

# **Jury Recommendations**

*Inquest into the Death of Abdurahman Hassan*

# JURY RECOMMENDATIONS

## To the Government of Canada

1. Seek and allocate resources to develop and implement a plan to end the practice of housing immigration detainees in provincial correctional facilities in Ontario.
2. Redefine the purposes of immigration detention to include rehabilitation and when appropriate to the detainee's circumstances, reintegration into the community. This should include resources and facilities to:
  - a. Stabilize detainees with acute mental health symptoms,
  - b. Develop care plans for detainees with mental illnesses, and
  - c. Assist with discharge planning.
3. Amend the agreement between Canada and Ontario to prohibit placing immigration detainees in conditions of segregation and to require immediate notification if this prohibition is violated.

4. Establish an independent oversight body to:
  - a. Review and investigate conditions of detention for immigration detainees,
  - b. Receive complaints about the conditions of detention, and
  - c. Investigate critical incidents and fatalities involving immigration detainees.
  
5. Collect data on conditions of detention and consider this data when determining whether to continue housing an immigration detainee in a provincial correctional facility, including:
  - a. Whether the detainee was in conditions of segregation,
  - b. Whether the detainee was triple-bunked,
  - c. The number of days in lockdown and the impact of lockdown on access to health care, and
  - d. Whether a serious mental illness alert has been issued for the detainee.
  
6. Seek and allocate resources to expand access to alternatives to detention for individuals with a serious mental illness.

7. Consult with the Province of Ontario about the possibility of funding beds at the St. Lawrence Valley Correctional and Treatment Centre for immigration detainees.
8. Train Canada Border Services Agency (CBSA) employees operating in the detention continuum on the impacts of detention on mental health.

## **To the Government of Ontario**

9. Consider withdrawing from the immigration detention agreement between Ontario and Canada.
10. Review the existing ombudsman process to determine whether immigration detainees have reasonable access to put forth complaints that result in timely remedies to conditions of detention.

# To Ontario Ministry of the Solicitor General

## Segregation – Interpretation and Tracking

11. Re-assess how the Ministry interprets the term “highly restricted conditions” in Ontario Regulation 778. In particular, the Ministry should adopt an interpretation designed to ensure that inmates are taken out of confined physical spaces for at least two hours per day.
12. Develop and implement a plan to ensure that “meaningful social interaction” is clarified and operationalized in a manner that reflects the plain meaning of the phrase and that it allows for sustained social interaction with other individuals.
13. Consider developing and implementing a new definition for “meaningful activities” that occurs when an inmate is alone and engaged in meaningful activities, to avoid confusion and facilitate public reporting.
14. In the interim, when tracking and reporting “meaningful social interaction”, correctional staff should record solitary activities separately from social interaction involving other individuals.

15. Update the Ministry's publicly released data on the use of segregation to clearly indicate that the reported number of inmates held in conditions of segregation is likely inaccurate because of how "meaningful social interaction" has been interpreted by correctional staff.
16. The Ministry's future public reporting on the use of segregation should provide separate statistics for meaningful activities that occurs when an inmate is alone and meaningful social interaction that involves interaction with other individuals.
17. Monitor how often racialized inmates with serious mental illnesses are held in conditions of segregation. Make this information available to correctional and health care staff and report disaggregated data publicly.

## Central East Correctional Centre (CECC) Segregation Review

18. Conduct a comprehensive review of compliance with segregation regulations at the CECC. The methodology for the review should include:
  - a. An audit of a meaningful selection of segregation records,
  - b. Interviews with correctional staff, management and affected inmates about how the terms “highly restrictive conditions” and “meaningful social interaction” are being interpreted and implemented, and
  - c. An assessment of the infrastructure, staffing and operational resources required to comply with all segregation regulations, including the prohibition against placing inmates with serious mental illnesses in conditions of segregation.
  - d. Share findings and best practices with other correctional centers.
19. The Ministry should seek and allocate funds to complete and implement an Action Plan to address and support the results of the CECC Segregation Review. This should include a plan to upgrade the physical infrastructure at the CECC to ensure compliance with the prohibition against placing inmates with Serious Mental Illnesses in conditions of segregation.
20. The CECC Segregation Review and Action Plan should be made a high priority.