



JUN 15 2011

Ms. Nathalie Des Rosiers and Co-signatories  
General Counsel  
Canadian Civil Liberties Association  
506 - 360 Bloor Street West  
Toronto, Ontario M5S 1X1

Dear Ms. Des Rosiers and Co-signatories:

Thank you for your correspondence concerning the use of administrative segregation in federal correctional institutions.

Let me start by stating that I am also concerned with the use of segregation and its effect on the offender's health and can report that Correctional Service of Canada (CSC) is working diligently to address issues related to this form of incarceration.

I will address the four recommendations you put forward in your letter:

- 1. Reinforcing the principle that segregation should be used only as a last resort, for as short a time as possible and for no longer than 60 days in a 12-month period:**

CSC's national policy, Commissioner's Directive 709: *Administrative Segregation*, speaks to the issue of timeframes. Although not a favoured choice, the use of administrative segregation is, at times, the only means available to manage an offender's behaviour in order to ensure the safety of staff and offenders, the security of an institution, and/or to ensure the safety of the individual offender. It is an interim population management measure, intended to be used only as an exceptional and last resort.

What is equally concerning and challenging for the Service is the number of offenders for whom administrative segregation has become their preferred housing option, also known as "voluntary segregation", coupled with their continued refusal to integrate into a general population. This is despite measures CSC has put in place, such as Pathways Units, transition ranges, mental health and special needs ranges, transfer to other institutions and intensive segregation review policy, to alleviate the use of voluntary segregation.

CSC has a National Population Management Strategy that provides strategic direction, vision, and support to institutions across the country in order to better manage the cases of segregated offenders. The management of administrative segregation is at the forefront of all population management discussions at the local, regional, and national levels. Currently, senior managers review long-term segregation cases across the country on a quarterly basis to discuss alternatives, with the objective of facilitating releases from administrative segregation at the earliest opportunity. This has resulted in over 16,000 days in segregation that have been successfully repatriated to population settings. Further measures, such as the Institutional and Community Mental Health Initiatives and the expansion of Pathways units, are currently being developed or are in progress. These will serve to monitor and provide options for long-term segregation cases, focusing on offenders that have been housed in administrative segregation for longer periods of time, those closest to release, those with mental health concerns, and Aboriginal offenders.

Each of CSC's five regions has a Regional Segregation Oversight Manager (RSOM), a senior manager who advises both the institutions and regional management on issues of administrative segregation. The RSOM conducts regular reviews of cases placed in segregation, assists in resolving obstacles to the implementation of reintegration plans, and conducts administrative segregation audits in at least two federal correctional institutions annually per region.

These audits are analyzed by CSC at a national level and reviewed by the Assistant Commissioner of Correctional Operations and Programs, which has resulted in changes to policies and practices to address problematic areas. For example, in October 2010, the Immediate Needs Checklist for Suicide Risk was incorporated into the admission to administrative segregation process. This process further ensures that offenders at risk for self-harming behaviours/suicidal ideation are identified at the time he or she is placed in segregation. CSC's Executive Committee also closely scrutinizes the results of Boards of Investigation and similar reviews to ensure that the Service's policies are robust and that lessons learned are incorporated into both training and policy.

**2. Ensuring that the existing laws are followed and that all segregation and segregation-like conditions of confinement are subject to and governed by the rule of law:**

CSC has established very clear policies and procedures for limiting the use of administrative segregation that are respectful of the legislation under which CSC operates. This includes daily mental and physical health assessment provisions and the requirement to review cases at the institutional and regional levels at specified periods for the duration of an offender's time in administrative segregation. Audits are conducted, and the areas are visited by the Institutional Head regularly.

**3. Ensuring that all prisoners have access to appropriate community-based mental health services and resources sufficient to address their respective needs:**

Improving the capacity to address the mental health needs of offenders is a central consideration, and CSC is striving to improve both the standard of care and the correctional results for federal offenders with mental disorders. Given the behaviour and distress that often accompanies a struggle with mental illness, administrative segregation is sometimes the only option available to stabilize an offender and ensure his or her safety. However, I wish to emphasize that the use of segregation does not reflect the preferred option of CSC. Its use as a tool to manage only the most acute cases represents perhaps the most difficult challenge for CSC, and CSC is constantly seeking better and more effective treatment alternatives. The Service works closely with its treatment centres and other psychiatric hospitals.

CSC has put in place a comprehensive mental health strategy to improve the continuum of mental health care provided to offenders from admission to warrant expiry. CSC is partnering with several provinces and territories, with many of the agencies and institutions outside of corrections that are responsible for mental health care in Canada, and with other correctional and mental health jurisdictions, in order to provide mental health intervention services for offenders. CSC has held two symposiums with experts, stakeholders, and provincial and territorial partners to find ways to strengthen the continuum of care provided to federal offenders - a symposium in May 2008 and a forum in June 2009 to explore the nexus between Canada's mental health and criminal justice system. These discussions have helped to inform the implementation of CSC's Mental Health Strategy.

For instance, CSC's ongoing work on the Federal/Provincial/Territorial Mental Health Working Group will expand on the issues raised during the symposium and nexus forum, including the development of a Correctional Mental Health Strategy for Canada. In the fall 2010, senior executives of CSC discussed the progress made to date in strengthening community partnership in relation to the commitments made at the nexus forum. As well, CSC is continuing to look for additional opportunities to collaborate with the Mental Health Commission of Canada.

**4. Implementing an independent external review process to monitor the use of segregation:**

The accountability for segregation rests with the Institutional Head and/or the Commissioner. As such, CSC does not support an independent external review process to monitor the use of administrative segregation at this time.

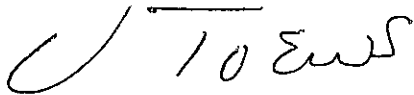
However, in December 2009, CSC established an External Review Board (ERB), comprised of two external consultants, to examine long-term segregation and segregation placements of offenders with mental health concerns. The ERB submitted two reports: one authored by Mrs. Yvette Thériault and the other by Dr. Margo Rivera. Among several objectives, the ERB reviewed services, supports, and interventions offered to offenders in administrative segregation and presented recommendations on how to reduce the number of long-term segregation cases and segregation placements of offenders with mental health concerns. CSC will incorporate the findings of the ERB when and where applicable to further enhance the segregation process.

In conclusion, contributing to public safety by creating safe and secure environments for offenders to actively engage in their correctional plan continues to be a primary objective of CSC. Elements of this objective include offender accountability, working with partners and stakeholders, and continuous evaluation of our processes to enable ongoing improvement.

CSC recognizes the seriousness of the decision to place an offender in administrative segregation, and compliance with the procedural requirements of the law is critical. I am confident that CSC continues to place the utmost importance on the management of administrative segregation to ensure that decisions regarding this process are consistent with the law and CSC's Mission.

Thank you.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Vic Toews". The signature is written in a cursive style with a horizontal line above the name.

Vic Toews, P.C., Q.C., M.P.