



Brief presented  
by the Union of Canadian Correctional Officers  
(UCCO-SACC-CSN)  
to the Standing Committee on Public Safety and National Security  
regarding Bill C-83

November 8, 2018



## **INTRODUCTION**

The Union of Canadian Correctional Officers (UCCO-SACC-CSN) represents over 7300 members, working in federal institutions across Canada. As law enforcement professionals, we represent a critical component of the Correctional Service of Canada (CSC), enabling the Service to achieve its public safety mandate 24 hours a day, 365 days a year.

Recently there has been much consideration given to the role segregation plays within Canada's correctional system, both provincially and federally. It has been thoroughly studied; its effects analyzed and debated, both by academics and by critics of justice systems globally. With the recent introduction of Bill C-83, CSC will be forced to significantly change the manner in which it manages its offender populations. The passage of Bill C-83 will result in changes to operational policies that will markedly affect the operations of our federal penitentiaries, impacting staff and inmates alike. Accordingly, UCCO-SACC-CSN, whose members represent a significant partner in the discharge of effective corrections, seeks to participate in the discussions about these changes. As such, the goal of this report is to provide perspective on the potential impact of these changes from a correctional officer's perspective.

Should Bill C-83 be successful, CSC will be forced to implement policy which will drastically alter the manner in which the most difficult segments of its population are managed. As we have seen through recent CSC policy changes to segregation (CD 709), by eliminating segregation and replacing it with Structured Intervention Units (SIU), CSC will further struggle to achieve its mandate of exercising safe, secure and human control over its inmate populations. We are concerned about policy revisions that appear to be reducing the ability to isolate an inmate, either for their safety or that of staff (s. 37.3 (3)). This is not to suggest that Bill C-83 is not without its merits. Tools such as body scanners provided for in Bill C-83 will enhance correctional officers' abilities to reduce the various types of contraband that threaten the safety of those working and living in federal institutions. However, in order to implement the bill in its entirety, there will be a much greater commitment required from the federal government to ensure its success.

## **ELIMINATION OF SEGREGATION UNITS**

While Bill C-83 seeks to amend several key components of the CSC frameworks, perhaps the most significant in relation to security operations is the elimination of segregation units within federal institutions. While UCCO-SACC-CSN recognizes that effective corrections requires the ability to adapt, our members are also tasked with ensuring the safety and security of all offenders and staff in our institutions. By eliminating disciplinary and administrative segregation, the ability to maintain control over diverse populations will be significantly impacted. We accept that an over reliance on segregation as a disciplinary consequence may lead to negative outcomes. However, there are instances where swift and immediate responses to dangerous behaviour is a necessary option.

In 2017, we witnessed the unintended impact of changes to correctional policy, namely CD 709 (Administrative Segregation) & CD 843 (Interventions to Preserve Life and Prevent Serious Bodily Harm). These policies significantly reduced CSC's ability to manage its institutions through the use of segregation. Although well intended, this quickly lead to a sharp increase in violence within federal penitentiaries. Early data released through the Office of the Correctional Investigator (OCI) on the impact of these amendments provide some indication of the operational outcomes of these changes.

An analysis of the numbers found a clear correlation between release back into the regular population and violent incidents; releases declined to 4,025 from 5,501 from 2012–2017, while the number of those leaving segregation who were implicated in an assault rose to 321 from 244. (Office the Correctional Investigator—September 2017)

Furthermore, Correctional Investigator Ivan Zinger stated that the new strategy to limit prolonged segregation has “had the ‘unintended consequences’ of more violent attacks behind bars” and that he’s “urging the Correctional Service of Canada to strengthen supervision and risk assessments to improve safety for inmates”.

While Mr. Zinger may suggest that these changes lead to unintended consequences, UCCO-SACC-CSN has been unequivocal in its position that this outcome would occur. In the last two years, we have seen institutions that despite shrinking populations, are becoming more violent due to an organizational repose that reduced control measures (segregation) which appear to be correlated with further increases in assaults. While UCCO-SACC-CSN does not advocate for the unnecessary segregation of inmates, it does strive to ensure its continued availability, as a population management tool, without unreasonable policy based restrictions or outright elimination.

