Reforming Segregation through the Perspectives of Correctional Officers

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Abstract

Despite international calls to abolish the use of segregation in prisons, the practice has
been defended by some Canadian correctional workers as a sometimes-necessary practice
to preserve prisoner and staff safety. Informed through a lens of risk and the socio-legal
literature on segregation, the current interview study explores perspectives on segrega-
tion from 28 correctional officers (COs) employed in provincial correctional services at a
prison in Atlantic Canada. COs expressed a need to continue using segregation—albeit less
often and under reformed contexts—to ensure safety for prisoners and staff and preserve
prisoner accountability. Findings indicate COs recognize the structural, situational, and
personal factors and complexities that shape decisions to impose segregation. They call for
increased available resources to improve prisoner safety, dignity and wellness, prevent
harm and self-injury, and reduce the use of segregation. We conclude with recommenda-
tions for provincial and territorial correctional institutions to consider moving forward.

Keywords: segregation; prisons; solitary confinement; reform; risk

Résumé

Malgré les appels internationaux appelant à l'abolition de l'isolement préventif (aussi
appelé isolement ou confinement cellulaire) dans les prisons, certains travailleurs cor-
rectionnels canadiens affirment qu'il s'agit d'une pratique parfois nécessaire pour
préserver la sécurité des détenus et du personnel. Informé par une approche axée sur
le risque et la littérature socio-juridique sur la ségrégation, cette étude qualitative explore
les perspectives de 28 agents correctionnels (AC) employés par les services correctionnels
provinciaux dans une prison située sur la côte atlantique canadienne. Dans cette étude, les
AC expriment la nécessité de maintenir l'usage de l'isolement préventif — bien que de

manière moins fréquente et dans des contextes réformés — afin d'assurer la sécurité des détenus et du personnel. Le maintien de l'isolement apparaît également nécessaire pour responsabiliser les détenus face à leurs propres actions. Les résultats de la recherche indiquent que les AC reconnaissent néanmoins que des facteurs structurels, situationnels et personnels, ainsi que la complexité des situations, peuvent influencer le recours à l'isolement préventif. Pour ces raisons, les AC en appellent à une augmentation des ressources disponibles en vue d'améliorer la sécurité, la dignité et le bien-être des détenus, mais aussi pour prévenir les préjudices et l'automutilation, et enfin pour réduire le recours à l'isolement en tant que tel. En conclusion, nous formulons une série de recommandations pour les institutions correctionnelles provinciales et territoriales destinées à informer leurs pratiques futures.

Mots-clés: isolement; prisons; agents correctionnels; réforme; risque

Introduction

On June 21, 2019, in response to widespread criticisms of how segregation[1] practices in prisons infringe on human rights, the Canadian government passed Bill C-83 (*An Act to amend the Corrections and Conditional Release Act and another Act*), which abolished the use of administrative and disciplinary segregation in Canadian federal penitentiaries and replaced the controversial practice with Structured Intervention Units (Adamjee 2022). The reform came amid intensified pressures to consider how segregation creates and exacerbates serious mental health challenges (i.e. insomnia, psychosis, hallucinations, suicidal thoughts and behaviour, self-harm, isolation panic, major depressive disorder), increases recidivism, and violates—under certain conditions—the Canadian *Charter of Rights and Freedoms* (Luigi et al. 2020; Sapers 2015; United Nations Office on Drugs and Crime 2015). The relevant Canadian jurisprudence, which strictly applies to correctional services at the federal rather than provincial level, does not establish that segregation in all forms is unconstitutional, as the leading appellate decision "is not about the practice of administrative segregation *per se*" (*British Columbia Civil Liberties Association v Canada (Attorney General)*, 2019 BCCA 228, at para 2). According to the Court of Appeal for British Columbia, "[t]he significant challenges associated with preserving life and maintaining institutional order in federal penitentiaries, while at the same time preserving an environment conducive to the rehabilitation of offenders committed to self-improvement, are such that the humane segregation of some inmates will be both necessary and justified in defined circumstances and for limited periods" (ibid.). However, the court held that it was unconstitutional for the governing statute to authorize indefinite and

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[1] We use segregation in reference to solitary confinement in prisons—not the segregation of prisoners by demographics, security classification, or other ways of organizing prison residents. Administrative segregation refers to "the voluntary placement or the administrative decision to hold an individual in either an isolated cell or protective custody" based on a precautionary principle (i.e. incompatible prisoners, prisoners with special needs, prisoners at risk, or those who pose a safety risk to staff or other prisoners), while disciplinary segregation is the "practice of segregating a prisoner due to an institutional infraction or incident or collection of minor infractions" (Crichton and Ricciardelli 2016, 432).

prolonged administrative segregation under conditions that constitute solitary confinement, as well as to authorize the internal rather than external review of decisions to segregate prisoners in solitary confinement. Suffice it to say that there remain serious constitutional concerns with segregation, whether used at the federal or the provincial level, that in practice contravenes the Nelson Mandela Rule Standards (United Nations Office on Drugs and Crime 2015).

