



RESIDENT'S NAME			CS NUMBER		YIF NUMBER
SEPARATE CONFINEMENT START DATE	TIME	MAXIMUM CONFINEMENT FINISH DATE	TIME	HEALTH CARE NOTIFIED DATE	TIME

Safety Reasons for Separate Confinement:

- ☐ Endangering, or is likely to endanger, him/herself or another person, or
- ☐ Is threatening, or likely to threaten, the management, operation or security of the youth custody centre, or
- ☐ Has contraband hidden on or in his/her body, or
- ☐ Has taken an intoxicant into his/her body, **AND**
- ☐ And all other means of dealing with the youth have been exhausted or are not reasonable in the circumstances.

Incident Details: \_\_\_\_\_

\_\_\_\_\_

Consequence: \_\_\_\_\_

\_\_\_\_\_

- I am aware of the **safety** reasons I am on a separate confinement order and that I have a right to:
- Request a manager at the centre review my complaint (local resolution); or, at any time,
  - If I am not satisfied with the local response I can request the centre Director to conduct a **formal review**; and/or, at any time,
  - I can contact an outside person by telephone to file a complaint (Ombudsperson, Youth Custody Complaints Manager) at any time during the process

I agree to be respectful and manage my own behaviour.

RESIDENT SIGNATURE		SUPERVISOR SIGNATURE
DATE SIGNED (YYYY/MM/DD)	TIME	SUPERVISOR NAME (please print)

Behaviour Support Plan

- Complete learning packages or other assignments. \_\_\_\_\_

☐ YES☐ NO
- Complete written or verbal apology. \_\_\_\_\_

☐ YES☐ NO
- Participate in a mediation process. \_\_\_\_\_

☐ YES☐ NO
- Other plans to promote positive behaviour. \_\_\_\_\_

☐ YES☐ NO
- LSI completed by \_\_\_\_\_

ICMP Updated ☐ YES☐ NO
- Results? \_\_\_\_\_

\_\_\_\_\_


\_\_\_\_\_

Separate Confinement Outcome:

<input type="checkbox"/> Reviewed and released early from separate confinement order. Behaviour support plan completed	DATE AND TIME COMPLETED:
<input type="checkbox"/> Served full separate confinement order	
<input type="checkbox"/> Released at court/RTC prior to end of separate confinement	ACTUAL TIME SERVED:
<input type="checkbox"/> New/concurrent separate confinement order issued prior to end of this order	

SUPERVISOR NAME (please print)	SUPERVISOR SIGNATURE	DATE SIGNED (YYYY/MM/DD)	TIME
DIRECTOR OR DESIGNATED APPROVAL	NAME	DATE SIGNED (YYYY/MM/DD)	

DATE (YYYY/MM/DD)	TIME	SENIOR YOUTH SUPERVISOR REVIEWS, COMMENTS	SENIOR YOUTH SUPERVISOR SIGNATURE	IS SEP CON STILL NECESSARY?
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## **D. SECURITY AND SUPERVISION OF RESIDENTS**

### **1. GENERAL**

#### ***1.01 Primary Functions***

The primary functions of security in a youth custody centre are to:

- a) Protect the community.
- b) Prevent or control escapes, riots, hostage-taking and the movement of contraband.
- c) Where necessary, protect residents from each other and from themselves.
- d) Ensure the safety of staff, other program personnel, volunteers, and visitors.

#### ***1.02 Methods of Security***


The security methods used are a combination of static and dynamic. Static security relies primarily on physical plant features and equipment to monitor and control residents. Static measures are increased as the security requirements increase. Dynamic security relies on the interaction between staff members and youth to support, influence and control the behaviour of residents.

#### ***1.03 Application – Secure Facilities***

In secure custody centres, the security requirements are greater, and although the emphasis of monitoring and control of residents continues to be by way of staff supervision and interaction with residents, there is also a greater use of static security measures (such as lockable doors, unbreakable windows, fences etc.).

#### ***1.04 Application – Open Custody***

In open custody centres, the level of required security is less and leads to the greater use of dynamic security measures, including staff supervision. This method of security may be supplemented, as necessary, by forms of static security such as fencing.

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### ***1.05 Preference – Dynamic Security***

Whenever possible, the use of dynamic security measures are preferable. The interaction between staff and residents has several direct and ancillary advantages, including:

- a) Contributing to an environment which is humane and relates as close as possible, within the constraints imposed by security considerations, to the community at large.
- b) Increasing the ability of staff to influence the behaviour of youth and prevent the use of more intrusive measures.
- c) Assisting staff in understanding the needs of residents which contributes to positive outcomes.
- d) Enabling staff to better anticipate potential breaches of security (e.g., escapes and disturbances).

### ***1.06 Prevention***

The need for security is influenced by other aspects of custodial operations, such as programming and case management. The involvement of youth in positive and constructive activities will contribute to the positive environment and behaviour of the residents, thereby minimizing the use of restrictive behaviour management interventions. To that extent, provisions regarding security and control should be considered in the context of the other aspects of custodial operations addressed in this manual.

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## **D. SECURITY AND SUPERVISION OF RESIDENTS**

### **2. SUPERVISION**

#### ***2.01 Definition***

The supervision of youth is necessary to ensure the health and safety of youth, the safety of staff, as well as the security of the centre, and safety of the community. Supervision is accomplished by providing opportunities for:

- a) Unobtrusively monitoring resident rooms and social areas in the living unit.
- b) Frequent informal interactions between staff members and youth.
- c) Monitoring and controlling of youths' internal movements and activities either within the custody centre or while on approved escorted leave.
- d) Enhanced monitoring for youth that are at elevated levels of risk.

#### ***2.02 Authority***


Staff members are responsible and accountable for the safety and supervision of youth, including visual inspections, as peace officers pursuant to sec. 24 YJA. Persons in charge are responsible to ensure security procedures outlined in this manual are followed and accurately documented.

#### ***2.03 Delegation of Supervision Duties***

The custody and supervision of youth shall not be delegated to other residents of a youth custody centre. Supervision of certain programs can be usefully conducted by personnel other than employees (i.e., teachers, screened volunteers), however these persons do not have the authority to act as a peace officer.

#### ***2.04 Gender Requirements***

Staff members of one gender shall be permitted to work in the areas of a youth custody centre occupied by residents of the opposite gender only to the degree that human dignity and privacy are not compromised. (Refer also to the Co-Education Programs policies in the Programs section of this manual.)

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## ***2.05 Post Location***

Youth supervisor posts shall be located and/or means of communication shall be provided, so that staff can be cognizant of activities in the area, are able to maintain security and supervision and are able to respond to the needs of youth.

## ***2.06 Visual Inspection – Secure Units***

In order to provide for the security of residents, staff and the public, for all secure custody units, a visual inspection of each youth in their room (locked or unlocked) shall be conducted by a youth supervisor at intervals not to exceed ½ hour and more often as required. The youth supervisor conducting the inspection shall make a written record in the living unit log immediately following the inspection or as soon as possible following the completion of the inspection.

## ***2.07 Visual Inspection – Open Units***


In order to provide for the security of residents, staff and the public, for all open custody units, a visual inspection of each youth in their room (locked or unlocked) shall be conducted by a youth supervisor at intervals not to exceed ½ hour and more often as required. The youth supervisor conducting the visual inspection shall make a written record in the living unit log immediately following the inspection or as soon as possible following the completion of the inspection.

## ***2.08 Visual Inspection – Separate Confinement***

For both secure and open custody units where a youth is placed on a separate confinement order a visual inspection of the youth shall be conducted by staff of the youth custody centre at intervals not to exceed ¼ hour and more often as required. The youth supervisor conducting the visual inspection shall make a written record of such inspections in the separate confinement log, including a description of the youth's activities, demeanour, and/or physical condition.

## ***2.09 Visual Inspection – Psychological High Risk***

For those youth who have been assessed as at psychological high risk refer to policies found in Section G of this manual which address requirements regarding monitoring and documentation in relation to youth assessed to be at psychological risk.

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## ***2.10 Visual Inspections Procedure***

Visual inspections conducted pursuant to articles 2.06, 2.07, and 2.08 above shall be at irregular intervals so as not to form a set and predictable pattern. These are direct visual inspections by staff members and, whenever appropriate, should involve communication with, and/or a physical inspection, of the youth.


## ***2.11 Continuous Monitoring***

At any time a “person in charge” determines the need for elevated and continuous monitoring, intervals indicated in articles 2.06, 2.07, 2.08 and 2.09 may be exceeded. The person in charge shall communicate the continuous monitoring requirements to the Youth Supervisor in the unit and control area who shall make a written record in the living unit log and control log. Local procedures will clearly identify communication and documentation requirements in living unit and control logs as applicable. Continuous monitoring can be provided in a number of ways which may include any or all of the following measures as determined by the person in charge:

- a) Placement of young person in a room that provides for continuous visual observation which may utilize an electronic video monitoring device.
- b) In person visual inspections at enhanced intervals.
- c) Direct face to face supervision provided through placement of staff to provide for clear line of sight supervision.
- d) Other measures as appropriate (e.g. increased staffing levels)

Regardless of the type of consequence imposed (e.g. room time or separate confinement), enhanced monitoring may be authorized by the person in charge at any time a youth is assessed to be in a state of crisis or an elevated level of risk exists. A state of crisis which poses additional safety concerns includes, but is not limited to, displays of agitation, aggression or violence. Assessment of the youth’s level of agitation is conducted by the Senior Youth Supervisor and will include consideration of the following factors:

- Behavioural observation;
- Historical information and risk issues;
- Environmental factors;
- Safety concerns;
- Baseline behaviour changes; and,
- Other factors such as pre-existing medical conditions, individual crisis management plan information, etc.

