

Preliminary Observations of the Operation of Correctional Service Canada's Structured Intervention Units

The Structured Intervention Unit Implementation Advisory Panel¹

(26 October 2021)

The Structured Intervention Unit (SIU) regime was established by legislation in 2019 as an attempt to respond to successful court challenges to the previous regime of “Administrative Segregation.” The intent was that transfers to SIUs were to be rare and to be used “only if... there is no reasonable alternative...” (*Corrections and Conditional Release Act* [CCRA] S. 34(1)). The expectation was that in the new regime, long stays in SIUs would be avoided and that prisoners would not be confined to their cells 24 hours a day. Instead, the legislation mandated that they would be offered a minimum of four hours out of their cells every day, two hours of which was supposed to involve meaningful human contact.

Using data that includes all SIU stays through 22 August 2021, the Panel examined the operation of the SIUs during their first 21 months of operation. Although much could be looked at, we have focused on a basic question: whether the SIUs were functioning in a manner consistent with certain aspects of the legislation. The observations made will help guide the Panel in determining the priorities for its work. As will be shown, our initial review of data received from the Correctional Service of Canada (CSC) in early September 2021 raise questions about the degree to which legislated expectations have been met.²

The Challenge of the Structured Intervention Units

The number of people in SIUs is quite small, constituting, for example, only 1.4% of the in-custody penitentiary population on 22 August 2021. However, a much larger portion of the penitentiary population – we estimate it as about 8.4% – were housed in an SIU at some point during their stay in penitentiary between 30 November 2019 and 22 August 2021.

Ensuring that this most restrictive form of confinement is used sparingly and humanely, as well as ensuring that Canadians are no longer subjected to conditions that amount to solitary confinement, are both important not only for prisoners, but also for the Canadian public. Solitary confinement is known to be harmful to people who experience it.³ Structured Intervention Units

¹ This Panel was established in July 2021 by the Minister of Public Safety and Emergency Preparedness “to monitor, assess and report on issues related to the ongoing implementation of the Structured Intervention Units”

<https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/siuiap-ccuis-en.aspx> (downloaded 3 October 2021)

² Details of our findings, typically in Tables, are found in the “Data Appendix” to this report.

³ As Professor Craig Haney, Distinguished Professor of Psychology at the University of California, Santa Cruz, wrote in the top review journal in criminology: “Research findings on the psychological effects of solitary confinement have been strikingly consistent since the early nineteenth century. Studies have identified a wide range of frequently occurring adverse psychological reactions that commonly affect prisoners in isolation units. The prevalence of psychological distress is extremely high” (p. 365). “Numerous literature reviews have noted that scientists from diverse disciplinary backgrounds, working independently and across several continents, and over many decades, have reached almost identical conclusions about the negative effects of isolation in general and solitary confinement in particular [References omitted]. Those robust findings are also theoretically coherent. That is, they are consistent with and explained by a rapidly growing literature on the importance of meaningful social contact for maintenance of

and adequate independent supervision are the federal government's response to the acknowledged harms of solitary confinement, including indefinite and prolonged isolation, inadequate independent oversight, and lockup for more than 20 hours per day. Given that most Canadian penitentiary prisoners are eventually released into the community, all Canadians have an interest in the operation of the SIUs.

Unequal Impact of SIUs on Prisoners: Indigenous Peoples

As with many other aspects of Canadian life, experience in the most restrictive of Canada's forms of imprisonment – the SIU – is not equally distributed across groups within Canada. An obvious group for Canadians to be concerned with and to monitor – and one which the Government of Canada has expressed concern in the past – is Indigenous Peoples. If SIUs are potentially harmful (if they are operated with little difference from the former administrative segregation units), then given the history of Canada's treatment of Indigenous Peoples, we should be especially concerned about the representation of Indigenous Peoples (as well as other marginalized or vulnerable groups) within these units.

Indigenous Peoples constitute about 4.2% of the adult Canadian population yet on 22 August 2021 constituted about 32% of the CSC in-custody population. On that date, 48.9% of the SIU population were Indigenous Peoples.

Simply put, the impact of SIUs is not even across groups of people in Canada and is unequally experienced among penitentiary groups. Indigenous Peoples are clearly over-represented in the SIUs.

Some Basic Requirements of the SIUs

A) Time in the SIU. The CCRA states that "An inmate's confinement in a structured intervention unit is to end as soon as possible" (CCRA S. 33). When considering people who are not receiving at least 2 hours of meaningful human contact each day, the United Nations Standard Minimum Rules for the Treatment of Prisoners 2015 (the Nelson Mandela Rules) distinguish between those confined for 15 days or less and those confined for 16 days or more. In the period 30 November 2019 to 22 August 2021, 54.8% of the person-stays⁴ in SIUs were for 16 days or more (Table 1 in the data appendix).

