

Chapter 8

Corrections, Policing and Public Safety—Inmate Administrative Segregation

1.0 MAIN POINTS

The Ministry of Corrections, Policing and Public Safety provides inmate care, control, and supervision for inmates in all four provincial correctional centres. This includes placing inmates on administrative segregation. Administrative segregation is used in correctional centres to keep an inmate away from the general population for safety or security reasons.

In 2021, the Ministry had 54 placements of 49 inmates on administrative segregation, compared to 75 placements in 2020.

Between January 2021 and April 2022, we found 13 inmates who were on administrative segregation greater than 15 days (ranged between 16 and 43 days). Good practice suggests that inmates should not be subject to administrative segregation placement for longer than 15 days.

Inmates on administrative segregation are supposed to receive a minimum of two hours out of cell leisure time per day and staff are to document whether this occurred (through daily reviews). Nurses are supposed to complete healthcare assessments to evaluate the inmate's mental and physical ability to cope with administrative segregation and identify risk factors that may present concerns.

At May 2022, the Ministry had, other than in the following areas, effective processes to administratively segregate inmates in its adult secure-custody correctional centres. The Ministry needs to:

- Develop an ongoing training plan for correctional centre staff involved in administrative segregation
- Have appropriate correctional centre staff authorize administrative segregation placement decisions, as well as properly complete reviews (i.e., initial placement, daily, 7-day, 14-day) and healthcare assessments as required by its administrative segregation policy
- Broaden its quality assurance reviews to include all key policy requirements (e.g., completion of daily reviews, quality of healthcare assessments)
- Enhance written reports to senior management and publicly report key information about the use of administrative segregation

Effective processes to administratively segregate inmates contribute to the safety and well-being of inmates and staff. Unnecessary or prolonged segregation may leave vulnerable inmates with irreparable mental and physical health damage that may lead to higher healthcare costs (e.g., self-harm injuries) and, in extreme cases, to avoidable life loss (e.g., suicide).



2.0 INTRODUCTION

This chapter outlines the results of our audit of the Ministry of Corrections, Policing and Public Safety's processes to administratively segregate inmates in its adult secure-custody correctional centres for the 12-month period ending May 31, 2022. This audit did not include disciplinary segregation.¹

2.1 Background

Under *The Correctional Services Act, 2012*, the Ministry of Corrections, Policing and Public Safety is responsible for the establishment, administration, maintenance, and operation of correctional facilities.²

The Ministry uses its adult secure-custody correctional centres to restrict and monitor the movements and activities of inmates, while supporting the delivery of rehabilitation programs. Saskatchewan's four adult secure-custody correctional centres are:

- Prince Albert Correctional Centre
- Regina Correctional Centre
- Saskatoon Correctional Centre
- Pine Grove Correctional Centre (for women)

These correctional centres house adult inmates sentenced under *The Criminal Code of Canada* for a term of less than two years, or inmates on remand (lawfully detained or confined and are awaiting trial or sentencing by the courts). At March 2022, Saskatchewan had over 1,800 inmates in its adult secure-custody correctional centres of which about 44% are sentenced and 56% are on remand.³

In 2021–22, the Ministry spent \$171 million on custody services.⁴ The Ministry's Custody Services Unit (in its Custody, Supervision and Rehabilitation Services Division) had 1,873 full-time equivalent (FTE) staff (i.e., 54% of the Ministry's 3,491 FTE) at March 31, 2022.

The Custody Services Unit provides inmate care, control, and supervision for inmates in all four correctional centres. This includes inmate administrative segregation.

Administrative segregation is a status within a correctional centre (i.e., not a designated location or security rating). It is a temporary, non-punitive measure that does not include disciplinary segregation or temporary confinement pending a disciplinary hearing.⁵ The Ministry utilizes administrative segregation as a last resort to contribute to the safety of inmates, staff, and the public, and as assistance in maintaining the security of the correctional centre. For example, inmates may be placed on administrative segregation for

¹ Disciplinary segregation is imposed as a penalty for an offence committed while in prison (e.g., engaging in violent behaviour, manufacture/possession of alcohol or another intoxicant, possessing or attempting to bring in contraband). An inmate is separated from other inmates and confined to a cell, unit, or secure area for a period not exceeding 10 days for a single offence.

² *The Correctional Services Act, 2012*, s. 4(2).

³ Information provided by the Ministry of Corrections, Policing and Public Safety.

⁴ Ministry of Corrections, Policing and Public Safety; Ministry of Justice and Attorney General; and Saskatchewan Firearms Office, *Annual Report for 2021–22*, p. 22.

⁵ The Ministry of Corrections, Policing and Public Safety, *Policy No. 405—Administrative Segregation*, p. 1.

situations such as violent or aggressive behaviour, disruptive or non-compliant behaviour, or at an inmate's request for their own safety.

