Minister's Office
PO Box 2703, Whitehorse, Yukon Y1A 2C6

August 7, 2026

The Honourable Yvonne Clarke
Speaker of the Yukon Legislative Assembly
Whitehorse, Yukon

Dear Ms. Clarke,

Subject: Section 19.09 Review – *Corrections Act, 2009*

I am pleased to submit, for tabling in the Yukon Legislative Assembly, the enclosed report entitled: Government of Yukon: Review under s. 19.09 of the *Corrections Act, 2009* – Key Findings Report (June 2026).

This report fulfills the requirement under section 19.09 (2) of the *Corrections Act, 2009*.

The review, conducted with the support of Rumsey Consulting, examines how the legislative amendments introduced in 2019 and brought into force in 2020 are functioning in practice at the Whitehorse Correctional Centre.

The report outlines key findings and will inform the Government of Yukon's ongoing efforts to ensure correctional practices are safe, effective, and consistent with legislative and policy objectives.

Sincerely,

Hon. Laura Lang

Government of Yukon
Minister of Justice and Attorney General
Minister responsible for the French Language Services Directorate
Minister responsible for the Women and Gender Equity Directorate
Minister responsible for the Workers' Safety and Compensation Board

Attachments:

- Minister of Justice Report to the Yukon Legislative Assembly
- Review under s. 19.09 of the Corrections Act, 2009 – Key Findings Report (June 2026)

Yukon

Minister of Justice Report to the Yukon Legislative Assembly

Review under Section 19.09 of the *Correction Act, 2009*

June 2026

1. Purpose

This report is submitted in accordance with section 19.09(2) of the *Corrections Act, 2009*, which requires the Minister of Justice to submit a report to the Legislative Assembly within one year of the commencement of a review of provisions relating to segregation and restrictive confinement.

The attached report, "Government of Yukon: Review under s. 19.09 of the *Corrections Act, 2009* – Key Findings Report (June 2026)," presents the results of that review.

2. Purpose

In 2019, the Yukon Legislative Assembly passed amendments to the *Corrections Act, 2009* that significantly restructured the legislative framework governing segregation and restrictive confinement. These amendments came into force on June 19, 2020.

Some of the key changes introduced include:

- Statutory definitions, including a new condition of confinement, restrictive confinement (18–22 hours), and defined both restrictive confinement and segregation (22+ hours);
- Legislated time limits on segregation;
- Prohibitions on segregation for vulnerable individuals;
- Enhanced review and oversight mechanisms, including independent adjudicators; and
- Increased documentation and accountability requirements.

Section 19.09 requires that these provisions be comprehensively reviewed within five years of coming into force to assess how they are functioning in practice.

3. Review Process

The Department of Justice engaged Rumsey Consulting to conduct a research project to support this review. The review was designed as a fact-finding exercise to examine:

- how confinement practices have changed following the amendments;
- how the legislative framework is being implemented operationally; and
- the impacts on individuals in custody, staff, and institutional practices.

5. Ministerial Observations

The findings indicate that the 2019 amendments have achieved their primary objective of reducing reliance on segregation and strengthening safeguards, oversight, and accountability within Yukon's correctional system.

The framework reflects evolving standards in correctional practice, including a shift toward least restrictive measures and greater attention to inmate health and well-being.

At the same time, the review highlights the importance of ongoing efforts to support implementation, including ensuring clarity in operational application, supporting staff with training and resources, and strengthening data collection and monitoring.

6. Next Steps

The Department of Justice will review the findings in detail and consider opportunities to strengthen the framework and its implementation. This may include:

- reviewing operational policies and manuals;
- enhancing training and supports for staff;
- improving data collection and monitoring systems; and
- assessing whether any regulatory or policy adjustments are required.

7. Conclusion

The Government of Yukon remains committed to ensuring that correctional practices are safe, effective, and consistent with legislative requirements and evolving standards.

Respectfully submitted,

Laura Lang
Minister of Justice and Attorney General

Attachment: Government of Yukon: Review under s. 19.09 of the *Corrections Act, 2009* – Key Findings Report (June 2026).

The methodology included:

- a jurisdictional scan comparing Yukon with other Canadian jurisdictions;
- a review of policies, procedures, and administrative data from 2013 to 2025; and
- interviews with 25 participants, including correctional staff, individuals in custody, and oversight representatives.

4. Key Findings

The review found that the legislative amendments have resulted in a significant shift in confinement practices at the Whitehorse Correctional Centre.

Notable findings include:

- A substantial reduction in the use of segregation, with only 14 segregation placements recorded between 2022 and 2025.
- A broader decline in overall confinement placements, decreasing from approximately 124 annually pre-2020 to approximately 68 annually post-implementation.
- A shift toward disciplinary confinement as the primary form of confinement, reflecting clearer distinctions between disciplinary and non-disciplinary use.
- Improved continuity of conditions for inmates, including the ability to serve disciplinary dispositions within existing living units, supporting access to programming and reducing isolation.
- Stronger health oversight and interdisciplinary approaches, including the role of Health Services Unit and Interdisciplinary Care Teams.

The review also identified operational considerations:

- Increased administrative and documentation requirements for staff.
- Greater complexity in applying legislative definitions and thresholds in practice.
- Resource pressures affecting implementation.
- Limited use to date of external review mechanisms, reflecting both reduced reliance on segregation and limited exposure to threshold-triggered reviews.

Memorandum

Date: July 24, 2026

To: Laura Lang
Minister of Justice and Attorney General

From: Jeff Simons
A/Deputy Minister

Subject: **Section 19.09 Review – *Corrections Act, 2009***

I am pleased to provide you with the attached report entitled: "Government of Yukon: Review under s. 19.09 of the *Corrections Act, 2009* – Key Findings Report (June 2026)," prepared by Rumsey Consulting.

This report fulfills the requirement under section 19.09 of the *Corrections Act, 2009*, which requires the Minister to cause there to be a comprehensive review of provisions relating to segregation and restrictive confinement within five years of their coming into force, and to submit a report to the Legislative Assembly within one year of the review's commencement.

The review examines the implementation and operation of the 2019 legislative amendments, which came into force in 2020. The findings indicate that the legislative changes have resulted in a measurable shift in confinement practices, including a reduction in the use of segregation and alignment with modern correctional approaches emphasizing least restrictive measures, independent oversight, and protections for vulnerable individuals. At the same time, the report identifies operational challenges related to implementation, including increased administrative requirements, complexity in applying the framework in practice, and ongoing pressures related to resources and institutional capacity.

The Department is reviewing the findings and considering opportunities to strengthen implementation through operational and regulatory adjustments.

I recommend that you approve the tabling of this report in the Yukon Legislative Assembly in fulfillment of the statutory requirement under section 19.09(2) of the Act.

Please let me know if you have any questions or require any additional information.

Yours truly,

Jeff Simons

Government of Yukon

Review under s. 19.09 of the Corrections Act, 2009

Key Findings Report

June 2026

Prepared By:

RUMSEY CONSULTING

Natasha Rumsey, Principal, Rumsey Consulting.
101-429 Vancouver St, Victoria, B.C.
T: 867-335-4409
E: natasha@rumseyconsulting.com
W: rumseyconsulting.com

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1 EXECUTIVE SUMMARY

The Government of Yukon, Department of Justice, engaged Rumsey Consulting to carry out a research project to understand how changes to confinement practices at the Whitehorse Correctional Centre (WCC) are working in practice following the 2019 legislative changes to the *Corrections Act, 2009*, which came into force in 2020. This work was undertaken in accordance with section 19.09 of the Act, which requires a review of these provisions following implementation.

