

ISO

INVESTIGATIONS & STANDARDS OFFICE

2014 Annual Report

This Annual Report summarizes the work of the Investigations and Standards Office from January 1 to December 31, 2014.



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History and Mandate

The Investigations and Standards Office ISO (ISO or the Office) was established in January 2010 with the proclamation of the new Corrections Act and Regulations. The Office's mandate is to provide independent oversight of the Corrections branch of the Yukon Department of Justice through investigations and inspections.

Key responsibilities of the Office include:

- Periodic inspections of the Whitehorse Correctional Centre (WCC).
- Reviews of inmate discipline upon appeal.
- Investigations of complaints made by inmates or those on probation.
- Investigations.

The Director of ISO may investigate any matter with

respect to the administration of the Corrections Act at the request of the Assistant Deputy Minister (ADM) of Community Justice and Public Safety (CJPS) or on the Director's own motion. The Office also facilitates training and orientation sessions for Corrections Officers and new Hearing Adjudicators on the disciplinary system and the role and mandate of the Office.

The Director of ISO reports findings and recommendations from investigations and inspections to the Deputy Minister of Justice. The Deputy Minister must respond to ISO's recommendations with information on the actions taken by Corrections within 90 days of receiving ISO's report.

The Office includes the Director, Senior Investigator, two Investigators and an Administrative Assistant.

Mission, Values and Service Standards

MISSION

ISO's mission:

- Provide independent oversight of Corrections by carrying out investigations and inspections;
- Ensure a timely, fair and impartial review mechanism for inmate complaints and appeals of inmate discipline; and,
- Make recommendations to improve policies, procedures and correctional practices.

VALUES & SERVICE STANDARDS

- Impartiality – ISO is committed to examining all complaints and appeals from an impartial and objective perspective.
- Timeliness – ISO will respond to requests within statutory timelines and with urgency where critical issues of safety or deprivation of liberty are involved.
- Investigative excellence – Members of ISO maintain all competencies, knowledge and qualifications required to carry out the work of the Office. Members of ISO will ensure a high standard of vigilance, professionalism and thoroughness in carrying out all investigations.
- Constructive engagement – ISO will work constructively with the Corrections branch to ensure follow-up on recommendations.



ISO Caseload

From January 1 to December 31, 2014, ISO received 61 complaints and inquiries and 26 appeals of disciplinary hearings. The Office also carried out one inspection and one investigation which included an Assistant Deputy Minister requested review.

Table 1: ISO Caseload 2011 to 2014

ISO Caseload	2011	2012	2013	2014
Complaints	57	106	90	37
Inquiries	7	16	24	24
Appeals	35	41	62	26
Special Investigations ¹	2	2	1	1
Inspections	1	0	1	1

The following table captures the number and type of admissions to WCC from 2011-2014. Generally, there will be some correlation between complaint caseload and inmate population; however, other factors can affect ISO's caseload, such as repeat complainants.

Table 2: WCC Admissions 2011 to 2014

WCC Admissions	2011	2012	2013	2014
Remand	451	518	508	436
Sentenced	242	286	254	220
Other	16	18	31	24
Total	709	822	793	680

¹ Special Investigations include investigations ordered by the Assistant Deputy Minister, Community Justice and Public Safety or on the Director's own motion.



From January 1 to December 31, 2014, Whitehorse Correctional Centre received 305 inmate complaints. The table below represents the total number of complaints received by WCC and the percentage of those complaints where the inmate was not satisfied and requested that ISO review the response and carry out an investigation.

Table 3: Internal Inmate Complaints

	2011	2012	2013	2014
Internal Complaints through WCC	330	490	570	305
% of internal complaints that went to ISO	17%	22%	16%	11%

1. COMPLAINTS

Inmates have a right to file a complaint under the Corrections Act and Regulation. WCC has seven days to investigate the complaint and respond to the inmate in writing.

A complainant may request that the Director of ISO review the response from WCC and carry out an investigation. Complainants may include inmates at the Correctional Centre or probation clients under supervision by Offender Supervision and Services. The Director of ISO must, within 7 days of receipt of a request for review, respond to the complainant and the person in charge.

In 2014, ISO received 37 complaints and 24 inquiries.

ISO inquiries are defined, for example, as communications with an inmate that do not progress to a formal complaint. Inquiries may escalate into a complaint, although sometimes issues can be resolved during conversations between the ISO, Corrections and the inmate.