The federal government discontinued its appeal of the BCCLA decision in favour of legislative reform and the new Structured Intervention Units model. Despite the introduction of the Structured Intervention Units into Correctional Services Canada (CSC)—the federal organization that is responsible for managing people who are convicted of criminal offence(s) with a court-imposed sentence of twenty-four months or more in Canada (Correctional Services Canada 2019)—evidence indicates that CSC is still practising administrative and disciplinary segregation, albeit under a new name (Sprott, Doob, and Iftene 2021). Relatedly, provincial and territorial governments in Canada that are responsible for managing people who are on remand and offences with custodial sentences of under twenty-four months continue to use segregation explicitly as an administrative and disciplinary process in most regions. Although federal legislation and related court rulings do not formally govern the provincial and territorial correctional systems, they may provide direction and utility to those services. Following some humanitarian reforms that were made to segregation practices in 2017 at Her [His] Majesty's Penitentiary (HMP) in Newfoundland and Labrador (CBC News 2017), a report that was submitted to the Superintendent of provincial adult correctional facilities in 2019 recommended that, among other things, administrative segregation should be used: 1) only in exceptional cases and as a last resort; 2) for as little time as possible; and 3) only when subject to review; plus, 4) that it be prohibited for prisoners who have serious mental illness, development disabilities, or neurogenic diseases (Murphy et al. 2019, 19). On disciplinary segregation, among the eighteen recommendations that are listed in Murphy et al. (2017) was the call to reduce the maximum isolation time at HMP from fifteen days to ten days, that prisoners who are experiencing or are suspected of experiencing mental illness/mental health concerns should not be placed in segregation, and that physical conditions in the segregation cells and areas must be humane. Although the report may appear responsive to the considerations that were raised in the CCLA decision, by countenancing ten days of isolation, the report still seems to discount the gravity of prolonged segregation on the constitutional rights of prisoners.

To better understand the perspectives on segregation from those employed in correctional services and the complexities and controversies that surround the practice, the current study analyzes in-depth interview data that were produced by twenty-eight provincial correctional officers (COs) who were employed at HMP. First, we overview the Canadian and international norms on segregation, its effects, and the tensions identified between critical perspectives and staff positions on the practice. Next, we discuss how criminal justice systems and structures continue to be affected by discourses of "risk." We then explore COs' interpretations of meaningful segregation reform or alternatives to segregation and unravel the correctional discourses and risk-laced contexts that, often in

their purview, justify the use of segregation in exceptional circumstances. We conclude with recommendations for provincial and territorial correctional institutions to consider moving forward.

Literature Review

In provincial and territorial correctional services in Canada, administrative segregation may be imposed on prisoners for the purpose of prisoner safety management rather than misconduct, while disciplinary segregation—which has a higher threshold for admission and a cap on the numbers of days for which they may be held—is used when an incarcerated person is found to be guilty of institutional misconduct or a disciplinary offence (Prevost and Kilty 2020). Regardless of the different motives for use, both forms of segregation equate to the same conditions of confinement and isolation (Prevost and Kilty 2020), which the leading decision cited above describes as embodying a lack of meaningful human contact accompanied by many physical restrictions (i.e. small cells, scheduled outdoor time; Canadian Civil Liberties Association 2019). Internationally, those who are arguing that some form of segregation should exist in prison environments have established clear (and general) guidelines for practice and reform:

> offenders should always be placed in the least restrictive environment necessary to ensure their own safety, as well as the safety of staff, other inmates, and the public. When an offender is placed in segregation, the specific purpose (investigative, protective, disciplinary) should always be documented and supported by objective evidence. Duration in segregation should be no longer than necessary to address the documented purpose. Placement in segregation warrants ongoing review of the offender by a multidisciplinary team, including the leadership of the institution, the medical team, and mental health staff. Upon placement in segregation, a clear and individualized release to a least restrictive environment should be developed and ideally shared with the offender. Offenders in segregation should have access to time outside of the prison cell, confidential psychological services, and visits whenever possible. (Dickie and Tinsley 2019, 1309)

That said, many authors have examined practices of segregation in Canada and elsewhere critically, raising important legal and ethical questions—and doubt —around the appropriateness of its use, even if selective. In his famous rebuke of the prison apparatus as being "the most forceful expression of society's condemnation," Jackson (1983, 3) conceived segregation as "the ultimate exercise of the prison's power over the lives of the imprisoned." Jackson (1983) called on readers to question the rationales and modalities of state power—both legal and morally driven—that allow segregation to be possible. Over forty years later, Jackson (2015, 87) continued to question the legitimacy of governments to practise segregation in prisons and argued that meaningful reforms to segregation were being stifled or co-opted, sometimes through the dispositions

of correctional staff: "If correctional staff can confidently believe [...] that the conditions in segregation are too soft, and that there needs to be a hardening of attitudes and regimes in the name of public safety, segregation can be reimagined not as a human calamity for the prisoner [...] but as a useful, necessary and merited part of the armory of modern corrections for the recalcitrant prisoner." He believed that correctional discourses on segregation were shaped by motives to "keep with the new political climate" (Jackson 2015, 87) rather than genuine pleas for public and institutional safety—a political climate that, at the time in Canada, was steered by the Stephen Harper Conservative Federal Government's (2006–2015) "tough on crime" agenda (Webster and Doob 2015).

Beyond the harsh impacts on prisoner mental health and well-being, scholarship across disciplines has criticized the often gendered and racialized use of administrative or disciplinary segregation, such that women and racialized prisoners are disproportionately placed in isolation to not only manage violent, aggressive, or high-risk behaviour, but also for relatively minor infractions and to manage mental distress (Balfour 2017; Martel 2001; Prevost and Kilty 2020). An earlier study by Martel (2006) theorized how prisoners who are enduring segregation may also experience disruptions to their sense of time and spatiality, which sometimes results in prisoners expressing multifarious resistance strategies and outbursts that are aimed at recollecting or reestablishing identity. Tracing the social contexts and histories surrounding the practice of segregation in the United States, Batastini (2019, 1302) emphasizes the need to recognize how experiences of isolation can nonetheless differ substantially, depending on the policies and procedures established by the individual prison, from a prisoner being "completely locked down" to being housed in a "relatively active area with a variety of material possessions." Research has consistently shown how the decision to impose disciplinary segregation on incarcerated people does not reduce misconduct (Lucas and Jones 2019; Morris 2016).

