

This is the 1st affidavit of  
James Busch in this case and it was  
made on 14 December 2016

No. S-150415  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION and  
THE JOHN HOWARD SOCIETY OF CANADA

PLAINTIFFS

AND:

ATTORNEY GENERAL OF CANADA

DEFENDANT

**AFFIDAVIT**

I, **JAMES LEE BUSCH**, currently residing at Mission Medium Institution, in the District of Mission, in the Province of British Columbia, SWEAR AS FOLLOWS:

1. I have personal knowledge of the matters and facts hereinafter referred to, except where the same are stated to be made on information and belief, and as to such facts, I verily believe them to be true.

**BACKGROUND**

2. I was born in Edmonton, Alberta, on March 25, 1977. I am a member of the Cold Lake First Nation. I only recently obtained my status card, as my mother lost her status under the *Indian Act* when she married my adoptive father, who is white. This left me without status for a long time, until the law changed and women and children in this situation had their status restored.

3. During my early childhood in Edmonton, I lived with my parents and eight siblings. My father earned a good income as the owner of a construction company. My mother had very

serious drug and alcohol addiction issues, and I was exposed to a lot of drug and alcohol abuse from a young age.

4. My parents divorced when I was about eight years old, in large part due to my mother's addictions. My siblings and I were divided between my parents. I stayed with my mom.

5. Soon after my parents' divorce, I decided that I no longer wanted to live at home, and started staying at friends' houses. When I could not stay with friends, I would sometimes sleep in the laundry rooms or saunas of their apartment complexes. I dropped out of school in Grade 6.

6. By age 12, I was committing crimes including property crimes, weapons offences and assault. I was in and out of the Edmonton Youth Detention Facility ("EYDF") several times between the ages of 12 and 14.

7. I was diagnosed with schizophrenia when I was around 14 years old. I have taken various psychotropic medications off and on since my diagnosis.

8. In November of 1992, when I was 15, my mother committed suicide. She was 34 years old. The following summer, I was raped by an older man at a party. I knew him through my older sister. I had been drinking and blacked out. I was in and out of consciousness during the rape. I woke up the following morning on the ground beneath a parked vehicle.

9. I spent much of the rest of my childhood incarcerated at EYDF. I was frequently segregated as a youth inmate, usually for about 72 hours at a time. While in segregation at EYDF, I would be forced to wear a "babydoll": a dress made of ~~paper~~ <sup>canvas</sup>. There were also frequent strip searches, which were degrading and traumatizing. I feel like these experiences deadened my emotions and contributed to feelings of low self-worth. My time in youth detention made me more volatile, angry and depressed than I had been prior to incarceration.

10. Since turning 18, I have been incarcerated, or on probation or parole, for almost all of my adult life. I have spent time in both medium and maximum security in Saskatchewan Penitentiary in Prince Albert, Saskatchewan, Bowden Institution in Innisfail, Saskatchewan, the Regional Psychiatric Centre in Saskatoon, Saskatchewan, Kent Institution in Agassiz, British Columbia,

and Edmonton Institution in Edmonton, Alberta. I am currently incarcerated in medium security at Mission Medium Institution in Mission, British Columbia.

**SEGREGATION PLACEMENTS – 2008 TO 2015**

11. Since 2008, I have been placed in administrative segregation on eight occasions, the approximate dates of which are as follows:

<u>Placement</u>	<u>Institution</u>	<u>Dates</u>	<u>Days in Segregation</u>
#1	Saskatchewan Penitentiary	August 8 – 14, 2008	7 days
#2	<i>35 Regional Psychiatric</i> <del>Saskatchewan Penitentiary</del> Centre	June 8 – 15, 2009	10 days
#3	Saskatchewan Penitentiary	October 23 – December 22, 2009	66 days
#4	Saskatchewan Penitentiary	November 8 – November 30, 2010	25 days
#5	Edmonton Institution	February 8, 2011	3 days
#6	Edmonton Institution	October 31, 2011	5 days
#7	Edmonton Institution	December 28, 2011	8 days
#8	Kent Institution	November 4, 2015	16 days

### SASKATCHEWAN PENITENTIARY – SEGREGATION PLACEMENTS #1–3

12. From 2005 to March 25, 2010, I was in the medium security unit at Saskatchewan Penitentiary serving a seven year sentence for aggravated sexual assault.

13. On or around August 8, 2008, I was placed in administrative segregation because guards suspected I may become aggressive towards other inmates on my range. After an investigation, I was released, having spent seven days in segregation. The documents relating to this segregation placement are attached as **Exhibit A**.

14. In June 2009, I spent 10 days in administrative segregation because guards suspected that my behavior was becoming threatening. Again, after an investigation, I was released from segregation. The documents relating to this segregation placement are attached collectively as **Exhibit B**.

15. Towards the end of my sentence, in October 2009, I misinterpreted a guard's behaviour towards me as flirtation. I passed the guard a note that invited her to call me when I was released.

16. Around that same time, I had a verbal altercation with a psychologist who wanted to put me on psychotropic medication. I had stopped taking such medications several years prior because I did not like the side effects they caused. I felt like the medications just got me high and made me numb to the reality of my situation in prison. I swore at the psychologist who wanted to give me the medication.

17. A few days after I passed the note to the guard and swore at the psychologist, I was put into administrative segregation. I remained in segregation for a total of 66 days. The documents relating to this segregation placement are attached collectively as **Exhibit C**.

18. When I was first placed into segregation, I was surrounded by four or five guards and told to strip. I knew that if I refused to strip, the guards would restrain me and cut my clothes off, so I complied with their demands. I was strip searched and placed in my segregation cell.

19. The cell was extremely dirty. It was about nine feet by six feet and contained a bed, a conjoined sink and toilet, a desk and a shelving unit. It did not have a window. It was an open

bar cell, so I could see out the door and across the hall, but all I could see was the opposite wall and the door to the recreation area.

20. I was able to make a phone call to legal aid shortly after I was first placed in segregation, but the person I spoke to at legal aid told me they do not send lawyers to the prison to assist with segregation reviews. Legal aid did not offer me any advice about defending myself.