In 2014, there was a decrease in complaint files and inquiry files. In 2013, there were 90 complaints and 24 inquiries as compared with 37 complaints and 24 inquiries in 2014.

In 2014, two complainants made up 45% of the complaints and inquiries received by ISO: inmate A submitted 19; inmate B submitted 7; the remaining 31 complaints were by other inmates. See figure 1 below.

Figure 1: Repeat Complainants

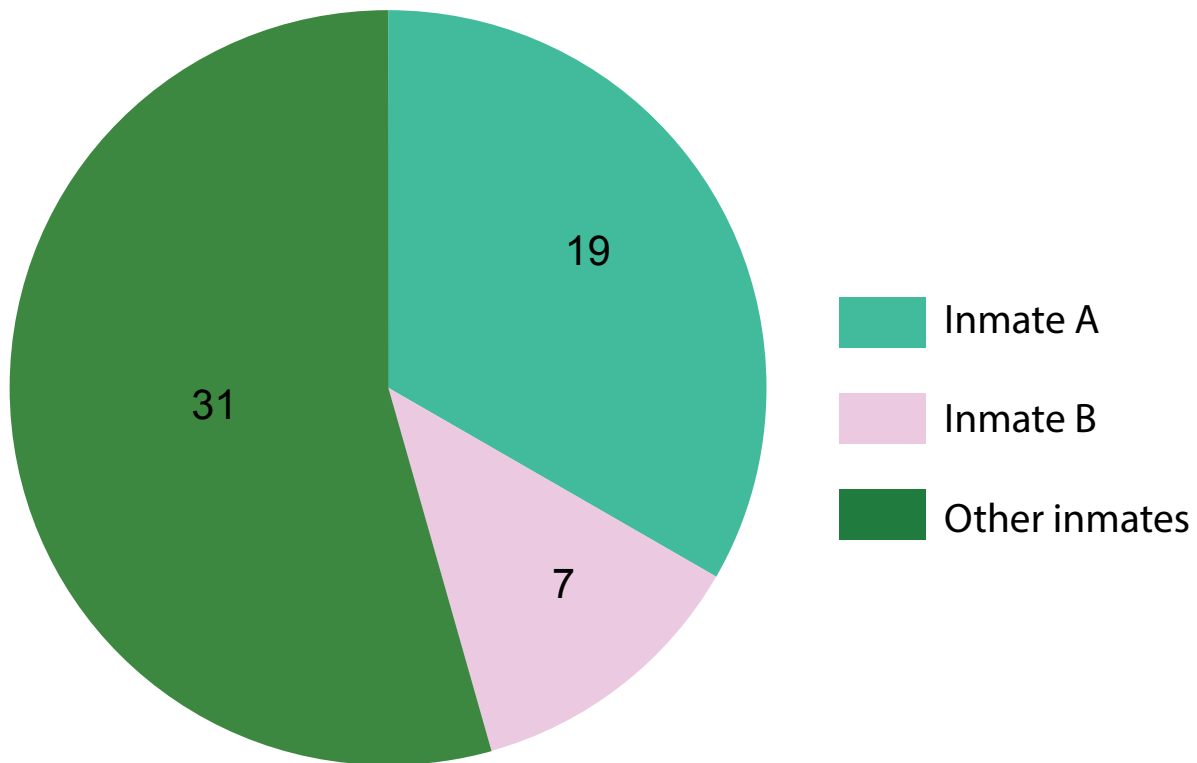
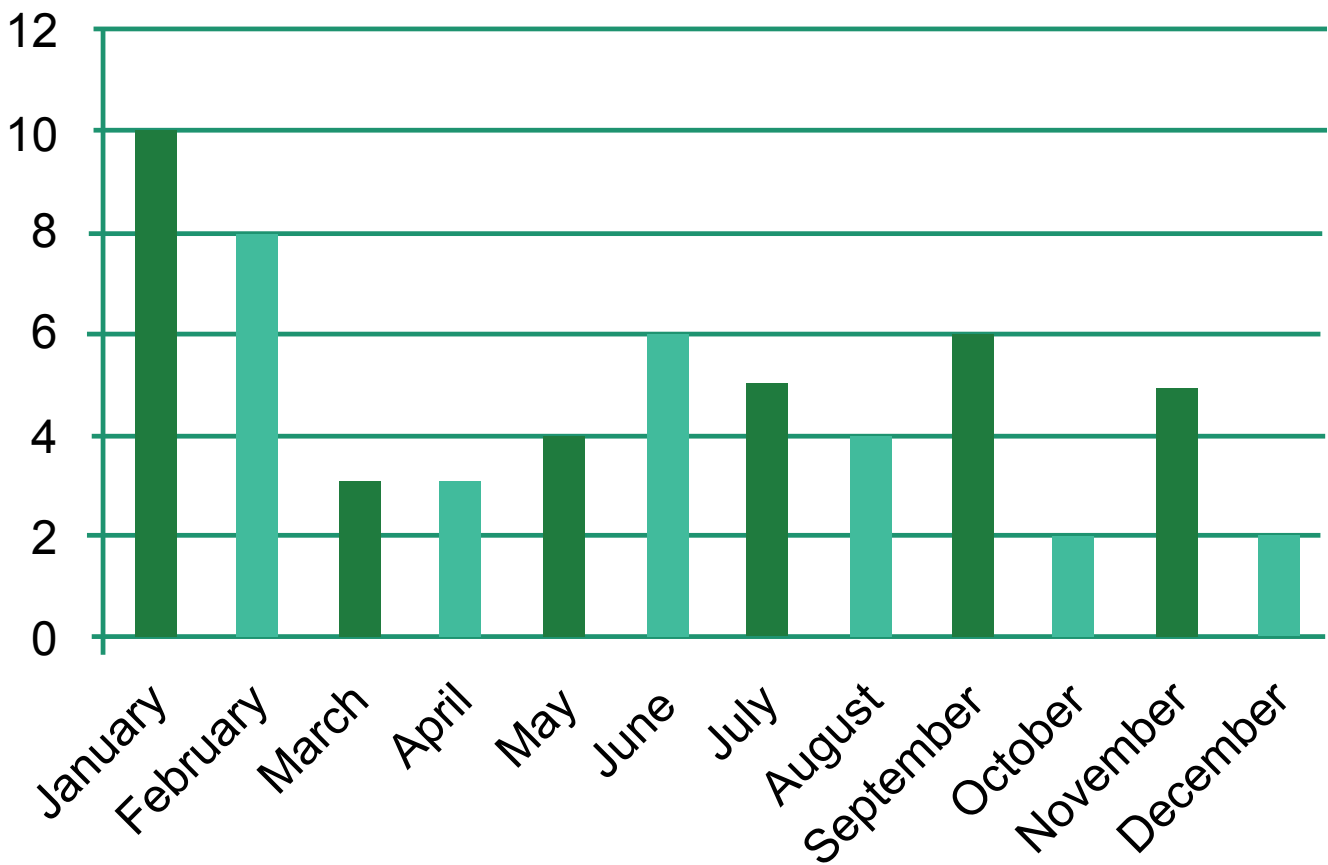