The amendments were designed to shift how confinement is used in Yukon corrections, from a broadly applied management tool to a more restricted measure with stronger safeguards for inmates. These changes were introduced during a time when the use of segregation was being examined across Canada due to concerns about its impacts on mental health and human rights among inmates. The legislative changes to the Act introduced a new framework for how confinement is defined and managed at the WCC. The key legislative changes are summarized below:

- **Clear Definitions of Confinement:** Introduced a new condition of confinement, *restrictive confinement (18–22 hours)*, and defined both restrictive confinement and segregation (22+ hours) as a limit of association with others, rather than physical location, including identifying processes for use, whether it is non-disciplinary and disciplinary, both of which have very distinct processes.
- **Legislated Time Limits:** Established firm caps on segregation, including 15 consecutive days and 60 days within a 12-month period.
- **Protections for Vulnerable Individuals:** Prohibited the use of segregation for individuals with specified vulnerabilities (e.g., certain mental health conditions, pregnancy/postpartum).
- **Structured Review Processes:** Implemented mandatory review processes for non-disciplinary segregation, and non-disciplinary restrictive confinement, including independent oversight.
- **Enhanced Oversight for Extended Confinement:** Introduced additional review mechanisms (e.g., review panels) as individuals approach cumulative non-disciplinary confinement limits.
- **Increased Documentation and Transparency:** Mandated detailed record-keeping, including rationale, alternatives considered, and daily monitoring of individuals.
- **Defined Limits on Disciplinary Use:** Formalized maximum durations and decision-making requirements for disciplinary segregation and restrictive confinement.

Purpose and Methodology

This project was designed as a fact-finding exercise to understand what has changed, what is working, and where challenges may remain operationally following the amendments. The research combined multiple lines of evidence, including:

- A jurisdictional scan to compare the Yukon's approach with other Canadian jurisdictions and identify key similarities and differences
- A background document review of WCC policies and procedures and analysis of available data on segregation and confinement from 2013 to 2025
- Interviews with 25 participants, including WCC front-line staff and leadership, individuals in custody, and other oversight representatives.

Key Findings

The review found that Yukon's current framework incorporates several safeguards that reflect leading practices relative to comparator jurisdictions, including legislated time limits, independent review mechanisms, and enhanced protections for vulnerable individuals. Most notably, the review found that the 2019 legislative amendments that came into force in 2020 have had an impact on confinement practices at the WCC. The available data demonstrates a significant shift in the purpose and use of confinement following the changes. Prior to 2020, confinement practices were primarily non-disciplinary in nature, with approximately 83% of all confinement placements occurring for safety, security, behavioural management, or operational reasons rather than as disciplinary sanctions. Following the changes, the primary confinement mechanism used at the WCC and is now mostly disciplinary in nature, accounting for approximately 78%[1] of all confinement events recorded between 2022 and 2025.

Since the implementation of the amendments, recorded overall confinement placements between 2022 and 2025 (both disciplinary and non-disciplinary) declined from an average of approximately 124 placements annually to approximately 68 placements. The use of segregation has also declined substantially. Between 2022 and 2025, only 14 segregation placements were recorded in total, representing an average of 3.5 placements per year almost eliminating the use of segregation as a confinement practice.

The review also identified several positive outcomes for individuals in custody. Following the amendments, inmates are able to serve disciplinary dispositions within their existing living units, rather than being removed to separate segregation environments while serving their confinement period. This approach allows for greater continuity with peers and access to personal belongings, removing some of the negative impacts associated with ongoing isolation. Participants engaged throughout the review also consistently identified the Health Services Unit and Interdisciplinary Care Teams (IDCT) as key strengths of the current framework. Enhanced health oversight, regular assessments, and collaborative decision-making were viewed as important safeguards that support more informed confinement decisions and help ensure that inmates with complex mental health and behavioural needs are getting the support they need.

[1] Calculated as 212 Disciplinary Restrictive Confinement (DRC) events divided by 271 total confinement events recorded between 2022 and 2025 (212 ÷ 271 = 78.2%). Total confinement events included Disciplinary Restrictive Confinement (n=212), Non-Disciplinary Restrictive Confinement (n=45), Disciplinary Segregation (n=11), and Non-Disciplinary Segregation (n=3).

At the same time, the review found that these benefits are accompanied by increased operational complexity. Staff described the current framework as significantly more administrative, with extensive documentation requirements, additional review processes, and increased demands related to monitoring, tracking, and documenting inmate movement and out-of-cell time. Participants noted that operational staff must now balance the new legislative requirements with institutional safety and security, often within a resource-constrained environment.

The review further found that applying the legislative framework in practice can be challenging. Participants generally demonstrated a strong understanding of the intent of the changes in order to reduce the use of prolonged isolation and shift confinement practices toward a more rights-based and health-informed approach; however, staff noted that the framework introduced new definitions, thresholds, safeguards, and oversight requirements that continue to require interpretation and adaptation in complex operational circumstances.

Finally, the review found that the circumstances that would trigger external review mechanisms established under the amendments have arisen very infrequently. Since implementation and at the time of this review, there has been one external review hearing related to non-disciplinary segregation. It did not proceed to a formal decision. As a result, the external review process has not yet been used frequently in practice. From a practical standpoint, this is a limited sample from which to assess the effectiveness of the external review process.

2 INTRODUCTION

2.1 Project Overview

The Government of Yukon, Department of Justice, engaged Rumsey Consulting to conduct field work and academic research to support the comprehensive review required under section 19.09 of the *Corrections Act, 2009* (the "Research Project"). In 2019, the Yukon Legislative Assembly introduced amendments to the Act that significantly restructured the territorial framework[2] governing segregation and restrictive confinement within Yukon correctional facilities. These amendments came into force in 2020 and introduced several key safeguards related to the use, oversight, and review of confinement practices. Section 19.09 of the Act requires that these provisions be reviewed to assess how they are functioning in practice following implementation.

The Research Project is intended to examine the implementation and impact of these changes within the Whitehorse Correctional Centre (WCC). The project includes several interconnected components designed to provide an understanding of the current framework. These include a review and analysis of WCC policies and operational procedures, examination of administrative data related to the use of confinement measures, and engagement with correctional staff, independent adjudicators, and current inmates at the WCC.

Project Objectives

The core objectives of the project are:

- To assess how segregation and restrictive confinement provisions are being implemented in practice since the legislative amendments came into force in 2020.
- To identify challenges, risks, and system-level enablers that may impact implementation.
- To gather qualitative and quantitative data from diverse sources.
- To develop a public-facing report with key insights and key findings.

2.2 Background

2.1 Legislative Context

In 2019, the Yukon Legislative Assembly introduced amendments to the *Corrections Act, 2009* that significantly restructured the territorial framework governing segregation.[3]

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[2] For the purposes of this report, the term "framework" refers to the legislative and regulatory provisions governing segregation and restrictive confinement, including the *Corrections Act, 2009* and the *Corrections Regulation*, as amended in 2019 and brought into force in 2020.

[3] Yukon Legislative Assembly, *Bill No. 6: Act to Amend the Corrections Act, 2009* (2019).

The amendments were introduced within a broader national and international context of increasing scrutiny regarding the use of segregation and solitary confinement, including evolving human rights standards, court decisions, and the United Nations Mandela Rules.

Legislative debate at the time reflected an effort to balance institutional safety and operational realities with increasing expectations related to inmate rights, mental health, accountability, and oversight. During debate on Bill No. 6, the Government of Yukon stated that the intent of the changes was not to abolish segregation entirely, but rather to ensure that it was used only as a last resort, subject to enhanced safeguards, external oversight, and least restrictive measures. While there was broad support for strengthening safeguards and oversight related to segregation, legislative debate also included discussion regarding potential implementation challenges with opposition members questioning how the amendments would affect staff safety, institutional security, and WCC's operational capacity, particularly given the introduction of new review processes, documentation requirements, and restrictions on the use of segregation as a management tool.

2.2.1 Application of Segregation and Restrictive Confinement

The Corrections Act, 2009 distinguishes between disciplinary and non-disciplinary segregation and restrictive confinement based on the purpose of the placement. Disciplinary segregation and restrictive confinement are imposed following a disciplinary hearing when an individual is found responsible for a disciplinary offence, such as violence, threats, possession of contraband, or behaviour that jeopardizes the safety, security, or orderly operation of the institution. Disciplinary placements are intended to serve as a sanction in response to misconduct.