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The role of the youth supervisor, person in charge and Director are defined as the following:

- a) **Monitoring and documentation** is conducted by youth supervisors and involves visual inspections and documentation as required by policy and supervisory direction, ensuring access to food, water, and bathroom facilities.
- b) **Assessment and initial Authorization** is conducted by the Senior Youth Supervisor or PIC responsible for the area and involves evaluation of the need to continue or discontinue the level of monitoring and restrictive intervention initially authorized.
- c) **Reauthorization** is conducted by the Provincial Director, Youth Justice, Director, Deputy Director or Assistant Deputy Director at the designated review points identified in policy which require an additional level of assessment, approval and administrative review.

## ***2.12 Discontinuation of Continuous Monitoring***


The Senior Youth Supervisor will reassess the need for continuous monitoring every fifteen minutes and will document the reassessment in the living unit log. Consultation with mental health and/or health services will occur as required. Factors related to the assessment of the need to continue/ discontinue monitoring include, but are not limited to, the following:

- Observed affect of the youth;
- Observed behaviour (e.g. youth is calm for a reasonable period of awake time);
- Stabilization (e.g., youth is able to engage in a discussion without escalating); and,
- Return to baseline behaviour (e.g. youth is able to plan on how to avoid similar situations and manage their own behaviour).

When the Senior Youth Supervisor has determined the youth is no longer in crisis he/she will notify the living unit and control staff of the visual inspection frequency to be conducted.

For those youth who have been assessed as at psychological high risk refer to policies found in Section G of this manual which address requirements regarding monitoring and documentation in relation to youth assessed to be at psychological risk (e.g. suicide, self harm, etc.).



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### ***2.13 Report to Person in Charge***

In the unlikely event of a deviation from the visual inspection policy, the youth supervisor shall immediately advise the person in charge, who shall provide a written report to the Director of Operations outlining the circumstances of the failure to complete a visual inspection.

### ***2.14 Back-Up Plans***

The Director shall prepare and maintain a plan for the back-up coverage of each staff member working in close proximity to residents where that staff member may be in a potentially dangerous situation so as to ensure the adequate safety and security of staff.

### ***2.15 Electronic Surveillance***

Where electronic surveillance is used to monitor youth, it shall only be used for the monitoring of youth in hallways, corridors, day rooms, program areas or at points in the security perimeter. Electronic surveillance does not replace visual supervision and one to one interaction with youth.


Electronic surveillance shall not be used for monitoring youth in washrooms or resident rooms with the exception of a room used for youth that are on continuous monitoring.

A monitoring system is a component of enhanced supervision which is used for the safety and protection of all persons and security. Any system of monitoring resident activities must place emphasis on the human dignity and the privacy of the person whom it affects.


### ***2.16 Exchange of Information***

The Director of each youth custody centre shall ensure that local policies are in place to provide for the passage of information from one shift to another. Strategies used to achieve this goal may include:

- a) Overlapping shifts.
- b) Staggered start and finish times.
- c) Log book entries.

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- d) Critical incident/information files.
- e) Access to other manual or automated information systems.
- f) Production and distribution of high risk lists.

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## **D. SECURITY AND SUPERVISION OF RESIDENTS**

### **3. COUNTS**

#### ***3.01 Formal Count***

The total youth population of the youth custody centre, identification and count, shall be made on the commencement of a regular scheduled shift and at least on three other occasions during the shift. The results shall be recorded in writing and shall include:

- a) The date and time of the count.
- b) The area or location in which the count was conducted.
- c) The number of youth assigned to the area or location.
- d) The number of youth accounted for as physically present, verified by the sight of the resident (and, in the case of sleeping or motionless youth, verification of their well-being), or otherwise assigned to the facility area or location, including those residents on authorized leave from the centre (i.e., court appearances, reintegration leave).
- e) The identity of the staff member responsible for the entry.

#### ***3.02 Movement Count***


A count shall be conducted prior to and immediately following all movements involving groups of youth within the centre (e.g., for the purpose of meals, on-site programs) or those on escort off-grounds (e.g., work outings, off-site programs). Any group movements off-grounds require a recorded identification count.

#### ***3.03 Informal Count***

To ensure staff are aware of the placement of residents, an informal count shall be taken of residents at various and unscheduled times and under situations not included in the formal count.

#### ***3.04 Count Discrepancies***


In the event there is a discrepancy between the number of youth assigned to an area and the number of youth accounted for, the person in charge shall be notified immediately and an identification count shall be conducted. Where the difference is not reconciled, a thorough search of the grounds of the youth custody centre shall be

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carried out. Failure to resolve the discrepancy following a search shall result in the implementation of procedures for escapes located in the Security and Control in Emergency Situations section of this manual.

Identification counts will also be conducted to reconcile counts in the following situations: fire, earthquake and other disasters or as may be authorized by the person in charge.

When staff are uncertain of a youth's identity or are unable to visually identify a resident in their care, the youth's face will be compared to the CORNET identification picture.

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## D. SECURITY AND SUPERVISION OF RESIDENTS

### 4. SEARCHES OF PERSONS AND PROPERTY OF YOUTH

#### 4.01 Legal Authority

The YJA, sec. 32.1 provides the authority to conduct searches of youth, their possessions, clothing or their room.

#### 4.02 Definitions

The YCR, sec's. 16 and 17 provide for the following definitions of searches:


A **frisk search** means a “hand search or a search by use of a hand-held screening device, conducted by an authorized person

- (a) of a clothed person, from head to foot, down the front and rear of the body, around the arms and legs, and inside clothing folds, pockets and footwear, and
- (b) of any personal possessions, including clothing, that the person may be carrying or wearing”.

A **screening search** means a “search by an authorized person of a clothed person and any personal possessions, including clothing, that the person may be carrying or wearing, that is conducted visually or with the use of a screening device, including a drug detection dog, ion spectrometry device, CO2 detector, walk through or hand-held metal detector or other screening device that is approved by the person in charge”.

A **strip search** means a “visual inspection by an authorized person of a nude person that includes:

- a) a visual inspection of the following:
  - i. the person undressing completely;
  - ii. the open mouth, hands or arms of the person;
  - iii. the soles of the feet and the inside of the ears of the person;
  - iv. the person running his or her fingers through his or her hair;
  - v. the person bending over, and
- b) the person otherwise enabling the authorized person to perform the visual inspection”.

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### ***4.03 Authorized Person***

An “authorized person” means the person in charge of the youth custody centre. This person authorizes searches to occur. Youth supervisors are designated to conduct searches once authorized to do so by the person in charge.


### ***4.04 Searches to be Conducted***

All searches of the person or the property of a youth shall be conducted so as to preserve the integrity and dignity of the youth, being mindful of trauma experiences for this population, and are conducted in the following circumstances:

- a) pursuant to sec. 32.1(1) YJA “on the admission, entry or return of a young person to a youth custody centre, an authorized person must conduct a search of the young person and any personal possessions, including clothing that the young person may be carrying or wearing”; This section provides automatic authority for searches upon new admission and return from court. In all other movement scenarios (e.g. youth was escorted and under direct supervision of staff) an assessment will be made of the need to conduct a search.
- b) pursuant to sec. 32.1(2) YJA “for the purpose of detecting contraband, the authorized person may without individualized suspicion conduct searches of the young person and any personal possessions including clothing, that the young person may be carrying or wearing, (and) the young person’s room and its contents”;
- c) pursuant to sec 32.1(3) YJA where an “authorized person believes on reasonable grounds that a young person may be in possession of contraband or evidence relating to an offence under sec. 33 (contraband and trespassing), the authorized person may conduct a search of...the young persons and any personal possessions, including clothing, that the young person may be carrying or wearing (and) the young person’s room and its contents.”

### ***4.05 Type of Search***

A frisk or screening search may be conducted for any purpose described in paragraph 4.04. A strip search can only be conducted on the admission, entry or return of a young person to the youth custody centre as above or where an authorized person believes on reasonable grounds the young person may be in

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possession of contraband or there is evidence relating to an offence under sec. 33 of the YJA (contraband and trespassing).

Where a youth supervisor believes on reasonable grounds the youth is in possession of contraband or there is evidence of an offence under sec. 33 YJA, the strip search must be authorized by the person in charge prior to conducting the search. Strip searches are not automatically conducted.