While not negating the hardships and violations to human dignity that segregation poses, these difficult realities of segregation have been recently defended by some Canadian provincial and territorial correctional workers as being an unfortunate but necessary practice to preserve prisoner and staff safety, especially when there is a threat to life (Johnston and Ricciardelli 2024). An earlier study, conducted amidst the changes that were made in penal policy and practice by the Conservative-led Federal Government of Canada (2006–2015), found that many provincial COs opposed segregation and, more importantly, problematized the lack of agency and decision-making capabilities that they experienced in light of these political and, by proxy, occupational changes (Crichton and Ricciardelli 2016). These competing findings demonstrate the inherent tensions in conceptions of risk/safety and human rights/dignity that have often permeated discussions of punishment in society (see Hébert 2020; O'Malley 2004) and remain a challenge to reconcile through policy.

In Canada, a pivotal case for acquiring government engagement and reform on prisoner segregation was the death of nineteen-year-old Ashley Smith in 2007, who died by "suicide after spending a total of 1047 days in disciplinary segregation at the Grand Valley Institution for Women in Ontario" (Adamjee

2022, 4). The death of Ashley Smith was ruled a homicide in 2013 by the Chief Coroner of Ontario "because correctional officers followed a standing order from senior officials not to intervene while she tied ligatures around her neck and slowly suffocated" (Kerr 2017, 188). Before her death, Ashley Smith was held for nearly a year under conditions of administrative segregation, despite suffering from multiple vulnerabilities, including ongoing self-injurious behaviours and undiagnosed psychiatric disorders (Kilty 2014). She was segregated because of her disruptive and resistant behaviour toward prison officials and frontline staff, and, due in part to the nature of her unidentified psychological needs,[2] she was a threat to herself and, arguably, could have been a threat to others. The Coroner's Inquest recommended the termination of indefinite solitary confinement and alternatives for prisoners who are experiencing compromised mental health (Carlisle 2013).

While Ashley Smith's tragic death sparked renewed national attention on the harms—and especially mismanagement—of segregation, alternatives to this practice had been raised over twenty years prior. *The Arbour Report*, in 1996, was published in response to an incident at the Prison for Women in Kingston, Ontario, where six female prisoners who protested against the rise in suicides at the institution were strip-searched by an all-male emergency response team and placed in prolonged segregation for seven to nine months (Arbour 1996). *The Arbour Report* initiated a task force, instigated by CSC, to, inter alia, provide recommendations for alternatives to segregation in all federal penitentiaries (Adamjee 2022; Jackson 2015). Thus, the need for segregation reform has been known for some time; it remains real and pressing. Every effort at correctional reform, however, tends to provoke controversy (Schoenfeld 2016), while giving rise to challenges that, as Jefferson (2024, 413) argues, are often laden with "compromised circumstances" that can only be adequately understood through attending to "ordinary everyday experience." Awareness of this reality offers a methodological entry point into the current study. Engaging with the occupational lens of COs reveals ways in which to build on the segregation reform literature and to develop a path through the difficulties, concerns, nuances, and tensions that provincial COs raise.

Penal Governance through Risk

Though its definitions vary, the fluid concept of "risk" encompasses "any situation that may occur in the future which provokes a sense of anxiety and uncertainty among individuals or within the population as a whole" (Giddens 2003, as cited in Dwyer 2015, 88). In contemporary criminal justice systems, penal and institutional reforms are "fraught with various challenges and obstacles in the everlasting attempt to reduce the risk of conflict occurring" (Dwyer 2015, 87). As such, discourses of risk and uncertainty continue to affect legal rationalities

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[2] Throughout her incarceration, as both a youth and an adult, Ashley Smith did not receive a full and complete psychiatric assessment. While it was continually acknowledged that she was suffering from "mental health issues," those issues and her related needs were never identified (Kilty 2014).

and criminal justice structures in Canada (Maurutto and Hannah-Moffat 2006), frustrating criminological movements and paradigms that are aimed at desistance rather than preserving security (Taylor 2023).

Scholars have documented the effects and challenges that are associated with governing through risk as being central to law-and-order policies and the large impact that risk governance has on developments in penality and social policy (Ericson 2007; O'Malley 2004). For example, in Nova Scotia, Canada, Johnston, Coulling, and Ricciardelli (2022) found that correctional workers were accommodating of and responsive to the diverse policy needs of transgender prisoners, yet some respondents raised concerns about and suspicion towards transgender prisoners who presented a safety *risk* to other prisoners and thus could be abusing human rights policies in order to cause harm. Historically, the goal of governance through risk was to "objectively" measure, calculate, and predict risk and threats (Lupton 1999) to effectively "tame chance" (Hacking 1990), rather than moving to a society that was governing on the basis of uncontrollable and incalculable dangers (Beck 2002).

Current Study

In the context of the current study, we seek to investigate how increased securitization (i.e. segregation reality) can be justified if risks are no longer easily and objectively measurable, or based on fear (Dillon 1996). As another objective in this article, we explore how discourses of risk that are found throughout the data inform and reflect CO positionalities on segregation and potential reforms.