In contrast, non-disciplinary segregation and restrictive confinement are not intended to be punitive. They may be used where separation is considered necessary for safety, security, protection, or behavioural stabilization. Examples may include situations where an individual presents a risk to themselves or others, or where separation is necessary to maintain institutional order and safety. Because these placements are not disciplinary in nature, the legislation provides additional safeguards, oversight, and review requirements to ensure confinement remains reasonable, necessary, and proportionate.

Under the current framework, segregation and restrictive confinement—whether imposed for disciplinary or non-disciplinary reasons— are defined by the limiting of association with others, rather than by the physical location, such as a dedicated unit. As a result, an individual may meet the threshold of segregation or restrictive confinement regardless of housing placement.

Disciplinary segregation and restrictive confinement may be imposed following a formal disciplinary process. Where an alleged disciplinary offence occurs, the matter is brought forward for a disciplinary hearing, presided over by an independent hearing adjudicator. The Investigations and Standards Office (ISO) provides oversight of disciplinary

segregation and restrictive confinement decisions and have prescribed authorities to overrule, confirm or order a new hearing, as examples.

Non-disciplinary segregation and restrictive confinement are subject to prescribed review timelines, ongoing monitoring, and documentation requirements. A key feature of the amended framework is the introduction of enhanced oversight mechanisms for non-disciplinary confinement placements. The Minister of Justice appoints individuals to the Review Panel, including appointment of a Chair, who provide oversight to non-disciplinary use. Under the framework, placements are subject to escalating levels of review. Where prescribed thresholds are reached, matters may be referred to the Chair, who is responsible for administering the independent review process, including appointing Review Adjudicators and convening review panels where required. Review Adjudicators conduct independent hearings and assess whether continued segregation remains reasonable and consistent with legislative requirements.

2.2.2 Segregation: Pre- and Post-2020

Pre-2020

Prior to the amendments, the segregation unit was typically used to house inmates pending disciplinary hearings, or as a result from a disciplinary hearing. The Segregation unit operated as a separate living environment where inmates were housed apart from the general population with limited association with others for extended periods. On the other hand, the Secure Housing Unit (SHU) or Secure Living Unit (SLU) was more commonly used for non-disciplinary purposes, including protective custody, safety, security, behavioural management, and operational concerns. The legislation at the time did not include the detailed statutory definitions, duration limits, vulnerability protections, or external oversight mechanisms that exist today.

Post-2020 (Current Framework)

Under the current framework, disciplinary segregation and restrictive confinement do not require placement in a dedicated segregation environment. Depending on the circumstances, inmates may remain within their existing living units while serving a disciplinary disposition, allowing them to maintain greater continuity of routine, access to personal belongings, services, programming, and opportunities for association with peers. However, in some cases, individuals may be relocated when safety or security, considerations require it. The changes move from a location-based definition of confinement to a more individualized approach to separation.

2.2.3 Key Changes in 2020

The 2019 amendments came into force in 2020 and introduced several key safeguards, including explicit definitions of segregation and restrictive confinement based on hours limiting association, limits on the duration of confinement, cumulative time limits,

enhanced review processes, and the creation of independent review adjudicators to provide oversight. Section 19.09 requires that these provisions be reviewed to assess how they are functioning in practice following implementation.

In the Yukon, segregation and restrictive confinement are governed by the *Corrections Act, 2009*, SY 2009, c 3, and the *Corrections Regulation*, OIC 2010/40, as amended by OIC 2020/096. The Act establishes a structured statutory framework distinguishing between "segregation" (22 hours or more per day when an inmates association with others is restricted) and "restrictive confinement" (at least 18 but less than 22 hours per day, when an inmates association with others is restricted).[4] The legislation also differentiates between disciplinary and non-disciplinary placements, with enhanced safeguards applying to non-disciplinary conditions of confinement (inclusive of both segregation and restrictive confinement).

The Act also requires that internal WCC decision-makers have reasonable grounds related to institutional safety or security and that less restrictive alternatives be considered before non-disciplinary placements. The 2019 amendments introduced firm time limits: segregation (disciplinary and non-disciplinary) may not exceed 15 consecutive days, and following a 15-day period, a break of at least five days must occur before segregation can resume. In addition, segregation may not exceed 60 days within a 365-day period unless authorized through prescribed review processes.[5]

A defining feature of Yukon's framework is the introduction of an independent review process for non-disciplinary segregation and restrictive confinement placements. Under the amended framework, Independent Review Adjudicators may be appointed to conduct hearings and reviews in accordance with the Act and Regulations where prescribed statutory thresholds and timelines are met. These adjudicators are independent from the Government of Yukon and are intended to provide external oversight and accountability.

The Act also includes categorical prohibitions on the use of segregation for certain vulnerable populations. An inmate must not be placed in segregation if they meet prescribed vulnerability criteria, including pregnancy, recent childbirth, active suicidal ideation or chronic self-harm, prescribed mental disorders or intellectual disabilities, medical observation requirements, or prescribed mobility impairments.[6]

While the Act establishes the core legal thresholds, time limits, and oversight mechanisms, Order in Council 2020/096 amended the *Corrections Regulations* to operationalize these changes in practice.[7] The Regulations establish detailed procedural requirements, including written reasons for placement, documentation that alternatives were considered, daily monitoring and recording of physical and mental condition, prescribed review timelines, and procedural requirements governing referrals

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[4] *Corrections Act, 2009*, SY 2009, c 10, as amended by *Act to Amend the Corrections Act, 2009*, SY 2019, c 10.
[5] Ibid.
[6] Ibid.
[7] *Corrections Regulations*, OIC 2020/096 (Yukon).

to and decisions of Independent Review Adjudicators. The Regulations also align operational safeguards with the statutory definitions of segregation and restrictive confinement.

The following table outlines the amendments to the *Corrections Act, 2009* introduced in 2019 and the corresponding regulatory provisions that came into force in 2020.

Reform Area	Description	Legislative Source
Definition of Confinement Thresholds	The framework distinguishes between segregation (22+ hours per day with limited association with others and restrictive confinement (18–22 hours per day). These thresholds determine which safeguards and review processes apply. The definitions are based on the degree of isolation rather than physical location; an individual may meet the definition even if they are not confined to a cell, such as when they are housed alone in a unit in circumstances where their association with other persons is significantly restricted.	*Corrections Act, 2009*; *Corrections Regulation*
Statutory Time Limits on Segregation	Segregation is limited to 15 consecutive days and 60 days within a 365-day period, whether disciplinary or non-disciplinary	*Corrections Act, 2009* s.19.02 & 19.03
Prohibitions for Vulnerable Individuals	Individuals with specified vulnerabilities (e.g., certain mental health conditions, pregnancy/postpartum) cannot be placed in segregation.	*Corrections Act, 2009* s.19.01; *Corrections Regulation* s.20
Structured Review Process (Non-Disciplinary Segregation)	Requires 24-hour preliminary review, followed by independent chair review and hearing if segregation continues.	*Corrections Regulation* ss.23–23.03
Extended Segregation Oversight	When segregation approaches the 60-day cumulative limit, a review panel assesses whether continued segregation is reasonable.	*Corrections Regulation* ss.23.04–23.05
Review Process for Restrictive Confinement	Mandatory internal review at 10 days and 20 days, with referral to the chair if confinement exceeds 21 consecutive days.	*Corrections Regulation* ss.23.06–23.10
Documentation and Transparency Requirements	Staff must document reasons, alternatives considered, daily observations, and options offered to the inmate to exit non-disciplinary segregation or restrictive confinement.	*Corrections Regulation* s.21
Limits on Disciplinary Segregation	Disciplinary penalties may include segregation and/or restrictive confinement up to 15 days, each respectively, with requirements for written decisions and penalty structure.	*Corrections Regulation* s.33

3 METHODOLOGY

The Research Project consisted of a mixed-methods approach to examine the changes on segregation and restrictive confinement at the WCC. The methodology included a policy and jurisdictional analysis, administrative data review, and qualitative insights from key stakeholders, described below.