#### ***4.06 Gender Requirements to Conduct Searches of Persons***

A frisk search of a young person must be conducted by a staff member of the same gender. If there is an urgent need to conduct a search for the purposes of health, safety and security, a frisk search may be conducted by a staff member of the opposite gender but only in the presence of a second staff member. The second staff member may be a staff member assigned to the control area who has the ability to clearly observe the frisk search.

A screening search may be conducted by a male or female staff member irrespective of the gender of the youth(s) involved in the screening search.

A strip search of a young person, in accordance with sec. 32.1(5) YJA “must be conducted by an authorized person of the same sex as the young person unless the delay that would be caused by complying with this requirement would result in danger to human life or safety” (reference section D 4.08 ‘Strip Searches Other Requirements’ below).

#### ***4.07 “Strip Searches” Legal Requirements***

Pursuant to sec. 17(2) YCR:


“If the circumstances allow, an authorized person must, before conducting a strip search:

- a) inform the person to be strip searched of the reasons for the strip search, and
- b) explain how a strip search is conducted.”

In accordance with sec. 17(3) YCR:

“A strip search that is conducted by an authorized person must be

- a) observed by one other authorized person,

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- b) carried out in as private an area as the circumstances allow, and
- c) carried out as quickly as the circumstances allow.”

In addition, prior to conducting a strip search, the person in charge must be satisfied that there are reasonable grounds to conduct a strip search, and the assessment of reasonable grounds must balance the youth’s right to privacy against the interests in securing a proper level of safety. This assessment must be determined on a case by case basis.


Internal searches are invasive searches of body areas. Youth custody staff do not conduct such searches. Should a situation arise where a request is made for an internal search consultation with the Office of the Provincial Director of Youth Justice shall occur.

#### **4.08 “Strip Searches” – Other Requirements**

The staff member conducting the strip search must be the same gender as the young person who is being searched. Additional requirements with respect to a “strip search” are as follows:

- a) All strip searches shall be visual only and at no time shall there be any physical contact between the young person being searched and the same gender staff member conducting the search.
- b) The young person being searched shall be instructed and initiate all body movements required during the search.
- c) The strip search shall be conducted in an area that precludes observation of the young person by persons other than the staff member conducting the search. To avoid inadvertent entry during the strip search, the area should be clearly identified as “strip search in progress”,
- d) The strip search shall be observed by only one other staff member who must be situated so this second staff member can only observe the staff member conducting the search and is unable to observe the young person being searched. This second, observing staff member should, where available, be the same gender as the youth being searched but this is not a mandatory requirement given the second staff member is unable to observe the youth.
- e) The young person shall remain unclothed only for the minimum period of time required to conduct an effective and expeditious search. The young person shall not be left entirely unclothed prior to or following the search and, to the extent practicable, should not be fully unclothed during the search.



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- f) Where contraband is evident and on the person of the youth, the young person will be directed and provided the opportunity to remove the contraband prior to any subsequent medical intervention.

#### ***4.09 Written Records/Reports***

A report of each strip search conducted with respect to young persons searched during admission, entry or return to a youth custody centre shall be completed and placed on the youth's master file. This can include written entries or electronic entry on CORNET.

In accordance with sec. 18 YCR where a search is conducted on the reasonable grounds the youth is in possession of contraband or evidence related to an offence under sec. 33 YJA, the senior youth supervisor must complete and submit a report to the Director, Operations as soon as practicable after the search.

The report shall include, at a minimum:


- a) the date, time and duration of the search;
- b) the names of the staff members conducting and observing the search;
- c) the reason for the search;
- d) the reason and description of any force employed during the search;
- e) a description of any contraband discovered and seized as a result of the search; and
- f) the date and signature of the staff member completing the report.

#### ***4.10 Youth Property Search***

A search of the property of the youth shall be conducted with a minimum of disturbance to the youth's possessions and living area and shall be recorded in writing and signed by the staff member(s) conducting the search. Every effort should be made to conduct the search in the presence of the concerned youth. Living areas and belongings shall be left in the least disturbed condition possible following a search.

#### ***4.11 Use of Restraint***

Where a young person refuses to co-operate with a search of their person or property, reasonable restraint kept to the minimum required may be used to effect

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the search (refer also to the policies regarding Physical Restraint and Mechanical Restraint Devices in this section of the manual).


#### ***4.12 Contraband***

Any contraband found as a result of any search shall be dealt with in accordance with the policy regarding Contraband in the Operational Security and Control section of this manual.

#### ***4.13 Religious Items and Searches***

Where a youth is in possession of a religious item which may threaten or contain an item which may threaten the security of the centre, the Director or delegate shall ensure all staff are sensitive to the religious beliefs of the concerned youth.

Wherever possible, steps should be taken, in consultation with the Chaplain or Aboriginal service provider, to resolve any security concerns in a manner that respects the religious and privacy rights of the youth (e.g. turban, medicine pouch, other).

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## D. SECURITY AND CONTROL OF RESIDENTS

### 5. USE OF PHYSICAL RESTRAINT AND MECHANICAL RESTRAINT DEVICES

#### ***5.01 Legal Authority – Use of Physical Restraint/Force***

Sec. 24 YJA provides that employees appointed under that Act are peace officers while carrying out their duties under the Act, the YCJA and the YCR.

The authority of peace officers to use physical restraint and force within the framework of their employment is contained in the following sections of the CC: sec's. 25, 26, 27, 32, 34, 36 and 37.

Sec. 14(1) YCR provides the following in relation to the use of physical restraint and force:


“ If all other means of dealing with the youth have been exhausted or are not reasonable in the circumstances, a staff member may use reasonable and necessary force to:

- a) prevent or discontinue harm to another person, or
- b) prevent the commission or continuation of an offence including the apprehension of a youth at large without lawful excuse, or
- c) overcome resistance or compel compliance necessary for the security of the youth custody centre.”

#### ***5.02 Prohibitions – Weapons/Behaviour Management Techniques***

The following prohibitions apply to weapons and other behaviour management techniques:

- a) all weapons including firearms, conductive energy devices, oleoresin capsicum sprays or any other similar device not authorized for use in a youth custody centre;
- b) chemical restraints;

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- c) the use of physical restraint, force, mechanical restraints or confinement for purposes other than provided for in law and policy;
- d) excessive or inappropriate use of authorized use of force, restraints or confinement including corporal punishment
- e) withholding nutrition or hydration
- f) the use of aversive stimuli to compel compliance;
- g) group punishment;
- h) forces physical exercise to eliminate behaviours;
- i) punitive work assignments;
- j) the use of demeaning, shaming or degrading language or activities and
- k) the application of force, the use of physical restraint, mechanical restraint devices or confinement by youth or any other person not authorized, qualified and trained.

### ***5.03 Exceptions – Escorts***

The policy and procedures with respect to the use of physical restraint or mechanical restraint devices does not apply to situations where such action is used solely to maintain care and custody of a youth (i.e., while a youth is being escorted by a staff member) and otherwise is not being used to overcome resistance or compel compliance.

### ***5.04 Authorized Mechanical Restraints***

Hand and leg restraints are the only authorized forms of mechanical restraint devices in youth custody centres.


### ***5.05 Authorized Persons***

Although all youth supervisors are authorized in law to use physical restraint and mechanical restraint devices, this authorization is subject to the policies and procedures specified in this manual.

The person in charge designates youth supervisors, on a case by case, basis the authority to apply mechanical restraint devices in accordance with these policies and procedures.

### ***5.06 Requirements***

The use of physical restraint and mechanical restraint devices shall be restricted to circumstances where all other means of dealing with the youth have been exhausted or are not reasonable in the circumstances and for the purposes as set out in

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paragraphs 5.01 and 5.02 above. In addition, the following requirements apply to the use of physical restraint and mechanical restraint devices:

- a) When practicable and feasible:
  - i. the young person is advised restraint may be used and the action required to avoid the use of restraint;
  - ii. the person in charge approves the use of restraint; and
  - iii. a second staff member is present before restraint is used.
- b) The use of restraint must:
  - i. be the minimum, safest and most effective as the circumstances allow;
  - ii. escalate and de-escalate with the resistance being presented
- c) With respect to mechanical restraint devices, at no time shall the device be attached to a stationary object unless circumstances of an extraordinary nature necessitates this practice such as extreme violence or self harm, riot situations, off-site escape apprehension or, where necessary, during the hospitalization of a youth deemed to be high risk and/or an escape risk. In those exceptional circumstances, Director authorization is required.

### ***5.07 Monitoring and Assessment***


Where the use of physical restraint occurs or mechanical restraint devices are used, the young person affected shall be subject to continuous monitoring during the period of time the physical restraint or mechanical restraint device is employed. (Refer to section D 2.11 Continuous Monitoring in this section of the manual)

Where the use of physical restraint or mechanical restraint device continues to be required:

- a) the youth shall be assessed every fifteen minutes for any harmful effects; and,
- b) a continuing log is kept to record the name of the affected youth(s), reasons for the restraint, length of the restraint, verify continuous monitoring is maintained and the results of the required assessments.

### ***5.08 Discontinue as Soon as possible***

In all cases where physical restraint or mechanical restraint devices are used, it shall be discontinued as soon as possible.

