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VIA EMAIL: JUDICIALASSISTANT.RD@ALBERTACOURTS.CA

Red Deer Provincial Court
4909 – 48 Avenue
Red Deer, AB, T4N 3T5

Dear Honourable Judge Glass:

**Re: Joint Fatality Inquiry into the death of William Wilkie
Conducted June 14, 2021 – Report of Judge J.A. Glass released August 27, 2021(the “Formal
Report”)
Alberta Correctional Services Response to the Recommendations Outlined in the Formal
Report**

Please note that since the release of the Judge’s report, the Ministry of Justice and Solicitor General has undergone a re-organization. Adult Centre Operations Branch (ACOB) joined with Young Offender Branch to form a new entity Custody Operations Branch (COB). Instances of ACOB in this response have been changed to COB.

We thank you for your Formal Report in relation to the Fatality Inquiry for the death of William Wilkie. We have reviewed the same with our client, Alberta Correctional Services, and provide our response to the recommendations as set out below.

- 1. All staff, correctional and health care, should be required to document recurring absences from the medication line, changes in the demeanor and presentation of inmates in the ORCA system.**

Provincial policy does not outline requirements related to the supervision of a medication line. Centre-specific Standing Operating Procedures will outline unit officer responsibilities, including the supervision of the medication line. Unit officers also document the general action of “Medication Dispensed” on ORCA shift logs. However, documenting recurring absences from the medication line as suggested by in the Formal Report is not done.

COB staff have no means of identifying recurring or one-time absences from the medication line without being informed by Alberta Health Services (AHS). AHS manages the administration of medication, including recording which medications were not dispensed as expected. Even if AHS informed COB staff of the medication line absences, duplicating this documentation in ORCA serves no purpose.

The documentation of changes in demeanor and presentation of inmates is sufficiently addressed in 6-1.10 SC - ORCA Shift Logs (more on this under recommendation #2).

Alberta Correctional Services does not accept the recommendation to document recurring absences from the medication line. The recommendation to document changes in the demeanor and presentation of inmates is not necessary, as there is already a policy in place.

- 2. All staff should be briefed on any remarkable changes in the presentation of inmates at all shift changes and document those briefings in the ORCA system or readily accessible note book at the guard station.**

COB policy 6-1.10 SC - ORCA Shift Logs states:

1. Upon shift commencement, unit staff shall review recent shift log entries to sufficiently familiarize themselves with unit operations.
2. The unit staff performing any of the tasks listed below, shall record significant information in the log which includes, at a minimum,
 - ...
 - j) Any significant changes in normal routines;
 - k) Pertinent information regarding,
 - i. significant changes in inmate behaviour;
 - ...
 - iii. significant inmate complaints;
 - iv. unusual inmate congregation/movements;
 - l) Any other information that may prove useful to the oncoming shift;
 - ...
 - n) Pertinent information that is recorded on the inmate's case notes section on ORCA shall also be recorded in the shift log to alert the oncoming shift of any new information.

Additionally, specific ORCA shift log types exist for the purpose identified in the Formal Report (Attention All Staff, Shift Change and/or Shift Summary).

Recommendation 2 is not necessary, as Alberta Correctional Services already has the necessary policy in place.

- 3. All correctional staff, including AHS staff, should be required to complete annual training sessions that specifically address inmate suicide signs and suicide prevention techniques.**

COB policy 9-3.2 MP - Active Suicidal Identification and Management Training states:

1. All correctional peace officers, caseworkers and living unit officers shall receive training on the identification and management of suicidal inmates, incorporated in the Correctional

Services Induction Training and through ongoing recertification.

2. All centre staff responsible for completing the Suicide/Self-Harm Screen form shall receive training on the administration of this instrument.
3. Training managers shall coordinate suicide assessment training through workshops offered on-site and at the Justice and Solicitor General Training Academy.

Please note that our staff attend COB recertification training every three years and AHS has developed a one page summary of suicide signs and prevention in a correctional setting.