21. On a typical day, I spent 23 hours in my segregation cell. I had very limited contact with other people. I was given about 15 minutes to shower every other day, and about an hour of recreation time in the yard every day, occasionally with one or two other inmates present. I was sometimes able to use the phone in the evenings in my cell. The phone would be wheeled up to the cell door and the handset passed through the meal slot.

22. Before the 5-day review of my segregation placement occurred, I had nothing with me in my cell other than bedding and the clothes I was wearing. I have read the statement at page 40 of Exhibit C stating that I was allowed to take all of my belongings with me to segregation. This statement is not accurate. I was permitted to pack my cell effects before being brought to segregation, but I was not able to access them until after my 5-day review.

23. After my 5-day review, I was provided with my cell effects so, at that point, I had my clothes, toiletries, television and stereo.

24. I tried to keep to myself and not cause trouble with the guards. I knew that if you act polite, you might get better treatment, or the opportunity to be the cleaner for the segregation unit, which meant more time out of cell. But I have observed and heard from other inmates that if you are a troublemaker, the guards will taunt and harass you, kick your door, and generally make your life difficult. I just wanted to be given my meals and be left alone.

25. I had been taking GED courses prior to being placed in segregation, and had progressed from having a Grade 5 education to being close to graduating. The daily classes were taught in a classroom. Teachers and tutors helped me and other inmates with our school work. I enjoyed school.

26. In segregation, I could technically continue my studies but I could no longer attend the daily classes. Instead, once a week, the teacher would walk down the segregation range yelling "school". Lessons would be passed to me through the meal slot. I had no access to instruction or tutoring beyond a brief interaction through my cell door. Without the human interaction of a classroom setting, school felt pointless and I lost my motivation to pursue education.

27. While in segregation, I felt depressed and suicidal. The suicidal feelings began almost as soon as the door of the segregation cell closed behind me. I had been in segregation before, and being there again made me feel hopeless. Segregation made me feel defeated as a person and like I did not want to live anymore.

28. I did not share my suicidal feelings with anyone because the repercussions of doing so are severe. If you admit to being suicidal, you get put into a cell that is stripped bare. You are forced to wear a <sup>so canvas</sup> ~~paper~~ "babydoll", and your cell is observed 24 hours a day via security camera. It is the only thing worse than segregation. I never wanted to experience that situation, and so I always denied having suicidal thoughts when asked by CSC staff.

29. A psychologist would come through the segregation unit about once a week. They would not stop at every door, but would simply call out "psychology!" as they walked through the unit. If you were sleeping, or did not do something to attract their attention, it was unlikely that they would speak to you.

30. Occasionally, the psychologist would approach my door and ask me how I was doing. There was no privacy, and the other inmates in the unit could hear everything that was being said. I was told by one of the guards that there was not time to take inmates out of their cells to another room that would allow for private conversations. Even before this experience, my engagement with the prison psychologists has always been very brief at best, and often non-existent.

31. I have reviewed pages 47-49 of Exhibit C, which is a psychological assessment report of me conducted on my 22nd day in segregation. I recall having a brief conversation with the psychologist. I strongly denied any suicidal thoughts because I did not want to be forced into a

stripped cell and put under observation. I did ask the psychologist whether I could have access to my music collection.

32. Music has always been an important way for me to cope with prison life. At that time I enjoyed listening to heavy metal music, including Marilyn Manson, because it expressed the anger and pain I felt inside. When I was in segregation, most of my music was confiscated because the guards objected to a number of my albums, some of which had sinister images on their covers. The psychiatrist was unable to return my music, but told me I should bring it up during my segregation review.

33. During my 66 days in segregation, I had four institutional segregation reviews. The reviews usually lasted no more than 20 minutes. At no time in any of these reviews was there any credible explanation of why I remained a "threat" to the institution, or why it was deemed necessary to maintain me in segregation.

34. While I attended each of my segregation reviews, it felt pretty pointless. I felt like the deck was stacked against me, and that the reviews were a farce. In my experience, once the institution has made up its mind, there is nothing you can say that will change it. Fighting seemed like a waste of time. I did raise access to my music collection a number of times during my segregation reviews, but it took me making a formal grievance before my albums were returned to me.

35. During my second review, on my 27th day in segregation, I asked to be returned to my cell in general population, or transferred to a Regional Psychiatric Centre ("RPC"). I knew that my mental state was deteriorating, and that I had to get out of segregation. Page 55 of Exhibit C confirms my request to be sent to RPC, and indicates that my case management team would "look into a transfer to RPC for a period of assessment and stabilization".

36. During my third review, on my 54th day of segregation, I got extremely frustrated and angry. I knew my mind was deteriorating, and I felt like dying. I swore at the review panel and was sent back to my segregation cell. Page 62 of Exhibit C, which relates to my 54th day review, reproduces Psychological Activity notes from November 26, 2009 that state: "[Mr. Busch] feels like he is deteriorating and the appropriate referrals have been made. He will be followed-up as

resources allow”. Page 63 of Exhibit C confirms that I had been referred to the RPC for assessment and stabilization.

37. Between my 54th and 66th day segregation review, I finally relented and began accepting psychotropic medication from the CSC psychiatrist. I was released from segregation after my 66th day review; page 81 of Exhibit C refers to my release from segregation on the basis that I had become “medication-compliant”. In my view, segregation was used as a tool to coerce me into taking the psychotropic medication that the CSC psychiatrist wanted me to take.

38. When I was finally released from segregation after 66 days, I believe I was suffering from post-traumatic stress, although this was never officially diagnosed. I went from having almost no human interaction to being right back in the general population. It was completely overwhelming.

39. I was anxious all the time. I found it hard to think clearly. I reacted negatively to everything – other inmates, guards, and day-to-day things that had not bothered me much in the past. I felt like my anger was just barely under the surface all of the time. I struggled to interact with other people. My thoughts would start racing and my heart would pound. Everything felt like it was just too much.

40. I was released from prison back into the community in March 2010, less than three months after I was released from segregation. Two months after my release from prison, I was arrested and charged with second degree murder. I was placed in segregation while I was in remand, where I spent approximately two months. While in remand segregation, I slashed my wrists.