Consideration also needs to be given to the transitional nature of Bill C-83. Should this bill be implemented, all inmates who were subject to disciplinary segregation will no longer be the subject of this sanction (s.39 & 40). This will result in immediate changes to the management of violent offenders in institutional populations, without apparent consideration for how they will be managed moving forward.

### **IMPLEMENTATION OF STRUCTURED INTERVENTION UNITS**

Bill C-83 seeks to replace segregation with the implementation of Structured Intervention Units, the details of which are still vague. This bill will allow the Commissioner to “designate a penitentiary or an area in a penitentiary as a structured intervention unit for the confinement of inmates who cannot be maintained in the mainstream inmate population for security or other reasons; (s.31)”. Furthermore, within Bill C-83, references to “segregation” have been eradicated and replaced throughout by “structured intervention units”. As it currently stands, UCCO-SACC-CSN is of the opinion that the only units suitable for managing inmates who cannot be maintained in the mainstream inmate population for security or other reasons are CSC’s existing segregation units. It remains unclear whether this bill will result in actual closures of segregation units or, more simply, their renaming with something more politically appropriate (s.31).

Regardless of where Structure Intervention Units are situated within federal institutions, Bill C-83 also seeks to amend the manner in which the most difficult portions of institutional population are managed. SIU inmates will be provided with the opportunity to interact with other inmates for at least two hours, as well as the right to spend four hours outside their cell. While these changes are undoubtedly well intended, they are not feasible under the current staffing and infrastructure models. Many of the inmates currently managed within segregation units are highly vulnerable, and are segregated for their own protection. In order to provide them with the amount of interaction proscribed within the new bill, they will require direct and constant supervision from already limited numbers of correctional officers. Conversely, the inability to adequately manage incompatible inmates will lead to consequences like those seen at Archambault and Millhaven institutions, where inmates were murdered in separate instances in early 2018.

In general, should we proceed to the SIU model as a replacement for segregation, it is our hope that these changes will be implemented gradually so they can be properly assessed and amended as necessary. It is promising to note that discretionary powers remain with the Commissioner to extend the proposed SIU status over 30 days, allowing Correctional Officers the ability to manage high risk, volatile or self-harming offenders without hard capped time frames (s.37.4).

### **INFRASTRUCTURE**

As with the implementation of SIU’s, the ability for CSC to repurpose existing infrastructure to meet the criteria of Bill C-83 is unclear. Policy changes resulting from the passage of Bill C-83 will restrict an institution's ability to respond to the needs of specific inmates, the broader population, to meet its current mandate, and to provide a safe work environment for its staff. Should these changes occur, in order to continue to meet critical strategic priorities effectively, significant infrastructural changes at the institutional level are necessary.

Changes proposed by the bill will allow the Commissioner to assign the security classification of “minimum security”, “medium security”, “maximum security” or “multi-level security”, or any other prescribed security classification, to each penitentiary or to any area in a penitentiary” (s.29.1). From an operational standpoint, this wording appears quite vague. Historically, CSC institutions have been constructed with a security standard in mind. To attempt to retroactively change the security ratings of not just individual institutions, but areas within those institutions, seems to be at odds with the original vision of them. This would significantly complicate population management strategies.

The powers of the Commissioner are also broadened in relation to transferring inmates within the various security levels of their institutions. It will re-enforce the power of the commissioner to transfer inmates to different security levels (for example, transfer a maximum security level inmate to a medium-security area) (s. 29). Given the security implications of these transfers, we feel that it is prudent to solicit correctional officers input into these decisions, as we are most familiar with their behaviour and potential outcomes.

Additionally, UCCO-SACC-CSN has been calling for the creation of a Special Handling Unit (SHU) for female inmates since 2005. Despite every effort, some female inmates exhibit behaviour that simply cannot be safely controlled in regular institutions, within the current infrastructural model. In similar instances involving male offenders, CSC has the ability to transfer otherwise unmanageable inmates to a SHU. Historically, due to a lack of alternative options, this has resulted in female inmates being placed in segregation for exceedingly lengthy periods of time. However, under the new guidelines of Bill C-83, CSC may be forced to involuntarily transfer these inmates, on a regular and ongoing basis in order to be in compliance with the law. The same set of circumstances that marked Ashley Smith’s incarceration will become even more prevalent. This will serve neither the inmate nor CSC’s legislative mandate, yet until changes to existing infrastructure are realized, they will be a necessary reality.

