

**SCHEDULE "C"****PUBLIC INTEREST REMEDIES**

WHEREAS the parties reaffirm the Public Interest Remedies attached at Schedule "A";

AND WHEREAS the parties wish to make the following additions, amendments and/or clarifications to those Public Interest Remedies;

AND WHEREAS the Respondent has developed, with input from the other parties, an information sheet for inmates that apprises them of their rights when placed into segregation (the "Segregation Handout") attached as Schedule "D";

AND WHEREAS no party to this agreement shall be liable for failing to perform, or delaying the performance of, the terms of this agreement in the event that such failure is caused by events outside of the parties' control, including, but not limited to, labour disruptions at the Respondent Ministry;

**Additional Remedies**

1. The Respondent will contact the Council of Elizabeth Fry Societies of Ontario and the John Howard Society of Ontario (together, the "Societies") to request that the Societies notify the Respondent if they are aware of any instances where inmates did not receive information about their rights when placed into segregation (the "Segregation Handout"). The goal of such contact is to establish a formal process to receive notifications from the Societies concerning this issue, although all parties acknowledge that the Respondent cannot force the Societies to participate in such a process.

The Respondent will contact the Societies in writing within 60 days and advise the Commission of any response and/or arrangements made with the Societies for the purpose outlined above.

2. Within 60 days, the Respondent will post signage in segregation areas of all institutions stating that inmates in segregation are to receive information about their rights (the "Segregation Handout"). The Respondent will use its best efforts to ensure the signs are visible to both staff and inmates in segregation depending on the physical configuration of an institution's segregation area.
3. Within 60 days, the Respondent will communicate the requirement to provide inmates placed into segregation with information about their rights (the "Segregation Handout") during every muster in each of its facilities for a period of at least seven consecutive days.

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4. The Respondent will continue its compliance audit process at all institutions to ensure that inmates in segregation receive information about their rights (the "Segregation Handout").

**Amendment/Clarification to original Public Interest Remedies**

5. The parties agree that the Segregation Handout is a preferred manner in which to inform inmates in segregation of their rights while in segregation and wish to codify this practice. Accordingly, Public Interest Remedy #9 of Schedule "A" is amended by addition of the following:

Further, information about an inmate's rights when placed into segregation (a "Segregation Handout") will be posted on the Ministry's public website and must be offered to all inmates who are subject to disciplinary or administrative segregation at the earliest possible opportunity after being placed in segregation.

## Inmate Information Guide for Adult Institutions

### Ministry of Community Safety and Correctional Services

#### Addendum

March 2015

#### Segregation Handout

You can be placed in segregation if:

- you are in need of protection;
- It is necessary to protect the security of the institution or the safety of other inmates;
- you are alleged to have committed a misconduct of a serious nature;
- you request to be placed in segregation; or
- you are found guilty of misconduct.

Those who need to be isolated for medical reasons, for example, those with a contagious disease, may be placed in medical segregation.

#### Your Rights

If you are placed in segregation:

- You have, as much as possible, the same rights and privileges as all other inmates such as health care and programs within the institution.
- If you do not understand why you have been placed in segregation, or if you need help to participate in the segregation review process (for example, making a request to the superintendent or designate, participating in interviews about alleged misconduct, having conversations with the health care staff or the superintendent or designate), you may ask for help.
- At any time during the segregation review process you may make a submission (opportunity to offer information) to the superintendent or designate either in person or in writing.

#### Review and Reporting Requirements

- When you are first placed in segregation, you will be advised about the reasons for your placement.
- Your segregation status will be reviewed within 24 hours, and you will be advised why you are in segregation, and if segregation is no longer needed, you will be removed from segregation.
  - If you are in segregation for an alleged serious misconduct you will be provided with a *Misconduct Notice Form*.
  - If you are in segregation as discipline for being found guilty of misconduct, you will be provided with an *Inmate Notification of Misconduct Disposition Form*.
- Your segregation status will be reviewed at least once in every 5-day period to determine whether your continued segregation is warranted.
- If you are in segregation for a continuous period of 30 days, a review of the reasons for continued segregation must be conducted. A review must be conducted after every 30 day period you remain in segregation. This review will include and document:
  - Your mental health status and/or *Human Rights Code* related needs.
  - What alternatives to segregation have been considered and rejected, as well as any segregation review plan and/or treatment plan to help you get out of segregation.



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If you are in segregation for a continuous period of 30 days:

- The Superintendent will report to the Assistant Deputy Minister of Institutional Services the reason(s) for your continued segregation, including what alternatives to segregation have been considered and rejected and whether there is a treatment plan to help you get out of segregation.

If you are in segregation for more than 60 days (total) in one year:

- The Superintendent will notify the Assistant Deputy Minister of Institutional Services.

### **Mental Health and Segregation**

Segregation is not to be used to discipline and/or manage inmates with mental illness unless the Ministry has first considered and rejected alternatives to segregation to the point of undue hardship.

If you have mental health concerns or mental illness:

- As part of your care, you will be assessed as soon as possible after you are placed in segregation.
- The assessment will determine how to best meet your mental health needs and recommend mental health services that are specific to you.
- You will be re-assessed at least every 5 days to determine your mental health needs. Changes to your treatment plan will be made, if needed.
- Physicians, psychiatrists and other clinicians (such as psychologists, psychometrists, mental health nurses, nurses and social workers) will work as a team to provide mental health services that are specific to you on an ongoing basis.

Your health is important! You have the right to refuse to be assessed by a clinician, however; you are strongly encouraged to participate and provide accurate information about your health and mental health. Mental Health services are available in your institution. All health care conversations and records are confidential unless there is a risk to your health and safety or the health and safety of others.