41. I pled guilty and was returned to Saskatchewan Penitentiary in July 2010.

#### **SASKATCHEWAN PENITENTIARY – SEGREGATION PLACEMENT #4**

42. On or around November 6, 2010, I was placed in administrative segregation because I got into a physical altercation with another inmate. The documents relating to this segregation placement are attached as **Exhibit D**.



43. At the time, I knew that segregation was a possible consequence of fighting. I just had no regard for the consequences of my actions at that point. I was angry almost all of the time, felt hopeless and did not really care what happened to me anymore. I spent 25 days in administrative segregation.

**EDMONTON INSTITUTION – SEGREGATION PLACEMENT #5**

44. On or around February 8, 2011, I was transferred to Edmonton Institution. Very shortly after I arrived in general population, I was placed into administrative segregation because other inmates in the unit had threatened me. I was told that there was no bed space in the structured living environment (“SLE”) unit, so I spent three days in segregation until space was found. I did not ask to go to segregation. The documents relating to this segregation placement are attached as **Exhibit E**.

**EDMONTON INSTUTION – SEGREGATION PLACEMENT #6**

45. On or around October 31 2011, I was placed into administrative segregation after a search of my cell discovered a 5” metal shank that I had hid in a photo album. I made the weapon because I had been feeling increasingly paranoid and thought other inmates were plotting against me. Looking back on it, I believe the feelings of paranoia I was experiencing were a side-effect of medication called Vyvance. I had been prescribed Vyvance to help me to focus. I understand it is similar to Ritalin. I stopped taking Vyvance ~~several months~~ after this incident. JB approximately 12 months

46. After five days in segregation, I was released to a new unit. The documents relating to this segregation placement are attached as **Exhibit F**.

**EDMONTON INSTITUTION – SEGREGATION PLACEMENT #7**

47. On or around December 28, 2011, I was placed into administrative segregation after getting into a physical altercation with another inmate living on my unit. After eight days in segregation, I was released back to my unit. The documents relating to this segregation placement are attached as **Exhibit G**.

48. I was eventually transferred from Edmonton Institution to Bowden Institution. I was not placed in segregation while at Bowden. From Bowden, I was transferred to Mountain Institution.

#### **KENT INSTITUTION – SEGREGATION PLACEMENT #8**

49. In October of 2015, while in Mountain Institution, I beat up another inmate who I had learned was plotting against me. I emergency transferred to Kent Institution shortly after the fight, where I was immediately placed in administrative segregation. I spent 16 days in segregation before I was placed in a unit in Kent's general population. The documents relating to this segregation placement are attached as **Exhibit H**.

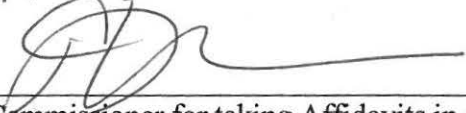
50. My segregation cell at Kent had a solid door, rather than bars. It was a little bigger than my cell in Saskatchewan Penitentiary. There was a bed, toilet and sink unit, desk, and a small shelving unit. It was filthy – much worse than Saskatchewan. The walls were smeared with blood and feces and it smelled terrible. I did not have control over my own lights. I frequently heard guards taunting other inmates. I did not receive my cell effects while I was in segregation.

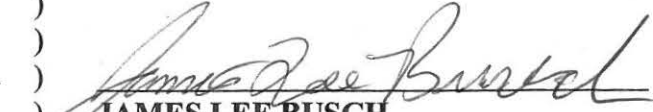
51. I could have a shower every other day, and could make a phone call on the days when I did not have a shower. I was given an hour out in the yard every day, but I often declined it. The yard is divided up into four sections, each one enclosed with chain link fencing and barbed wire at the top, and one inmate occupies each section. Even though inmates are physically separated, people spit and make threats. I did not trust anyone at Kent and preferred the relative safety of my cell. I examined my food closely while in segregation because I was worried that the guards at Kent may have tampered with it.

52. Almost everything I thought about while in segregation was how I wanted to end my life. I just wanted to put a rope around my neck and jump. I wanted to end it.

53. I am now in Mission Institution on a life sentence without chance of parole for 15 years. I still struggle with my experiences in segregation. One of the hardest parts of being in segregation is feeling like you are not seen as a person, like you are not even human. I know that I have committed crimes and that I deserve to be punished for them. But, I am still part of this Canadian community and I do not believe that any Canadian deserves to suffer the consequences of segregation.

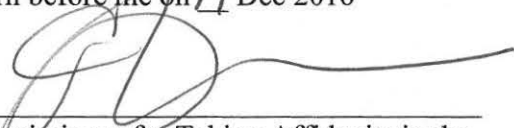
SWORN BEFORE ME in the District of )  
Mission, Province of British Columbia, on )  
this 14 day of December, 2016. )

  
\_\_\_\_\_  
A Commissioner for taking Affidavits in and )  
for the Province of British Columbia )  
*Barrister + Solicitor* )  
*Cally A. DiPuma* )  
BC Civil Liberties Association )  
900 Helmcken Street, 2nd Floor )  
Vancouver, BC V6Z 1B3 )

  
\_\_\_\_\_  
**JAMES LEE BUSCH**

Documents relating to administrative segregation placement #1 dated August 11, 2008.

This is **Exhibit A**  
to the Affidavit of James Busch  
sworn before me on 14 Dec 2016



\_\_\_\_\_  
Commissioner for Taking Affidavits in the  
Province of British Columbia.