Effective processes to administratively segregate inmates contributes to the safety and well-being of inmates, staff, and the public. Unnecessary or prolonged segregation may leave vulnerable inmates with irreparable mental and physical health damage that may lead to higher healthcare costs (e.g., self-harm injuries) and, in extreme cases, to avoidable life loss (e.g., suicide).

3.0 AUDIT CONCLUSION

We concluded that, for the 12-month period ended May 31, 2022, the Ministry of Corrections, Policing and Public Safety had, other than in the following areas, effective processes to administratively segregate inmates in its adult secure-custody correctional centres.

The Ministry needs to:

- **Develop an ongoing training plan for correctional centre staff involved in administrative segregation**
- **Have appropriate correctional centre staff authorize administrative segregation placement decisions**
- **Properly complete reviews (i.e., initial placement, daily, 7-day, 14-day) and healthcare assessments as required by its administrative segregation policy**
- **Broaden quality assurance reviews to include all key policy requirements (e.g., daily reviews, healthcare assessments)**
- **Enhance written reports to senior management and publicly report key information about the use of administrative segregation**
- **Have inmate appeals reviewed by independent adjudicators to align with good practice**

Figure 1—Audit Objective, Criteria, and Approach

Audit Objective:

To assess whether the Ministry of Corrections, Policing and Public Safety had effective processes to administratively segregate inmates in its adult secure-custody correctional centres for the 12-month period ending May 31, 2022.

Audit Criteria:

Processes to:

- 1. Establish administrative segregation requirements consistent with good practice**
 - Maintain policies and procedures for administrative segregation that align with good practice and legislation
 - Communicate policies and procedures
 - Train staff on administrative segregation
- 2. Appropriately place inmates on administrative segregation**
 - Determine whether inmate warrants administrative segregation (e.g., complete necessary assessments, explore alternatives to administrative segregation prior to placement)



- Properly authorize, with support, inmate placement on administrative segregation
- Conduct review of initial inmate placement (e.g., segregation review panel reviews, healthcare assessment)
- Regularly assess (e.g., daily, weekly, biweekly) continued administrative segregation placements
- Reassess administrative segregation decision quickly when requested by inmates (i.e., appeals)

3. Monitor inmate administrative segregation

- Maintain quality assurance processes to monitor compliance with legal and policy requirements
- Respond to inmate complaints about administrative segregation timely
- Analyze key information about inmate administrative segregation (e.g., number of inmates placed on administrative segregation, length of segregation)
- Adjust practices in response to result of analysis (e.g., policies, training), as needed
- Periodically report key information to senior management and the public

Audit Approach:

To conduct this audit, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Ministry's processes, we used the above criteria based on our related work, review of literature including reports of other auditors, and consultations with management. The Ministry's management agreed with the above criteria.

We examined the Ministry's policies and procedures relating to administrative segregation. We interviewed key staff responsible for inmate administrative segregation. We tested a sample of inmates placed on administrative segregation to assess whether staff followed the Ministry's established processes. In addition, we observed inmates placed on administrative segregation in each of the four correctional centres. We also used an independent consultant with subject matter expertise in the area to help us identify good practice and assess the Ministry's processes.

4.0 KEY FINDINGS AND RECOMMENDATIONS

4.1 Requirements for Inmate Administrative Segregation Generally Consistent with Good Practice

The Ministry of Corrections, Policing and Public Safety maintains clear and up-to-date policy and procedures for placing inmates on administrative segregation; however, the Administrative Segregation Policy did not align with good practice in certain areas (e.g., the length of time an inmate can be placed on administrative segregation).

The Ministry sets out requirements for administrative segregation in its Administrative Segregation Policy. The policy's objective is to provide standards for management of inmates placed on administrative segregation. Adherence to the policy ensures that due diligence is taken with respect to placement and review of inmates on administrative segregation in a manner that balances the duty to act fairly with safe and secure facility operations.⁶ See **Figure 2** for the content summary of the policy.

Figure 2—Administrative Segregation Policy Content Summary

- Definition of administrative segregation
- General standards (e.g., inmates shall receive a minimum of two hours out of cell leisure time per day)
- Placement requirements (e.g., justification assessments)
- Notification (i.e., process to notify inmates of the reason[s] they are placed on administrative segregation)
- Composition of review panels
- Timing of reviews (i.e., daily, initial placement [2-day], 7-day, 14-day)
- Appeal process
- Healthcare assessment requirements (e.g., required at initial placement and at 14-day review, complete healthcare assessment form)^A
- Accountability (i.e., quality assurance audits)

Source: Adapted from the Ministry of Corrections, Policing and Public Safety's Administrative Segregation Policy.

^A Starting in August 2022, the Ministry requires correctional centre nursing staff to complete healthcare assessments at the initial placement review and at the 7-day review instead.

⁶ The Ministry of Corrections, Policing and Public Safety, *Policy No. 405—Administrative Segregation*, p. 1.