The CCRA does not provide guidance on what is meant by the words "An inmate's confinement in a structured intervention unit is to end as soon as possible" (S. 33). One might suggest that "what is possible" depends, to a large extent, on the efforts made by CSC to solve the problem that got the prisoner into the SIU in the first place. We found substantial variation across regions in the length of time people spent in SIUs (Table 2). For example, in Ontario region, 30.5% of the person-stays were for 62 days or more, whereas in Quebec "only" 16.8% of the stays were this long.

mental and physical health. Haney, Craig: "The Psychological Effects of Solitary Confinement: A Systematic Critique." *Crime and Justice: A Review of Research* (Michael Tonry, Editor). Volume 47. University of Chicago Press, 2018.

⁴ Some prisoners experienced more than one discrete stay in an SIU cell during the period for which we have data (30 November 2019 thru 22 August 2021). Each 'stay' is, for this purpose, treated as an independent stay even though some people may account for more than 1 "person stay".

B) Achieving 4 hours out of the SIU cell. When a prisoner is in an SIU, “The Service shall, every day.... provide an inmate in a structured intervention unit (a) an opportunity to spend a minimum of four hours outside the inmate’s cell; and an opportunity to interact, for a minimum of two hours, with others....” (CCRA S. 36(1)). Time out of the cell – and specifically time out of the cell involving ‘meaningful human contact’ – are, therefore, important requirements of the new system. Because concern and international standards are understandably focused on long stays in SIUs, our focus in this report is largely on those person-stays of 16 days or more. Looking at this group, we found that 78.4% of those person-stays of 16 days or more missed getting their 4 hours out of the cell on at least half of their days (Table 3). There was some variation across time, but even in the final 3-month period that we examined (those entering the SIU in March-May 2021), 68.9% of the prisoners missed getting their “promised” 4 hours out of cell at least half the time. It was *not* the case that people missed getting their “full” time out of cell by a few minutes. Most did not get anything close to the four hours mentioned in the legislation (Table 5). Indeed, 28.3% received only an hour or less out of their cell.

We understand from discussions with CSC and with prisoners who have been in SIUs that there are times that prisoners refuse opportunities to leave their SIU cell. We do not, at this time, have adequate information about the reasons for these refusals. However, looking only at those in the SIU for 16 days or more, we see (Table 6) that relatively few (10.4%) prisoners are recorded by CSC itself as having refused to leave their cells on most days. Moreover, the rate of refusals varies dramatically across regions. The proportion of these long-stay prisoners (those in SIUs for 16 or more days) who refused to leave their cells on most (over half) or many days varies from 0.5% in Ontario to 35% in the Pacific region (Table 7). The obvious question that needs to be asked is a simple one: if prisoners in some regions (e.g., Ontario and the Prairies) relatively infrequently refuse to leave their cells all the time, why do prisoners in SIUs in the Pacific region refuse so much? This is a question that the panel hopes to be able to answer.

C) Is the failure to achieve 4 hours out of the SIU cell due to situations where the “inmate refuses to avail themselves of the opportunity [to spend time out of the cell]” (CCRA s. 37(1)(a))?

As already noted, refusals by prisoners to leave their cells are anything but rare, but without detailed (independent) evidence on the reasons for the refusals, it is hard to assess what “refusals” mean. If, for example, a prisoner is afraid of being injured by other prisoners, this could be a very real concern if CSC is not providing a safe environment for the prisoner. Prisoners may or may not be comfortable talking about this with a CSC employee. Or the prisoner could refuse because what they are being offered is unattractive (e.g., time in the yard with nothing to do on a very cold day).

We addressed the question of whether “refusals” by the prisoner to leave the SIU cells account adequately for the finding that many people do not get their 4 hours out of the cell. The simple answer to this question is that refusals account for some of the failure to achieve 4 hours out of the cell, but by no means all.

Looking at “long stay” prisoners only (those with stays of 16 or more days in the SIU), we found that there were 563 person-stays (or 33.8% of the 1666 long person-stays) in which CSC’s own

data (recorded pursuant to *CCRA S. 37(2)*) show that the prisoner never or only once refused to leave the cell. But 360 of these prisoners (or 63.9% of the 563) missed on at least 20% of their days getting their 4 hours out of cell. In fact, 134 of these 563 prisoners missed getting their 4 hours out of the cell during at least three quarters of their days in the SIU.

Looking at these 1666 person-stays in the SIU of at least 16 days, we calculate (see Table 8) that there are 1,222 people (or 73% if all those with long stays in SIUs) where 'refusals' do not adequately explain (or cover) the inability of CSC to provide the legislated time out of cell.