COB has asked to be included when this document is circulated annually and the document will subsequently be distributed to operational staff for review.

Alberta Correctional Services in principle accepts recommendation 3, as suicide awareness training is in place, but not in the exact manner proposed in the Formal Report.

4. **AHS should develop a checklist for new admissions to a correctional facility to include specific reference to determining whether an inmate had prior admissions on ORCA and when readily available, to review patient records from the prior admission.**

Recommendation not applicable to Alberta Correctional Services.

5. **The ORCA system be revised to indicate on an inmate's opening screen whether there had been prior mental health or suicidal concerns, watches or attempts. These warnings should not be subject to expiry and removed from the screen, rather an indication that they are either active or inactive be noted.**

The ORCA admissions screen is the closest to what the Formal Report refers to as an "inmate's opening screen." An inmate's alert codes are displayed on the admissions screen, notifying users if there are active medical alerts. Further details can be found on the alerts screen, which displays suicidal active alerts, suicide record alerts and other medical caution alerts (among other alerts relevant to centre operations).

Each alert has an associated effective date. ORCA also allows users to enter an expiry date, though some alerts do not have an expiry date listed given the indefinite nature of the alert – like a suicide record alert. ORCA users cannot remove alerts from this screen without submitting a ticket to the ORCA technical support team and thus an inmate's entire alert history is contained on this screen – including inactive/expired alerts.

Additionally, the inmate informational header block that is visible on each ORCA inmate-specific screen includes a field displaying active alert codes. As indicated above, these codes prompt staff to view the alerts screen for more details.

Furthermore, the Alberta *Correctional Regulation* (and reiterated in COB policy 4-1.1 AD - Admission Process) states (emphasis added):

9.1(3) The initial assessment process must take into account, at minimum,

- (a) the inmate's physical and mental health,
- (b) any security risk associated with the inmate, and
- (c) the inmate's behaviour,

Recommendation 5 is not necessary, as ORCA already has the functionality outlined and recommended in the Formal Report.

- 6. Any inmate files that are stored offsite be provided as quickly as possible when the inmate's mental health is noted by staff as a concern or there are prior mental health or suicide alerts noted on the ORCA system.**

COB policy 3-1.4 RM - *Movement of Legal and Case Files* states:

5. Transfer to Inactive Storage
- a) Legal files inactive for one year from date of closure, and case data closed for one year prior to the most recent admission date, may be transferred to the Alberta Records Centre for four further years of storage;
 - i. during this time, they may be retrieved and inter-filed with the active file should the inmate re-enter a correctional facility;

Additionally, as outlined in COB policy 3-1.5 RM - *Retrieval of Inactive Files*:

10. When inmate legal files have been inactive for one full year from the date of closure, they may be transferred to a records centre for four further years of storage, during which time they may be retrieved and reactivated should the inmate be readmitted.

To reiterate, COB keeps legal files onsite for one year. After one year, the files are transferred offsite for four years. Following the period of offsite storage, the files are sent to the Provincial Archives of Alberta. If the inmate is re-admitted during the first year, the file will be retrieved from onsite storage and merged. Retrieving the legal file from offsite storage after the first year is rare, and is usually only done to copy some information – the files are typically sent back to offsite storage intact, without merging with the new incarceration file.

Storage is a key factor in the length of time chosen. Many centres do not have the room to store files for longer than a year if there has been no re-admission in that time.

Fundamentally, the retrieval of the physical legal file is largely inconsequential as COB staff are privy to previous mental health and suicide concerns by the ORCA alert screen. Unless the incident occurred before February 2013, further details will also be available on the ORCA system.

In the legal file there is a small chance there is mental health or suicide concerns documented in a pre-ORCA incident report or by a third party such as Correctional Service Canada. A pre-ORCA incident report is unlikely to provide new information, as a suicide flag would have been entered on the legacy offender records system CoMIS and subsequently migrated to ORCA as a suicide alert at "go live." Additionally, in most cases third party medical/mental health information is sent directly to AHS for inclusion in the healthcare file – circumventing the legal file and awareness of COB staff. Medical/mental health information would only be sent to COB in error (more on this under recommendation #7).