## REV ISO/SEG REV

Page 1

Correctional Service  
CanadaPROTECTED ONCE COMPLETED  
[ ] A [X] B [ ] C  
PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIRST WORKING DAY REVIEWDecision Number 22  
Decision Date 2008/08/11Completing Operational Unit  
SASKATCHEWAN PENITENTIARYCurrent Institution or Address  
SASKATCHEWAN PENITENTIARYType of segregation  
  
INVOLUNTARY

PUT AWAY ON FILE &gt; See distribution

FPS Number

Family Name  
BUSCHGiven Name(s)  
JAMES  
LEEDate of Birth  
1977/03/25Date admitted into segregation  
Y M D  
2008/08/08

Accumulated days in segregation 2

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:  
SEGREGATION PLACEMENT/ADMISSION GUIDELINES1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE  
CONSIDERATION OF PLACEMENT IN SEGREGATION

Offender BUSCH, James, you are currently Involuntarily segregated as per Section 31 (3) (a) of the Corrections and Conditional Release Act, in "that" (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or safety of any person, and (ii) the continued presence of the inmate in the general population would jeopardize the security of the penitentiary or the safety of any person.

On 2008-08-08, information was received from correctional officers in regards to your behaviour and attitude towards other offenders on your Unit, specifically the ALU, B-3 , B-4 ranges. This information was assessed by the O/I/C, Mr. M. Hansen , Correctional Manager. Consultation with security information from SIO'S and file information indicates your present behaviour is reflected to past behaviour of being aggressive towards other offenders and possibly that an assault of another offender did occur on your Unit, 2008-08-07. The following information will be investigated by the SIO.

There are no other alternatives, due to the nature of the incident and you will be placed in segregation under CCRA section 31(3) (a).

## 2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

You were not offered an alternative to segregation by being moved from Unit 2 to another cell in the General Population, due to the nature of the incident.

- a. Confinement to cell  
This alternative was not suitable due to the nature of the incident.
- b. Mediation

Referral to the Psychologist is deemed necessary, to address the aggressiveness of your behaviour.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIRST WORKING DAY REVIEW  
Ce formulaire existe aussi en français.  
CSC 2019 (R-97-08) OMS VERS (1)  
Date and Time Locked 2008/08/11 12:14

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Page 1 of 4

## REV ISO/SEG REV

Page 2

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

Rationale:

c. Change of cell/range/unit

This alternative was not suitable due to the nature of the incident.

Other

No other alternative were offered as all available options had been explored and no options were available due to the nature of the incident.

3. USE OF FORCE

There was no use of force utilized.

4. ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

Correctional Officers did take all your bedding and effects with when you were placed on segregation status.

5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

Correctional officers moved effects from cell on Unit, Correctional officer's secured empty cell.

6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED? (Yes)

Date: 2008-05-06

Time: At the time the initial segregation placement was shared with the offender  
 Issuing Officer: As indicated in the initial placement

7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

Health care was consulted, you will be seen and observed by R.N. when on site, 2008-08-09. Health Care Centre felt that all your medical and mental care needs can be met while in the segregation unit.

8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?

No. Intervention with an Elder was offered.

9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCR).

CUFF STATUS

Currently you are being placed on CUFF STATUS, due to the nature of incident and your behaviour does warrant wearing cuffs. You will be reviewed for your Cuff status again on the 5 th Working Day of Segregation Review.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIRST WORKING DAY REVIEW  
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## REV ISO/SEG REV

Page 3

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

Amended Reason (if applicable):

Effective Date:

Comment:

SEGREGATED STATUS UPDATE

Synopsis of segregated status

See segregation placement for details.

Y	M	D

Signature

DENIS, COLETTE M  
PAROLE OFFICER

Date

## REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason

Rebuttal Received from Offender: NO

Type of Rebuttal

Dated

Date Received

Date Recorded

Synopsis

## FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

MAINTAIN IN SEGREGATION

Rationale

It remains assessed that this offender has acted, attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the presence of inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that there are no reasonable alternatives to administrative segregation at this time.

Therefore, this offender is ordered to remain administratively segregated, as per section 31(3) (a) of the CCRA.

Decision Date

Effective Date

2008/08/11

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIRST WORKING DAY REVIEW  
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Page 3 of 4

REV ISO/SEG REV

Page 4

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[ ] A [X] B [ ] C  
PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

DECISION MAKER - SIGNATURE

HOPE, JASON M  
WARDEN

Y	M	D

Date

I hereby acknowledge receipt of the above mentioned document.

Offender's Signature

Y	M	D

Date

Staff Member's signature who shared the information:

Staff Member's Signature

Y	M	D

Date

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

Witness' Signature

Y	M	D

Date

Witness' Signature

Y	M	D

Date

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

Witness' Signature

Y	M	D

Date

Witness' Signature

Y	M	D

Date

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIRST WORKING DAY REVIEW  
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Canada

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PERSONAL INFORMATION BANK

Page 1

REVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW

Decision Number 23  
Decision Date 2008/08/14

Completing Operational Unit  
SASKATCHEWAN PENITENTIARY

Current Institution or Address  
SASKATCHEWAN PENITENTIARY

PUT AWAY ON FILE > See distribution

FFS Number  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2008/08/08	2008/08/11
Accumulated days in segregation	5	

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:

SEGREGATION PLACEMENT/ADMISSION GUIDELINES

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE  
CONSIDERATION OF PLACEMENT IN SEGREGATION

Offender BUSCH, James, you are currently Involuntarily segregated as per Section 31 (3) (a) of the Corrections and Conditional Release Act, in "that" (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or safety of any person, and (ii) the continued presence of the inmate in the general population would jeopardize the security of the penitentiary or the safety of any person.

On 2008-08-08, information was received from correctional officers in regards to your behaviour and attitude towards other offenders on your Unit, specifically the ALU, B-3, B-4 ranges. This information was assessed by the O/I/C, Mr. M. Hansen, Correctional Manager. Consultation with security information from SIO's and file information indicates your present behaviour is reflected to past behaviour of being aggressive towards other offenders and possibly that an assault of another offender did occur on your Unit, 2008-08-07. The following information will be investigated by the SIO.

There are no other alternatives, due to the nature of the incident and you will be placed in segregation under CCRA section 31(3) (a).

2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

You were not offered an alternative to segregation by being moved from Unit 2 to another cell in the General Population, due to the nature of the incident.