D) CSC's performance in providing SIU prisoners "an opportunity to interact, for a minimum of two hours [every day] with others through [various] activities" (*CCRA S. 36(1)(b)*). The *CCRA* instructs CSC that "The Service shall, every day, ... provide an inmate in a structured intervention unit" (*S. 36(1)(b)*) with an opportunity to spend two hours in what has been called meaningful human contact. Briefly our findings are very similar to the findings for achieving 4 hours out of the SIU cell.

Considering only 'long stay' SIU prisoners (those whose stays were 16 days or longer), we see, once again, that many people are not getting their promised two hours a day of meaningful interaction with people. Twenty-eight percent missed their two hours of meaningful human contact in over 75% of the days during their stay in the SIU (Table 9).

There were a number of prisoners who refused to leave their SIU cell to engage in what CSC was offering for "meaningful human contact" (see Table 10). Most importantly, we found, once again, that prisoner refusals to leave their cells to engage in meaningful human contact do not fully explain the fact that prisoners are not getting the meaningful human contact required by *CCRA s. 36(1)(b)*. (Table 11). To give an example, there were 470 prisoners who never refused or refused only once to leave their cells, all day, to get their meaningful human contact. In a total of 184 of these 470 person-stays (39%), CSC's own data show that the prisoner did not get their required 2 hours of meaningful human contact in at least 20% of their days in the SIU.

Mental Health

From a mental health perspective, one of the theories driving the development of the legislation that created the SIUs was that long periods of time of isolation were particularly serious because they are known to exacerbate mental health issues (see footnote 3 above). Indeed, the legislation requires certain mental health assessments (e.g., *CCRA S. 37.1*). We know that mental health issues are a concern, particularly for Indigenous prisoners who, when placed in penitentiaries are likely to be separated from many of their cultural supports.

Notwithstanding the mental health assessments that are required to have taken place, we found (Table 12) that those with an identified mental health need are somewhat more likely to be held in an SIU longer than those without any identified mental health need. Looking at the time in the SIU for those with and without identified mental health needs should not distract us from the fact that 29% of the person stays in the SIUs involved those with an identified mental health need at the start of the stay in the SIU. But we also found that Indigenous prisoners who are transferred

to SIUs are much more likely than those not identified as Indigenous to have mental health needs identified by CSC (Table 13).

CSC also provided us with an indicator of whether change in mental health status had apparently taken place in the SIU. They pointed out that “change” has different meanings depending on where the starting point is determined to be (e.g., ‘staying the same’ has a very different meaning if one has no mental health challenges than if one is living with very serious challenges). We were most concerned about those whose mental health status had been identified by CSC as deteriorating.

CSC’s data show that those whose mental health status was deteriorating while in the SIU were much more likely to be held for a very long time in the SIU. For example, of those identified as having various mental health issues and getting worse, 74.6% have been in SIUs for over a month. (See Table 14). Given what is known about the effects of isolation in prison cells, these are very disturbing findings that clearly warrant additional examination.

A Summary Overview of SIU stays: Combining Length of Time in the SIU with Time out of Cell

Combining the legislative requirements that stays in SIUs should be as short as possible and that people should get a reasonable amount of time out of their cells, we see that there are some prisoners who are doubly disadvantaged by having both long stays and stays in which they are largely isolated from human contact.

We divided the SIU stays in a manner that reflects, to a large extent, the United Nations Standard Minimum Rules for the Treatment of Prisoners. Briefly, we divided people into three groups according to two sets of criteria.

- a) The first group, who might be called “some isolation” were in the SIU for 15 or fewer days. They got an average of less than the mandated “2 hours of meaningful human contact” and never received their full legislated 4 hours out of their cell. Their stays, however, did not exceed 15 days.
- b) The second group had the same experience as group (a) above, but their stays were 16 days or more. We have called them the “prolonged isolation” since they not only did not achieve the time out of cell (generally and meaningful human contact) but also were in the SIU for a prolonged period (16 days or more).
- c) The remainder are those SIU prisoners who fared better: they sometimes got the four hours out of cell and had an average of at least 2 hours of meaningful human contact.

During the full life of the SIUs, 28.1% of the stays can be considered to involve short stays (under 15 days) with degrees of isolation not contemplated by the legislation (inadequate time out of cell) – what we have called here “some isolation”. An additional 9.3% of the stays can be considered to be prolonged isolation in that the prisoner did not get the required time out of cell and the stay lasted 16 days or longer.

There is, once again, substantial variation across regions on this combined measure (Table 15) with 18.7% of stays in the Pacific region classified as “prolonged isolation” compared to only 3.7% of stays qualifying as such in the Ontario region. The apparently best functioning region (the Prairies) still had 10% of stays which we have called “some isolation” and another 7.1% of stays that we have described as “prolonged isolation.” Clearly more work is needed to understand this variation across regions of Canada.