## **POPULATION MANAGEMENT**

As a result of eliminating the segregation tool, CSC will be forced to rely on managing groups of inmates through the creation of subpopulations. Effectively, they are segregating inmates, without actually physically placing them in segregation. This is already occurring through the use of a variety of alternative measures. For instance, inmates are increasingly restricted to their cell or range during the day. Additionally, restrictions on when different groups of inmates are eligible to use recreation yards will become more prevalent. While these options are certainly viable, they are entirely dependent on the existence of physical infrastructure to support them. To implement these options in physical spaces never originally designed for such purposes elevates risk and places an unnecessary strain on the staff and inmates working and living within them.

Further to the issue of infrastructure is CSC’s ongoing inability to manage inmates with serious psychological issues. The ability to manage severe mental health cases out of regional psychiatric centres was already severely limited prior to the changes put forth in Bill C-83. In a 2018 report to UCCO-SACC-CSN, CSC is projecting a 32% increase in assaults on staff in coincidence with a 15% decrease in segregation bed use during the same period. More specifically, CSC is also projecting increased staff assaults at both Millhaven Regional Treatment Centre and the Prairie Region’s Psychiatric Centre, which represent two of the most statistically dangerous institutions in the country. The reduction in our ability to manage the most difficult cases securely through segregation when necessary will only further exacerbate already dangerous work environments for correctional officers.

As we have seen in the past, difficulties effectively managing diverse inmate population due to lack of appropriate infrastructure can quickly turn tragic. The cases of Ashley Smith and Marlene Carter highlight the difficulties of supervising inmates with severe mental disorders, and the consequences that can occur when existing policy and infrastructure fail to meet the needs of inmates and the staff who supervise them. As

provincial psychiatric hospital resources continue to dwindle, along with CSC's inability to refer cases to them, federal penitentiaries across the country will be increasingly required to absorb these individuals into a system poorly prepared to address their complex health issues. This reality, coupled with the elimination of administrative segregation, will require that CSC be proactive in addressing issues around population management. Given the policy changes that have already occurred in CDs 843 and 709 and imminently in the passing of bill C-83, we are certain that CSC will struggle financially with the necessary infrastructure changes to manage these complex offender cases.

### **DISCIPLINARY RECOURSES**

In 2007 ("*Rewards & Consequences*") and 2011/2012 (Committee on Inmate Discipline), UCCO-SACC-CSN conducted in-depth analysis of the efficacy of disciplinary recourses within CSC institutions. While CSC has a variety of options at its disposal to enforce corrective behaviour similar to those applicable to the general public (fines, loss of privileges, etc.), these reviews suggested that the mechanisms were falling short of their intended goal of discouraging negative behaviour. The recommendations from these reports entailed reviewing the **institutional court system** to ensure more timely corrective actions, a more meaningful escalation of sanctions to deter inappropriate behaviour, more inclusion of correctional officers input in the process, and a focus on continually reviewing the system to ensure its efficiency. Should bill C-83 pass successfully, and disciplinary segregation be eliminated as a recourse for the most serious violations inmate conduct, there needs to be clearly defined alternatives put into place that will effectively deter these behaviours. As with the potential for the introduction of SIU's, the input of correctional officers needs to be solicited prior to the reduction or elimination of existing control measures.

### **ADDITIONAL RESOURCES**

For many years now, UCCO-SACC-CSN has been lobbying CSC for an increased commitment to health care and mental health care needs. Bill C-83 recognizes the importance of health care professionals in managing inmates, in that their recommendations are considered in the SIU assessment process, while maintaining the warden as the ultimate decision maker (s.37.2 & s.37.3). Unfortunately, while Bill C-83 recognizes the importance of health care staff in the process of managing inmates in the Structured Invention Units, it falls short of specifically allocating for 24-hour health services, which often places the burden for these specialized responsibilities on correctional officers. Until recommendations for 24-hour health care made by various parliamentary inquiries and UCCO-SACC-CSN are implemented, CSC will continue to fail to meet its responsibilities and place correctional officers in precarious positions.