1. Policy and Jurisdictional Scan

A policy and jurisdictional scan were conducted to establish relevant benchmarks and provide context for assessing the Yukon's context. This included a review of the *Corrections Act* and provisions and associated regulations, as well as internal WCC policies and procedures. The scan also considered oversight reports, comparator jurisdictions, Alberta, British Columbia, Manitoba, Northwest Territories, Nova Scotia, and Ontario, and international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules). This analysis was used to support the interpretation of findings and to identify areas of alignment or divergence between policy and practice. A comparator table of these jurisdictions is attached to this report as Appendix D.

2. Administrative Data Review

A structured review of available administrative and operational data from WCC on segregation and restrictive confinement from 2013 to 2025 was completed to examine patterns in the use of segregation over time. Data reviewed included placement frequency, duration, and available demographic and characteristics.

3. Key Informant Interviews

Qualitative data were collected through structured key informant interviews with **25** participants**.** Participants[8] included six individuals in custody, 16 WCC staff, including correctional officers, leadership and management, and Health Services staff, the Review Panel Chair, and two staff from the Investigation and Standards Office (ISO).

Interviews focused on how the legislative changes are applied in practice, factors influencing decision-making, oversight processes, and perceived impacts of conditions of confinement from an operational and inmates' perspective. Interviews followed a consistent format while allowing for discussion based on participant experience.

Participation was voluntary and individuals in custody who participated were compensated for their time with a $25 canteen credit. The full interview guide is included as an appendix to this report.

3.1 Research Questions

The following research questions helped to guide the project.

1. **How have policies and operational practices related to segregation and restrictive confinement evolved over time, and what measurable differences exist between the periods before and after the 2019 legislative amendments?**

[8] Attempts were made to interview the Independent Hearing Adjudicator; however, participation could not be secured during the evaluation period.

a. How have the frequency, duration, and patterns of use changed over time?
b. What changes have occurred in documentation, review processes, and oversight practices?
c. What measurable trends indicate meaningful shifts in how segregation and restrictive confinement are applied?

2. How are disciplinary and non-disciplinary forms of segregation and restrictive confinement being implemented in practice, and what measurable differences exist between the periods before and after the 2019 amendments?

a. Under what circumstances are disciplinary and non-disciplinary placements used, and how clearly are they distinguished in decision-making and documentation?
b. How consistently are review processes, safeguards, return to normal daily routine, and reintegration applied across both categories?
c. What operational factors influence the use, duration, and continuation of non-disciplinary placements?
d. How is the hearing adjudicator process working (as this is the only mechanism for disciplinary conditions of confinement to be imposed).

3. What are the impacts of segregation and restrictive confinement practices, including both disciplinary and non-disciplinary uses, on inmate safety, well-being, and operational outcomes?

a. What impacts do disciplinary and non-disciplinary uses of segregation and restrictive confinement have on inmate behaviour, safety, and repeat placements?
b. What impacts do these practices have on the well-being and dignity of individuals in custody, including access to supports?
c. What impacts do segregation and restrictive confinement practices have on staff safety, workload, and overall institutional stability?
d. What is the comparison between pre- and post-2019 amendments for answering the above?

3.2 Limitations

It is important to acknowledge several limitations related to administrative data quality, availability, and consistency when interpreting the findings of this review. Internal WCC administrative data provided as part of this review was limited in some areas and was often maintained manually through spreadsheets or tracking logs that varied in structure, terminology, and level of detail from year to year. In some instances, gaps in available data required manual cleaning, interpretation, and consolidation in order to support longitudinal analysis.

Publicly available segregation statistics from Yukon.ca were used to supplement the administrative gaps in the internal administrative data where information was incomplete or unavailable. However, some deviations and inconsistencies were identified between the publicly reported statistics and internal operational records, likely reflecting differences in reporting methodologies and data collection approaches. Where possible, the consulting team cross-referenced multiple data sources and supporting documentation to validate trends and support interpretation of findings.

While these limitations affect the precision and comparability of some historical data, the consulting team made reasonable efforts to reconcile and triangulate available information across sources to support an overall understanding of trends, operational practices, and implementation patterns related to segregation and restrictive confinement at WCC.

Given limitations in the availability, consistency, and completeness of administrative data, the review relied significantly on qualitative findings gathered through interviews, focus groups, and stakeholder engagement activities. As a result, many findings reflect the experiences, perceptions, and operational insights shared by participants, supplemented and triangulated where possible with available administrative records, document review, and publicly available corrections data. While this approach provided important contextual understanding of how the legislative changes are functioning in practice, findings should be interpreted within the context of the data limitations identified throughout the review.

It is important to note that the amendments came into effect during the COVID-19 pandemic. This review did not examine pandemic-related lockdowns and public health restrictions. However, we note that any facility lockdowns may have limited the need for administrative uses of segregation.

4 KEY FINDINGS

4.1 Yukon's Legislative Framework Reflects Several Leading Practices Relative to Comparator Jurisdictions

Key findings from the jurisdictional scan indicate that Yukon's current legislative framework governing segregation and restrictive confinement reflects broader shifts occurring across Canadian correctional systems in response to evolving human rights standards, legal decisions, and increased scrutiny regarding the use of isolation in custody settings. Across Canada, jurisdictions have increasingly moved toward frameworks intended to reduce reliance on prolonged segregation, strengthen oversight and accountability mechanisms, and introduce greater protections for individuals with mental health concerns and other vulnerabilities.

The scan found that Yukon's current legislative framework incorporates several safeguards that are not consistently embedded across comparator provincial and

territorial systems. These include explicit statutory definitions tied to hours of confinement, legislated limits on the duration of segregation, cumulative annual time limits, independent review mechanisms for certain placements, and specific restrictions related to vulnerable populations.

At the same time, the jurisdictional scan demonstrated that legislative reform alone does not eliminate the operational realities associated with confinement practices in correctional settings. Across the jurisdictions analyzes, oversight reports, policy reviews, and operational literature consistently identified similar implementation challenges, including balancing institutional safety with efforts to minimize isolation, managing individuals with complex behavioural and/or mental health needs, and operationalizing legislative safeguards within correctional environments.

The scan also highlighted that terminology, definitions, and operational approaches vary significantly across jurisdictions. While some provinces continue to use terms such as "administrative segregation," "disciplinary segregation," or "close confinement," others have shifted toward alternative terminology such as "structured intervention," "separate confinement," or "restrictive confinement." Despite these differences in language and legislative structure, the scan suggested that separation-based practices continue to exist operationally across Canadian correctional systems in various forms.

A comparative table from comparator jurisdictions is attached to this report as Appendix D.

4.2 Formal Segregation Has Declined and Confinement Practices Have Shifted

Figure 1 (below)[9] outlines the number and type of segregation, separate confinement, and restrictive confinement placements at WCC between 2014 and 2025, illustrating how confinement practices have changed following the 2019 legislative amendments.

Prior to the amendments, segregation and separate confinement were routinely used at the WCC and served as a common management tool for both disciplinary and non-disciplinary purposes. Between 2014 and 2019, WCC recorded 743 separate confinement placements, averaging approximately 124 placements per year. The majority of these placements (619 placements, or approximately 83%) were non-disciplinary in nature and were used for safety, security, behavioural management, and operational purposes.