Conclusion

In this initial overview of the operation of the SIUs, we have identified four important findings.

a) The SIU– the most restrictive form of imprisonment permitted by the CCRA – is experienced more by some groups (e.g., Indigenous prisoners) than others, and is more common in some regions than in others.

b) The length of SIU stays is in many instances very long, and the length of time that people remain in SIUs varies dramatically across regions. The legislation requires that stays in an SIU should “end as soon as possible” (CCRA S. 33). It seems that what is “possible” varies across regions.

c) The practices that are supposed to differentiate the SIUs, on the one hand, from Administrative Segregation or Solitary Confinement, on the other hand, are not being routinely delivered. We are referring here to the mandated four hours out of the SIU cell and two hours of meaningful human contact out of the cell. Furthermore, refusals on the part of prisoners to leave their cells do not adequately account for the failure of prisoners to receive the time out of cell described in the legislation.

d) The data reveal very serious concerns about the use of SIUs with prisoners who face mental health challenges, and particularly with those whom CSC has identified as suffering from deteriorating mental health.

In sum, long stays in SIUs without the time out of cell or the ameliorating effects of meaning human interactions contemplated by the legislation have become a feature of Canada’s use of SIUs.

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Data Appendix⁵

Contact with the SIU

On 22 August 2021, 174 prisoners in CSC's penitentiaries were in an SIU. This constitutes 1.4% of the in-custody penitentiary population. This figure is useful because it provides a snapshot of what the SIU population looks like in relation to the full penitentiary population.

Between November 2019 and 22 August 2021, a total of 1,732 people had spent one or more days in an SIU. Hence 1,732 different people experienced the impact of Canada's SIUs.

Turning this number into a rate (of people who were at risk of spending time in an SIU) is straightforward: we only need to know the number of people in penitentiary on 22 August 2021 (12,491) plus the number of people who spent time in penitentiary during the SIU period but had been released before this date.⁶

We estimate that 20,687 different people were in custody at some point during the period since SIUs started operating. This means that 8.4% of CSC prisoners who were in custody for some period of time between the end of November 2019 and 22 August 2021 spent some time in an SIU.

Indigenous Over-representation

To understand the experience of the Indigenous Peoples of Canada with penal punishment, one needs only to examine a few numbers.

- About 4.2% of the Canadian population 18 years or older⁷ identify as being Indigenous.
- About 26.9% of those admitted to federal penitentiaries identify as Indigenous (CCRSO 2019, p. 52).
- In 2018-19, Indigenous Peoples constituted 29.5% of CSC's in-custody population. In August 2021, this had grown to 32%.
- About 39% of the people admitted to SIUs were Indigenous.

⁵ These findings are based on data received from CSC in September 2021. These data provide a more up-to-date picture of the SIUs than was possible to obtain from four previous reports (released between October 2020 and May 2021) by Jane B. Spritt and Anthony Doob (with Adelina Iftene for the fourth report). The first two of those reports were based on less than one year's worth of data and latter two reports used data from person-stays starting only during the first 12 months of the SIUs. These earlier reports are available at <https://www.crimsl.utoronto.ca/news/reports-canada%E2%80%99s-structured-intervention-units>

⁶ To estimate this number, we used the number of warrant of committal admissions (from the 2019 issue of the *Corrections and Conditional Release Act Statistical Overview*) as an estimate of annual flow (since the size of the in-custody population has been fairly stable in recent years). The flow during the "SIU period" was for almost 21 months. Hence we multiplied the number of warrant of committal admissions (4,749) by 1.726 to estimate the number of people who had flowed into and out of CSC institutions. The 1,732 people who experienced an SIU during this period, then, is estimated to be about 8.4% of the number of people who spent some time, during the SIU period in a CSC custodial facility.

⁷ We refer to those over age 18 because only adults can be sentenced to federal corrections.

- Finally, it would appear that 48.9% of those actually in custody (on 22 August 2021) in SIUs were Indigenous Peoples (on 22 August 2021).

Simply put, the impact of SIUs is not even across groups of people in Canada. Indigenous Peoples are dramatically over-represented in the SIUs.

The Data in this Report

All of the data in this report come from Correctional Service Canada. For the most part, the data will be describing what we call a “person stay” in an SIU. A person who, since the end of November 2019, has been transferred on two separate occasions to an SIU will, therefore, have each of these stays described (independently) in our findings.⁸

Table 1: Length of Stay in the SIU for prisoners transferred to the SIU between November 2019 and 31 May 2021.