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### ***5.09 Length of Physical Restraint***

With respect to physical restraints, sec. 14(2) YCR requires “ a youth may not be physically restrained for a period longer than is necessary for the reasons specified” (refer to article 5.01).

The physical restraint of a youth shall not exceed thirty minutes unless:

- a) it is necessary to manage the continuing behaviour of the youth that threatens the safety of the youth or others; and,
- b) the continued use of the restraint is assessed, authorized and documented at one half hour intervals thereafter and documented in writing by Director, Deputy Director or Assistant Deputy Director.

### ***5.10 Length of Mechanical Restraint Devices***


In regard to mechanical restraint devices, sec. 15 YCR provides a youth may not be restrained for more than one hour unless:

- a) the youth is on an escorted absence from the youth custody centre; or,
- b) it is authorized by the person in charge on reasonable grounds the use of the mechanical restraint device is necessary for the safety of the youth or another person and other means of dealing with the youth have been exhausted or are not reasonable in the circumstances.

Where a mechanical restraint device is used, the person in charge must assess, authorize and document the continued use of the device in intervals not to exceed fifteen minutes for the reasons stated in (b) above. During the period of mechanical restraint, the youth shall be provided reasonable access to food and water to minimize adverse effects that could result from being restrained.

Where the mechanical restraint device continues to be used for more than one hour and up to eight hours for the reasons stated in (b) above, the person in charge will seek re-authorization by the Director , Deputy Director or Assistant Deputy Director in intervals not to exceed thirty minutes.

Where the mechanical restraint device continues to be used for more than eight hours for the reasons stated in (b) above this must be authorized by the Provincial Director, Youth Justice. In addition to the continuing reviews by the Director of the youth custody centre in intervals not to exceed thirty minutes, there shall be reviews

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conducted with the Provincial Director, Youth Justice in intervals not to exceed four hours.

### ***5.11 Adverse Effects***

Notwithstanding the lengths of time noted above for the use of physical restraint and mechanical restraint devices, where it is evident the use of the restraint is producing adverse effects such as illness, injury or severe emotional or physical distress (e.g. skin color, respiration, level of consciousness and responsive, level of agitation, swelling in the extremities), the use of the restraint shall be discontinued.


### ***5.12 Incident Report***

In all cases of the use of physical restraint or mechanical restraint devices, a written report shall be submitted to the Director, Deputy Director or Assistant Deputy Director of the youth custody centre as soon as practicable via an electronic incident report, which shall include:

- a) the actions taken to de-escalate the situation prior to using restraint ;
- b) the reason for the use of physical restraint or mechanical restraint devices;
- c) a description of the physical restraint or mechanical restraint device used;
- d) the duration the physical restraint or mechanical restraint device was used;
- e) the consequences of the use of physical restraint or mechanical restraint devices including any harm experienced by the youth or others;
- f) the names of all other staff, youth or others who were involved or a witness to the use of physical restraint or mechanical restraint devices;
- g) a description of what type of contact was made, and by whom;
- h) the date, time, place, name and signature of the reporting staff member;
- i) medical or other services provided to the youth;
- j) the completion of a plan developed through a life space interview or debriefing of the youth; and.
- k) dates and times of all authorizations and reauthorizations.

Restraints shall be documented by all staff and others who were involved in or witnessed the restraint. (e.g. supplemental incident report or other form of documentation).

### ***5.13 Health Care Assessment***

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As soon as practicable, and no later than 12 hours following the application of restraint, and at least once within each subsequent 24 hour period, a health care professional shall conduct an assessment of the youth.

### **5.14 Administrative Review**

Following an incident involving physical restraint, post incident medical and follow-up evaluation, debriefing and support is to be offered to the youth, the staff members, and any other people involved in or witnesses to the incident. The restraint intervention is to be explained to the youth, providing them an opportunity to express their views on what transpired.

Within 24 hours of an incident involving the use of physical restraint or mechanical restraint devices, the person in charge, in consultation with the involved youth and staff members will assess the incident and consider:

- a) the physical and emotional well-being of the involved youth and staff and the need for medical care, counselling or other services; and,
- b) the need to alter the behaviour management practices in association with the affected youth, which may include the development or update to an individual crisis management plan

The results of this review and assessment shall be provided in writing to the Director, Deputy Director or Assistant Deputy Director, who conducts an administrative review including consideration of how the incident was handled, the need for new or revised policy or training, and external reporting requirements.


Where injury to the youth or staff did or could have occurred or there is damage to property, the person in charge, in consultation with the Director, Deputy Director or Assistant Deputy Director shall determine if a formal de-briefing is required.

### **5.15 Notifications**

All incidents involving physical restraint or mechanical restraint devices must be included in the resident's monthly service plan review reports which are provided to the community probation officer and parent/guardian.

Where the incident involved a serious injury to the youth or allegations of staff misconduct, the applicable provisions of this manual shall apply (Health and Safety, Injuries/Illnesses, Child Abuse and Neglect).



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### **6. USE OF HAND HELD VIDEO EQUIPMENT**

#### ***6.01 Video Recording***

At the direction of the youth custody centre Director, youth custody centres may utilize hand held video equipment to tape emergencies and critical incidents involving residents who pose a danger to themselves, other youth or staff, and/or which may involve the use of force or physical restraint where a planned team intervention occurs.


#### ***6.02 Recording***

The person in charge shall assign a youth supervisor competent in the use of the hand held video camera to record the incident. Only those staff designated by the person in charge shall operate the hand held video camera. In all instances, the equipment will be tested prior to use to ensure the equipment is functioning, the battery is fully charged, a spare battery is accessed, and the sound recording is turned on.

In instances where it is possible to foresee the need to videotape an incident, upon the direction of the person in charge, taping should commence during the team briefing when an intervention plan has been established, during entry on to the unit/area, during the warning to youth, room entry, control and restraint, escort to another location (if applicable), removal of restraints; and medical review by health care (if applicable). Taping of the incident shall continue until the situation is concluded. Taping should cease upon direction by the person in charge.

#### ***6.03 Recording of Room Extractions***

In those circumstances that require staff to enter a resident's room or remove a youth from a room, recording shall include the entry into the living unit through task completion and the exit of those involved in the incident is captured. Due to the serious nature of the material being recorded it is imperative the recording be continuous and uninterrupted.

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#### ***6.04 Role of the Camera Person***

The designated camera person is to provide ongoing, continuous video recording of an incident. The use of a video camera during an incident provides video evidence for protection to the youth, staff and organization. On entry into the youth's room, the camera person will take up a position at the door. The camera person will ensure the camera is always focused on the youth and staff (if possible) and will avoid "zooming in" to ensure a full picture of what is transpiring and the actions of the youth and staff are recorded.

#### ***6.05 Preservation of Recording***


Once the incident has been terminated, the person in charge or designate shall remove the tape from the video camera and place it in a secure area identified by the Director.

#### ***6.06 Report***

The person in charge shall ensure a written report detailing the incident and the use of hand held video equipment is submitted to the Director in a timely manner.

#### ***6.07 Limited Use***

The hand held video equipment shall be stored in an area identified the Director. The use of the equipment is solely intended for emergency situations and critical incidents identified by the Director, Deputy Director or Assistant Deputy Director. Tapes from critical incidents are confidential and shall not be used for training purposes, with or without youth's consent.

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### 7. ARREST AND DETENTION

#### 7.01 Authority

Under sec. 10 Canadian Charter of Rights and Freedoms in the Constitution Act (1982),

“Everyone has the right on arrest or detention:

1. to be informed promptly of the reason therefore;
2. to retain and instruct counsel without delay and to be informed of that right; and
3. to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful”,


... subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Sec. 146(2) YCJA also provides conditions regarding the admissibility of statements made by youths.

#### 7.02 Application

Although the Canadian Charter of Rights and Freedoms and the YCJA in these matters are more applicable to Police officers than staff, there may be circumstances requiring youth custody centre staff to inform individuals of their rights on arrest or detention, e.g.:

- the arrest, under fresh pursuit, and return to custody of a youth who is escaping from a youth custody centre or escort;
- the arrest and return to custody of a youth on reintegration leave who has breached one or more conditions;
- the arrest of persons who are not residents (i.e., visitors) who are believed to be committing a criminal offence or are aiding in the escape of a young offender from a youth custody centre or escort; or,
- the arrest of a youth subject to a provincial director suspension warrant.

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### **7.03 Arrests – Youth**

The primary responsibility for apprehending escapees or for arresting on other criminal matters rests with the Police, but in exceptional circumstances where a staff member arrests a youth, the staff member must advise the youth:

1. "I am arresting you for ... (state the reason for the arrest and provide reasonable information including the date, time and place of the alleged offence)."
2. "It is my duty to inform you that you have the right to retain and instruct a lawyer without delay and before making any statement you have the right to consult with a lawyer, your parents or, if they are not available, any other adult relative or if no adult relative is available, another appropriate adult of your choosing."
3. "If you choose to consult another person, you have the right to have that person present if and when you make a statement."
4. "You are not obliged to say anything, but anything you do say may be given as evidence against you."

