

## LOOKING FORWARD

ISO has initiated research aimed at developing a new inspection framework based on national and international best practices. The Office is also developing an early review resolution procedure.

## EXAMPLES OF OUR WORK

### **Correctional practices must be reflected in policy and guided by the *Corrections Act and Regulations*.**

An inmate complained in writing to ISO. The inmate stated he felt it was unfair and unnecessary that he was directed to "lock up" for two hours, and stated that a verbal warning was not given.

ISO conducted an investigation into the inmate's concerns. ISO found that the inmate was given many documented warnings for the behaviors leading to the measure; WCC's management of the behaviors was in line with progressive discipline; and that the non-recurring "lock up" for a short period was reasonable given the inmates behaviors.

In addition to these findings, however, ISO found that WCC's disciplinary policy did not accurately reflect or include the practice of a "lock up." Therefore, ISO recommended that WCC review their policy and ensure that such practices are reflected. ISO also recommended that WCC consider a time limit for the restrictive measure.

WCC reviewed the policy and implemented changes in line with ISO's recommendations.

### **Ensuring a fair hearing in relation to inmate discipline**

An inmate was accused of breaking a rule at WCC. A disciplinary hearing was conducted by an independent adjudicator. The adjudicator confirmed the charge (finding it probable the inmate has acted as alleged) and imposed a penalty of time in segregation.

The inmate appealed the independent adjudicators decision to ISO. The inmate stated they had not been provided all the evidence being relied upon in the hearing and therefore it was unfair.

It is critical that all information and evidence being relied upon is provided to all parties to ensure a hearing is in accordance with principles of fairness and natural justice.

Upon reviewing the hearing and documentation, ISO found that the inmate was not provided all the information prior to the hearing and was therefore unable to review the information and adequately prepare a defense.

ISO overturned the hearing in favour of the inmate's appeal and rescinded the disposition and penalty imposed by the independent adjudicator. WCC amended the inmate's records to reflect the decision.

### **ISO supports informal resolution**

ISO received a call from an inmate who was upset with the actions of a WCC Correctional Officer (CO) who was not permitting the inmate to have an item in his possession.

The information presented by the inmate appeared to indicate an opportunity for some form of informal resolution.

ISO advised the inmate to wait for a short period of time, approach the CO and calmly discuss his concern about the enforcement of the rule in question. ISO further advised that should the resolution not work with the CO, the inmate could speak with the Manager of Correctional Services on duty. The inmate was also advised to call ISO back the next day if he was not able to address his concerns at WCC.

The inmate agreed with the advice. Subsequently, the inmate resolved the matter with the CO, negating the need for a formal investigation.

# ISO INVESTIGATIONS & STANDARDS OFFICE

# Annual Report

# 2017

## ISO MANDATE & MISSION

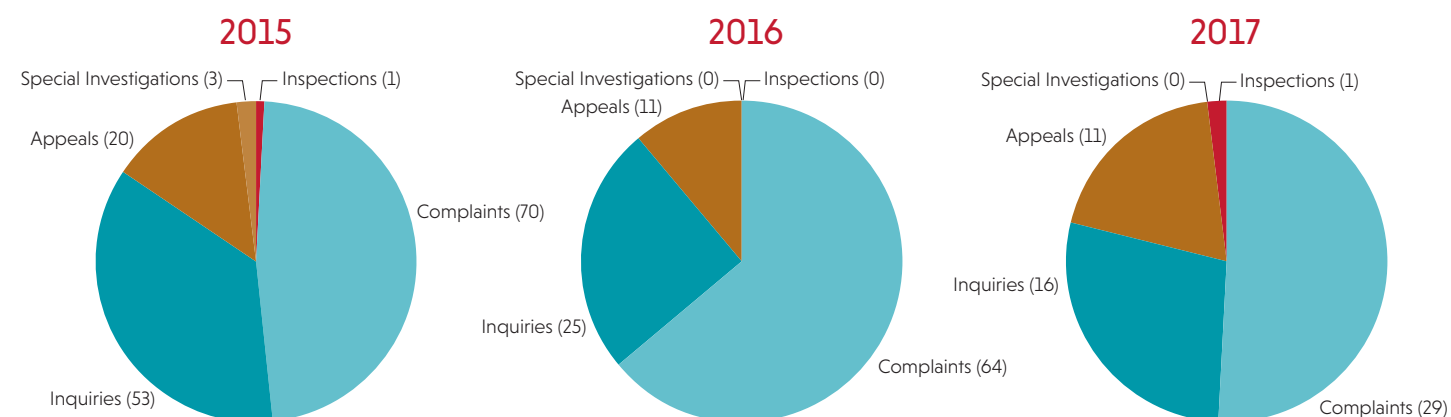
The Investigations and Standards Office (ISO or the Office) was established in 2010 to provide independent oversight of the Corrections Branch of the Yukon Department of Justice through investigations of inmate complaints, appeals of inmate discipline and inspections of identified areas of correctional practice.