Length of Stay in the SIU	Number of Prisoners	% of these prisoners
1 thru 5 days	664	21.1%
6 thru 15 days	749	24.2%
16 thru 31 days	489	15.8%
32 thru 61 days	510	16.4%
62 thru 552 days	699	22.5%
Total	3,101	100%

In Table 1, we see that many of the person-stays in the SIU – 699 or 22.5% of all stays in the SIU during this period – lasted for more than two months.

⁸ Our data have an end date of 22 August 2021. Hence there is no simple way of describing the length of stay (or other experiences) for those who entered slightly before that date since we don't know their actual length of stays. For that reason, many of our analyses involve those who entered the SIU through the end of May 2021 only. In this way, a prisoner still in the SIU on that date will clearly be classified as a “long stay” prisoner (since they would have been in the SIU for more than two months). We believe that this method provides a reasonable description of what is happening within the system as it is currently operating.

Table 2: Regional variation in the length of stay in SIUs.

Table 2: Regional variation

Region of SIU	Total days in SIU including those still in					Total
	1 thru 5	6 thru 15	16 thru 31	32 thru 61	62 thru 552	
Atlantic	53 14.1%	98 26.1%	55 14.7%	66 17.6%	103 27.5%	375 100.0%
Quebec	371 33.6%	289 26.2%	133 12.0%	125 11.3%	186 16.8%	1104 100.0%
Ontario	49 15.9%	65 21.1%	35 11.4%	65 21.1%	94 30.5%	308 100.0%
Prairies	73 9.4%	155 19.9%	161 20.6%	173 22.2%	218 27.9%	780 100.0%
Pacific	108 20.2%	142 26.6%	105 19.7%	81 15.2%	98 18.4%	534 100.0%
Total	654 21.1%	749 24.2%	489 15.8%	510 16.4%	699 22.5%	3101 100.0%

In Table 2, we see that there is substantial variation across regions in the time that people spend in SIUs. One only has to look at the contrast between the Prairies and the Pacific region in the proportion of stays of 15 days or less. In the Pacific region 46.8% of the SIU stays are for 15 days or less, whereas in the Prairie region, only 29.3% are of this length.

At the other end of the SIU stay-length distribution we see that in Ontario 51.6% of the SIU stays were at least 32 days in length in contrast with Quebec where “only” 28.1% are this long.

Table 3: Achieving the legislative goal of 4 hours out of cell each day for those in the SIU for 16 days or more (only).

	Frequency	Valid Percent	Cumulative Percent
missed zero days (0%)/got out for 4 hrs every day in SIU	73	4.4	4.4
missed up to 20% of their days	133	8.0	12.4
missed 21% to 50% of their days	154	9.2	21.6
missed 51% to 75% of their days	272	16.3	37.9
missed 76% to 99% of their days	746	44.8	82.7
missed 100% of their days	288	17.3	100.0
Total	1666	100.0	

What we see is that during the period that we have focused on (SIU stays beginning between November 2019 through May 2021) a substantial number (1,306 or 78.4%) of these “long stay” (in SIUs) prisoners missed getting their 4 hours out of cell during at least half of their days.

Table 4: Changes over time in achieving the legislative goal of 4 hours out of cell each day for those in the SIU for 16 days or more (only).

Table 4: Percent of days that 4 hours out of cell was not achieved by time

When the person's SIU stay started	Percent of days that 4 hours out of cell was not achieved						Total
	missed zero days (0%)/got out for 4 hrs every day in SIU	missed up to 20% of their days	missed 21% to 50% of their days	missed 51% to 75% of their days	missed 76% to 99% of their days	missed 100% of their days	
Nov 2019 thru Feb 2020	18 4.7%	32 8.3%	26 6.7%	66 17.1%	207 53.5%	38 9.8%	387 100.0%
March 2020 thru May 2020	14 5.4%	23 8.8%	19 7.3%	35 13.4%	110 42.1%	60 23.0%	261 100.0%
June 2020 thru August 2020	18 6.4%	23 8.1%	42 14.8%	42 14.8%	103 36.4%	55 19.4%	283 100.0%
Sept 2020 thru Nov 2020	4 1.6%	4 1.6%	26 10.2%	45 17.6%	121 47.5%	55 21.6%	255 100.0%
Dec 2020 thru Feb 2021	3 1.1%	26 10.0%	14 5.4%	40 15.3%	120 46.0%	58 22.2%	261 100.0%
March 2021 thru May 2021	16 7.3%	25 11.4%	27 12.3%	44 20.1%	85 38.8%	22 10.0%	219 100.0%
Total	73 4.4%	133 8.0%	154 9.2%	272 16.3%	746 44.8%	288 17.3%	1666 100.0%

There is some variation over time in the ability of CSC to achieve this legislative goal (Table 4). For reasons that we do not understand, looking again at the long-stay SIU prisoners only, the proportion of people who missed their full four hours out of cell on all of their days dropped substantially in the last period (March through May 2021). For example, from December 2020 through February 2021, 22.2% missed their full four hours out of cell every day and during March-May 2021 this decreased by over half to 10%. We still see, however that during this period, almost half (38.8% + 10.0% = 48.8%) of the prisoners with long stays did not get their mandated four hours out of their cell on at least 76% of their days in the SIU.

