

FOR IMMEDIATE RELEASE

Systemic Settlement Agreement between Yukon Human Rights Commission and Government of Yukon, Department of Justice, Whitehorse Correctional Centre

July 24, 2018

A systemic settlement agreement has been reached regarding a consolidated group of four human rights complaints filed in 2014, in relation to the use of segregation for prisoners with mental disability as well as for Indigenous prisoners within the Yukon correctional system. The systemic settlement agreement is between the Yukon Human Rights Commission (the “Commission”) and the Government of Yukon, Whitehorse Correctional Centre (WCC), as well as the individual complainants who are not named in the public release of the systemic settlement agreement.

Allan Lucier, Assistant Deputy Minister, Community Justice and Public Safety with the Government of Yukon, says, *“The Department of Justice is pleased to reach this settlement agreement with the Yukon Human Rights Commission and is fully committed to working together to implement its terms. This settlement is a strong signal of our ongoing efforts and intent to improve how we provide mental health care services and manage those in custody at the Whitehorse Correctional Centre.”*

Jessica Lott Thompson, Director of the Yukon Human Rights Commission, says, *“As stated in the systemic settlement agreement, the Commission maintains the position that the use of segregation and separate confinement has particularly harmful effects on Human Rights Act protected groups, including Indigenous prisoners and prisoners with mental illness, and that the use of this practice should ultimately be ended. However, this settlement is a positive step towards improving the lives of prisoners and addressing areas of systemic concern in our correctional system here in Yukon. We look forward to monitoring and supporting the efforts by the Department of Justice to fulfill the commitments set out in this agreement.”*

The systemic settlement agreement outlines the following:

- Improvements to mental health care for inmates at Whitehorse Correctional Centre through **creation of a Forensic Mental Health Unit, led by a PhD clinical psychologist** who will be integrated into the senior management at WCC, and with a team staffed with qualified mental health professionals whose primary mandate is the provision of mental health care services to inmates.
- **The Forensic Mental Health Unit will review and make recommendations regarding:**

- **use of Secure Supervision Placement (SSP) for inmates with mental health issues or mental illness** with a view to identifying and minimizing differential impact on those inmates;
- improvements to **mental health screening tools**;
- improvements to **case planning and case management** for inmates with mental health issues or mental illness;
- training for staff and management about mental health issues in corrections.
- **Increased documentation and record-keeping of mental health care practices.**
- A commitment from Whitehorse Correctional Centre to seek recommendations regarding **consideration of “Indigenous Social History” (ie. Gladue factors) into policy and planning at WCC**, including use of pre-existing Gladue reports.
- **Significant policy improvements to policies regarding placement of inmates in segregation**, including:
 - Consultation with Mental Health Team Leader about **therapeutic alternatives to disciplinary segregation and about all inmates with mental health issues or mental illness**
 - **Documentation** of stated current practice that, if an inmate has been charged with a breach of the rules, that **inmate will not be placed in segregation pending a disciplinary hearing unless all possible alternatives to segregation have been explored, exhausted and rejected because they would cause undue hardship**, including but not limited to reasons related to security and/or health and safety concerns
 - Within 12 months, **establish an “Alternative Measures Panel” which will help identify alternatives to segregation and options at disciplinary hearings**
 - While recognizing that the adjudicators for disciplinary hearings within WCC are independent, Whitehorse Correctional Centre will bring to their attention the Commission’s view that inmates should be able to be assisted or represented by lawyers, or non-lawyer representatives like court-workers, for disciplinary hearings and that **WCC will make any policy or operational changes necessary to facilitate the access and presence of advocates at disciplinary hearings**
- For inmates with mental health issues or mental illness, **WCC will document and provide an opportunity for the inmate or their representative to respond** to decisions about segregation including in situations of self-harm or elevated risk of suicide. WCC will continue its stated practice to **explore and exhaust all possible therapeutic and other alternatives** to separate confinement in consultation with the mental health team leader and will document those efforts.
- **Ongoing Human Rights training for all staff** and all new staff at WCC as part of orientation.
- **Human Rights training for management at WCC**, and development of “train the trainer” capacity for staff and management.

For further information please contact:

Lauren Passmore

Public Education Coordinator, Yukon Human Rights Commission

Phone: 867-667-6226

lauren.passmore@yukonhumanrights.ca

Catherine Young

Communications Analyst, Department of Justice

Phone: (867)667-8050

email: catherine.young@gov.yk.ca