- a. Confinement to cell  
This alternative was not suitable due to the nature of the incident.
- b. Mediation

Referral to the Psychologist is deemed necessary, to address the aggressiveness of your behaviour.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
Ce formulaire existe aussi en français.  
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Page 1 of 10

## REV ISO/SEG REV

Page 2

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS ██████████	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

Rationale:

## c. Change of cell/range/unit

This alternative was not suitable due to the nature of the incident.

Other

No other alternative were offered as all available options had been explored and no options were available due to the nature of the incident.

## 3. USE OF FORCE

There was no use of force utilized.

## 4. ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

Correctional Officers did take all your bedding and effects with when you were placed on segregation status.

## 5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

Correctional officers moved effects from cell on Unit, Correctional officer's secured empty cell.

## 6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED? (Yes)

Date: 2008-05-06

Time: At the time the initial segregation placement was shared with the offender  
 Issuing Officer: As indicated in the initial placement

## 7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

Health care was consulted, you will be seen and observed by R.N. when on site, 2008-08-09. Health Care Centre felt that all your medical and mental care needs can be met while in the segregation unit.

## 8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?

No. Intervention with an Elder was offered.

## 9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

## CUFF STATUS

Currently you are being placed on CUFF STATUS, due to the nature of incident and your behaviour does warrant wearing cuffs. You will be reviewed for your Cuff status again on the 5 th Working Day of Segregation Review.

REVIEW OF OFFENDER'S SEGREGATED STATUS

FIFTH WORKING DAY REVIEW

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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Amended Reason (if applicable):

Effective Date:

Comment:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

## SEGREGATED STATUS UPDATE

Synopsis of segregated status

## SEGREGATION PLACEMENT/ADMISSION GUIDELINES

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE CONSIDERATION OF PLACEMENT IN SEGREGATION

Offender BUSCH, James, you are currently Involuntarily segregated as per Section 31 (3) (a) of the Corrections and Conditional Release Act, in "that" (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or safety of any person, and (ii) the continued presence of the inmate in the general population would jeopardize the security of the penitentiary or the safety of any person.

On 2008-08-08, information was received from correctional officers in regards to your behaviour and attitude towards other offenders on your Unit, specifically the ALU, B-3, B-4 ranges. This information was assessed by the O/I/C, Mr. M. Hansen, Correctional Manager. Consultation with security information from SIO'S and file information indicates your present behaviour is reflected to past behaviour of being aggressive towards other offenders and possibly that an assault of another offender did occur on your Unit, 2008-08-07. The following information will be investigated by the SIO.

There are no other alternatives, due to the nature of the incident and you will be placed in segregation under CCRA section 31(3) (a).

2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

You were not offered an alternative to segregation by being moved from Unit 2 to another cell in the General Population, due to the nature of the incident.

a. Confinement to cell  
 This alternative was not suitable due to the nature of the incident.

b. Mediation

Referral to the Psychologist is deemed necessary, to address the aggressiveness of your behaviour.

c. Change of cell/range/unit

This alternative was not suitable due to the nature of the incident.

Other

No other alternative were offered as all available options had been explored and no options were available due to the nature of the incident.

3. USE OF FORCE

There was no use of force utilized.

4. ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

REVIEW OF OFFENDER'S SEGREGATED STATUS

FIFTH WORKING DAY REVIEW

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PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

Synopsis of segregated status

Correctional Officers did take all your bedding and effects with when you were placed on segregation status.

5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

Correctional officers moved effects from cell on Unit, Correctional officer's secured empty cell.

6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED? (Yes)

Date: 2008-05-06

Time: At the time the initial segregation placement was shared with the offender  
Issuing Officer: As indicated in the initial placement

7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

Health care was consulted; you will be seen and observed by R.N. when on site, 2008-08-09. Health Care Centre felt that all your medical and mental care needs can be met while in the segregation unit.

8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?

No. Intervention with an Elder was offered.

9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

CUFF STATUS

Currently you are being placed on CUFF STATUS, due to the nature of incident and your behaviour does warrant wearing cuffs. You will be reviewed for your Cuff status again on the 5 th Working Day of Segregation Review.

\*\*\*\*\*

5TH WORKING DAY SYNOPSIS

You are currently being investigated by the SIO'S and will remain in Segregation under the investigation is complete and a recommendation can be made. The CMT are recommending that you remain on cuff staff until the SIO investigation is complete and your behaviour has stabilized enough to warrant removal of cuff status.

UPDATED BY P.O BLAKE EDWARDS ON 2008-08-11  
FOR P.O. BOB TOWNSLEY

\*\*\*\*\*

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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Y	M	D
Date		

Signature  
 EDWARDS, BLAKE D  
 PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date		
Y	M	D

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason

Rebuttal Received from Offender: Date Received	NO	Type of Rebuttal Date Recorded	Dated
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Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2008/08/15 Time 09:00  
 Offender Appeared in Person YES

Recommendation RELEASE FROM SEGREGATION

Rationale:

PROCEDURAL SAFEGUARDS:

SRB MEMBERS:

Present at today's review were Chairperson A/MAI F. Murray and Parole Officer K. Sather.

INMATE ATTENDANCE AT THE SRB HEARING:

BUSCH did attend his review.

INFORMATION SHARING:

BUSCH was provided with all information to be used at his hearing by the Segregation Assistant V. Painchaud on 2008/08/12.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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Rationale:

RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

The offender was advised of his right to contact legal counsel, but chose not to at this time.

SEGREGATION HANDBOOK

The Administrative Segregation Handbook for Inmates was provided to the subject upon placement in segregation.

HEARING REQUIREMENTS:

The SRB Hearing was held with the legislated timeframe.

ENTITLEMENTS

HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING:

BUSCH has been provided with full access to all services as listed above.

There are no current physical health concerns and any needs that arise can be addressed while in segregation. There are, however, mental health concerns in this case; BUSCH has been diagnosed with Schizophrenia and has been referred to the Mental Health Discharge Planner. BUSCH's mental health needs are being met in segregation.

ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS:

In view of the circumstances under which BUSCH was segregated, attendance in programming in general population was not an option. It is noted that the SRB is recommending that BUSCH be released from segregation and therefore, he will have the opportunity to access programs upon his release.

