



Department of Justice
PO Box 2703, Whitehorse, Yukon Y1A 2C6

Memorandum

Date: August 14, 2018

To: The Honourable Tracy-Anne McPhee
Minister of Justice

From: Lesley McCullough
A/Deputy Minister of Justice

Subject: RESPONSE TO THE RECEIPT OF DAVID LOUKIDELIS' WHITEHORSE
CORRECTIONAL CENTRE INSPECTION REPORT

This memorandum is in response to the final Whitehorse Correctional Centre (WCC) inspection report received by the Department of Justice from Mr. David Loukidelis on May 15, 2018. It sets out the background leading to the report, the preliminary internal steps that have been taken by the Department of Justice and, most importantly, the next steps that are planned in conjunction with our partner governments and departments.

As the Honourable Minister of Justice, you directed, in September, 2017, that an independent inspection of the Whitehorse Corrections Centre take place under Section 36 of the Yukon Corrections Act, 2009. That decision was not mandated by statute but was made in the interest of ensuring continuous improvement to the manner in which services were delivered at the WCC.

An experienced and respected Inspector, Mr. David Loukidelis, was retained and was mandated to inspect the policies and practices of the WCC which involve, affect or may impact the mental health of inmates. He was also directed that the inspection include but not be limited to the use by the WCC of separate confinement and segregation of inmates with mental illness.

Mr. Loukidelis provided his report of May 14, 2018, and the department thanks him for his thorough review and for the final inspection report, which contains 40 recommendations. These recommendations provide us with strong guidance on where the Department of Justice and our partners need to focus our attention moving forward.

The Department of Justice and its Corrections Branch recognize that a shift in culture is required and your call for this inspection is consistent with the desire to build trust in the operation and governance of WCC, to address the public's concerns, and to create an opportunity for increased transparency and accountability.

This response to the inspection report signals that the policies and practices in place at WCC are always open to improvement. We believe this inspection gives us a solid footing to make relevant and meaningful changes. As an example, the recent settlement with the Yukon Human Rights Commission in respect of separate confinement practice, symbolizes our intent to improve how we provide mental health care and manage those in custody at WCC.

In alignment with the recommendations received and in the spirit of continuous improvement, the Department of Justice would like to indicate our commitment to:

- enhancing mental health and addiction treatment services at WCC;
- partnering with First Nations governments to better integrate and build culturally-sensitive programs and services as well as practices that are better aligned with First Nations' values into the operation of WCC;
- taking steps to bring coherence, clarity and fairness to all forms of separate confinement—meaning that the practice will only be used in very exceptional matters, for as short a time as possible and only as a last resort with the safeguards of additional independent oversight and involvement of mental health professionals; and,
- making sure governance structures, reporting and documentation meet best practices.

More specifically, the Department has been working internally on a preparatory matrix that acts as a “snapshot” of where the Corrections Branch is on the various issues identified in the recommendations and also a foundation for our necessary work with partners on a go-forward basis. This matrix, which is attached for your review, is not intended to be a prescriptive document and should not be taken as such but rather, as I said, a snapshot which will stimulate discussion amongst the parties that we anticipate will be working on the identified issues in the longer term.

As you may gather from the matrix, the department is very supportive of and accepts Mr. Loukidelis' recommendations. This is with the caveat that the department still needs to give more focussed consideration to the report recommendations to ensure that their full impacts are considered. However, early on in our initial assessment of the report, it became very apparent that to implement the recommendations effectively and in a meaningful way, the department needs to work together with First Nations governments and departmental partners.

The strong majority of the recommendations will proceed towards implementation through the establishment of implementation plans and strategies with our partners. There are still a small number of recommendations that could require further discussion with our partners or minor alterations before they can be implemented in full. Four recommendations have been deferred

because their implementation considerations are not at the full discretion of the Minister of Justice and support from other ministries or agencies may be required. Two of the recommendations have already been mitigated at this time.

It is with the above considerations in mind that the department seeks your support to:

- I. form an implementation working group with balanced representation from Yukon First Nations governments and departmental partners, and
- II. develop an implementation plan to take action on the report's recommendations, which will include mechanisms for regular reporting and status updates.

We look forward to working with our partners to bring about the best responses possible to the issues raised in the inspection report. We have every confidence that this collaborative approach to making improvements will support this government's goals of building healthy, vibrant and sustainable communities where public safety and mental wellness are of the utmost importance.

Yours truly,

A handwritten signature in black ink, appearing to read 'Lesley McCullough', written in a cursive style.

Lesley McCullough