ISO has full authority to access the Whitehorse Correctional Centre (WCC), interview inmates and staff, and review documents and policies.

Our team is committed to achieving investigative excellence, impartiality and fairness.

## CASELOAD

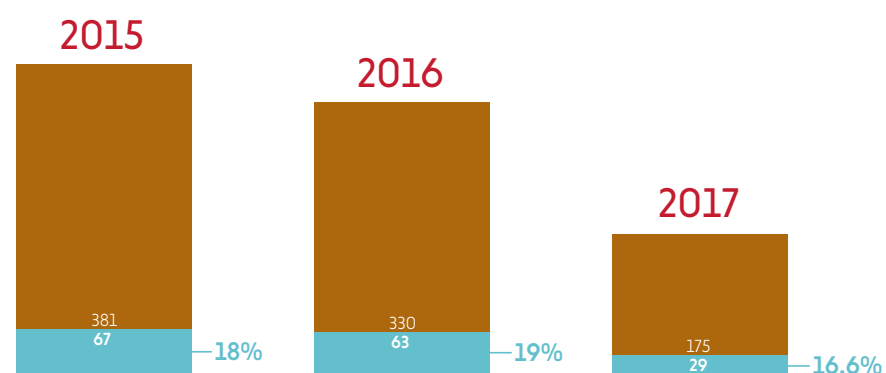
In 2017, ISO received 29 complaints and 16 inquiries. ISO heard 11 appeals from inmate disciplinary hearings. The Office also carried out one inspection of WCC which began in late 2016 and was completed in mid-2017.



## COMPLAINTS

In 2017, WCC received 175 inmate complaints. Of those complaints, in 29 cases, the inmate requested that ISO carry out an investigation. Inmates must exhaust the internal WCC complaints process prior to accessing the ISO process.

The table below represents the total number of complaints received by WCC and the percentage of those complaints where the inmate was not satisfied with the response and filed a complaint with ISO.



The number of inmates in custody at WCC was significantly lower in 2017 than in 2016 and previous years. This has in turn resulted in a lower amount of complaints, inquiries and appeals to ISO.

### Complaint / Inquiry trends by category:

- Staff: Corrections – 8
- Mail – 7
- Class: Placement – 4
- Record: Reports – 3
- Food Services – 3
- Wages – 3
- Request non ISO – 3
- Searches – 2
- Telephone – 2
- Physical Plant – 2
- Other – 9

\*Some of the 29 complaints and inquiries filed with ISO involved more than one category.

## APPEALS

When an inmate is charged with an alleged breach of a WCC rule, an administrative disciplinary hearing – presided over by an independent adjudicator – is held. After hearing testimony and reviewing evidence, the independent adjudicator renders a decision supporting or not supporting the charge, and, in the former case, decides on a sentence. If an inmate believes the decision or the sentence are unfair they may appeal to ISO for review of the disciplinary hearing.

### WCC Disciplinary Hearings and Appeals to ISO 2015-2017

	2015	2016	2017
WCC disciplinary hearings	141	128	88
Appeals to ISO	20	11	11
Percent of total hearings appealed to ISO	14.2%	8.6%	12.5%

### Outcome of ISO Appeal Decisions 2015-2017

	2015	2016	2017
Confirmed decision and disposition	9	7	5
Confirm decision and substitute alternate disposition	2	3	3
Rescind the decision and disposition	4	0	1
Direct a new hearing be convened	5	1	2

## INSPECTIONS AND SPECIAL INVESTIGATIONS

The Director of ISO may investigate any matter with respect to the administration of the *Corrections Act* at the request of the Assistant Deputy Minister of Community Justice and Public Safety or on the Director's own motion. Additionally, ISO carries out periodic inspections of WCC and makes findings and recommendations to Yukon Corrections.

### 2016-2017 Inspection

In 2016-17 the Office conducted an inspection of WCC. ISO chose two areas to focus on: use of force incidents and use of separate confinement.

In August 2017, ISO submitted the extensive inspection report to the Deputy Minister of Justice.

ISO made 41 findings and provided 10 recommendations to Yukon Corrections regarding use of force incidents.

The areas addressed in ISO recommendations related to training, policy, documentation, authorities, and recording of information and evidence.

ISO made 38 findings and provided 14 recommendations to Yukon Corrections regarding use of separate confinement. The areas addressed in ISO recommendations related to external oversight of separate confinement process, safeguards on over-use of separate confinement, best practices in relation to younger persons in custody, segregation-like conditions in another unit of the centre, access to fresh air and regular contact, policies, and documentation.

The Department responded to the ISO inspection report and accepted 19 recommendations, partially accepted 4 recommendations where follow-up questions were posed and did not accept 1 recommendation.