Alberta Correctional Services does not accept recommendation 6, as our records storage and retrieval practices are sufficient.

7. Corrections and AHS management review and update their file management practices at the Remand Centre, specifically with respect to file archiving/merging and patient notations to ensure that staff at the facility is fully aware of inmate backgrounds. This would include information received from third parties such as Corrections Services Canada (CSC).

COB receives approximately 45 new daily admissions over the entirety of the province, and as outlined under recommendation 6, healthcare information from third parties typically gets sent directly to AHS. Mandating some sort of fulsome review of each legal file in an effort to find undocumented mental health/suicidal history would be time consuming and unlikely to find relevant information that was not readily apparent, reported by the inmate or already documented on ORCA.

In the event that sentence administration does identify information that the inmate may be suicidal or have other mental health concerns, COB has policy in place to ensure that information is actioned and forwarded to AHS. COB policy 9-3.3 MP - 1-Identification, Management of the Suicidal and Psychologically Unstable states:

- | |
|--|
| <p>4. Any information received from the legal file and other sources including the police, court, the family of the inmate, or other inmates, which indicates that the inmate may be actively suicidal and/or suffering from a psychiatric disorder, shall be promptly reported verbally, and in writing, to the shift manager for interim action and follow up with the health care unit.</p> |
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Alberta Correctional Services does not accept recommendation 7, as it is not an effective use of the minimal resources at COB's disposal.

8. Corrections and AHS management review and make clear to staff at the Remand Centre who has the responsibility for uploading and updating AHS information into the ORCA system. In addition, all Health Care team members should have access to ORCA.

Correctional Services Division (CSD) is the owner of the ORCA system and has no authority to require AHS to enter medical information into ORCA. Similarly, AHS is the owner of Alberta Netcare and has no authority to require CSD to enter correctional information into Netcare.

AHS employees do have access to ORCA (and can individually request access if they do not), and have the ability to enter limited medical-related information into ORCA. However, the entry of information relevant to centre operations into ORCA is COB's responsibility.

Specific to the phrase "uploading and updating AHS information into the ORCA system," the *Corrections Act* states:

Disclosure of health information

11.1 A custodian, as defined in the *Health Information Act*, may disclose individually identifying health information about an inmate, without the consent of the inmate, to a director of a correctional institution, and the director of the correctional institution may collect and use that information

(a) for the purposes of

- (i) a classification process, as described in section 11,
- (ii) protecting the health, safety and security of inmates, staff and visitors to the correctional institution and the safety and security of the correctional institution,
- (iii) addressing or preventing a nuisance, as defined in the Public Health Act, in the correctional institution, or
- (iv) addressing or preventing a communicable disease outbreak in the correctional institution,

and

(b) for any other purpose prescribed in the regulations.

As such the entirety of healthcare information is not duplicated in ORCA. COB only receives healthcare information related to centre safety and information necessary for the treatment of the inmate. Even then, COB is provided notice that a medical need must be accommodated in a particular matter (for example, cannot attend recreation or patient requires lower bunk). COB is generally not provided details of the contributing medical condition.

Alberta Correctional Services partly accepts the first part of recommendation 8, as COB will release minor amendments to policy clarifying COB staff's responsibility to enter pertinent information received from AHS into ORCA. These changes will be communicated to COB staff via internal memo. However, no changes are necessary regarding the entry of general "AHS information into the ORCA system." The latter part of the recommendation is not necessary – AHS already has ORCA access and still regularly requests ORCA login credentials for their employees.

9. Corrections and AHS staff should be educated annually as to the type of medical information that can be shared and disclosed in regards to an inmate. These guidelines must be followed by all corrections and AHS staff.

Recommendation not applicable to Alberta Correctional Services, as we do not withhold any medical information from AHS.

If there are questions or clarifications needed in relation to the above responses, please do not hesitate to contact the writer.

Sincerely,

FIELD LLP



Paul Kolida

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