Method

In the current study, we used qualitative methods for data collection and analysis to learn how COs who are employed at HMP understand prison design and what they consider to be essential considerations for the construction of the new penitentiary that is intended to replace HMP. Their perspectives on segregation practices ended up comprising a significant portion of the data. Originally constructed in 1859, HMP is the largest provincial correctional institution in Newfoundland and Labrador (Jesso 2018). The prison has a capacity of 170 prisoners but this increases to upwards of 190 at weekends, when those who are serving intermittent sentences are accommodated (Jesso 2018). A report that was published in 2008, entitled *Decades of Darkness: Moving Towards the Light*, highlighted the many physical infrastructure challenges at HMP, as well as those that were tied to staffing, policies and procedures, prisoner health care, staff safety, and lack of programming and recreation for prisoners (Poirier, Brown, and Carlson 2008).

The current study was approved by the Research Ethics Board of Memorial University of Newfoundland. Authors, research assistants, and other employees who were involved in this research signed nondisclosure agreements which stated that they would keep all identifying information that was collected during

this study confidential and would not communicate this information outside of the research team.

Recruitment was conducted with the assistance of the Newfoundland and Labrador Association of Public and Private Employees (NAPE), who sent study information in English to their membership via internal listservs. Several participants explained that they had, using their own initiative, assisted with recruitment through word-of-mouth recommendations to their colleagues. Thus, our recruitment efforts were aided by this informal snowball sampling. That said, project interviewers neither disclosed any information about participants to other participants nor encouraged snowball sampling. In total, we interviewed twenty-eight participants and collected demographic data for twenty-one of them, with the other data missing or incomplete (n = 7). There are approximately 150 officers who are employed at HMP—thus we interviewed 19 percent of the officers. Of the twenty-one participants who provided demographic data, eight participants (38.0%) identified as female and thirteen (62.0%) identified as male. Most participants (n = 9; 43%) were between the ages of thirty-five and fifty-four years. The majority of participants identified as White (n = 18; 86%).

We used a semi-structured approach to interviews, which is a qualitative method that encourages participants to guide the conversation and share experiences or to identify issues that they feel are most relevant, while enabling the researcher to follow up for clarification or probe for elaboration (Brinkmann 2020). Most interviews lasted for between seventy-five and 120 minutes. Interviews were conducted in the summer and autumn of 2022. Due to public health measures and participant comfort and desire, some interviews were conducted by phone and others in person at a location of the participant's choosing (i.e. at NAPE). Although face-to-face interviews are predominant in qualitative research, there is evidence that telephone interviews do not inhibit rapport-building and may permit participants to discuss sensitive topics with greater comfort (Mealer and Jones 2014). We found no discernible differences between interviews that were conducted by phone or in person.

All interviews were conducted in English, which is the dominant language in the province. Interviews were transcribed verbatim by research assistants for the purposes of data analysis. Transcripts were coded in an open-ended fashion to determine emergent themes. In practice, this means that three members of the research team independently and sequentially coded twelve transcripts to develop an initial set of codes. This process ensured inter-rater reliability—that is, consistency in coding among the research team, which is an invaluable feature of robust qualitative research (Hemmler et al. 2022). The remaining transcripts were then coded individually by members of the research team, allowing the initial codes to be refined and new codes to be created as they emerged. Transcripts were analyzed with the assistance of NVivo (qualitative data analysis software), which facilitated the coding of data into primary (i.e. discussion of segregation), secondary (i.e. discussion of administrative versus disciplinary segregation), and tertiary themes (i.e. interpretations of each).

Our method of data analysis followed a semi-grounded constructed approach (Charmaz 2006; Glaser and Strauss 1967; Ricciardelli, Clow, and White 2010), which privileges thematic findings to emerge from the data (i.e. the narratives of participants) without preemptively imposing theoretical interpretation. In other words, we did not know what themes would emerge from the data and we framed the study according to what the data revealed about segregation in relation to discourses of risk and socio-legal norms and controversies.

This study was informed by a realist lens of inquiry, meaning that we approached the data—the narratives and experiences of COs—as constituting a reality or truth irrespective of concerns for generalizability or quantifiability whereby the phenomena under study, at least in part, could be known through words (Bonino, Jesson, and Cumpa 2014). This ontological and epistemological orientation was a foundational consideration because it guided the research team to more fully appreciate the standpoints of participants (Liebling, Price, and Elliott 1999), whose ideas and perspectives on prison design and correctional work remain understudied and underutilized in Canada to inform tangible and meaningful changes that could be made to the correctional system to improve prisoner and staff safety, wellness, and other considerations (see Johnston, Ricciardelli, and McKendy 2022b; Johnston and Ricciardelli 2024).

Results

We now present how COs envisioned the design and implementation of meaningful segregation reform in the new prison, with a focus on the role that accountability plays as well as proposed approaches to "soften" the practice of segregation and increase available resources in prison to improve prisoner safety, prevent harm and self-injury, and reduce the use of segregation. Throughout the data, we also discuss how notions of "risk" inform the perspectives of COs and use quotations to represent the emergent themes.