Youth accused of committing offences have certain rights under sec. 10 Canadian Charter of Rights and Freedoms, and also regarding the admissibility of statements under sec. 146(2) YCJA. No statement given to a person in authority is admissible unless the statement was voluntary and, before the statement was given it has been explained to the youth in a language appropriate to his/her age and understanding that:

- a) There is no obligation to give a statement.
- b) Any statement given may be used as evidence against the youth.
- c) There is a right to consult a parent, lawyer, other adult relative or, in their absence, any other appropriate adult before a statement is given.
- d) If the youth chooses to consult another person before giving a statement, the statement shall be given in the presence of that person unless the youth desires otherwise.

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## **7.04 Exceptions**

Sec's. 146(3) and (4) YCJA provide certain exceptions to the provisions regarding the admissibility of statements. These requirements do not apply where a youth makes a spontaneous oral statement to a peace officer before the peace officer has had a reasonable opportunity to comply with the requirements outlined in article 7.03 above.

In addition, the youth may waive, in writing, the rights to consult and have present a lawyer, parent, adult relative, or other appropriate adult.

## **7.05 Person in Authority**

Where a youth chooses to consult and have present an employee of a youth custody centre in accordance with sec's. 146(2)(c) and (d) YCJA that employee should refuse as the courts may deem an employee to be a "person in authority", which may result in the statement being inadmissible as evidence.

## **7.06 Arrests – Other**

Upon the arrest of any other person (excluding a resident youth) the youth custody centre staff member shall inform the other person of:


- a) The reason for the arrest.
- b) The right to retain and instruct counsel without delay.

Youth custody centre staff members may be issued cards indicating standard wording for the rights that must be read to the other person upon arrest (refer to article 7.03 for sample).


## **7.07 Opportunity to Contact Lawyer**

Youth custody centre staff shall further ensure that a person arrested is given opportunity to contact a lawyer at the earliest practical opportunity after the arrest, should the person wish to exercise that right. Communication with the lawyer is privileged.

Where persons other than young offenders are arrested, the Police shall be notified immediately.

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Each youth custody centre Director shall ensure that a list of the names and phone numbers of Legal Aid duty lawyers is available to assist staff to comply with requests by arrested persons to contact legal counsel.

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### **8. BEHAVIOUR SUPPORT & MANAGEMENT – INTRODUCTION**

#### ***8.01 Definition***

The purpose of behaviour support and management strategies is to promote positive behaviour and protect the safety of youth, staff and the public. Responding to youth's behaviour in a trauma informed manner will promote long term positive outcomes for youth by assisting them to maintain healthy relationships, promoting respectful interactions and supporting youth to manage their own behaviour and emotions.

#### ***8.02 Legal Authority***

There are several legal authorities for youth custody centre staff to exercise the authority to discipline, including: sec. 24 YOA, and sec's. 11 and 12 YCR.


#### ***8.03 Principles***

Prevention is the most effective behaviour management strategy. Prevention is achieved by effective programming and case management but, foremost, by a custodial climate which is geared toward the modeling, promotion and encouragement of positive behaviour, rather than focusing only on the application of consequences to negative behaviour.

Where corrective action is required, the principles of "natural justice", must be observed (e.g. the youth must be advised of the nature of the allegations, have an opportunity to be heard and to grieve any consequences). Consequences for inappropriate behaviour shall be tailored to the individual youth (i.e. group consequences shall not be imposed in reaction to an individual resident's breach of the rules).


In addition, sec. 12(3) YCR requires the senior youth supervisor to consider the following when determining an appropriate consequence:

- (a) the minimum level of intervention required to correct the behaviour of the youth;

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- (b) the need to provide and maintain order, discipline and security and to protect the safety of persons in the youth custody centre, and,
- (c) the need for the consequences to be
  - (i) meaningful to the particular youth,
  - (ii) fair in the circumstances, and
  - (iii) proportionate to the harm done.



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### **9. BEHAVIOUR SUPPORT AND MANAGEMENT – RULES OF CONDUCT**

#### ***9.01 Authority***


Sec. 2 YCR provides the authority for rules of conduct governing young persons in youth custody centres.

1. The person in charge of a youth custody center is responsible for managing and operating the youth custody centre in a manner that:
  - a) provides and maintains order, discipline and security in the youth custody centre,
  - b) protects the safety of persons in the youth custody centre, and,
  - c) promotes the rehabilitation of youth and their reintegration into the community.
2. For the purposes of subsection (1) the person in charge:
  - a) must act in accordance with any directives of the provincial director in carrying out responsibilities under that subsection, and,
  - b) may establish written rules governing the conduct of the youth that the person in charge considers necessary or advisable.
3. A rule of conduct under subsection (2) (b) does not become effective unless approved by the Provincial Director, Youth Justice.

#### ***9.02 Responsibilities of Youth***

The rules of conduct for all open or secure custody centres shall include the following responsibilities of youth.

1. To keep his/her person, clothing and sleeping area clean and orderly.
2. To comply with any reasonable directions given by a youth supervisor, which include attending programs.
3. To treat staff and other youth with respect; this includes not engaging in any physical, sexual or abusive behaviour towards staff or other youth.
4. To follow the rules of the centre and to respect all property.
5. To ensure the safety of themselves and others.
6. To let others know if assistance is required.


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7. To actively participate in planning for their time in custody and for their release.

The Director of a youth custody centre has the discretion to particularize or expand upon the above but any local rules must be consistent with the above-stated rules and be approved by the Provincial Director, Youth Justice.

### ***9.03 Role of Staff/Daily Activities***

The resident orientation package shall include a description of the daily activities of the youth custody centre and the role of the Director and staff. Each youth shall be given a copy and any explanation necessary to assist in understanding the rules on admission.

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### **10. BEHAVIOUR SUPPORT AND MANAGEMENT – INTERNAL MANAGEMENT CONSEQUENCES**


#### ***10.01 Definition***

Internal management consequences refer to routine corrective actions that may be taken in response to first or relatively minor breaches of rules of conduct (i.e., additional work, suspension of privileges, etc). Exceptional procedures such as a transfer from open to secure custody, the use of separate confinement, or criminal charges are dealt with on the following pages of this section of the manual.

#### ***10.02 Authority***

Sec. 10 YCR specifies those actions on the part of youth in custody that constitute a disciplinary infraction for which a consequence may be imposed. These are:

- a) disobeys a direction of a staff member;
- b) enters an area of the youth custody centre in which the youth is not authorized to be without permission of a staff member;
- c) enters a living unit or room that is not assigned to the youth without permission of a staff member;
- d) wilfully or recklessly damages or destroys property that is not property of the youth;
- e) steals or possesses stolen property;
- f) possesses property that is not property of the youth, without permission of a staff member;
- g) gives or sells contraband to another youth;
- h) behaves in an insulting or abusive manner toward a person;
- i) behaves in a manner toward another person that
  - i. threatens or demeans the person or violates that person's dignity, or
  - ii. shows hatred or contempt for the person based on the person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age;
- j) engages in an indecent act;
- k) engages in horseplay or roughhousing;
- l) physically fights with another person;
- m) assaults or threatens another person;

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- n) takes an intoxicant into his or her body;
- o) uses a tobacco product;
- p) obstructs a staff member in the execution of his or her duties;
- q) creates or participates in
  - i. a disturbance, or
  - ii. any other activity that threatens or is likely to threaten the management, operation, discipline or security of, or the safety of any person in, the youth custody centre;
- r) does anything for the purpose of escaping;
- s) offers, gives or accepts a bribe;
- t) gambles;
- u) gives to or accepts from another youth money or other property without permission;
- v) wilfully disobeys a rule of conduct;
- w) provides a false or misleading statement to a staff member;
- x) possesses or attempts to obtain contraband;
- y) attempts to do, assists another person to do or attempts to assist another person in doing anything referred to in paragraphs (a) to (x).

### ***10.03 Duty to Resolve – De-Escalation Strategies***


Sec. 11(1) YCR requires a staff member to take steps to resolve disciplinary infractions.

“If a staff member believes on reasonable grounds that a youth is committing or has committed a disciplinary infraction, the staff member must do the following:

- (a) if the circumstances allow,
  - (i) stop the disciplinary infraction from occurring, or
  - (ii) give the youth an opportunity to stop the disciplinary infraction from occurring, or, to correct his or her behaviour;
- (b) inform the youth
  - (i) of the disciplinary infraction committed, and
  - (ii) what it consists of”.

In attempting to assist the youth to learn from their behaviour and build positive skills, the following strategies shall be considered:

1. Isolate the situation which may involve removing the youth or removing others.
2. Actively listen.
3. Speak calmly, assertively and respectfully to the youth.
4. Acknowledge the youth’s feelings.

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5. Assist the youth to think of positive outcomes and behaviours.
6. Allow the youth enough space and time to process the event.

For the purpose of assisting the youth, a senior youth supervisor may authorize room time/time away (locked or unlocked) for a period not exceeding two hours.