We found the Ministry's policy describes the administrative segregation process clearly and in sufficient detail. We also found the policy aligns with *The Correctional Services Act, 2012*, and *The Correctional Services Regulations, 2013*.

However, we found certain aspects of the Ministry's policy in place during our audit period did not align with good practice. For example, good practice suggests that inmates should not be subject to administrative segregation placement for longer than 15 days.⁷ It also suggests inmates should have a five-day break between segregations. Between January 2021 and April 2022, we found 13 inmates who were on administrative segregation greater than 15 days (ranged between 16 and 43 days).

The Ministry makes the administrative segregation policy available to correctional centre staff and the public on its website.⁸ It also keeps the policy up to date.

In August 2022, the Ministry approved a revised policy. We found the revised policy now aligns with good practice as inmates are not to be placed on administrative segregation status for longer than 15 consecutive calendar days and they 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.

To ensure correctional centre staff consistently follow the policy requirements, we recommend the Ministry enhance its quality assurance processes to assess adherence to the policy and report the results to senior management (see **Sections 4.8** and **4.9**).

Aligning policy and procedures with good practice and having guidance readily available to staff helps decrease the risk to inmates, including the mental health risks associated with administrative segregation.

4.2 Ongoing Training Plan Related to Administrative Segregation Needed

The Ministry of Corrections, Policing and Public Safety does not have a training plan to regularly provide refresher training to staff involved in administrative segregation.

Upon hiring, the Ministry provides all new correctional centre staff (e.g., managers, correctional officers, nurses) 11 weeks of training, which includes a module on administrative segregation. This module is a one-hour presentation with the objective of enabling participants to:

- Understand legislative requirements for placing an inmate on administrative segregation
- Understand the administrative segregation process
- Ensure placements are justified, properly documented, and respect inmates' retained rights (e.g., right to contact a lawyer)

⁷ United Nations Office on Drugs and Crime, *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*.

⁸ publications.saskatchewan.ca/#/products/102069 (23 August 2022).



However, we found the module on administrative segregation to be outdated. For example, it notes placement reviews are required every 21 days instead of 14 days (the current requirement).

As part of the orientation training, correctional centre staff also receive three days of mental health training. This training addresses mental health issues related to inmates, including substance and addiction disorders, neurodevelopmental disorders (e.g., fetal alcohol syndrome), and signs and symptoms. It also covers other areas such as staff response and follow up, as well as staff self-care. This aligns with good practice.

However, we found the Ministry does not provide correctional centre staff refresher training on administrative segregation processes after orientation. It does not have a training plan to do so.

In June 2022, the Ministry provided refresher training on administrative segregation processes to correctional centre managers at three of the four correctional centres. We found this training included the new processes in the August 2022 revised policy (e.g., maximum 15 days on administrative segregation). We found the Ministry did not provide this training to correctional officers or nursing staff. Management indicated the Ministry expects to provide refresher training to the managers at the fourth correctional centre in September 2022.

Good practice also recommends training be provided when individuals move into a position involved in administrative segregation decision-making or oversight (i.e., correctional centre managers), and to nursing staff providing healthcare assessments. It also recommends providing training to all staff involved when significant changes in legislation, regulation, or operational policy related to administrative segregation occur.

Not providing regular refresher training to those involved in administrative segregation processes increases the risk of inmates being inappropriately placed on administrative segregation, which could affect the health and well-being of those inmates.

- 1. We recommend the Ministry of Corrections, Policing and Public Safety develop a training plan to regularly provide refresher training to correctional centre staff involved in administrative segregation.**

4.3 Requirements for Placement Decisions Not Always Followed

The Ministry of Corrections, Policing and Public Safety does not always properly complete and approve decisions for inmates placed on administrative segregation.

Designated correctional staff may order an inmate placed on administrative segregation if there are reasonable grounds as defined by *The Correctional Services Act, 2012* (see **Figure 3**).

Figure 3—Reasonable Grounds for Administrative Segregation as Defined by Legislation

- Inmate has acted, has attempted to act, or intends to act in a manner that jeopardizes the security of the correctional centre or the safety of inmates, staff or the public AND the continued presence of the inmate in the general inmate population would jeopardize the security of the correctional centre or the safety of inmates, staff, or the public
- 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
- The continued presence of the inmate in the general population would jeopardize the inmate's own safety

Source: Adapted from the Ministry of Corrections, Policing and Public Safety's Administrative Segregation Policy.

The Ministry requires correctional centre managers to complete an assessment prior to placing an inmate on administrative segregation or within 24 hours of placement.

The assessment guides staff through a series of questions to determine whether an inmate's placement on administrative segregation is justified. The assessment includes:

- Reason for assessment (e.g., initial placement or review of placement, legislative reason)
- Establishing the facts (e.g., behaviour witnessed by staff, reported by multiple sources)
- Risk assessment (e.g., severity of the threat that could materialize if the inmate is not placed on administrative segregation)
- Consideration of alternatives (e.g., informal resolution, behavioural management contract, unit transfer, facility transfer)

Overall, in 2021, the Ministry had 54 placements for 49 inmates on administrative segregation.