Figure 2 shows the number of files received each month. January was the busiest month for inquiries and complaints as ISO received 10, followed by February with eight. The remaining months fluctuated between two and six complaints per month.

Attached as Appendix A is the list of types of issues raised in inmate complaints. The complaints varied, but the most common issues raised by inmates included: unit placements, visitation privileges, staff member grievances, and telephone privileges.

Figure 2: Complaints Received (by month)



2. APPEALS

When an inmate is charged with an alleged breach of a rule of the correctional centre, an administrative hearing is held by an independent adjudicator. After hearing testimony and reviewing evidence, the adjudicator renders a decision on guilt or innocence and, if the inmate is found guilty, decides on a sentence.

Within 7 days of the hearing, either the inmate or person in charge at WCC can appeal the decision to ISO. Once ISO has received the appeal, the Office has 7 days to respond in writing to the appellant with their decision. In cases where the inmate's liberty is at risk, either through loss of remission or a sentence of separate confinement, ISO will typically suspend the disposition and sentence pending completion of the Office's review.

ISO received 26 appeals of disciplinary hearings in 2014, which was a significant decrease from the 62 appeals the previous year. Both the inmate and the person in charge at WCC (Superintendent) are able to appeal a disciplinary hearing. In 2014, there was a similar trend from previous years in terms of who filed the appeal; the person in charge filed an appeal 4 times and the inmate appealed the decision 22 times.

As Figure 3 shows, of the 26 appeals reviewed, ISO confirmed the decision and disposition 18 times; confirmed the decision, but substituted the disposition 4 times; rescinded the decision and disposition 2 times; and directed a new hearing once. One file was not reviewed as WCC withdrew the appeal prior to ISO carrying out a review.