When requesting authorization to place a youth in their room, the youth supervisor shall advise the senior youth supervisor of the situation and the circumstances, and alternative consequences utilized or considered.

Where a youth is placed in their room as a behavioural consequence, this shall be recorded on the youth's progress log.

#### ***10.04 Report and Consequences***


Sec. 11(2) YCR provides:

"If, in the opinion of the staff member referred to in subsection (1), the disciplinary infraction has not been or cannot be satisfactorily resolved by the actions described in that subsection, the staff member must, as soon as practicable, file a written report with the person in charge of the youth custody centre, setting out:

- (a) the disciplinary infraction that is alleged to have been committed,
- (b) the circumstances surrounding the disciplinary infraction, and
- (c) the action taken, if any, under subsection (1) (a) (ii)."

This report shall be in the form an electronic incident report and the senior youth supervisor shall, after giving the youth an opportunity to be heard, determine if there are reasonable and probable grounds that a breach of the rules of conduct has occurred. If satisfied that a breach has occurred, the senior youth supervisor, as a delegate of the Director of the youth custody centre, may impose one or more of the consequences as provided in sec. 12 YCR:

- (a) a warning or reprimand;
- (b) an oral or written apology;
- (c) a reduction in the monetary allowance of which the youth would otherwise be entitled;
- (d) full or partial monetary compensation for damage to or loss of property;
- (e) temporary or permanent loss of one or more privileges or activities normally available to the youth;

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- (f) extra work, physical activity or other tasks, for a specified period not longer than two hours;
- (g) confinement in a room, locked or unlocked, for a specified period not longer than two hours;
- (h) transfer of the youth to a different room or living unit in the youth custody centre.

In addition to those consequences listed above, sec. 12(2) YCR provide that the person in charge of the youth custody centre may recommend to the provincial director (delegated to youth custody Directors):

- a) a revocation of an authorization made under section 35(2) YJA (reintegration leave and day absence) in respect of a youth; or
- b) transfer of the youth to a different youth custody centre.

A recommendation for the denial or revocation of an authorization made under sec. 91 YCJA may also be submitted to the Provincial Director (delegated to youth custody Directors).

In determining the appropriate consequence, consideration shall be given to the criteria outlined in sec. 12(3) YCR and paragraph 10.03 above.


### ***10.05 Compensation-Damage to or Loss of Property***

When it is determined the appropriate consequence provided in article 10.04 above is compensation for damage to or loss of property, the following guidelines will apply:

- youth would be assessed for damages up to \$100.00 at face value;
- damages to property or the facility over \$100.00 would be assessed at \$100 plus 20% of the balance amount;
- all damage assessments are to be reviewed on a case by case basis;
- all damage assessments will carry over periods of release and re-admission; and,
- payment of damage assessments will be limited to money earned through the incentive program, paid jobs and other centre programs.

### ***10.06 Room Time – Two Hours Or Less Locked or Unlocked***

A strategy that provides youth space and time to reflect on their behaviour is to confine a youth in a room, either locked or unlocked, for a maximum of two hours as provided in article 10.04 above. This type of consequence should only be used when

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alternative methods of dealing with the behaviour have been tried and proven unsuccessful (e.g. prompting, verbal redirection, environmental strategies, etc.) or are obviously inappropriate. Every effort should be made to release the youth from the room time at the earliest possible opportunity.

Locked or unlocked room time for two hours or less is distinguished from the use of separate confinement which is used only when a youth acts in a manner which would be dangerous to the youth or to other persons or for the other reasons specified in YCR 13(1) (refer also to the Separate Confinement policy in this section of the manual). Extended room times which essentially constitute separate confinement are not to be utilized (e.g. continued confinement which effectively restricts the youth from access to programs and services). Policies and procedures described in the separate confinement section are to be followed. Youth will be released at the earliest opportunity to rejoin the unit/program.

At any time a youth is in a state of crisis or increased level of agitation, additional assessment is required to determine the level of monitoring. (Refer to section D 2.11 Continuous Monitoring in this section of the manual).


### ***10.07 Additional Behaviour Support Strategies:***

Time away may also be used as a behaviour support strategy for youth to manage their own behaviour, which is distinguished from room time as a consequence. Youth may voluntarily remove themselves from a situation as part of an established behaviour plan for the youth. In these instances youth can request to leave the room by knocking on the door or by using the call button to alert staff, or by other communication means developed with staff.

### ***10.08 Exceptions***

Youth may be confined in a locked or unlocked room during waking hours in the following circumstances:

- a. maximum of one-half hour twice daily for operational purposes (e.g., shift change or staff meal breaks);
- b. where the youth is unable or unwilling to participate in a program or activity and no other means of supervising the youth is available;

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- c. when, as a result of an emergency situation (e.g., escape, riot or disturbance, hostage taking, etc.), the confinement of the youth is necessary for the safety of youth, other persons, or the security of the centre
- d. or exceptional circumstances/special events which occur on a limited basis and as approved by the Director of the centre.

In all of the above circumstances, youth shall only be confined to a room, locked or unlocked, when all other alternatives have been exhausted or are not reasonable in the circumstances. In addition, confinement of youth in a locked or unlocked room for these purposes will be for the minimum period required.

Where youth are locked, they shall be monitored through visual inspections (as per the visual inspection policies in this section of the manual), and be provided access to washrooms as needed. Emergency procedures listed in the Security and Control in Emergency Situations apply during these periods.

### ***10.09 Reduction or Suspension***

Upon review, any consequence imposed under article 10.04 above may be reduced or suspended by the Director, Deputy Director or Assistant Deputy Director.

### ***10.10 Director's Review***


The Director, Deputy Director or Assistant Deputy Director shall regularly review actions taken under articles 10.02 -10.05, above to ensure there is consistency and fairness in application, at minimum on a quarterly basis. To ensure administrative fairness, reviews will be conducted by a Director, Deputy Director or Assistant Deputy Director who is not involved in the initial decision making.

### ***10.11 Youth Complaint***

A youth has a right to file a complaint regarding any consequence taken under article 10.04 and shall be informed of this right once a decision is taken.

Any complaint lodged by the youth shall be communicated to the Director without delay who, after permitting the youth an opportunity to be heard, will respond to the complaint, within five working days. A suitable adult advocate may assist the youth to present the complaint to the Director.



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The Director may, with the consent of youth, refer the complaint to the centre's Community Advisory Board for resolution. A suitable adult advocate may assist the youth in presenting the complaint to the Community Advisory Board.

If the complaint is not resolved to the youth's satisfaction, the youth has a right to lodge a complaint in the same fashion as other complaints (i.e., to the Youth Custody Complaints Manager, or Ombudsperson) or to request a formal review.

Refer to the Complaints Policies in the Mandate section of this manual for information pertaining to serious complaints after hours.

## 10.12 Notifications

In addition to the creation of an electronic incident report on ICON and notifications as listed elsewhere in this policy, all incidents which involve injury/illness, meet critical incident criteria as defined in the manual, or create a public safety risk (e.g. victim contact, attempted escape, new charges, etc.) shall be communicated to the community youth probation officer as soon as possible,

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## D. SECURITY AND SUPERVISION OF RESIDENTS

### 11. BEHAVIOUR SUPPORT & MANAGEMENT – TRANSFERS FROM OPEN TO SECURE CUSTODY

#### *11.01 Legal Authority*

Sec. 24.2(9) YOA\* allows for the administrative capacity to transfer a youth from open custody to secure custody where the youth escapes or attempts to escape, or it is necessary for the safety of the youth or the safety of others.


A formal criminal charge of escape or attempt escape is not required to effect a transfer. These legal provisions provide for the transfer of a youth in order to prevent the possibility or recurrence of escape or of harm or injury, whether physical or psychological, to the youth or other persons at the open custody centre.

The length of a transfer is legally limited to a maximum of 15 days (except where a youth is remanded or sentenced for a new criminal charge, i.e., escape assault. etc.). The time served in secure custody includes the day or any part of the day on which the youth commences and finishes the confinement in a secure custody centre. Upon completion of the 15 day period or any lesser period stipulated by the Director of the open custody unit, the youth must be returned to an open custody unit.

**\*Note:** For additional information regarding the continued application of specified provisions of the YOA despite proclamation of the YCJA, refer to the Custody Classification policy in the Youth Sentences section of the manual.

#### *11.02 Application of Law*

For custody sentences arising from provincial statute matters, the YJA does not distinguish between open and secure custody and hence does not legally restrict movement from open (if administratively placed there) to secure custody.

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### ***11.03 Delegation of Authority***

Sec. 24.2(9) YOA permits the “provincial director” to effect a transfer. This authority has been delegated to all Directors.

### ***11.04 Safety of Others***

A youth may be transferred from open to secure custody when, in the opinion of the Director or his/her delegate, it is necessary to prevent harm or injury to other persons (i.e., other youth, staff, or others providing services at the youth custody centre).