Table 5: For those who missed their four hours out of their cell on one or more days, the average hours they received (Stays of 16 days or more only).

Hours received	Frequency	Percent of all 1666 prisoners	Percent of those who missed some
0 thru a half hour	217	13.0	13.6
over half an hour to 1hr	254	15.2	15.9
over 1hr to 2hrs	715	42.9	44.9
over 2hrs to 3hrs	396	23.8	24.9
over 3hrs to 4hrs	11	.7	.7
Total	1593	95.6	100.0
got 100% of days with full 4 hrs	73	4.4	
Total	1666	100.0	

Clearly Table 5 demonstrates that when people miss their 4 hours out of their SIU cell, this is not a situation where they are typically just returned to their cells a few minutes early. For the most part, when they don't get their full four hours, they typically are getting only a small fraction of the time that the legislation indicates that they should get. 71.1% received two hours or less.

Table 6: Refusals to leave the cell all day (for prisoners in the SIU for 16 or more days).

	Frequency	Percent	Cumulative Percent
Refused zero or one time	563	33.8	33.8
Refused at least twice, constituting up to 20% of their days	578	34.7	68.5
Refused at least twice, constituting 20.1% to 50% of their days	351	21.1	89.6
Refused at least twice, constituting 50.1% to 100% of their days	174	10.4	100.0
Total	1666	100.0	

Clearly some prisoners (33.8% + 34.7%= 68.5%) who were in the SIU for at least 16 days never, according to CSC records, refused to leave the cell or refused infrequently. But the rest (31.5%) did refuse to leave their cells on more than 20% of their days.

Table 7: Variation across regions in prisoners' rate of refusing to leave their cells all day (for those with long – 16 days or more – SIU stays only).

Region of SIU * Amount of refusal to leave the cell all day Crosstabulation

Region of SIU	Amount of refusal to leave the cell all day				Total
	Refused zero or one time	Refused at least twice, constituting up to 20% of their days	Refused at least twice, constituting 20.1% to 50% of their days	Refused at least twice, constituting 50.1% to 100% of their days	
Atlantic	57 26.0%	95 43.4%	57 26.0%	10 4.6%	219 100.0%
Quebec	75 17.0%	164 37.3%	145 33.0%	56 12.7%	440 100.0%
Ontario	83 43.5%	98 51.3%	9 4.7%	1 0.5%	191 100.0%
Prairies	326 60.5%	158 29.3%	45 8.3%	10 1.9%	539 100.0%
Pacific	22 7.9%	63 22.7%	95 34.3%	97 35.0%	277 100.0%
Total	563 33.8%	578 34.7%	351 21.1%	174 10.4%	1666 100.0%

The proportion of these prisoners who refused to leave their cells on most (over half) or many days varies dramatically across regions (from 0.5% in Ontario to 35%% in the Pacific region).

Table 8: For people who vary in the amount of time that they got out of their SIU cell, do refusals by that prisoner account for the fact that they aren't getting their time out of cell?

Table 8: Percent of days that 4 hours out of cell was not achieved as a function of refusal rate

Percent of days that 4 hours out of cell was not achieved	Amount of refusal to leave the cell all day				Total
	Refused zero or one time	Refused at least twice, constituting up to 20% of their days	Refused at least twice, constituting 20.1% to 50% of their days	Refused at least twice, constituting 50.1% to 100% of their days	
missed zero days (0%)/got out for 4 hrs every day in SIU	73 100.0%	0 0.0%	0 0.0%	0 0.0%	73 100.0%
missed up to 20% of their days	130 97.7%	3 2.3%	0 0.0%	0 0.0%	133 100.0%
missed 21% to 50% of their days	99 64.3%	53 34.4%	2 1.3%	0 0.0%	154 100.0%
missed 51% to 75% of their days	127 46.7%	136 50.0%	9 3.3%	0 0.0%	272 100.0%
missed 76% to 99% of their days	108 14.5%	336 45.0%	247 33.1%	55 7.4%	746 100.0%
missed 100% of their days	26 9.0%	50 17.4%	93 32.3%	119 41.3%	288 100.0%
Total	563 33.8%	578 34.7%	351 21.1%	174 10.4%	1666 100.0%

What we see in Table 8 is that refusals may account for some of the recorded experiences of SIU prisoners, but it does not come close to explaining all of them.