We tested 20 inmate files and found:

- Three assessments were completed by inappropriate staff—correctional officers completed the assessment rather than the appropriate correctional centre manager
- One assessment did not document the rationale for placing the inmate on administrative segregation or alternatives considered

Fourteen assessments were completed timely (i.e., same day as inmate placement). However, the Ministry was unable to provide us with six assessments; therefore, we could not confirm whether the assessments were properly completed and inmate placements were justified. Management indicated this was due to a lack of a centralized location to keep completed assessments. In August 2022, the Ministry enhanced its Administrative Segregation Policy and now requires correctional centre staff to save a copy of each completed assessment in its IT system—Criminal Justice Information Management System.



Once the justification assessment is complete, the same correctional centre manager is to approve the administrative segregation placement decision. The Ministry uses a placement form to formally have managers document placement decisions (e.g., legislated reason) and explain reasons for placement (e.g., incident details).

In our testing of 20 inmate files, we found five inmate placements on administrative segregation were not properly authorized. In all cases, a correctional officer approved the placement decision instead of an appropriate correctional centre manager.

Not having appropriate staff completing and approving administrative segregation placement decisions increases the risk that inmates may be placed on administrative segregation inappropriately.

2. We recommend the Ministry of Corrections, Policing and Public Safety have appropriate correctional centre staff authorize administrative segregation placement decisions.

4.4 Communication of Decision to Inmates on Administrative Segregation Not Always Evident

Correctional centre staff do not always communicate the decision of administrative segregation to inmates.

The administrative segregation placement form includes a section to acknowledge correctional centre staff verbally inform inmates about an administrative segregation placement decision and their right to contact a lawyer. Staff are to sign the form confirming they verbally informed inmates.

We tested 20 inmate files and found staff did not sign 12 administrative segregation placement forms to indicate they verbally informed the inmate of the reason for placement and their right to contact a lawyer.

Good practice recommends inmates placed on administrative segregation also sign the form to indicate acknowledgement of the placement decision.

In August 2022, the Ministry enhanced its administrative segregation placement form to require inmates to sign off that they were notified of the placement decision and their right to contact a lawyer.

To ensure correctional centre staff are following the new requirements, we recommend the Ministry enhance its quality assurance reviews and confirm inmates are signing off on placement decisions (see **Section 4.8**).

Inadequately communicating administrative segregation placement decisions to inmates increases the risk inmates may be unaware of both the reason for the placement decision and their right to contact a lawyer to appeal the decision. This could result in the Ministry being subject to unwarranted litigation.

4.5 Administrative Segregation Review Requirements Set, But Not Always Followed

Correctional centre staff do not always complete administrative segregation reviews and healthcare assessments as required in the Administrative Segregation Policy.

The Ministry of Corrections, Policing and Public Safety set specific requirements for various reviews and assessments in its Administrative Segregation Policy. For example, the policy sets out the requirements for:

- Initial placement reviews (i.e., 2-day review)
- Healthcare assessments
- Daily reviews
- Long-term reviews (i.e., 7-day and 14-day)

As described below, we found correctional centre staff were not always following the policy.

Without completing and documenting the required reviews and healthcare assessments of inmates placed on administrative segregation, it increases the risk inmates remain on segregation longer than necessary. This could negatively affect the health and well-being of an inmate. It also increases the risk that inmates already suffering from mental illnesses or other issues may find their condition deteriorate further while on administrative segregation.

3. We recommend the Ministry of Corrections, Policing and Public Safety follow its policy requirements (i.e., reviews, healthcare assessments) for inmates placed on administrative segregation.

To increase the likelihood correctional centre staff follow administrative segregation policy requirements (e.g., timing of reviews, conduct appropriate reviews), the Ministry should provide regular refresher training on administrative segregation processes. See **Recommendation 1** about developing a training plan to regularly provide refresher training to correctional centre staff involved in administrative segregation.

We also recommend the Ministry enhance its regular quality assurance reviews and provide feedback to the correctional centres on non-compliance with the policy (see **Section 4.8**).

4.5.1 Initial Placement Reviews Not Always Done

Correctional centre staff do not always properly complete the initial placement reviews (2-day review) of inmates placed on administrative segregation.

Once an inmate is placed on administrative segregation, the Ministry of Corrections, Policing and Public Safety requires correctional centre staff to conduct a 2-day review to assess whether the placement was justified. Each correctional centre forms segregation



review panels consisting of 1–3 appointed correctional centre managers to conduct the reviews. The correctional centre manager who placed the inmate on administrative segregation is not permitted to participate in the initial placement review.