Figure 3: 2014 ISO Decisions on Appeals of Disciplinary Hearings

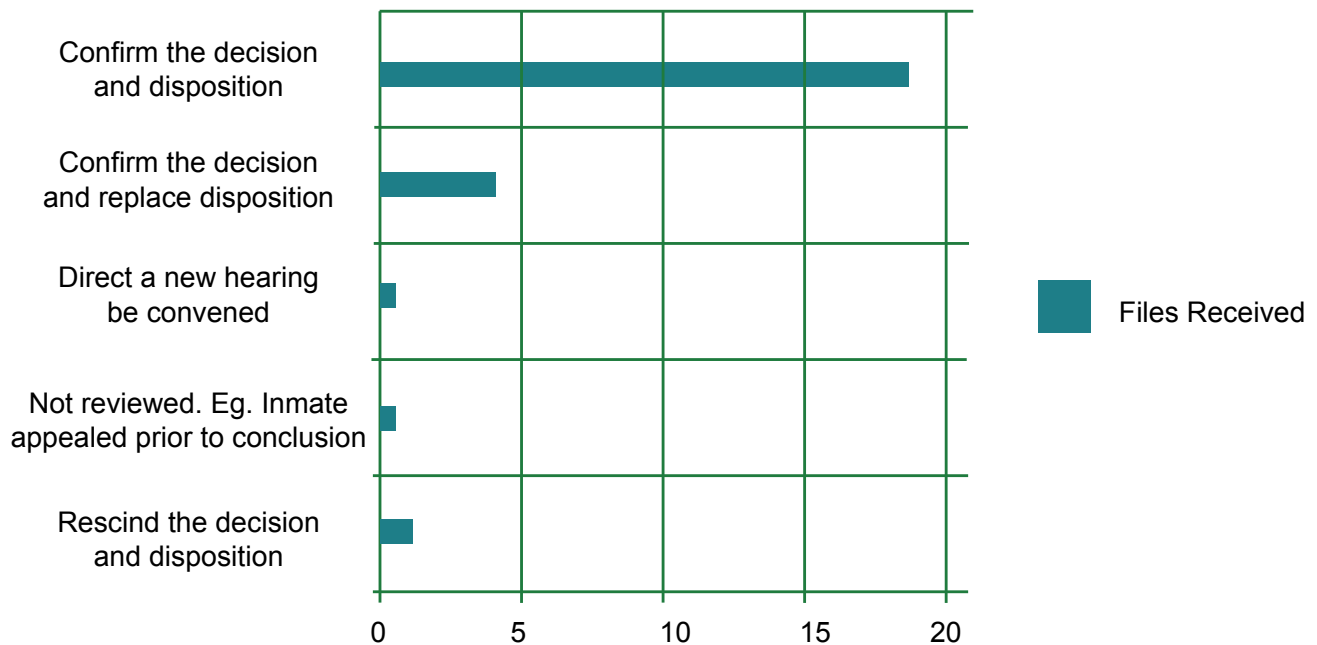


Figure 4 and Table 4 reflect the history of ISO decisions in relation to appeals of inmate disciplinary hearings. ISO's reasons for overturning a hearing or requesting a new hearing typically relate to a lack of

procedural fairness. For example, if the hearing was not recorded properly, ISO would overturn the hearing as this is a fundamental breach of fairness and natural justice.