Role of Accountability

Participants spoke frankly about the role that they believe segregation plays in preserving prisoner safety and accountability. When asked how or if segregation should be replaced, participants generally did not agree that segregation should be eliminated altogether. Their stories varied regarding their understanding of the purpose of segregation, as well as how segregation should be designed, experienced, and enforced. Though the theme was less common, a select few participants, such as P01, asserted that segregation is a useful tool to demonstrate to prisoners that there are consequences for their actions while in custody —including when they violate the safety and dignity of another prisoner or staff, who also have intrinsic worth:

I'm hoping that it's going to be something similar that people can be confined to themselves away from the population for a short period, or medium periods of time, that can be used to show an offender that you can't just do something, you got to take away some privileges [...] not make it a

better life [...] Because what's going on in federal corrections now is a lot of these inmates would rather be in these newer models of segregation. They're guaranteed recreation time [...] it's supposed to benefit to go to these units so hopefully that's not the way our model is going to end up.

In this excerpt, accountability is emphasized, especially in relation to institutional safety. The participant describes how using segregation more punitively may deter prisoners from behaving in ways that would invoke a segregative response—it forces prisoners to respect their fellow prisoners as well as staff, to avoid consequences. Second, the officer objects to making segregation "softer." They are worried that, if prisoners believe that the experience of intense confinement is better than navigating life in the general population or other units, then they will want to be moved to segregation. Evident here is how risk informs this officer's sense of safety and how they, like every other CO, must bear witness, in reality, to a number of altercations, dangerous scenarios, or potentially psychologically traumatic events that make their job seem and feel always/already dangerous. To counter this risk, the officer responds by suggesting that prisoners should be presented with a *higher* risk of consequences— in this case, the threat of segregation.

Improving Segregation Practice and Design

In contrast to this officer, participants generally believed that segregation should remain, albeit with *significant* reform, making it a "friendlier," "nicer," and less harsh practice:

It certainly should be much nicer than it is now. Much friendlier than what it is. There's no reason that it doesn't have all the same amenities they would have on other units [...] because a lot of these folks that are behaving like that, go hand in hand—is the mental health, right? So, you can design it with softer furniture. You know, television [...] You don't have metal furniture [...] Right now they don't have access to programming when they're down there. They do but it's behaviour depending. They must be able to [...] have the programming delivered on that unit. They need some things that are instrumental to [help] guys—feel better about themselves or even getting better—such as fresh air and exercise equipment. And access to music or arts [...] So, whatever way they're creating that space, you can still have a segregated area. Because if that individual is completely out of sync and completely off the wall—because there are folks like that. You can't talk to them and they're just going to be completely uncooperative. At some point, they do settle [...] [then] you have that other alternate room which is like a multipurpose room for them to do arts or listen to music or do exercise or do yoga or stuff like that [...] And then you have another door that gives them the fresh air. (P04)

P04, echoing others, is critical of the inadequate and harsh ways in which segregation is currently practised. They recognize that prisoners can reach a

state in which segregating them is the only option (e.g. for safety reasons), but they believe that segregation could still be practised safely and humanely if designed and practised differently. Specifically, P04 identifies alternative rooms that could become accessible to prisoners after calming down that, ideally, could provide them with access to fresh air, meaningful and prosocial activities, leisure, fitness, and so forth. The goal here would not be to further confine or punish prisoners through segregation, and thus create further risk, but to remove them from an unsafe environment and provide them with a care plan that should, at least hypothetically, enable their mental health to improve rather than deteriorate. In this sense, officers believe in creating segregation environments that appear and feel less physically and psychologically risky, with the objective of mitigating rather than aggravating risk. Even though it is well recognized that the elimination of risk in a prison environment is unfeasible, the goal for many COs is not to weaponize risk as a deterrent to misconduct, but to mitigate behavioural or incompatibility challenges in an already hyper-risky environment that prison space constitutes.

This call for a softer and arguably safer form of segregation was reaffirmed by other participants, such as P05, who stated: "I think for starters [we need] more space. I think we still need a segregation and a SHU [special handling unit]. I don't think an abolishment of segregation or the SHU is the answer [...] I think we need more space to avoid say you know putting for lack of better words piling inmates on top of other inmates." P05 identifies a lack of space as an issue with segregation and custody in general, as "piling inmates on top of other inmates" is not conducive to safety, rehabilitation, or prosociality. P05 also mentioned that providing staff with more "flexibility" and resources so that they can give prisoners items or experiences such as "phone calls," "coffee," or "tea" would be "immensely helpful" to both staff and prisoners, as current practices cause staff to feel very "limited" in terms of what they can do for prisoners. Quite different from P01's position that segregation is necessary to deter correctional spaces from becoming too soft, the risk of not having segregation, according to P05, is related not so much to the perceived consequences of what a prisoner "could do," but to the consequences of institutional failure to meet prisoners' spatial and basic humanitarian needs.

Preventing Harm during Segregation

In addition to increasing prisoners' spatial permeability and access to basic life necessities, P07, who struggled to imagine in detail an alternative to or reformed version of segregation, discussed the value of ensuring that segregation rooms nonetheless prevent self-harm and self-injury:

> I don't know if there is an alternative to segregation [...] there are times when people are so amped up and out of control and just on max that there's no talking them down and there's no like giving them a cool down in a room where they can haul the sink off the wall or beat out the lights or whatever [...] so, I know it sounds like archaic and a little bit barbaric to put them in a room when there's nothing for them to hurt themselves with [...] If there

was an alternative to it [...] I first thought would be like a room that was padded, we've all seen it on television or whatever [...] but like basically a room where they can't hurt themselves [...] I know they're trying to get away from it but just for the safety of that inmate, sometimes that's all there is.