The segregation review panel:

- Ensures legislative requirements were met for the placement
- Reviews the justification assessment to ensure staff considered alternatives
- Reviews other pertinent information (e.g., incident details)
- Considers any representations provided by the inmate
- Reviews an assessment by a healthcare professional (see **Section 4.5.2**)

The Ministry requires review panels to complete the initial placement review using the 2-day review form, within two business days (as required by legislation), of an inmate's placement on administrative segregation. Once completed, correctional centre staff are to inform the inmate of the segregation review panel's placement decision.

We tested 20 inmate files and found:

- Three files did not have a 2-day review completed at all.
- Five files had the correctional centre manager who placed the inmate on administrative segregation inappropriately participate in the 2-day review.
- Two files did not have the proper 2-day review form completed. As a result, a segregation review panel was not formed.
- Six files had no staff signature to indicate they verbally informed the inmates of the 2-day review results, reason for placement and the inmates' right to contact a lawyer. In August 2022, the Ministry enhanced its 2-day review form to require inmates to sign off that they were notified of the placement decision and their right to contact a lawyer.
- Eight files had the 2-day review completed within three business days (instead of two as required).

Good practice recommends correctional centre staff complete 2-day reviews within two calendar days. Currently, the Ministry is mandated by legislation to have the reviews completed within two business days. As a result, some inmates may remain on administrative segregation longer than necessary.

We found seven instances where inmates were placed on administrative segregation late in the week (i.e., Thursday or Friday) and did not have a 2-day review completed until the next week (i.e., Monday or Tuesday). Therefore, inmates waited up to five calendar days to have their placement decision reviewed. We found these inmates continued on administrative segregation after the reviews took place.

Not properly completing initial placement reviews in a timely manner increases the risk inmates are on administrative segregation longer than necessary. This could negatively affect the health and well-being of the inmate.

4.5.2 Healthcare Assessments Not Always Completed

Correctional centres' nursing staff do not always complete healthcare assessments on inmates placed on administrative segregation.

As part of the initial placement and 14-day review, nurses are to complete, and correctional centre managers are required to review, a current healthcare assessment. Nurses in the medical unit of the correctional centre complete these assessments to evaluate the inmate's mental and physical ability to cope with administrative segregation and identify risk factors that may present concerns. Nurses keep the assessments in a separate medical file (i.e., not stored in the Ministry's IT system). **Figure 4** sets out examples of what nurses consider when completing the assessment.

Figure 4—Healthcare Assessment Considerations

<ul style="list-style-type: none"> • Recent head injury • Acquired brain injury • Cognitively challenged • Intoxication/withdrawal • Disorientation/confusion/incoherent • Language barrier/limited communication • History of abuse (physical/sexual/psychological) • Medical delirium • Altered level of consciousness • Diabetic 	<ul style="list-style-type: none"> • Mental health problems/Mental illness • Suicidal ideation/self-harm tendencies • Psychosis • Psychiatric medications • Compliant with medications • Hallucinations • Delusions • Dementia/Alzheimer's/Korsakoff's • Paranoia • Insight • Hydration
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Source: Adapted from the Ministry of Corrections, Policing and Public Safety's Administrative Segregation In-Person Healthcare Assessment.

The Administrative Segregation Policy requires nurses to advise correctional centre managers, in writing, whether they recommend either an inmate's placement be discontinued or any adjustments to the conditions. However, we found the assessment form only required nurses to provide comments, not to specifically make recommendations.

We tested 20 inmate files and found:

- Four healthcare assessments were not required as the inmate was removed from administrative segregation within two days
- Three healthcare assessments were not completed as required
- Thirteen healthcare assessments were completed as required
- Seven of the 13 healthcare assessments were completed late ranging between three and seven calendar days
- Ten of the 13 completed assessments did not include information about inmates' ability to cope on administrative segregation, or recommend whether placement could continue or be discontinued



We also interviewed four correctional centre nurses and found a lack of understanding on when healthcare assessments should be carried out. For example, some nurses still referred to a 21-day review, which no longer exists. As we note in **Section 4.2**, nurses do not receive refresher training on administrative segregation processes.

In August 2022, the Ministry revised its administrative segregation policy and the healthcare assessment form. Since inmates are limited to 15 days on administrative segregation, a new healthcare assessment is required at the 7-day review (previously at the 14-day review)—see **Figure 6**. The healthcare assessment form also now clearly requires nurses to make a recommendation about an inmate’s placement on administrative segregation.

As part of its current quality assurance processes, the Ministry reviewed whether healthcare assessments occurred but did not review the quality of the completed assessments. We think it should. See **Recommendation 5** about enhancing its quality assurance process.

Not completing healthcare assessments or making recommendations in the assessments increases the risk that inmates already suffering from mental illnesses or other issues may find their medical conditions deteriorate further while on administrative segregation.