Figure 4: Appeals History 2011 to 2014

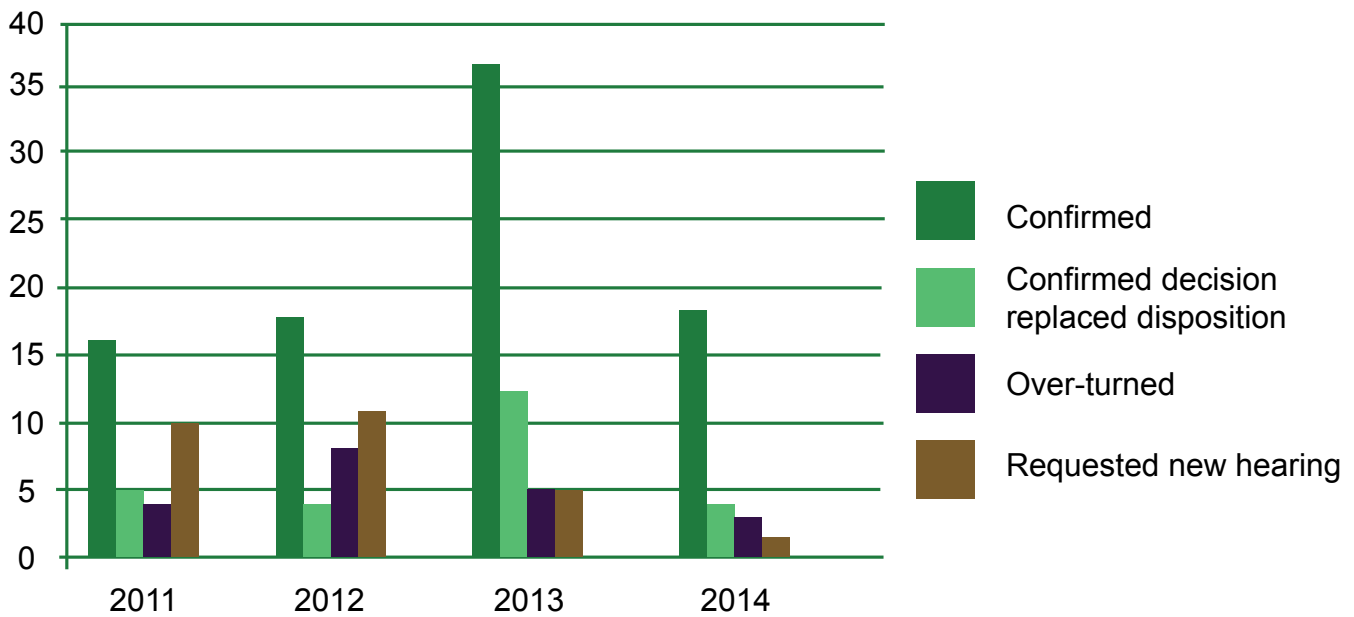


Table 4: Disciplinary Appeals 2011 to 2014

	2011	2012	2013	2014
Confirmed	16	18	38	18
Confirmed decision replaced disposition	5	4	13	4
Over-turned	4	8	5	2
Requested new hearing	10	11	5	1

3. INSPECTIONS AND SPECIAL INVESTIGATIONS

ISO carried out one inspection and one Assistant Deputy Minister requested investigation in 2014.

The inspection started in April 2014 and focused on two areas of identified risk.

Focus A:

Inmate Complaint Process – involved ISO examining specific areas of the WCC inmate complaint process such as: the process involved in resolving the issues identified in the complaints; documentation by WCC staff in relation to the inmate's complaint; and accessibility of information available to the inmates within each unit.

Focus B:

Use of Section 21 Long term Confinement involved ISO reviewing the implementation of long term confinement including: the implementation of all previous ISO recommendations from ISO inspections and investigations; the management decisions that lead to long term confinement; documentation requirements; and access of persons placed on long term separate confinement to medical and mental health services.

ISO completed an investigation at the request of the ADM into the circumstances surrounding an inmate's Court appearance by video where force was used by WCC. During this investigation ISO examined the events that led up to the incident, the incident itself and the response by corrections management and staff.

ISO Recommendations



Twenty-seven recommendations were made in 2014. These recommendations were issued as a result of investigations, inspections and reviews of inmate complaints. Following completion of an inspection or special investigation, the Corrections branch provides a response to ISO indicating whether the recommendations were accepted and listing the proposed actions to be taken. Similar to other agencies carrying out correctional oversight, ISO's recommendations are

non-binding. However, Corrections has accepted all but a small number of ISO's recommendations and the actions taken have directly improved correctional policies, procedures, training of correctional officers and the conditions of custody of inmates. ISO also references these recommendations in any new investigation or inspection to ensure improved correctional practices over the long term.

Looking Ahead



ISO continuously looks for ways to achieve its mandate and adhere to or surpass the Office's Mission, Values and Service Standards. ISO will implement an enhanced quality assurance process in 2015 in order to continue to meet a high standard for all investigations and appeal decisions.

Appendix A

Complaint Issue	Frequency
WCC Inconsistencies	1
Class - Placements	5
Clothing	1
Disciplinary Hearing	1
Food Services	2
Harassment	11
Mail	1
Med - Dental Treatment	1
Med - Treatment	2
Med - Optician Access	1
Med - Physician Access	1
Med - Physician Treatment	1
Med - Mental Health Treatment	2
Med - Mental Health Access	2
Other	1
Personal Effects	2
Physical Plant	1
Program - Education	2
Program - Recreation	1
Program - Visits	2
Records - Reporting	1
Requests - Non ISO	1
Searches	1
Sentence Calculation	2
Staff - Contract	1
Staff - Corrections	9
Telephone	4
Wages	1
Total as of December 31/14:	61

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