With regard to UCCO-SACC-CSN members, while correctional officers are trained as medical first responders, we still lack access to the curriculum necessary to be considered proficient in responding to individuals in a mental health crisis state. CSC has committed to expanding training to address these shortcomings. However, front-line officers have yet to see any significant changes to our national training standards. When dealing with individuals in a state of mental health crisis, de-escalation is always the primary goal for correctional officers. However, these are instances where this is not feasible when risk is assessed, and thus immediate resolutions are required. Despite having use of force response options that include physical handling or chemical agents (pepper spray), we lack access to chemical restraints which are available to psychiatric hospitals dealing with the clientele whose behaviour is directly comparable to CSC inmates. While having to use chemical restraints is not necessarily ideal or to be relied upon as the only option, their inclusion as a response option could preclude using physical force, thus allowing for safer resolutions for staff and inmates.

With regard to preventative security, we are encouraged to see the inclusion of body scanners, which will present correctional officers with a modern tool to assist in our mandate of minimizing contraband within institutions. This will, of course, require a significant commitment from CSC to outfit all penitentiaries with

this tool in order to fully realize its potential. It would be our hope that we will realize these gains prior to the elimination of X-ray scans and body cavity searches, as prescribed in Bill C-83.

## **OUTCOMES**

There is ample evidence to support the detrimental effects long term segregation can have on inmates housed in such conditions, and that some inmates may have pre-existing conditions where placement in segregation could further exacerbate their health issues. While UCCO-SACC-CSN recognizes these studies and their findings, our members work in environments where mental health issues and self-injurious behaviours are exceedingly common. The Office of the Correctional Investigator has estimated that mental health problems are 2 to 3 times more prevalent in federal institutions than in the general public (<http://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20152016-eng.aspx>). In order to meet our mandates of safety, security and rehabilitation, we cannot be left to operate in a state of ambiguity. Should Bill C-83 pass, it is our sincere hope that careful consideration be given to how it will be implemented. As we have seen recently, too much change too quickly, without consideration of its impacts in our environment leads to people being seriously injured or worse.

We would request continued input in this process, as we represent 7300 of the most informed and dedicated stakeholders in this process.

1. A more robust reassessment of policy changes influenced by Bill C-83.
2. The implementation of a more robust incident tracking system to better understand the operational impacts of these changes.
3. The reversion of language that now recommends response options be “least restrictive” to what was previously “most appropriate”.
4. A commitment to supplementing existing infrastructure within federal penitentiaries in order to address the impacts of the elimination of administrative and disciplinary segregation.
5. A review and augmentation of the disciplinary system must occur, prior to the elimination of disciplinary segregation, in order to effectively respond to the most difficult behavioural inmate cases.
6. A commitment to the availability of health care professionals, 24 hours a day, within all CSC institutions.
7. The expansion of alternative response options such as chemical restraints, similar to those used within provincial psychiatric hospitals.
8. The supplementation of existing training, and the implementation of new training, to providing correctional officers with additional tools to allow them to safely respond to the diverse needs of inmate populations.
9. Increased inclusion for UCCO-SACC-CSN in future discussions regarding structured intervention units, and recognition of correctional officers as partners and subject matter experts in this matter.
10. A more detailed explanation of the Structure Intervention Units, and the proposed operational guidelines and procedures, surrounding them.
11. The continued availability of existing segregation units until such direction is mutually agreed upon.

## **CONCLUSION**

In closing, UCCO-SACC-CSN recognizes that changes to strategic priorities, adapting to emerging trends in corrections and to operational policies are a reality of our work. However, including our members in conversations around these changes, prior to their implementation, is critical to ensuring their effectiveness. CSC, and the government issuing its mandates, needs to realize that changes to these policies can substantially increase the potential for volatile situations within its institutions, which will directly impact the safety of staff and inmates. Accordingly, we hope that you will take our concerns into consideration, and allow us to work as partners moving forward to ensure that the best possible outcomes are achieved.