4.5.3 Daily Reviews Not Completed as Required

Correctional centre staff do not consistently complete daily reviews of inmates placed on administrative segregation.

The Ministry of Corrections, Policing and Public Safety requires correctional centre staff to meet daily with inmates placed on administrative segregation and to document the results of those meetings in its IT system. See **Figure 5** for the daily review requirements.

Figure 5—Daily Administrative Segregation Review Requirements

Review Type	Requirements	Revised Requirements (August 2022)	Performed By
Daily Reviews	Review consists of, but not limited to: <ul style="list-style-type: none"> - discussing with the inmate any reasonable alternatives to administrative segregation - reviewing pertinent documentation (e.g., incident reports, scheduled interviews) 	Review consists of, but not limited to: <ul style="list-style-type: none"> - discussing with the inmate any reasonable alternatives to administrative segregation - reviewing pertinent documentation (e.g., incident reports, scheduled interviews) - documenting the inmate’s daily activities (e.g., time out of cell, exercise, phone calls, visits, programming) - monitoring for any physical or mental health changes 	Correctional officers

Source: Adapted from the Ministry of Corrections, Policing and Public Safety’s Administrative Segregation Policy.

In 15 of the 20 inmate files tested, we found correctional centre staff did not complete daily reviews and document them in the Ministry’s IT system as required. For example, one inmate spent 24 days on administrative segregation. During that time, only eight daily reviews were completed. In addition, we found staff did not always document discussions with the inmate about reasonable alternatives to administrative segregation.

Each day, while on administrative segregation, inmates are allowed to receive a minimum of two hours out of cell leisure time. We found correctional centre staff inconsistently track this time. For example, some centres keep log books (but not all the same template). However, the log books do not clearly indicate how long an inmate was out of the cell. One centre noted out of cell time in the daily reviews, but the reviews were not always completed every day.

As noted in **Figure 5** above, the Ministry revised its Administrative Segregation Policy and now requires correctional centre staff to record time out of cell in daily reviews.

As part of its current quality assurance processes, the Ministry did not review whether daily reviews took place as required. We think it should. See **Recommendation 5** about enhancing its quality assurance process.

Without completing and documenting daily reviews of inmates placed on administrative segregation, it increases the risk inmates remain on segregation longer than necessary or are not receiving their two hours out of cell time. This could negatively affect the health and well-being of the inmate on administrative segregation.

4.5.4 Longer Term Reviews Not Always Done

The Ministry of Corrections, Policing and Public Safety does not always carry out longer term reviews (i.e., 7-day, 14-day) of inmates placed on administrative segregation.

Once an inmate is placed on administrative segregation, correctional centre staff are to regularly review and assess the inmate to determine whether the inmate should remain on administrative segregation. The Ministry sets the timing and requirements for longer-term administrative segregation reviews in its policy (see **Figure 6**).

Figure 6—Timing and Requirements for Administrative Segregation Reviews

Review Type	Requirements	Revised Requirements (August 2022)	Performed By
7-day Reviews	Review consists of, but not limited to: <ul style="list-style-type: none"> - reviewing the most recent justification assessment - reviewing the healthcare assessment completed by nursing staff at initial placement - reviewing the scheduled interview logs, incident reports, or other pertinent documentation - discussing the placement with the inmate - determining whether any reasonable alternatives are now feasible and whether the inmate should remain on administrative segregation status 	Review consists of, but not limited to: <ul style="list-style-type: none"> - completing a new justification assessment - reviewing a new healthcare assessment completed by nursing staff - reviewing the scheduled interview logs, incident reports, or other pertinent documentation - discussing the placement with the inmate - determining whether any reasonable alternatives are now feasible and whether the inmate should remain on administrative segregation status 	Correctional centre manager
14-day Reviews	Review consists of, but not limited to: <ul style="list-style-type: none"> - completing a new justification assessment - ensuring all reasonable alternatives are considered - reviewing assessments and other pertinent documentation - considering any representations provided by the inmate - reviewing a current healthcare assessment 	Review consists of, but not limited to: <ul style="list-style-type: none"> - reviewing the most recent justification assessment - reviewing the daily review logs, incident reports, or other pertinent documentation - reviewing the 7-day review - determining whether the inmate poses a continued safety and/or security risk once removed from administrative segregation status 	Segregation review panel

Source: Adapted from the Ministry of Corrections, Policing and Public Safety's Administrative Segregation Policy.



We tested 20 inmate files and found the Ministry did not always conduct reviews as required.

7-Day Reviews

During our testing of 20 inmate files, we found 13 files that required at least one weekly review.

For the 13 inmate files tested that required a 7-day review, we found:

- Three files did not have a weekly review done as required. Of the three, one review was not done at all and two files had a correctional officer inappropriately complete the weekly review (instead of a correctional centre manager as required).
- Four files did not have a weekly review done because the inmates were removed from administrative segregation on their scheduled review day; however, we found staff incorrectly calculated the review day (i.e., used business days rather than the required calendar days) resulting in inmates possibly being on administrative segregation three days longer than required.
- Three files had weekly reviews completed late, which caused one inmate to stay on administrative segregation four days longer than required.