It is also noted that BUSCH requires programming at RPC, and the appropriate referrals have been made.

ACCESS TO CASE MANAGEMENT SERVICES:

BUSCH is receiving regular visits by his Parole Officer.

ACCESS TO SPIRITUAL SUPPORT:

BUSCH has been offered services from both the Institutional Elder as well as the Chaplain.

EXERCISE:

BUSCH is exercising in a group that he is compatible with; however, should he experience any issues with incompatibles, it is his responsibility to inform Correctional Officers of any problems.

VISITS:

Open visits are recommended, or as directed by the VCB.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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## Rationale:

## SHOWERS:

The subject is offered showers on a regular basis. It is entirely his own choice and responsibility to tend to his own cleanliness.

## SECURITY ISSUES:

There were allegations made that the subject was demonstrating aggressive behaviour towards other offenders on the ALU and the SIOs were investigating this, as there was also a possible assault that he may have been involved with.

The SIOs advised the CMT on 2008-08-14 that the BUSCH can return to the ALU upon bed space being available.

## RESTRAINT EQUIPMENT:

As the subject will be released from segregation, cuffs are no longer necessary.

## OVERALL ASSESSMENT:

The subject had been allegedly involved in aggressive behaviour towards other offenders on the Assisted Living Unit and was alleged to have been involved in an assault on another offender from the ALU. However, SIOs have advised the CMT on this date that they have now concluded the investigation and BUSCH can return to the ALU.

## REINTEGRATION PLAN:

A release from segregation to the ALU at Saskatchewan Penitentiary is being recommended.

## INMATE COMMENTS:

BUSCH advised that he had been referred for programming at RPC and he initially refused; however, he is now willing to go to RPC. The CMT will follow up with his referral.

BUSCH also advised that he is going out for exercise and receiving visits from his grandmother and his aunt.

He did not verbalize any further concerns regarding his segregation placement at this time.

## RECOMMENDATION: RELEASE FROM SEGREGATION

## OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION:

If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Deputy Commissioner of the region (Section 90 CCRA & Paragraph 75(b)CCRR).

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
MURRAY, FARON J  
A/MSP ASSESSMENT INTERVENTION

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

RELEASE FROM SEGREGATION

Rationale

It is assessed that the offender no longer acts, attempts to act or intendeds to act in a manner that will jeopardize the security of the penitentiary or the safety of any person, and the presence of this inmate in the general inmate population no longer jeopardizes the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that this offender no longer requires administrative segregation at this time.

Therefore, this offender is to be released from administrative segregation, as per section 31(3) of the CCRA.

Decision Date	Effective Date
2008/08/14	2008/08/14

DECISION MAKER - SIGNATURE

Y	M	D
Date		

BIRD, SHAWN A  
A/WARDEN

I hereby acknowledge receipt of the above mentioned document.

Y	M	D
Date		

Offender's Signature

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

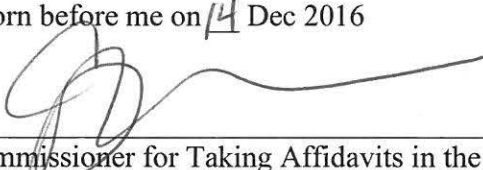
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Documents relating to administrative segregation placement #2 dated June 8, 2009 – June 15, 2009.

This is **Exhibit B**  
to the Affidavit of James Busch  
sworn before me on 14 Dec 2016



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Commissioner for Taking Affidavits in the  
Province of British Columbia.

## REV ISO/SEG REV

Page 1

Correctional Service  
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PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIRST WORKING DAY REVIEWDecision Number 26  
Decision Date 2009/06/08Completing Operational Unit  
REG. PSYCHIATRIC CENTRE - PRACurrent Institution or Address  
REG. PSYCHIATRIC CENTRE - PRA

Type of segregation

INVOLUNTARY

Accumulated days in segregation 2

PUT AWAY ON FILE &gt; See distribution

FPS Number

Family Name

BUSCH

Given Name(s)

JAMES

LEE

Date of Birth

1977/03/25

Date admitted into segregation

Y M D

2009/06/05

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:  
TYPE OF REVIEW

This is the Initial Placement of BUSCH, James (FPS# [REDACTED]) into Administrative Segregation.

## REASON FOR ADMINISTRATIVE SEGREGATION

Section 31(3) (a) (i) CCRA: Jeopardizes Security/Safety of the Institution/Others.

You were Involuntarily placed into Administrative Segregation under section 31(3) (a) (i) of the CCRA on 2009/06/05, as the Institutional head or delegate believes that "the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the continued presence of the inmate in the general population would jeopardize the security of the penitentiary or the safety of any person" based on the following:

## CIRCUMSTANCES SURROUNDING REASONS FOR SEGREGATION

On 2009/06/04, information was received indicating that your behaviour is escalating where you are being aggressive, threatening and inappropriate on the Unit.

As a result of this information seclusion and containment in segregation is deemed as the only viable option to ensure the security of the Institution and the Safety of Other Persons.

## RESOLUTION EFFORTS

Several alternatives to Administrative Segregation were explored, including:

1. Intensive Psychiatric Care (IPC): Consultation with the Clearwater Psychiatrist did not occur and it was deemed that this was not a viable intervention as Mr. BUSCH does not meet the criteria at this time.
2. Regional Psychiatric Intervention (RPI): Consultation with the Clearwater Psychiatrist did not occur as it was deemed that this was not a viable intervention as Mr. BUSCH does not meet the criteria at this time.