P07 cites the risk of self-injurious practices by prisoners as the central driver for segregation, as placing prisoners in a physically safe space where they cannot harm themselves may be the only option if techniques of de-escalation fail. Although they feel that the practice may appear "barbaric," when weighing safety *against* the pains of confinement, P07 leans towards upholding their responsibility to protect the prisoner from harm. The idea of a "padded" room is consistent with the design of many "safe and secure rooms" in forensic or emergency mental health spaces (British Columbia Ministry of Health 2012), where the risk of self-injury is lower. More implicitly, this officer engages, like other participants, in a risk assessment that must choose between two seemingly competing sides: that of safety and that of human rights. This tension raises the questions: Is it possible to uphold both with a "segregation reality"? Or will that perceived incompatibility result in further risk and consequence?

Nonetheless, P06 describes how the redesign of segregation should create a less stigmatizing and more normalized space: "Maybe if they don't call it segregation, maybe have just a regular looking unit where people maybe are locked in for their time but they get out for a few hours a day in a regular looking unit." P14 envisioned the creation of different levels of segregation to respond to different incidents and needs:

I think there needs to be a second level of segregation. Similar to the special handling unit and that's kind of where inmates go if they're suicidal. But maybe it could be a little more aesthetically pleasing. I think fresh air again, getting into these cells is very critical [...] it would still have to be a safe and secure area but if someone's having a mental health crisis then it needs to be somewhere where it can be monitored on camera but also maybe the room doesn't look so stark, they don't feel like they're being sent down to unit one [...] that it's not going to be in the basement in the building. I don't know if that will have a different psychological effect on inmates [...] I don't know how you'd be able to dress that up to make it like safe and secure but also not so damaging for their mental health [...] maybe there could be a third form of segregation.

P14 struggles to imagine a less stigmatizing form of segregation that is also safe. They differentiate between prisoners who may require segregation because of emergency mental health needs and those who require segregation because they are violent, are experiencing a violent psychosis, are under the influence of drugs, have or intend to assault other prisoners or staff, or otherwise pose a serious risk to the safety and security of the institution. They acknowledge, again, the importance of "fresh air" in segregation, especially for prisoners with mental health needs for whom segregation should not further contribute to their deterioration or stigmatization, but help them to recover from an episode of

distress. P21 also added that access to "phones," "showers," "windows," and "outdoor" recreation time should be a part of any segregation plan and design. Thus, these COs believe that a model of reformed segregation is required—one that is designed to protect prisoners rather than simply to punish them.

Reducing Segregation

P13 feels that the need for segregation may be reduced by having more units available with fewer beds in each. Prisoners may be less inclined to request segregation for safety if they have alternative safe spaces:

> When you're an inmate, and you're not at the top of the totem pole, there's something to be said. They're going in a room behind a locked door where you can actually close your eyes and know there's not going to be someone come in and jump on you while you're sleeping [...] You'd be better off having multiple units with a few beds than it would be having say three large areas with a hundred beds on these units. Like having more spaces, having more ability to shift guys around [...] so that at least they're not confined to a cell in seg but they could be shifted to a different unit to see if maybe they're a better fit over there [...] the ability to go somewhere where you can lock your door, I'm sure it's why seg is often requested. It gives them that safety.

In this excerpt, segregation is framed as an alternative to living on a regular unit when a prisoner's safety is being threatened by another prisoner and they do not have the power and status in the prison hierarchy to protect themselves from a very real and tangible threat. The alternative is to provide staff with more flexibility to move prisoners from various units to prevent administrative segregation from being the only recourse when such a safety issue arises and the prisoner can no longer socially function in their respective unit.

On the point that having more units available would remedy issues that lead to segregation, P14 described how a lack of access to medical care can prolong or intensify the experiences of segregation:

> There's a public perception about those units that obviously it's more for punishment—and inmates probably feel the same way. Because of the layout of the prison, we're forced to put people down in unit one which is considered punishment whereas our intention is to monitor them on camera so that they don't self-harm, they don't overdose, they don't physically hurt themselves or others. Basically, we're missing a kind of unit that has medical support. We're missing a unit that has a psychiatrist or a doctor present [...] So, I think it would be ideal to have a part of the prison that can house like violent mentally ill people but safely and have the support of a psychiatrist or whatever to make decisions.

This passage echoes the sentiments of other Canadian provincial and territorial COs who feel that they are regularly taking on the burden of prisoner

mental health without the adequate support of medical professionals (Johnston and Ricciardelli 2024). P14 clarifies that, although the conditions give the public and the prisoners the perception that segregation is practised for punitive reasons, the motive is rather to protect prisoners from self-harm or drug overdose, or to stop them from committing violence towards other prisoners. Yet, without the support of medical professionals who can treat the underlying mental health concerns that might be causing the behaviours that require further intervention, it is hard to tell the difference between segregation as a punitive or a protective practice. Although this officer is highly critical of the absence of such support and sympathetic to the prisoners who are in need of them, they are not prepared to dispense with segregation until such support is in place.

Discussion

Canadian courts have never said that the use of segregation, in principle, violates the *Canadian Charter of Rights and Freedoms.* The jurisprudence shows, however, that the way in which segregation is governed in practice can make the difference in whether it will withstand judicial scrutiny. It should not be assumed that provincial and territorial correctional systems are immune to infringing the *Charter* rights of prisoners or breaching their own statutory duties, as CSC was found by the courts to have done so at the federal level. Clashing objectives and values shape both the practices and perceptions of segregation. Also evident are the competing dispositions of those who are employed in the sector, which correctional services must continue to navigate and, if at all possible, resolve through policy (Crichton and Ricciardelli 2016; Johnston and Ricciardelli 2024). With much still to be learned about Structured Intervention Units (Adamjee 2022; Casavant and Charron-Tousignant 2018) and given the emerging but limited research on this new phenomenon in federal correctional services (Sprott, Doob, and Iftene 2021), provinces and territories are not immediately modelling their reform after the federal system.