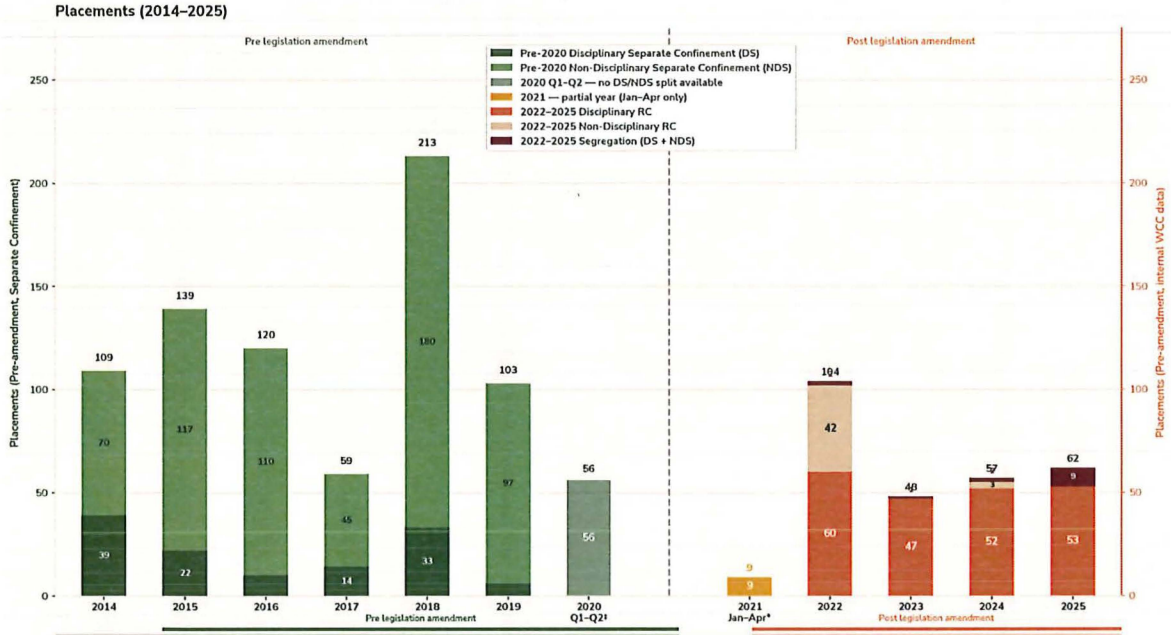
Following implementation of the amendments, segregation is rarely used. Between 2022 and 2025, only 14 segregation placements (12 disciplinary and three non-disciplinary) were recorded in total, representing an average of 3.5 placements per year. It is important to note that nine of the disciplinary segregation placements recorded in

[9] Prior to 2020, publicly available WCC data reported disciplinary and non-disciplinary separate confinement placements and did not distinguish between segregation and separate confinement.

2025 were connected to one incident. The available data also suggest an overall reduction in confinement practices, with recorded confinement placements, both disciplinary and non-disciplinary, declining to approximately 68 placements annually following implementation, representing an estimated reduction of 45%.

The findings indicate that confinement practices have been restructured under the new legislative framework. Restrictive confinement (disciplinary and non-disciplinary) has become the primary confinement mechanism used at the WCC, accounting for 271 placements between 2022 and 2025. At the same time, the use of non-disciplinary confinement has declined significantly, and now disciplinary accounts for approximately 78% of all confinement events, representing a significant shift from the previous model.

Figure 1: All Confinement Placements (2014-2025)



Pre legislation amendment

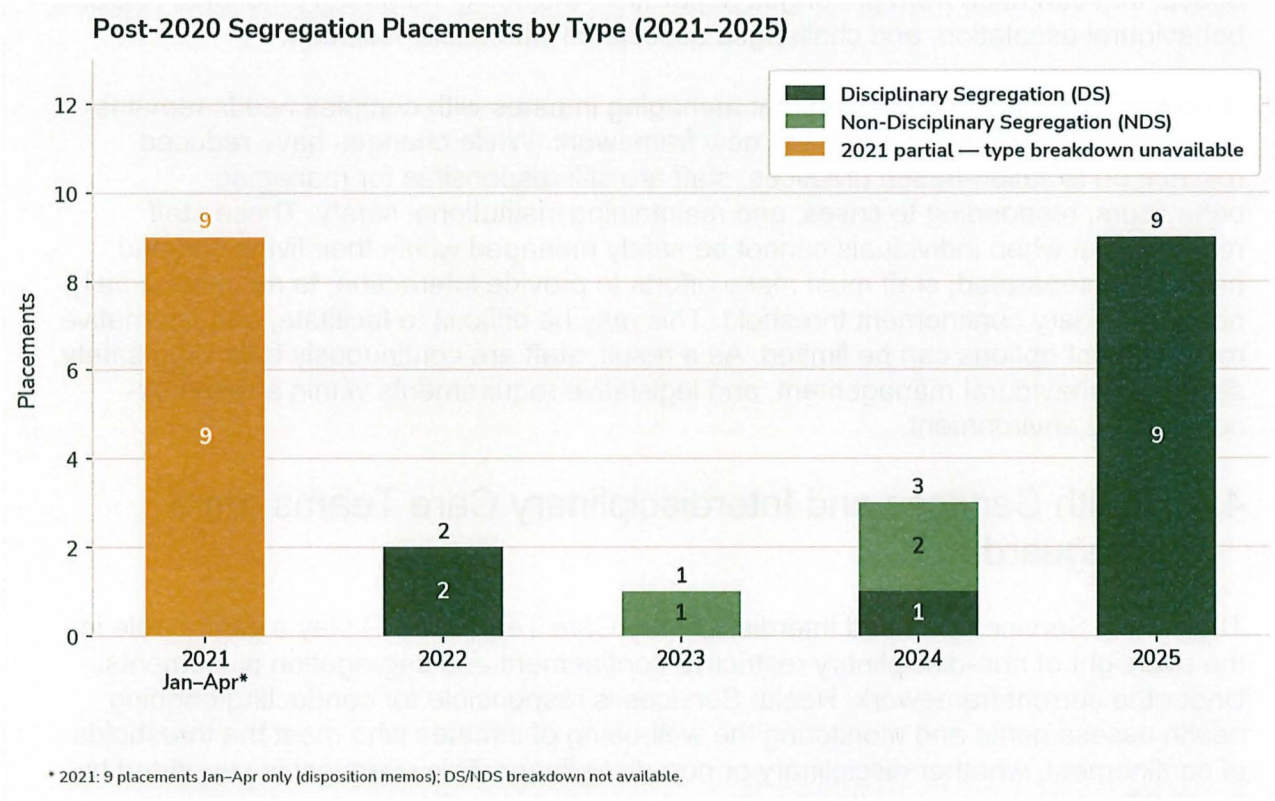
	2014	2015	2016	2017	2018	2019	2020 Q1–Q2
Disciplinary	39	22	10	14	33	6	—
Non-Disciplinary	70	117	110	45	180	97	—
Separate Confinement	—	—	—	—	—	—	—
Total	109	139	120	59	213	103	56*

Post legislation amendment

	2021 Jan–Apr	2022	2023	2024	2025
	9*	60	47	52	53
	—	42	0	3	0
	—	2	1	2	9
	9	104	48	57	62

† 2021: 9 placements Jan–Apr only (disposition manner); type breakdown unavailable.
‡ 2020: website total 56 covers Q1–Q2; DS/NDS split unavailable — shown unallocated.
Pre-2020 DS = Disciplinary Segregation; NDS = Non-Disciplinary Segregation. Post-2020 Disciplinary RC = Disciplinary Restrictive Confinement; Non-Disciplinary RC = Non-Disciplinary Restrictive Confinement; Segregation (DS + NDS) = legacy segregation placement types still recorded post-amendment.

Figure 2. Post-2020 Segregation Placements



4.3 There are Positive Benefits to Inmates, but at Operational Costs

Both WCC staff and inmates identified several positive changes resulting from the legislative amendments, particularly in relation to how inmates experience confinement. A key change is that inmates can now serve their disposition within their living units, rather than being removed to more isolating environments. This approach allows for greater continuity with peers and access to personal belongings. Compared to previous practices, this was seen as less disruptive and may help mitigate some of the adverse effects that can arise from prolonged separation, including increased emotional distress, behavioural escalation, and challenges associated with social isolation.