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FIRST WORKING DAY REVIEW  
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Page 1 of 5

## REV ISO/SEG REV

Page 2

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 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. REG. PSYCHIATRIC CENTRE - PRA

## Rationale:

3. Elder/Chaplain Intervention: The writer notified the Institutional Elder and Chaplain regarding this placement.
  4. Case Management/Treatment Team Intervention/Behavioural Contract: This is not deemed a viable option due to Mr. BUSCH's escalating negative behaviour, threats and inappropriate behaviour.
  5. Conflict Resolution: This is not deemed a viable option at this time as Mr. BUSCH was counselled on his inappropriate behaviour earlier after he assaulted another inmate to which he has responded by become verbally aggressive to staff and others on the unit.
  6. Voluntary Cell confinement: Due to the Mr. BUSCH's escalating negative behaviour, this is not deemed a viable option at this time.
  7. Unit/Range Transfer: Mr. BUSCH will be placed into cell C58 for his placement in Segregation.
  8. Institutional Charge: This alternative alone is insufficient to manage the risk that Mr. BUSCH currently presents to others and the security of the Institution.
  9. No Action: Mr. BUSCH's involvement in escalating negative behaviour warrant serious consideration and appropriate action to manage his potential risk to harm others.
- REINTEGRATION PLAN: 2009/06/05

A reintegration plan will be developed prior to Mr. BUSCH's Fifth Day working Segregation Review.

## USE OF FORCE

There was no use of force during this placement

## HEALTH CARE NOTIFICATION

Health Care was notified about this placement into segregation and expressed no concerns

## PERSONAL EFFECTS

Mr. BUSCH will be provided items such as toiletries, clothing, and bedding. The rest of his effects will be made available to him after his 5th working day review should he be maintained.

## CELL SECURITY

Mr. BUSCH will be moved to C 58 and his regular cell on the unit will be secured until a recommendation is made at his 5th working day review to either maintain segregation or release.

## RESTRAINTS

It is recommended that handcuffs be utilized during movement within the Institution: to be removed for shower and exercise.

## STATUS of ESCORTS

It is this writer's recommendation for Two (2) Correctional Officers to escort when out of his cell.

## STATUS OF VISITS

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIRST WORKING DAY REVIEW  
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 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. REG. PSYCHIATRIC CENTRE - PRA

Rationale:

In the event that you (Mr. BUSCH) receive a visit, all efforts shall be made to facilitate the visit.

PROGRAM INVOLVMENT

Mr. BUSCH is not currently involved in programs at this time.

SHARING OF INFORMATION

The following documents will be shared with Mr. BUSCH following his placement into Administrative Segregation on 2009/06/05:

Inmate Handbook  
 Commissioner's Directive 709 - Administrative Segregation

RECOMMENDATION

After considering all other options Segregation is seen as the least restrictive measure to manage the risk you pose and ensure the good order of the Institution and the safety of others.

Amended Reason (if applicable):

Effective Date:

Comment:

SEGREGATED STATUS UPDATE

Synopsis of segregated status

There is no new information to add at the time of this First Working Day Review. SIO investigation is on-going.

Y	M	D

Date

Signature  
 EPP, DANNA E  
 A/PAROLE OFFICER

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation

Reason

Rebuttal Received from Offender:	Type of Rebuttal	Dated
Date Received	Date Recorded	

Synopsis

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

MAINTAIN IN SEGREGATION

Rationale

Placement in Administrative Segregation is confirmed and is deemed to be the

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIRST WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
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**Rationale**

least restrictive measure to manage your institutional behaviour that has recently included threats to the safety of staff and patients. Efforts to alleviate your segregation status are being explored by your Case Management Team and will be dependent upon the findings of the SIO investigation.

Decision Date                      Effective Date  
2009/06/08

**DECISION MAKER - SIGNATURE**

\_\_\_\_\_  
MCMURRY, LYNN Y  
WARDEN

Y	M	D

Date

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y	M	D

Date

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D

Date

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

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DOB 1977/03/25	LOC. REG. PSYCHIATRIC CENTRE - PRA

Y	M	D

Witness' Signature

Date

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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Page 1

Correctional Service  
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PERSONAL INFORMATION BANK

REVIEW OF OFFENDER'S SEGREGATED STATUS FIFTH WORKING DAY REVIEW		PUT AWAY ON FILE > See distribution	
Decision Number	27	FPS Number	██████████
Decision Date	2009/06/12	Family Name	BUSCH
Completing Operational Unit	REG. PSYCHIATRIC CENTRE - PRA	Given Name(s)	JAMES
Current Institution or Address	REG. PSYCHIATRIC CENTRE - PRA	LEE	LEE
		Date of Birth	1977/03/25
Type of segregation	Date admitted into segregation	Date of last review	
INVOLUNTARY	Y M D 2009/06/05	Y M D 2009/06/08	
Accumulated days in segregation	6		

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:

TYPE OF REVIEW

This is the Initial Placement of BUSCH, James (FPS# ██████████) into Administrative Segregation.

## REASON FOR ADMINISTRATIVE SEGREGATION

Section 31(3) (a) (i) CCRA: Jeopardizes Security/Safety of the Institution/Others.

You were Involuntarily placed into Administrative Segregation under section 31(3) (a) (i) of the CCRA on 2009/06/05, as the Institutional head or delegate believes that "the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the continued presence of the inmate in the general population would jeopardize the security of the penitentiary or the safety of any person" based on the following:

## CIRCUMSTANCES SURROUNDING REASONS FOR SEGREGATION

On 2009/06/04, information was received indicating that your behaviour is escalating where you are being aggressive, threatening and inappropriate on the Unit.

As a result of this information seclusion and containment in segregation is deemed as the only viable option to ensure the security of the Institution and the Safety of Other Persons.

## RESOLUTION EFFORTS

Several alternatives to Administrative Segregation were explored, including:

1. Intensive Psychiatric Care (IPC): Consultation with the Clearwater Psychiatrist did not occur and it was deemed that this was not a viable intervention as Mr. BUSCH does not meet the criteria at this time.
2. Regional Psychiatric Intervention (RPI): Consultation with the Clearwater Psychiatrist did not occur as it was deemed that this was not a viable intervention as Mr. BUSCH does not meet the criteria at this time.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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## REV ISO/SEG REV

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. REG. PSYCHIATRIC CENTRE - PRA

## Rationale:

3. Elder/Chaplain Intervention: The writer notified the Institutional Elder and Chaplain regarding this placement.
  4. Case Management/Treatment Team Intervention/Behavioural Contract: This is not deemed a viable option due to Mr. BUSCH's escalating negative behaviour, threats and inappropriate behaviour.
  5. Conflict Resolution: This is not deemed a viable option at this time as Mr. BUSCH was counselled on his inappropriate behaviour earlier after he assaulted another inmate to which he has responded by become verbally aggressive to staff and others on the unit.
  6. Voluntary Cell confinement: Due to the Mr. BUSCH's escalating negative behaviour, this is not deemed a viable option at this time.
  7. Unit/Range Transfer: Mr. BUSCH will be placed into cell C58 for his placement in Segregation.
  8. Institutional Charge: This alternative alone is insufficient to manage the risk that Mr. BUSCH currently presents to others and the security of the Institution.
  9. No Action: Mr. BUSCH's involvement in escalating negative behaviour warrant serious consideration and appropriate action to manage his potential risk to harm others.
- REINTEGRATION PLAN: 2009/06/05

A reintegration plan will be developed prior to Mr. BUSCH's Fifth Day working Segregation Review.