This is not a simple table to read. But the data provide a stunning rejection of the suggestion that the reason that people do not receive their time out of cell because they refuse to leave their cell:

- a) In the top left corner, we see the obvious: The 73 prisoners who never missed getting out of their SIU cell (obviously) never refused to leave their cells.
- b) In the bottom right, we see that there are 174 (0+55+119=174) prisoners who missed most or all of their time out cell but also refused to leave their cells frequently. Clearly more work needs to be done to find out why they refused.
- c) In addition, we see that there are a total 1,222 people (or 73% of all those with long stays in SIUs where 'refusals' do not adequately explain (or cover) the inability of CSC to provide the legislated time out of cell. As just one example, look at the group who did not receive their full four hours out of cell in 51% to 75% of their stay. 127 of them, or 46.7%

of them, never (or only once) refused to leave their cell. Remember also that these are prisoners who spent at least 16 days in the SIU.

Table 9: Percent of days the two hours of meaningful human contact was not achieved (long stays only)

Amount of time that 2 hours out of cell for interaction was not achieved	Number of person-stays November 2019 to 31 May 2021	% of all person stays (16 days or longer)
Missed zero days	122	7.3%
Missed up to 20% of their days	232	13.9%
Missed 20.1% to 50% of their days	451	27.1%
Missed 50.1% to 75% of their days	394	23.6%
Missed 75.1% of their days to 99% of their days	409	24.5%
Missed 100% of their days	58	3.5%
Total	1666	100%

In Table 9, looking again at only ‘long stay’ SIU prisoners (those whose stays were 16 days or longer), we see, once again, that many people are not getting their promised two hours a day of meaningful interaction with people. Twenty-eight percent (24.5% + 3.5%) missed their two hours of meaningful human contact in over 75% of the days during their stay in the SIU.

Table 10: Refusals to leave the cell for meaningful human contact (long SIU stays only).

	Frequency	Percent	Cumulative Percent
Refused zero or one time	470	28.2	28.2
Refused at least twice, constituting up to 20% of their days	605	36.3	64.5
Refused at least twice, constituting 20.1% to 50% of their days	406	24.4	88.9
Refused at least twice, constituting 50.1% to 100% of their days	185	11.1	100.0
Total	1666	100.0	

There were, again, a substantial number of prisoners who refused to leave their SIU cell to engage in what CSC was offering for “meaningful human contact” (see Table 10).

Table 11: Relationship between the failure to achieve the legislated 2 hours out of the cell and prisoners' decisions to leave their cells (long stays only).

Percent of days that 2 hours out of cell was not achieved as a function of refusal rate

Percent of days that 2 hours out of cell was not achieved	Amount of refusal to leave the cell for meaningful human contact all day				Total
	Refused zero or one time	Refused at least twice, constituting up to 20% of their days	Refused at least twice, constituting 20.1% to 50% of their days	Refused at least twice, constituting 50.1% to 100% of their days	
missed zero days (0%)/got out for 2 hrs every day in SIU	122 100.0%	0 0.0%	0 0.0%	0 0.0%	122 100.0%
missed up to 20% of their days	164 70.7%	68 29.3%	0 0.0%	0 0.0%	232 100.0%
missed 21% to 50% of their days	116 25.7%	303 67.2%	32 7.1%	0 0.0%	451 100.0%
missed 51% to 75% of their days	39 9.9%	166 42.1%	183 46.4%	6 1.5%	394 100.0%
missed 76% to 99% of their days	25 6.1%	65 15.9%	183 44.7%	136 33.3%	409 100.0%
missed 100% of their days	4 6.9%	3 5.2%	8 13.8%	43 74.1%	58 100.0%
Total	470 28.2%	605 36.3%	406 24.4%	185 11.1%	1666 100.0%

Once again, we see that for a substantial number of long stay SIU prisoners – 609 of the 1666 or 36.6% the long stays in SIUs, refusals could not possibly explain all the failures of CSC to provide the jewel in the crown of SIU life: 2 hours of “meaningful human contact through the provision of programs, interventions, services, cultural activities, religious and spiritual practice, leisure activities, family and community contact” (*Commissioner’s Directive 711, #7*).

Table 12: Comparison of Time in the SIU for those with and without a Mental health need identified at the start of the stay in the SIU (for those admitted to the SIU through the end of May 2021).