However, staff also emphasized that managing inmates with complex needs remains operationally challenging under the new framework. While changes have reduced reliance on isolation-based practices, staff are still responsible for managing behaviours, responding to crises, and maintaining institutional safety. These staff reported that when individuals cannot be safely managed within their living unit and have to be separated, staff must make efforts to provide interaction, to not meet a daily non-disciplinary confinement threshold. This may be difficult to facilitate, and alternative management options can be limited. As a result, staff are continuously balancing safety, security, behavioural management, and legislative requirements within a resource-constrained environment.

4.4 Health Services and Interdisciplinary Care Teams are a Safeguard

The Health Services Unit and Interdisciplinary Care Team (IDCT) play a central role in the oversight of non-disciplinary restrictive confinement and segregation placements. Under the current framework, Health Services is responsible for conducting ongoing health assessments and monitoring the well-being of inmates who meet the thresholds of confinement, whether disciplinary or non-disciplinary. This oversight is supported by the IDCT, which brings together health and operational staff to review placements, assess risks and needs, share information, and identify appropriate supports or interventions. The process is intended to provide additional safeguards for inmates, ensure confinement decisions are informed by both clinical and operational considerations, and support compliance with legislative requirements.

The Health Services Unit, particularly the role of the Manager, was consistently identified by both staff and inmates as a key strength within the new framework. These participants described how the Manager of Health Services, supported by the interdisciplinary IDCT, plays a critical role in ensuring that individuals placed in restrictive confinement or segregation are actively monitored. These participants reported that daily assessments help identify emerging health, mental health, and

behavioural concerns and provide ongoing oversight of confinement conditions. Noted deterioration would be communicated to the person in charge. These participants further noted that Health Services staff have access to broader clinical information than operational staff and can develop more comprehensive guidance on engagement strategies based on an individual's assessed needs and circumstances.

However, at the same time, WCC staff perceived that the introduction of IDCT meetings, while valuable, has added additional operational steps to the decision-making process that impedes rapid interventions to safely manage the institution. In practice, coordinating across multiple staff can create delays in reaching decisions related to placement, continuation, or release from confinement. For example, the IDCT team only meets on Tuesdays and Thursdays creating time delays for inmates once an incident has resolved if it happened on a weekend. This was described as a tension between the intent to support more informed, collaborative decision-making and the operational realities of a correctional environment where timeliness is also critical.

4.5 Operational Challenges in Applying the Legislative Framework

The review found that some legislative concepts and operational requirements introduced through the amendments continue to require interpretation and adaptation in practice. WCC staff generally demonstrated a strong understanding of the purpose and intent of the legislative changes, particularly the goal of reducing the use of prolonged isolation and strengthening safeguards for individuals in custody. However, several staff noted that applying the legislation in day-to-day operations can be complex, particularly in situations involving competing safety, security, health, and operational considerations.

Staff who worked at the WCC prior to 2020 described the amendments as introducing new processes, definitions, thresholds, and oversight requirements that represented a significant shift from previous practices. Several of these staff noted that the legislation was implemented relatively quickly and that there was limited time for comprehensive change management, training, and operational guidance during the transition period. As a result, some participants indicated that there are still nuances of the framework that continue to evolve through operational experience.

From the inmate perspective, understanding of the legislative changes was generally limited. Inmates engaged through this review had little awareness of how segregation had been redefined or replaced under the current framework, and many continued to use the term "segregation" to describe a range of separation or confinement practices.

4.6 The Changes Have Created Operational and Administrative Burdens

Staff consistently described the current framework as highly administrative. New documentation requirements, particularly the Daily Observation Reports (DORs) and Appendices, were identified as extremely time-consuming and were reported to reduce time available for direct engagement and observation with inmates. Additional requirements, such as tracking out-of-cell time to avoid non-disciplinary confinement thresholds, further contribute to administrative workload and limit capacity for dynamic supervision.

Many staff also described the electronic system used to manage DORs as inefficient, noting that records and logs must be entered manually through PDF-based forms rather than a centralized case management system. This process was reported to be cumbersome and time-intensive, with limited functionality for tracking or accessing information. Staff also indicated that the volume of required documentation can detract from situational awareness on the unit, with some noting that their attention is frequently focused on completing paperwork at a computer, creating a risk that inmate escalation or emerging incidents may be missed.

It was acknowledged that the implementation of a case management system is in development; however, at the time of this review, the reliance on manual and fragmented processes continues to contribute significantly to operational burden.

4.7 Challenges Meeting Legislative Expectations for Inmate Interaction

The 2019 amendments placed greater emphasis on ensuring that inmates who are confined continue to have opportunities for association with others. The legislation assumes opportunities for association can be provided, but there are practical circumstances where that is difficult to achieve, creating operational challenges for staff.

Some staff highlighted that, as correctional officers, their primary role is supervision and to maintain the safety, security, and the orderly operation of the institution rather than provide ongoing one-on-one social interaction with inmates. Staff explained that inmates do not always wish to engage with correctional staff, given the inherently authoritative nature of the correctional environment, or participate in other available opportunities for interaction, particularly during periods of behavioural escalation. Staff also noted that facilitating access to alternative supports, such as First Nations Justice Workers or other service providers, can be resource intensive and those supports may not always be immediately available. In addition, staff described situations where an inmate's behaviour or safety considerations limited opportunities for association with others.

4.8 Challenges Operationalizing Segregation Prohibitions

A key feature of the amendments was the introduction of statutory prohibitions on the use of segregation for vulnerable individuals. Under the Act, an inmate must not be placed in segregation if they are pregnant, have recently given birth, are actively suicidal or engage in chronic self-harm, have a prescribed mental disorder or intellectual disability, require medical observation, or have a prescribed mobility impairment.

Staff reported that the application of a segregation prohibition relating to a prescribed mental health condition can pose operational challenges, as these individuals may also exhibit behaviours that pose significant safety or security concerns in a correctional setting.

4.9 Perceived Safety and Institutional Capacity

Since the amendments, staff who had experience working at the WCC prior to 2020 reported a perceived increase in incidents involving both staff and inmates, including inmate-on-inmate and inmate-on-staff violence, which some staff attributed to how segregation and separate confinement could previously be used more readily to separate inmates from the general population for behavioural management or operational reasons with fewer statutory restrictions, oversight requirements, and procedural safeguards.

As a result, these staff described a perceived reduced sense of safety within the institution. These findings reflect staff perceptions and lived experience; however, it should be noted that no administrative data on incident rates or institutional violence was available for this review. As such, these observations cannot be validated against quantitative trends and should be interpreted as qualitative insights rather than confirmed changes in incident frequency.

4.10 Reduced Effectiveness of Confinement as A Deterrent Within a More Complex Institutional Environment

Several staff consistently reported that under the new framework segregation and restrictive confinement are no longer perceived by inmates as meaningful deterrents, limiting their effectiveness as behaviour management tools. Under the previous legislation, segregation and separate confinement was described as a more immediate and decisive mechanism to manage risk and stabilize the institutional environment. It was seen as reinforcing behavioural boundaries and supporting overall facility safety by enabling timely intervention, de-escalation, and containment of incidents.

The current model, characterized by additional procedural requirements, and defined time limits for confinement where inmates can serve their sentences with their peers and in their living units, was described by staff as less impactful from a deterrence perspective. These staff noted that delays in decision-making processes also reduce

the immediacy and perceived consequence of confinement. As a result, individuals in custody may be less responsive to its use as a behavioural control measure.

It's important to note that this shift was described as occurring within a broader and compounding context of institutional change. The removal or restructuring of unit types (e.g., Protective Custody and General Population units), which pre-dated the legislative amendments in 2019, has resulted in increased mixing of populations and added complexity in managing inmate interactions. Staff feel that these structural changes have reduced their ability to effectively separate individuals and proactively manage risk.