In the province of Newfoundland and Labrador, segregation is still used for administrative purposes and the continued reform of segregation is another consideration in the design of a new replacement prison. COs at HMP have first-hand experience of segregation. They, arguably more than anyone, understand the reasons why segregation is used and the outcomes and risks that such a practice imposes on staff and prisoners. Thus, although there are many (understandably and predominantly) critical ways to interpret segregation and the many challenges associated with the practice to reconcile needs for human dignity and public/institutional safety (Balfour 2017; Kilty and Lehalle 2019; Kupers et al. 2009; Martel 2001, 2006; Prevost and Kilty 2020), the realities that underpin the reasons why segregation is used and the consequences of its use need to be understood through the perspectives of those who are enforcing it, in addition to those upon whom it is enforced. These findings, we argue, will help to shed light on alternatives that meet a range of needs, including the need for humane conditions of confinement to be the least restrictive possible. Such perspectives provide important insight into this element of prison work and life.

Segregation, as both the practice and very concept of removing someone from a high-risk environment, has been framed by participants in the current study as a necessity to preserve prisoner safety and accountability, as well as to ensure the overall safety and security of the institution. As a participant described, there is a need to hold prisoners accountable for their actions within the society and its structures that constitute prison living—actions that can jeopardize life if risks are not carefully and adequately mitigated. Of course, it is imperative to understand how individual risks to personal safety materialize in the first place, both structurally and situationally (Cooke, Wozniak, and Johnstone 2008)—including the possibilities of violence and its resultant attack on mental and physical well-being. As a starting point, we argue that COs in the current study appreciate and consider the structural, situational, and personal factors that shape decisions to impose segregation and can provide further insight to discover ways forward through reform.

For example, clear in our data is the interpretation that the elimination of segregation is undesirable, yet a more focused response to the detrimental outcomes of being in isolation during custody is still required. COs put forth segregation reforms that respond to and account for the very real (and less acknowledged) reasons why people request or are placed in segregation; examples include some prisoners who are segregated for the purposes of reducing harm, isolation to support mental health, detox, punitive measures, protection in response to perceived or real threat, or even for time away from the general population as incompatibility issues arise (see Ricciardelli et al. 2024). There was agreement by participants that segregation in the current form at HMP was problematic, but this criticism was nuanced alongside concerns that some "segregation reality" is necessary in prison to preserve wellness or manage heightened emotions or dangerous behaviours. Thus, there was not a desire to eliminate the concept in its totality, but there was a desire for meaningful and sustainable reform that would facilitate a safe and secure environment for prisoners and staff alike.

Research conducted by CSC and the Office of the Correctional Investigator has found that, while the vast majority of segregation admissions in federal correctional institutions are involuntary, a small number of segregation admissions are nevertheless requested by a prisoner who is, for example, seeking a quiet space away from the general population or who feels their safety is in jeopardy (Thompson and Rubenfeld 2013; Zinger 2013). However, we must consider broader structural and institutional limits—particularly those surrounding a problematic lack of mental health support—that result in a prisoner's need to make the constrained choice between seeking mental refuge under the less-than-preferable conditions of segregation or being more mobile in the general population but continuing to feel mentally distressed or unsafe.

A select few participants emphasized the need for prisoner accountability and saw some utility in using segregation for disciplinary reasons. The logic behind this sentiment is that prisoners are morally and socially obligated to be rule- and law-abiding citizens when in prison, which is fundamental for preparing for reentry into the community (Barquín, Cano, and de Los Ángeles Calvo 2019). Some COs felt that there needs to be some consequence for especially serious

transgressions that complicate and endanger safety and security—as is the case beyond the confines of correctional facilities, as well. This finding also resonates with the overwhelming research that shows the graphic and consistent extent to which COs are exposed to prisoner threats and violence, sometimes daily, and the mental health disorders or suicidal thoughts and behaviours that may emerge as a consequence of such traumatic exposure (Carleton et al. 2020; Genest, Ricciardelli, and Carleton 2021; Johnston, Ricciardelli, and McKendy 2022a; Ricciardelli et al. 2022). We recognize that some prisoner transgressions may emerge as resistance to the norms, regulations, and harsh conditions of prison living; these actions may be meant to promote change or simply disrupt institutional living (Clarkson and Munn 2021). Nonetheless, both federal and provincial and territorial COs in Canada are legally mandated through various regulations found within relevant Acts to provide safe environments for those who work or are incarcerated in correctional institutions (i.e. Correctional Service Canada 2008; *Prisons Act* 1990) and therefore must act appropriately and reasonably when threats and critical incidents become known.

Despite raising some concerns about accountability and security, the majority of COs insisted that segregation requires intensive redesign—to be a kinder space in which basic needs are met. Some of our participant recommendations seem rather easy to implement, such as having access to phone calls, fresh air, outdoor time, programmes, music, coffee and tea, meaningful social activity, and so forth. Fundamental here is also providing prisoners with access to mental health interventions, rehabilitative programming, treatment options, resources and a "care plan," including opportunities for safe detox. It would be helpful, for example, to give prisoners access to counsellors upon their request, or to provide cognitive behavioural programming to encourage rehabilitation. Also recommended was more space, restrictions on the use of shared cells, and a legislative or policy framework that would establish tiered uses of segregation and allow officers the discretion to determine varying levels of confinement, particularly in situations involving self-harm or injury. Officers expressed much concern over how to intervene or reduce opportunities for self-injurious behaviours if segregation were to be removed.