14-Day Reviews

During our testing of 20 inmate files, we found four files that required at least one 14-day review.

We found for one of those four files:

- The 14-day review was completed two days late. When the review was completed, the inmate was removed from administrative segregation. Therefore, the inmate may have been on administrative segregation two days longer than required (i.e., total 16 days).
- The review panel consisted of inappropriate staff (i.e., correctional officers rather than correctional centre managers)

In addition, in another file, we found the new healthcare assessment was completed two days after the 14-day review. Therefore, the review did not take into account the healthcare assessment as required. We did find the inmate requested to be on administrative segregation for their own safety.

Not conducting longer term reviews (i.e., 7-day, 14-day) as required increases the risk inmates are on administrative segregation longer than necessary.

4.6 Complaint Process In Place

The Ministry of Corrections, Policing and Public Safety has a complaint process for inmates placed on administrative segregation.

The Ministry maintains a complaints resolution policy. It notes that correctional centres should use an informal process to resolve complaints, where reasonable, prior to the submission of a formal complaint. Staff are expected to document the informal complaint and the resolution in the Ministry's IT system. If a complaint cannot be resolved informally, the inmate can formally submit a complaint in writing.

Between June 1, 2021 and May 31, 2022, the Ministry indicated there were no formal complaints related to administrative segregation. In the 20 inmate files tested, we found two informal complaints made by inmates. Correctional centre staff appropriately documented the complaint and resolution in the Ministry's IT system.

Documenting informal complaints allows the Ministry to be aware of common problems that may require additional training or procedural changes.

4.7 Appeals Not Independently Reviewed

The Ministry of Corrections, Policing and Public Safety maintains an appeal process for inmates placed on administrative segregation; however, it does not align with good practice.

Inmates placed on administrative segregation can appeal the placement decision. The correctional centres are required to provide a decision on the appeal within five business days. Between June 1, 2021 and May 31, 2022, the Ministry indicated there were no appeals related to administrative segregation.

We found the appeal process does not align with good practice as it is internal to the correctional centre. Current legislation requires the director of the correctional centre to make the decision on the appeal.⁹ Good practice recommends an independent adjudicator (e.g., Ministry staff, other correctional centres' staff), external to the correctional centre, make the appeal decision.

Having an independent adjudicator make appeal decisions helps to ensure fair oversight and reduces the risk of biased decisions.

4. We recommend the Ministry of Corrections, Policing and Public Safety have appeals by inmates placed on administrative segregation reviewed by independent adjudicators.

4.8 Quality Assurance Process Exists, But Some Improvements Needed

The Ministry of Corrections, Policing and Public Safety maintains a quality assurance process to monitor compliance with administrative segregation legal and policy requirements; however, improvements are needed.

The Ministry's Director of Standards and Compliance is responsible for the quality assurance process around administrative segregation. Each week, the Director reviews all

⁹ *The Correctional Services Act, 2012*, s. 61(4).



active administrative segregation files and documents the results of the review in an Excel tracking sheet. The tracking sheet includes information such as the inmate's number, name, demographic details (e.g., age, ethnicity), start and end date of placement, reason for placement (e.g., safety of inmate, security of inmates/centre/others), and whether the correctional centres met the administrative segregation policy requirements (e.g., justification assessment, initial placement review, 7-day, 14-day review).

However, we found the quality assurance process is not covering all key policy requirements. For example, the Director does not review whether correctional centres' staff complete healthcare assessments or daily reviews as required. The quality assurance process should also assess whether inmates sign off that they were notified of their placement decision.

When the Ministry identifies deficiencies through its quality assurance process, it will report, by email, the deficiencies to the correctional centre. Management indicated correctional centres will generally respond by acknowledging the deficiency and/or identify actions taken to address the deficiency.

We tested five inmate files with administrative segregation deficiencies noted during the quality assurance process. We found the Ministry reported the issues to the relevant correctional centres and received a response acknowledging the deficiencies and noted the deficiencies would be discussed with relevant staff.

Not reviewing all key policy requirements during the administrative segregation quality assurance process increases the risk that the quality assurance reviews may not identify key areas for improvement.

5. We recommend the Ministry of Corrections, Policing and Public Safety broaden its administrative segregation quality assurance process to include assessment of all key policy requirements.

4.9 Reporting of Administrative Segregation, But More Analysis Needed

The Ministry of Corrections, Policing and Public Safety reports the results of its quality assurance reviews to senior management. However, the reports should include more information and analysis.

Each year, senior management receives a report that includes statistics on inmates placed on administrative segregation. The reports include three-year trend information and some analysis.