4.11 Limited Use of the External Review Process Since Implementation

Despite the introduction of strengthened external oversight requirements under the legislative amendments, including mandatory independent review of non-disciplinary placements, in practice the circumstances that trigger these mechanisms have arisen very infrequently. Participants with direct knowledge and experience reported that since the legislative changes came into force, only one external review hearing, for non-disciplinary segregation, has been initiated at the time of this review.

The hearing did not proceed to a formal review or decision because the individual's status changed from non-disciplinary segregation to disciplinary segregation during the process, resulting in the external review no longer being required.

These participants noted several considerations related to the implementation of the process. For example, legislative timelines for initiating and conducting hearings were described as highly prescriptive. For example, review hearings must generally be initiated within 24 hours, disclosure provided within 72 hours, and hearings held within five days of the referral. Participants noted that these timelines may present practical challenges given the coordination required between adjudicators, panel members, corrections staff, legal services, and specialized professionals, including health and mental health practitioners.

These participants also identified opportunities to strengthen system readiness through training, guidance, and experience with the process. Given the limited number of referrals to date, there has been little opportunity for adjudicators, corrections staff, and other participants to develop familiarity with the requirements and procedural expectations associated with external review hearings.

5 CONCLUSION

The review found that the 2019 legislative amendments to the *Corrections Act, 2009*, which came into force in 2020, have fundamentally changed how confinement is used at the WCC. It can be concluded that these changes have reduced reliance on formal

segregation and have introduced stronger safeguards, oversight mechanisms, and protections for individuals in custody.

Prior to 2020, confinement practices were primarily non-disciplinary in nature, accounting for approximately 83% of all recorded placements between 2014 and 2019. Following implementation, overall confinement places declined substantially (45%), and restrictive confinement became the primary confinement mechanism used at the WCC, with approximately 78% of confinement events occurring for disciplinary purposes.

The findings also suggest that the amendments have resulted in a correctional environment that is more structured, health-informed, and focused on limiting the use of isolation. Enhanced involvement of Health Services and the IDCT, increased oversight requirements, and greater opportunities for individuals to remain connected to supports, services, and peers were consistently identified as positive outcomes.

At the same time, the review found that these changes have created operational complexity elsewhere within the system. Staff described increased administrative requirements, operational pressures, and challenges balancing legislative expectations with the realities of managing a correctional environment.

6 APPENDICES

6.1 APPENDIX A: KEY INFORMANT INTERVIEW GUIDE – WCC STAFF

Pre-Amble

Thank you for taking the time to speak with us today. This interview is part of a broader research project led by Rumsey Consulting on behalf of the Government of Yukon, Department of Justice. The purpose of this review is to examine how segregation and restrictive confinement practices are operationalized in practice, including differences before the 2019 legislative amendments.

Your insights as a staff member at the Whitehorse Correctional Centre (WCC) are extremely valuable. We are interested in understanding the operational realities, the impacts of these changes. There are no right or wrong answers, and our goal is to learn from your experience and perspective.

Participation in this interview is voluntary. Everything you share will be kept confidential and reported in anonymized and aggregated form. Your name, role, or identifying details will not be included in the final report. Non-identifying themes or quotes may be used to illustrate findings.

Do you have any questions before we begin?

Questions

1. Can you briefly describe your role at WCC and how it relates to decisions or processes involving segregation or restrictive confinement?
    - *Prompt: length of time in role; level of involvement in decision-making or reviews.*

2. How do you understand the purpose and intent of the 2019 amendments to the *Corrections Act and Regulation* related to segregation and restrictive confinement?
    - *Prompt: clarity of expectations; how the legislation has changed practice (if at all).*

3. In what situations is segregation and restrictive confinement most commonly used at WCC, and what is the process for those decisions?
    - *Prompt: safety, behaviour, staffing, infrastructure; use of alternatives.*

4. How are placements in segregation and restrictive confinement reviewed and monitored in practice and over time?

- *Prompt: timeliness, documentation, consistency, what works well vs. challenges.*

5. If applicable to you, what noticeable operational shifts, challenges, or successes have you observed since the 2019 amendments?
    - *Prompt: Changes in frequency or duration of placements, Changes in documentation or review expectations, differences in oversight or decision-making processes, shifts in use of disciplinary vs non-disciplinary placements, changes in staffing pressures or operational realities, or any unintended consequences or unexpected impacts – behavioural management, morale for abiding by rules?*

6. What internal operational, staffing, policy, training, or resource factors influence how consistently the amended provisions are applied in practice?
    - *Prompt: staffing, training, access to supports, physical space, workload pressures.*

7. From your perspective, what impacts does segregation and restrictive confinement have on individuals in custody?
    - From your perspective what impact does restrictive confinement and segregation have on staff (i.e. Your ability to safety provide supervision to individuals, etc.)?
    - *Prompt: well-being, safety, workload, morale, relationships.*

8. What changes would most strengthen the use of conditions of confinement and support safer, more effective practice moving forward?
    - *Prompt: policy clarity, training, alternatives, review processes, supports.*

6.2 APPENDIX B: INTERVIEW GUIDE - INDIVIDUALS IN CUSTODY

Pre-Amble

Thank you for meeting with me today. The Government of Yukon is conducting a review of how segregation and restrictive confinement are used at the Whitehorse Correctional Centre, and I am here today because I am interested in understanding people's experiences and perspectives at the WCC.

Your participation is completely voluntary. Choosing to participate or not participate will not affect any privileges or treatment in any way. You may choose not to answer any question, and you may stop the interview at any time.

Some of the questions I will ask relate to experiences that may have been difficult or stressful at WCC. You are only expected to share what you are comfortable sharing. If at any point you feel uncomfortable or would like to take a break, we can pause or stop the meeting right away. Your well-being is more important than completing the interview.

Everything you share will be kept confidential. Your name will not appear in any reports or documents, and information will be combined with others so that no individual can be identified.

I am not part of WCC staff, and I do not make decisions about placements. I am simply here to listen and learn from your experience.

Do you have any questions about the purpose of the interview or the nature of the project?

Do I have your consent to begin?

Questions

1. Have you ever been incarcerated prior to 2020, and if so, were you ever placed in the segregation unit or the secure living unit?
    a. If so, what was your experience like?
    b. Did you have placement reviews?

2. During your incarceration period currently, have you ever been placed in segregation or restrictive confinement while at WCC?(If yes, continue with follow-up questions below.)

    a. Has a Hearing Adjudicator ever imposed disciplinary segregation or restrictive confinement as a result of a hearing?

- If yes:
  - Do you recall what the hearing was about?
  - How was the decision explained to you?
  - Did you understand why the placement was imposed?

b. Aside from a decision made by a Hearing Adjudicator, have you ever been placed in segregation or restrictive confinement for non-disciplinary reasons?
   - If yes:
     - What were you told about why you were being placed there?
     - What is your understanding of the reason for that placement?
     - Did you feel the rationale was clear to you at the time?

3. Have you ever been placed in a situation where you were separated from the general population and spent most of your time alone in your cell (for example, segregation, confinement, or a lockdown)?
   a. If yes, can you describe what your daily routine was like during that time? (Prompt: time out of cell, meals, showers, recreation, contact with others)
   b. What access did you have to programs, services, or supports while you were there?
      (Prompt: visits, phone calls, health care, mental health supports, cultural supports, programming)
   c. Were you told whether the placement was for disciplinary reasons (as a consequence) or for safety/management reasons?
   d. Did your access to routine or programs differ depending on the reason for placement?

4. Did you have regular reviews or updates about your placement?
   a. Were you able to share your perspective during those reviews?

      - If the placement followed a disciplinary hearing:
        - Did you feel you had a chance to share your perspective during the hearing?
        - Was the decision and length of placement clearly explained to you?
        - Did you appeal your decision? If so, what was the outcome? What is your perception on the outcome.
      - If the placement was not disciplinary:
        - Were there regular reviews while you were there?
        - Were you able to share your perspective during those reviews?