Circumstances which may give rise to a transfer for this reason are when, in the opinion of the Director (or delegate), a youth:

- attempts to escape or escapes (if not already charged and remanded to secure custody);
- attempts, threatens, conspires or actually harms other persons, or incites others to do so;
- attempts, conspires, or creates a disturbance or riot; or,
- has the possession of, attempts to obtain, makes, gives, or knowingly receives a weapon.


### ***11.05 Safety of the Youth***

A youth may be transferred from open to secure custody when, in the opinion of the Director (or delegate), it is necessary to prevent harm or injury to the youth, including ensuring the health of the youth. Circumstances which may give rise to a transfer for this reason are when, in the opinion of the Director (or delegate):

- a) a youth is the subject of threats, attempts or actual harm by other youths of the open custody centre;
- b) the youth may, or is acting in a manner which would result in, harm or injury to him/herself; or,
- c) on basis of a recommendation by a physician, psychiatrist or psychologist, necessary health services available at a secure custody centre are required.

### ***11.06 Filing a Report***

Where a youth supervisor is of the opinion a youth should be transferred from open to secure custody for the safety of other persons or the safety of the youth, the youth

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supervisor shall submit a written report (CF0217) , but only after the youth supervisor is satisfied that alternative methods or consequences cannot satisfactorily resolve the matter.

### **11.07 Procedure**

Where a written report is filed, a senior youth supervisor shall review the report and determine whether the alleged incident or information is sufficiently serious to warrant consideration of a transfer to secure custody. If not, it shall be dealt with by alternative methods or internal management consequences.

If the senior youth supervisor decides the allegation or information is of sufficient seriousness to warrant consideration for transfer, the senior youth supervisor shall:


1. Ensure the youth is fully informed of the alleged breach of the rules and recommendation for a transfer to secure custody.
2. Determine if the youth admits or denies the allegation and agrees or disagrees with the recommended transfer.
3. Provide the youth with an opportunity to be heard, with, as applicable, the assistance of an advocate.
4. Consider any and all other evidence, including statements by the youth supervisor or other witnesses.
5. Consider the prior behaviour of the youth, including prior incidents, escapes, or attempted escapes.

### **11.08 Consequence**

Where the youth admits the allegation and agrees with the transfer and/or the senior youth supervisor on reasonable and probable grounds determines a breach of the rules occurred and a transfer from open to secure custody is required, the Request For Transfer to Secure Custody (CF0217) shall be completed and submitted to the Director.

### **11.09 Authority**

The Director, or in the absence of the Director, the Deputy Director or the person in charge, shall review the information contained in the electronic incident report (if applicable) and the Request For Transfer to Secure Custody (CF0217) and confirm or vary the finding and/or consequence.

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Where the finding and transfer to secure custody are authorized and where the past and present behaviour of the youth so warrants, the consequence of a transfer may be accompanied by a recommendation that the youth be placed on a separate confinement order (refer also to policies in this section of the manual regarding Separate Confinement).

Restraints applied to move a youth to secure custody shall be done in accordance with the Use of Physical Restraint and Mechanical Restraint Devices policies in this section of the manual.

### ***11.10 Length of Transfer***

A transfer may be to a maximum of 15 days, but should be kept to the minimum considered necessary.

The Director may, at any time, return the youth from secure custody status to open custody status.


### ***11.11 Emergency Transfers***

Where a youth escapes, attempts escape, or for the safety of others or the youth, an immediate transfer to secure custody is required, such a transfer may be made if:

- a) A youth supervisor provides an oral report of the alleged incident or other information to a person with transfer authority.
- b) The person with transfer authority (a Director or in their absence a Deputy Director or in their absence the person in charge) is satisfied that the allegation or concern for safety appears well founded.
- c) The person with transfer authority is satisfied that a transfer is urgently required to prevent subsequent escapes or escape attempts or to ensure the safety of others or of the youth.

Where an emergency transfer occurs, the Director shall conduct a review within 24 hours.

Where a review of an emergency transfer finds that the allegation was unfounded or the emergency transfer inappropriate, the Director shall return the youth to open custody and ensure that the transfer policies and procedures are reviewed, and clarified as necessary, with the person in charge who made the oral allegation and approved the emergency transfer.

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## ***11.12 Reviews***

The youth may apply for a review of the finding or consequence to the Director and shall be informed of this right once a decision is taken. A request for a review must be communicated to the Director without delay. A suitable adult advocate may assist the youth to present the requested review to the Director.

Such a review must be completed as soon as practicable and no later than 72 hours after the original finding and consequence. The Director may stay any consequence pending review.


The Director shall review the written allegation, the written summary of the hearing, and may question or hear the youth, the staff member who filed the report, or any other relevant person.

Upon completion of the review, the Director may:

- a) Reverse the findings and set aside the consequence if the Director is of the opinion that the youth is not guilty of the allegation;
- b) Set aside or mitigate the length of transfer if of the opinion the youth is guilty of the allegation, but the consequence is unreasonable or excessive; or
- c) Dismiss the appeal.

## ***11.13 Information to Youth***

Upon admission to an open custody centre, the youth shall be informed of the behaviour that could lead to a transfer to secure custody and of the procedures that will bring that about.

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## **D. SECURITY AND SUPERVISION OF RESIDENTS**


### **12. BEHAVIOUR SUPPORT & MANAGEMENT – SEPARATE CONFINEMENT**

#### ***12.01 Definition***

Separate confinement is an authorized consequence utilized to isolate a youth from contact with other youth. The use of separate confinement is further distinguished from the use of room time in that there are greater restrictions on privileges and amenities available to the youth (refer also to article 10.06 in this section of the manual).

If a youth is locked for more than 2 hours as a consequence, the policies in this section of the manual apply. Unless there are consecutive orders of confinement, a youth shall not be placed in separate confinement for a period exceeding 72 hours. Only in the most unusual and extreme circumstances (i.e. imminent safety risk), would a youth be placed on separate confinement for consecutive order over 72 hours.

Where the behaviour of a youth in open custody is such that the safety of the youth or others cannot be maintained by any other means, the Director may effect a transfer of the youth to secure custody pursuant to sec. 24.2(9) YOA and the transfer may, as appropriate, require the youth be placed on separate confinement (refer also to policies regarding Transfers from Open to Secure Custody in this section of the manual).

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## ***12.02 Legal Authority Separate Confinement***

Sec. 13 YCR provides for the separate confinement of youth as follows.

(1) Subject to subsection (2), a person in charge of a youth custody centre may order a youth be confined separately from other youths in the youth custody centre if the person in charge believes on reasonable grounds that

(a) the youth

(i) is endangering, or is likely to endanger, himself or herself or another person,

(ii) is threatening, or is likely to threaten, the management, operation or security of the youth custody centre,

(iii) has contraband hidden on or in his or her body, or

(iv) has taken an intoxicant into his or her body, **and**

(b) all other means of dealing with the youth have been exhausted or are not reasonable in the circumstances.

(2) Unless subsection (3) applies, a youth may not be separately confined for a period longer than is necessary to address the concerns specified in subsection (1)

(a) and, in any event, may not be separately confined for more than 72 hours.

(3) The person in charge may, for medical or other reasons, authorize separate confinement of a youth for more than 72 hours with approval from the Provincial Director, Youth Justice.

(4) As soon as practicable after a youth is separately confined and in any event no more than 4 hours into that confinement, a staff member must explain to the youth the reasons for separate confinement.


## ***12.03 Incident Report***

Where a youth supervisor is of the opinion a youth should be placed in separate confinement for the reasons stated in 12.02 above, the youth supervisor shall complete an electronic incident report and submit it the senior youth supervisor.

## ***12.04 Authorization***

Separate confinement may only be used on the authority of the person in charge of the youth custody centre. On receipt of the electronic incident report recommending the separate confinement of the youth, the person in charge must:



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- a) Consider all reports, statements and other evidence available with respect to the matter;
- b) Provide the opportunity for the youth to be heard;
- c) Ensure the justification for the use of separate confinement is consistent with a reason specified in YCR sec. 13(1);
- d) Verify all other less restrictive means of dealing with the youth have been used or were not reasonable in the circumstances;
- e) Ensure the youth has been informed of the reasons for the separate confinement as soon as possible and no later than four hours following the youth's placement in separate confinement as per YCR sec. 13(4);
- f) Inform the youth of the right and means by which to request a review of the decision to place the youth in separate confinement or otherwise to file a complaint;
- g) Specify the intended length of the separate confinement;
- h) Identify the behaviour management plan including the counselling and any other services the youth shall receive during the period of separate confinement; and
- i) Describe the behavioural support plan for the youth that may result in their release from separate confinement prior to or at the time intended release from separate confinement.

The person in charge shall make a record of the authorization to place a youth on separate confinement that includes the elements noted above and is accompanied by any other written reports and statements relevant to the authorization.

### ***12.05 Movement of Youth***

Where a youth is placed on separate confinement, the involved staff members shall use the least restrictive, safest and most effective methods for escorting the youth where a movement is required. An assessment of the level of restraint required to safely move the youth shall be completed in each case in accordance with the restraint policies in this section of the manual.

Only one youth shall be assigned to a room when placed on separate confinement.