For example, in 2021, the Ministry reported correctional centres had 54 placements for 49 inmates on administrative segregation (2020: 75 placements for 64 inmates; 2019: 247 placements for 194 inmates).¹⁰ The Ministry reported the significant decrease from 2019 is a result of newly implemented assessment tools, and staff exploring alternatives (e.g., informal resolution, unit transfer, facility transfer) to administrative segregation prior to inmate placement.¹¹

¹⁰ The 2021 report also outlined that 84% of inmates were Indigenous, 63% were on remand, and 61% were affiliated with a gang.

¹¹ The Ministry of Corrections, Policing and Public Safety, *Administrative Segregation Annual Report, 2020*, p. 5.

As shown in **Figure 7**, there were two placements over 30 days in 2021 (36 days and 43 days). Since this is a significant amount of time for inmates placed on administrative segregation, the report to senior management should detail the specific number of days for each inmate as these are the inmates the Ministry should be most concerned about.

Figure 7—Number of Inmate Placements on Administrative Segregation

Consecutive Length of Stay	2021		2020		2019	
	Number of Placements	% of Placements	Number of Placements	% of Placements	Number of Placements	% of Placements
1–5 Days	16	30%	29	39%	124	50%
6–10 Days	12	22%	30	40%	60	24%
11–15 Days	13	24%	6	8%	36	14%
16–30 Days	11	20%	5	7%	18	8%
31+ Days	2	4%	5	7%	9	4%
Total	54	100%	75	100%	247	100%

Source: Adapted from the Ministry of Corrections, Policing and Public Safety, *Administrative Segregation Annual Report, 2021*, p. 8.

As noted in **Section 4.1**, the Ministry revised its Administrative Segregation Policy in August 2022. It states inmates are not to be placed on administrative segregation status for longer than 15 consecutive calendar days and they 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. Future administrative segregation annual reports should include the results of this new requirement and detail reasons if the requirement is not met. In 2021, there would have been 13 placements over the new 15-day maximum requirement.

The Ministry also reports the reasons why inmates are placed on administrative segregation. As shown in **Figure 8**, violent or aggressive behaviour continues to be the most common reason for placing inmates on administrative segregation.

Figure 8—Reasons for Inmate Placement on Administrative Segregation

Reason for Placement	2021		2020		2019	
	Number of Placements	% of Placements	Number of Placements	% of Placements	Number of Placements	% of Placements
Violent or Aggressive Behaviour	28	52%	32	43%	93	38%
Own Safety (Inmate Decision)	14	26%	11	15%	43	17%
Disruptive or Non-Compliant Behaviour	2	4%	9	12%	14	6%
Incompatible (Gang)	2	4%	6	7%	28	11%
Own Safety (Centre Decision)	1	1%	12	16%	24	10%
Other	7	13%	5	7%	45	18%
Total	54	100%	75	100%	247	100%

Source: Adapted from the Ministry of Corrections, Policing and Public Safety, *Administrative Segregation Annual Report, 2021*, p. 8.

We found the Ministry included explanations for these results. For example, it noted violent or aggressive behaviour increased modestly over the last year, but the seriousness of the behaviour (e.g., unprovoked serious assaults on staff and inmates, instances of assault



with weapons) increased. It also noted the majority of inmates placed on administrative segregation for this reason are gang-related.

The reports also include results from the quality assurance reviews (i.e., monitoring compliance with the administrative segregation policy requirements), with a comparison to the results from the two previous years. We found the results similar to our findings. For example, the report notes 90% of the initial placement reviews were completed. During our testing, we found 85% were completed. However, the report does not indicate whether reviews were conducted late or documented properly. This would be key information for the Ministry to also monitor.

Overall, we think the Ministry could enhance its written reports to senior management by including:

- Detailed information on the number of inmates placed on administrative segregation for more than 15 days
- Analysis of the required reviews and quality assurance results (e.g., whether correctional centre staff properly complete reviews on time)
- Reporting and analysis of inmate appeals as recommended by good practice

Having more information and analysis on its administrative segregation processes would help senior management identify issues with the use of administrative segregation that need to be addressed.

6. We recommend the Ministry of Corrections, Policing and Public Safety enhance its written reports to senior management about the use of administrative segregation in its adult secure-custody correctional centres.

4.10 Public Reporting on the Use of Administrative Segregation Not Occurring

The Ministry of Corrections, Policing and Public Safety does not report information about the use of administrative segregation to the public.

We found other jurisdictions publicly report some information on administrative segregation on their government websites. For example, both Yukon and Ontario include the number of placements on administrative segregation, the length of stay, and some demographic information about the inmates.

Publicly reporting information about the use of administrative segregation would help the Ministry demonstrate its commitment to reducing the over-use of segregation, enhance accountability, and encourage oversight.

7. We recommend the Ministry of Corrections, Policing and Public Safety publicly report key information about the use of administrative segregation.

5.0 SELECTED REFERENCES

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