        - Was it clear what needed to happen for you to return to general population?

5. Did you have access to supports while confined (e.g., mental health, cultural supports, programs)?

6. Did the placement have any effect on you?

7. What could have made the experience safer, clearer, or more fair from your perspective?

8. If you answered "yes" to question 1, have you noticed any differences in how those placements were handled?
    a. In your view, was the experience better, worse, or about the same?
    b. What felt different, if anything?
    (Prompt: daily routine, time out of cell, access to programs, communication about the reason for placement, review processes, contact with staff)

6.3 APPENDIX C: INTERVIEW GUIDE – ISO & OTHER STAKEHOLDERS

Pre-Amble

Thank you for taking the time to participate in this interview. This engagement is part of a broader review examining how segregation and restrictive confinement provisions are being implemented in practice at the Whitehorse Correctional Centre.

The purpose of this discussion is to better understand oversight processes, review mechanisms, safeguards, and system-level factors that influence the use of restrictive confinement.

Your responses will be reported in an anonymized and aggregated manner. No identifying information will be attributed to you without permission.

We are not conducting a legal compliance review. Rather, we are examining how legislative provisions are operationalized in practice, including strengths, challenges, and opportunities for improvement.

Do you have any questions before we begin?

Questions

1. Can you briefly describe your role and responsibilities in relation to segregation or restrictive confinement oversight?

2. How do you understand the purpose and intent of the legislative provisions governing segregation and restrictive confinement?

3. In your view, how effectively are review processes functioning in practice?
    - *(Prompt: timeliness, documentation, meaningfulness of review, and consistency* in how different Hearing Adjudicators apply decisions in similar situations.*)*

4. What trends or patterns have you observed in the use of segregation or restrictive confinement?
    - *(Prompt: frequency, duration, disciplinary vs non-disciplinary use, repeat placements)*

5. Are there areas where safeguards or oversight mechanisms appear strong?

6. Are there areas where they appear limited or strained?

7. What operational or systemic factors most influence decision-making and continuation of placements?
    - *(Prompt: staffing, infrastructure, access to supports, documentation practices)*

8. In your experience, how well are alternatives to segregation considered and applied?

9. What risks or compliance vulnerabilities, if any, should be monitored moving forward?

10. What improvements would most strengthen oversight, accountability, or rights-based practice?

11. Is there anything else you believe is important for this evaluation to understand?

6.4 APPENDIX D: JURISDICTIONAL COMPARATIVE TABLE

The following table provides a comparative overview of key legislative and regulatory features governing segregation and restrictive confinement across selected Canadian jurisdictions as compared to the Yukon.

Jurisdiction	Definition Threshold	Disciplinary Cap	Administrative / Preventive Cap	Cumulative Cap	Independent Adjudicator (Disciplinary)	Independent Administrative Reviewer (Non-Disciplinary)	Escalating Internal Reviews	Health Safeguards	Categorical Vulnerability Prohibitions	Alignment with Mandela Rules (15-Day Benchmark)
Yukon	22+ hrs = segregation; 18–22 hrs = restrictive confinement	15 consecutive days	15 days + mandatory 5-day break before new placement	60 days / 365 days	Yes (Hearing Adjudicator for disciplinary sanctions)	Yes - Independent Review Adjudicator for non-disciplinary segregation review)	Yes (statutory + regulatory timelines)	Daily monitoring; medical and mental health oversight	Yes (statutory prohibitions)	Fully aligned (15-day cap + cumulative limit)
Alberta	No explicit hour definition in statute	14 days per disciplinary finding	No clear statutory cap	No statutory cumulative cap	Yes (Minister-appointed adjudicator – disciplinary only)	No- (administrative largely internal)	Primarily internal for administrative	Exercise requirement; no structured statutory mental health prohibition	No categorical statutory prohibitions	Partially aligned (disciplinary only; no cumulative cap)
British Columbia	Separate confinement (no strict statutory hour threshold)	15 consecutive days	No statutory cap	Renewable 15-day extensions	No (disciplinary process internal)	No (processed internal)	No - formal statutory independent reviewer (internal oversight; HQ pilot reviews)	Yes (warden reviews; HQ pilot reviews)	2.5 hrs out-of-cell; mental health review at longer durations	No categorical statutory bans
Manitoba	18+ hrs per day	15 consecutive days	No clear statutory cap	No statutory cumulative cap; 60-day reporting trigger	No (disciplinary process internal)	No- independent adjudicator for preventive segregation	Yes (7-day escalating managerial reviews)	Weekly nurse visits; daily meaningful contact	No categorical statutory prohibitions	Not aligned (45-day cap exceeds 15-day benchmark)
Northwest Territories	20 hrs per 24 (disciplinary segregation definition)	13 days per adjudication	No clear statutory cap	60 days / 365 days	Yes (independent adjudicator; ISO appeal)	No- (administrative largely internal)	Yes (24-hour review; 96-hour interdisciplinary team review)	Mandatory medical exam at 13 days; twice per week	No explicit statutory categorical bans identified	Aligned (13-day cap + cumulative limit)

Nova Scotia	Close confinement (a restriction that limits an inmate's interaction with others to less than four hours daily	3 hrs (Level I); 5 days (Level II); 7 days (Level III)	No clear statutory cap	No cumulative statutory cap	No (disciplinary levels; internal process)	No independent reviewer (policy-based ESP reviews)	Yes (Enhanced Supervision Plan reviewed every 5 days)	Medical oversight possible; "health segregation" used in practice	No explicit statutory prohibitions for vulnerable populations	Partially aligned (disciplinary limits below 15 days but no cumulative cap and administrative isolation possible)
Ontario	22+ hrs per day = segregation	15 consecutive days	15 consecutive days	15 days + mandatory 5-day break before new placement	No cumulative statutory cap	No independent adjudicator (internal process)	No external reviewer (regional and corporate segregation review teams)	Yes (institutional, regional, and corporate segregation review team oversight)	Health care involvement required; mental health considerations and daily visits are required	Yes (statutory prohibitions)

Table Definitions

- **Definition Threshold**: The criteria used to define segregation or restrictive confinement, typically based on the number of hours per day an individual is isolated from others (e.g., 22+ hours).
- **Disciplinary Cap**: The maximum duration an individual may be held in segregation as a result of a disciplinary sanction following a formal finding of misconduct.
- **Administrative / Preventive Cap**; The maximum duration for non-disciplinary segregation used for safety, security, or operational reasons (e.g., risk to self or others), not tied to a disciplinary finding.
- **Cumulative Cap**: The total allowable time an individual may spend in segregation over a defined period (e.g., 60 days within 365 days), regardless of the number of placements.
- **Independent Adjudicator (Disciplinary)**: An external or arms-length decision-maker responsible for determining disciplinary findings and imposing sanctions, including segregation.

- **Independent Administrative Reviewer (Non-Disciplinary)**: An external or independent body responsible for reviewing ongoing non-disciplinary segregation placements to assess necessity and compliance.
- **Escalating Internal Reviews**: A structured sequence of internal reviews at increasing levels of authority (e.g., institutional, regional, corporate) conducted at set intervals during a segregation placement.
- **Health Safeguards**: Requirements for medical and mental health assessment, monitoring, and involvement during segregation placements, including daily checks or clinical oversight.
- **Categorical Vulnerability Prohibitions**: Legislated or policy-based restrictions that prohibit or limit the use of segregation for specific groups (e.g., individuals with serious mental illness, youth, pregnant individuals).
- **Alignment with Mandela Rules (15-Day Benchmark)**: The extent to which a jurisdiction's framework aligns with the United Nations Standard Minimum Rules for the Treatment of Prisoners, particularly the prohibition on prolonged solitary confinement (defined as more than 15 consecutive days).