Table 12: Length of Stays in SIU for those with and without mental health needs

Mental Health Need	Total days in SIU (including those still in)		Total
	1 thru 15 days	16 or more days	
No	1034 47.1%	1162 52.9%	2196 100.0%
Yes	369 40.8%	536 59.2%	905 100.0%
Total	1403 45.2%	1698 54.8%	3101 100.0%

We see in Table 12 that those with an identified mental health need are somewhat more likely to be held in an SIU for a longer period of time than those without any identified mental health need. Looking at the time in the SIU for those with and without identified mental health needs should not distract us from the fact that 29% of the person stays ($905/3101 = 0.29$) in the SIUs involved those with an identified mental health need at the start of the stay in the SIU.

Table 13: The presence of a mental health need at the start of the SIU stay by Indigenous Status.

Table 13: Mental health needs of Indigenous and non-Indigenous SIU Prisoners

	Mental Health Need		Total
	No	Yes	
Non-Indigenous	1434 76.0%	452 24.0%	1886 100.0%
Indigenous	762 62.7%	453 37.3%	1215 100.0%
Total	2196 70.8%	905 29.2%	3101 100.0%

In Table 13, we see that Indigenous prisoners who are transferred to SIUs are much more likely than those not identified as Indigenous to have mental health needs identified.

Table 14: Mental health status and length of time in the SIU.

Table 14: Mental health groups (from health status_categories defined by CSC) and total days in SIU (including those still in SIU on data collection day)

Mental health groups (from CSC's 9 group health status_ categories)	Total days in SIU including those still in					Total
	1 thru 5	6 thru 15	16 thru 31	32 thru 61	62 thru 552	
No, low or some needs, not getting worse, [Grps1,2,3,4]	591 22.6%	652 25.0%	403 15.4%	396 15.2%	570 21.8%	2612 100.0%
High needs, not getting worse, [Groups7,8]	54 19.3%	80 28.6%	59 21.1%	36 12.9%	51 18.2%	280 100.0%
Various mental health needs and getting worse [Groups 5,6,9]	9 4.3%	17 8.1%	27 12.9%	78 37.3%	78 37.3%	209 100.0%
Total	654 21.1%	749 24.2%	489 15.8%	510 16.4%	699 22.5%	3101 100.0%

In Table 14, we can see that those whose mental health status was deteriorating while in the SIU were much more likely to be held for a very long time in the SIU. For example, of those identified as having various mental health issues and getting worse, 74.6% have been in SIUs for over a month. This stands in contrast to the other two groups (none, low or some needs/not getting worse; and high needs/not getting worse) where 37% and 31.1% (respectively) stayed over a month.

Table 15: Isolation and Prolonged Isolation across regions.

Table 15: Isolation and Prolonged Isolation by Region

Region of SIU	Groups			Total
	Some Isolation: An average of 2hrs or less; stayed for up to 15 days (missed 100% of days getting h4rs)	Prolonged Isolation (same, but stayed 16+ days)	Everyone else	
Atlantic	105 28.1%	33 8.8%	236 63.1%	374 100.0%
Quebec	445 40.6%	88 8.0%	563 51.4%	1096 100.0%
Ontario	71 23.7%	11 3.7%	218 72.7%	300 100.0%
Prairies	78 10.0%	55 7.1%	645 82.9%	778 100.0%
Pacific	168 31.5%	100 18.7%	266 49.8%	534 100.0%
Total	867 28.1%	287 9.3%	1928 62.6%	3082 100.0%

In Table 15 we divided the SIU stays in a manner that reflects, to a large extent, the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Briefly, we divided people into three groups according to two sets of criteria.

- a) The first group, who might be called “some isolation” were in the SIU for 15 or fewer days. They got an average of less than the mandated “2 hours of meaningful human contact” and never received their full legislated 4 hours out of their cell. Their stays, however, did not exceed 15 days.
- b) The second group had the same experience as group (a) above, but their stays were 16 days or more. We have called them the “prolonged isolation” since they not only did not achieve the time out of cell (generally and meaningful human contact) but also were in the SIU for a prolonged period (16 days or more).
- c) The remainder are those SIU prisoners who fared better: they sometimes got the four hours out of cell and had an average of at least 2 hours of meaningful human contact.

During the full life of the SIUs, 28.1% of the stays can be considered to involve short stays (under 15 days) with degrees of isolation not contemplated by the legislation (inadequate time out of cell) – what we have called here “some isolation”. An additional 9.3% of the stays can be

considered to be prolonged isolation in that the prisoner did not get the required time out of cell and the stay lasted 16 days or longer – what we have called “prolonged isolation”.

Like almost every measure that we have looked at about the operation of the SIUs, there was dramatic variation across regions in the likelihood that a prisoner transferred to an SIU would experience either “isolation” and “prolonged isolation.” Both “isolation” and “prolonged isolation” are much more likely to occur in person-stays in the Pacific Region than in Ontario. In addition, the proportion of people in Quebec who experienced what we are calling “some isolation” is dramatically higher than the proportion of person-stays in the Prairies with this experience.