement documentation (see 2.0 of this policy), including the ASAT, if placing the inmate on administrative segregation at the receiving facility.

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10.0 DISCIPLINARY SANCTIONS

- 10.1 If an inmate on administrative segregation status receives a sanction of disciplinary segregation, the disciplinary segregation shall run concurrently with the administrative segregation status and all administrative segregation reviews shall continue to be conducted in accordance with this policy.
- 10.2 An inmate serving a sanction of disciplinary segregation can be placed on administrative segregation status *only if* the grounds specified in section 1.1 of this policy exist.
- 10.3 Disciplinary segregation shall not exceed 10 days of confinement for a major offence.

CROSS-REFERENCE:

Inmate Rights and Privileges 402 – *Inmate Appeals Process*

Inmate Rights and Privileges 403 – *Inmate Discipline*

Security 512 – *Assignment and Review of Offender Security Levels*

Health Services 601 – *Healthcare Standards*

Forms

Administrative Segregation Health Care Assessment

ACCOUNTABILITY:

A quality assurance audit will be conducted as required by a person designated by the Assistant Deputy Minister of Custody, Supervision and Rehabilitation Services. The audit will, at a minimum, assess compliance with all sections that require a recorded task. A report of this audit will be submitted to the Executive Director of Custody Services.

REVIEW:

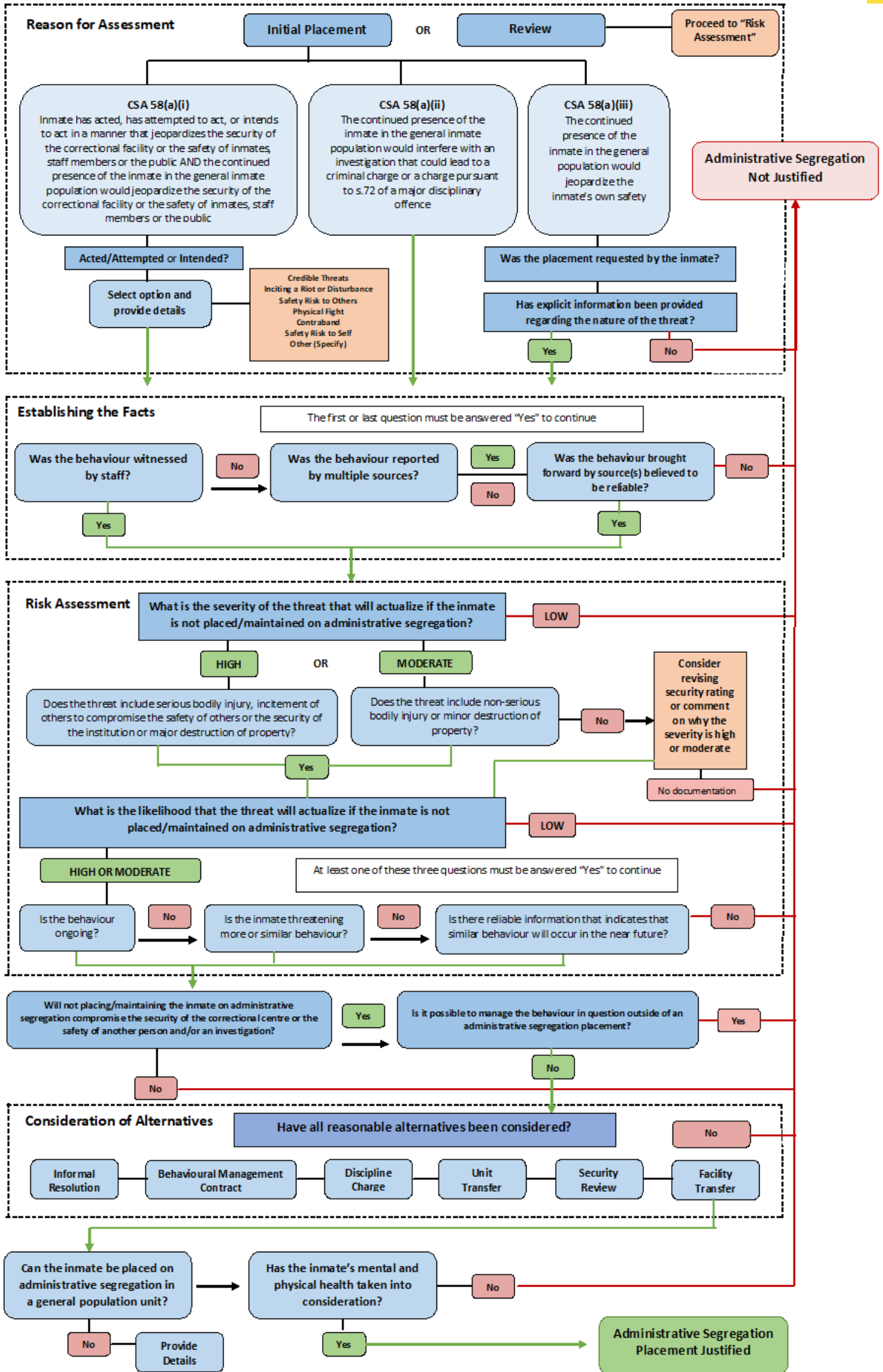
The ministry will conduct routine reviews to ensure the content reflects any recent provincial, federal legislation changes and/or higher court decisions. In addition, all policies are subject to review or revision at any time on an as-needed basis.

AUTHORIZATION:



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Custody, Supervision and Rehabilitation Services

Administrative Segregation Assessment Tool (ASAT) Flow Chart



Administrative Segregation Review Process Flow Chart