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## ***12.06 Health Care Assessments***

As soon as practicable, and no later than 12 hours following the placement of a youth on a separate confinement order, and at least once within each subsequent 24 hour period, a health care professional shall conduct an assessment of the youth.

## ***12.07 Supervision***

Youth on a separate confinement order shall be subject to a visual inspection at irregular intervals not to exceed every 15 minutes in duration.

At any time a youth is in a state of crisis or increased level of agitation, additional assessment is required to determine the level of monitoring. (Refer to section D 2.10 Continuous Monitoring in this section of the manual)


## ***12.08 Record***

A continuing record shall be maintained during the time the youth is on a separate confinement order that shall include:

- (a) the name of the youth and reason for the separate confinement;
- (b) a record of each inspection referred to in 12.07 above that shall include a description of the demeanour and appearance of the youth and any apparent harmful effects of the separate confinement;
- (c) the name of all persons having contact with the youth;
- (d) a description and the time nourishments are provided to and consumed by the youth;
- (e) a description of all other items provided to or removed from the youth's possession; and
- (f) the occasions the youth is allowed outside of the youth's room including length of time and purpose.

The person in charge shall review the young person's placement on a separate confinement order every four hours or more often as required. The elements of the review shall include:

- (a) observation of the youth and, during wakeful hours, communication with the youth;

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- (b) a review of the record maintained as per 12.08 above;
- (c) consultation with the staff member supervising the youth;
- (d) consultation with others providing counselling or other support to the youth where applicable and available including the health care professional conducting the assessments as per 12.06 above;
- (e) progress made by the youth in relation to the behaviour management expectations established as per 12.04 (h) above; and,
- (f) the existence of continuing safety issues.

The results of this review and the decision to re-authorize the continued separate confinement or release of the youth shall be recorded.

### ***12.09 Length of Confinement***

As provided in the YCR sec. 13(2) an order of separate confinement shall not continue in force for more than 72 hours although:


- (a) every effort should be made to remove the youth from separate confinement at the earliest possible opportunity; and
- (b) the separate confinement will be discontinued if, on the advice of a medical practitioner or health care professional, it produces adverse side effects such as illness or severe emotional or physical stress.

### ***12.10 Concurrent Orders of Confinement***

A youth can be confined for a total period exceeding 72 hours only where there is a subsequent incident during the period of separate confinement that is included in the behaviour noted in YCR sec. 13(1). A subsequent order for confinement must run concurrently, not consecutively. For example, if a youth is ordered confined at noon on April 01 and commits a serious breach of conduct at noon on April 02 while in confinement, then he or she may be confined until noon on April 05, subject to review every four hours.

Where a youth is ordered to confinement and continues to commit serious breaches of conduct while in confinement, a medical and/or psychological assessment shall be conducted.

The results of this assessment will inform the development of a behaviour management plan which will include strategies to address the youth's behaviour and release from separate confinement status as soon as practicable.

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### ***12.11 Exceptions***


Sec. 13(3) YCR provides the “person in charge may, for medical or other reasons, authorize separate confinement of a youth for more than 72 hours with approval from the provincial director”. In this case:

- (a) the Director or Deputy Director of the youth custody centre only can provide this authorization;
- (b) the authorization must be based on the medical advice of a medical practitioner or health care professional; and
- (c) the continued placement of the youth in separate confinement is subject to the provisions of this policy and to reviews and re-authorizations and approvals by the Director and Provincial Director, Youth Justice for every subsequent 24 hour period.

### ***12.12 Resident Rights***

By virtue of a separate confinement and the reasons for it, a youth is subject to certain restrictions. However, youth in separate confinement have rights (e.g., to adequate nutrition, medical and religious services, to consult legal counsel, etc.) which shall include the following:

- a) To receive medical and psychological services that may be required;
- b) To receive pastoral/religious services as specified in the Programs section of this Manual; and
- c) To receive any other counselling and support services deemed necessary, advisable and set out in the behavioural management plan referred to in 12.04 (h) above.
- d) To receive meals at times and of the type normally received by residents in the youth custody centre;
- e) Unless the Director considers it could endanger the youth or other persons:
  - i) to have a mattress, bedding, and clothing of the type normally issued to residents in the centre;
  - ii) to retain access to reading material and privileges respecting correspondence and visits and privileged person communication , as set out in this manual; and,
  - iii) during the first 24 hours of confinement and during each 24-hour period thereafter, be allowed at minimum one-hour period outside a separate confinement room.

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### ***12.13 Youth Complaints***

A youth has the right to file a complaint regarding placement on a separate confinement order to the Director (or delegate) of the youth custody centre and shall be informed of this right once the decision is made.

Any complaint lodged by the youth shall be communicated to the Director (or delegate) without delay who shall consider the merits of the complaint and shall make a decision, after permitting the youth an opportunity to be heard. A suitable adult advocate may assist the youth to present the complaint to the Director (or delegate). The decision shall be communicated to the youth by the next business day. For policies pertaining to complaints after hours regarding separate confinement, refer to the Complaints policy in the Mandate section of this manual.


If the complaint is not resolved to the youth's satisfaction, the youth has a right to lodge a complaint in the same fashion as other complaints (i.e., Youth Custody Complaints Manager or the Ombudsperson) or to request a formal review.

### ***12.14 Administrative Review***

Following an incident involving separate confinement, post incident medical and follow-up evaluation, debriefing and support is to be offered to the youth, the staff members, and any other people involved in or witnesses to the incident. The intervention is to be explained to the youth, providing them an opportunity to express their views on what transpired.

Within 24 hours of an incident involving the use of separate confinement, the person in charge, in consultation with the involved youth and staff members will assess the incident and consider:

- c) the physical and emotional well-being of the involved youth and staff and the need for medical care, counselling or other services; and,
- d) the need to alter the behaviour management practices in association with the affected youth, which may include the development or update to an individual crisis management plan

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The results of this review and assessment shall be provided in writing to the Director, Deputy Director or Assistant Deputy Director, who conducts an administrative review including consideration of how the incident was handled, the need for new or revised policy or training, and external reporting requirements.

Where injury to the youth or staff did or could have occurred or there is damage to property, the person in charge, in consultation with the Director, Deputy Director or Assistant Deputy Director shall determine if a formal de-briefing is required.

### ***12.15 Notifications***

All incidents requiring the use of separate confinement shall be included in the monthly service plan review reports which are provided monthly to the community probation officer and the parent/guardian.

Where an incident occurs during the use of separate confinement that involves a serious injury to the youth or allegations of staff misconduct, the applicable provisions of this manual shall apply (Health and Safety, Injuries/Illnesses, Child Abuse and Neglect).

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## D. SECURITY AND CONTROL OF RESIDENTS

### 13. BEHAVIOUR MANAGEMENT – EXTERNAL CHARGES

#### ***13.01 Mandatory Charging***

The local law enforcement agency shall be notified and requested to investigate and determine whether a Report to Crown Counsel should be submitted in the following circumstances:

- a) Escape, attempt escape, unlawfully at large, or prison breach from a secure custody centre.
- b) Assault, where injury arises, or sexual assault.
- c) Significant damage to or theft of property.
- d) Inciting, causing, or participating in a disturbance or riot.
- e) Use or attempt use of a weapon which resulted in or could have resulted in serious harm.

Situations involving making serious threats of harm to others shall be assessed on a case by case basis.


#### ***13.02 Open Custody***

Where a youth escapes, attempts escape, or is unlawfully at large for the first time from an open custody centre, the Director has the discretion to proceed by way of an administrative transfer to secure custody under sec. 24.2(9) YOA, rather than charging. A charge must be laid for any subsequent escape or attempt escape.

#### ***13.03 Escape Charge Type***

Where a youth escapes or attempts to escape lawful custody it is possible, in sentenced cases, to lay a charge either under sec's. 144 or 145 CC.

The procedures in laying a charge are to notify the Police, conveying to the Police an Escape Notification form (CF 0218) and a copy of the Warrant for Committal. Copies of the Escape Notification form must be placed on the youth's file and forwarded to the Director, and the community probation officer. In addition, the Provincial Director, Youth Justice must be notified.

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In cases of a failure to return from a reintegration leave, a copy of the Authorization For Reintegration Leave must also be forwarded to the Police.

### ***13.04 Publish Name***

Where a youth is the subject of an escape report and has, or is alleged to have, committed an indictable offence and, in the opinion of the Director or designate, the youth is:

- a danger to others; and,
- the publication of the youth's name is necessary to assist in apprehending the youth...

... a recommendation to the responsible Police agency to make an application to the youth justice court regarding publication of the youth's name pursuant to sec. 110(4) YCJA should accompany the Escape Notification form.

### ***13.05 Protection of Evidence***

In all cases where external charges are an issue, adequate steps shall be taken to protect all pertinent evidence matters. Refer to related policy in the Protection of Evidence policy in the Operational Security and Control section of this manual.

### ***13.06 Arrests***

An employee of the youth custody centre, as a peace officer, has the legal authority to arrest a youth or other person who has committed or is found to be committing an offence. Refer also to the Arrest and Detention policy in this section of the manual.