Many of these suggestions are also supported in the literature, particularly when it comes to improving the physical environment of segregation. For example, Wener (2012) suggests that adding windows and providing better lighting produce positive behavioural effects for prisoners, including the benefits of stress reduction, mental restoration, and recovery, which, accordingly, would also have positive impacts on staff. Further, providing access to mental health interventions and therapeutic programming during a stay in segregation would aid in prisoner rehabilitation and may reduce the likelihood that a prisoner would need to be placed in segregation in the future.

Though criticized by many criminologists, socio-legal experts, and government officials for functioning similarly to administrative segregation (Kulik 2019; Pate 2019), Structured Intervention Units are described as alternative institutional living environments that are meant to separate prisoners for reasons related to safety, while also ensuring that they continue to receive

appropriate mental health treatment and services. This purports to include more time spent outside of their units, meaningful human contact that is not mediated by physical barriers, and necessary resources for reintegration (Casavant and Charron-Tousignant 2018). The protocol for Structured Intervention Units requires that prisoners should spend at least four hours a day outside of their cells, with two of those hours involving meaningful human contact (however defined). The protocol also requires that a registered health professional should visit the prisoner once a day; that prisoners should receive a mental health assessment by a licensed professional within twenty-four hours of placement; and that policy and procedures be established for reviewing the decision to place a prisoner in a Structured Intervention Unit every thirty days (Adamjee 2022).

The Office of the Correctional Investigator (2021) found that federal prisoners who had spent time in a Structured Intervention Unit felt that these separate spaces allowed them to remove themselves from problematic subcultures and stay focused on completing their correctional plan. This, however, is tempered by the fact that, the following year, the Office of the Correctional Investigator (2022) discovered that prisoners who preferred to use Structured Intervention Units to remove themselves from the general population found that their progress in cascading into lower-security facilities stagnated because they did not socialize well with the mainstream population. In their report on Structured Intervention Units, Sprott, Doob, and Iftene (2021, 21) found that federal prisons had failed to comply with reforms to the use of segregation and that, according to the definitions outlined in the Nelson Mandela Rules, "an estimated 28% of stays in [Structured Intervention Units] constituted solitary confinement and 10% constituted torture or other cruel, inhuman or degrading treatment." They, along with the Office of the Correctional Investigator (2022), found that there is still a systematic lack of transparency in how segregation decisions are made, how oversight is managed, and what kinds of legislative interventions can actually alter the practice of segregation. Sprott, Doob, and Iftene (2021) and the Office of the Correctional Investigator (2022) also reported that Black prisoners were disproportionately placed in Structured Intervention Units, raising the need for further research into the broader decision-making processes and social forces that place prisoners into segregation and deeper investigation into the conditions under which prisoners may request voluntary segregation from the mainstream population. Evidence further suggests that an overwhelmingly disproportionate number of Indigenous women are admitted to SIUs in institutions for women.

Overall, there was a consensus among participants that the use of segregation should be reduced, and a general feeling that alternative safe spaces (i.e. more units with fewer prisoners) to deal with relational and incompatibility issues would reduce the number of requests for segregation. Reductions and reform of segregation were collectively thought to be necessary, but this was hedged by the feeling that there needed to be a way forward to manage antisocial or illegal behaviours such as contraband exchange, violence between prisoners, violence against staff, and prisoners' feeling unsafe or under threat.

Conclusion

Through the analysis of CO responses to a larger question on the redesign of a provincial correctional institution, we have found that the majority of COs would like current segregation practices to be reformed for the benefit of both prisoners and staff. According to participants, the practice of segregation should remain, but the conditions of isolation ought to be improved, the amount of time that prisoners spend in segregation reduced, and the overall design and process enhanced. COs felt that it was important to maintain the practice to ensure prisoner accountability for institutional transgressions, as well as to ensure prisoners' own safety and mental and physical well-being. They recognized the need for basic necessities, including access to phones, fresh air, therapeutic care, and human contact. Many of these suggestions, we believe, are practical and tangible, and could be realized in a new prison design.

We note that our study is not without limitations. We asked explicit questions about segregation in the new proposed prison to be constructed in the Canadian province of Newfoundland and Labrador but we did not probe too deeply into current segregation practices. As such, more research is required into the current use, policies, and approach to segregation in Newfoundland and Labrador, at all six custodial spaces, beyond HMP. Our sample, although comprising twenty-eight participants, could have been larger and included people who were working in other institutions rather than the focus remaining on HMP. Additional limitations include the challenge of generalizability, given that we are focused on a particular province with a unique penal history and culture. We also acknowledge how, in the findings, the various contexts around segregation (i.e. administrative versus disciplinary) were not always fully parsed out in the data and thus warrant future research with refined research questions that explore the positionalities of various segregation practices.

Our study demonstrates the important and timely need for change. HMP has the opportunity to take into consideration the perspectives of those who have first-hand experience with the everyday use of segregation. Indeed, it is these "everyday experiences" (Jefferson 2024, 413) that we must consider when proposing reforms to a prison practice that the COs in this study suggest are necessary for the overall security of the correctional institution, for both the well-being and dignity of prisoners, and for the safety of staff and prisoners alike.

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