## USE OF FORCE

There was no use of force during this placement

## HEALTH CARE NOTIFICATION

Health Care was notified about this placement into segregation and expressed no concerns

## PERSONAL EFFECTS

Mr. BUSCH will be provided items such as toiletries, clothing, and bedding. The rest of his effects will be made available to him after his 5th working day review should he be maintained.

## CELL SECURITY

Mr. BUSCH will be moved to C 58 and his regular cell on the unit will be secured until a recommendation is made at his 5th working day review to either maintain segregation or release.

## RESTRAINTS

It is recommended that handcuffs be utilized during movement within the Institution: to be removed for shower and exercise.

## STATUS of ESCORTS

It is this writer's recommendation for Two (2) Correctional Officers to escort when out of his cell.

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
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Rationale:

### STATUS OF VISITS

In the event that you (Mr. BUSCH) receive a visit, all efforts shall be made to facilitate the visit.

### PROGRAM INVOLVMENT

Mr. BUSCH is not currently involved in programs at this time.

### SHARING OF INFORMATION

The following documents will be shared with Mr. BUSCH following his placement into Administrative Segregation on 2009/06/05:

Inmate Handbook  
Commissioner's Directive 709 - Administrative Segregation

### RECOMMENDATION

After considering all other options Segregation is seen as the least restrictive measure to manage the risk you pose and ensure the good order of the Institution and the safety of others.

Amended Reason (if applicable):

Effective Date:

Comment:

### SEGREGATED STATUS UPDATE

Synopsis of segregated status

On 2009/06/04 there was information received indicating that your behaviour is escalating where you are being aggressive, threatening and inappropriate on the unit

As a result of this information seclusion and containment in segregation is deemed as the only viable option to ensure the security of the Institution and the Safety of Other Persons.

Y	M	D

Date

Signature  
EPP, DANNA E  
A/PAROLE OFFICER

### ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date

Y	M	D
---	---	---

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. REG. PSYCHIATRIC CENTRE - PRA

## REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation

Reason

Rebuttal Received from Offender: Date Received	Type of Rebuttal Date Recorded	Dated
---	-----------------------------------	-------

Synopsis

## ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2009/06/12 Time 13:00  
 Offender Appeared in Person YES

Recommendation MAINTAIN IN SEGREGATION

Rationale:

FIFTH WORKING DAY REVIEW  
 SEGREGATION REVIEW BOARD REPORT

## 1. PROCEDURAL SAFEGUARDS

## SRB MEMBERS

The Segregation Review Board was made up of:

Chairperson: Manager of Assessment and Intervention: Chad Brick  
 Correctional Manager: Chad Martin  
 Security Intelligence Officer: Not Available  
 Parole Officer: D. Epp  
 Psychologist: Not Available  
 Program Director: Cyndy Lee

## INMATE ATTENDANCE AT THE SRB HEARING

Mr. BUSCH was notified of his right to attend the hearing on 2009/06/12

Mr. BUSCH chose to appear in person for this segregation review hearing.

## INFORMATION SHARING

Mr. BUSCH was shared all the relevant information that will be used by the SRB on 2009/06/09. This sharing was completed by Parole Officer DAWNA EPP

## RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

Mr BUSCH was advised of his right to contact legal aid and he declined.

## SEGREGATION HANDBOOK

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 5

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
----------------------------------	---

## Rationale:

Mr. BUSCH did receive the Administrative Segregation Handbook for Inmates on 2009/06/05

## HEARING REQUIREMENTS

This is Mr. BUSCH 5th Working Day Segregation Review Hearing. This is being held within the legislated timeframes.

## 2. ENTITLEMENTS

## HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

Mr. BUSCH has been visited by health care on a daily basis since being placed into administrative segregation by Mr. BUSCH'S Clinical Treatment Team.

## ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

Due to Mr BUSCH placement in Segregation he has not had access to any core Programming. However he does have access to exercise, laundry, shower, and meeting with his Case Management/Treatment Team when requested.

## ACCESS TO CASE MANAGEMENT SERVICES

Mr. BUSCH has been seen by his Parole Officer and other members of his Case Management/Treatment Team members within the Regional Psychiatric Centre. Mr BUSCH indicated that he did not require a visit from Psychiatrist

## ACCESS TO SPIRITUAL SUPPORT

Mr BUSCH has requested to speak with the Aboriginal Elder Ron Thompson. This request has been relayed to Mr. Thompson.

## EXERCISE

Mr. BUSCH has been given the opportunity to exercise for at least one hour every day.

## SHOWERS

Mr BUSCH is provided with the opportunity to shower at least every second day.

## PERSONAL EFFECTS

As this is Mr. BUSCH 5th Working Day Segregation Review Hearing and it is the recommendation of the Segregation Review Board to maintain Mr. BUSCH he will be provided his personal effects within the following three working days if his is maintained in segregation.

## 3. SECURITY ISSUES

Two Correctional Officers are required for movement. Handcuffs are not recommended at this time. The Correctional Manager will complete an individualized Threat Risk Assessment daily to determine if the above need to be changed.

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
----------------------------------	---

Rationale:

## REINTEGRATION PLAN

It is recommended that Mr. BUSCH be maintained in segregation pending the development of a management plan that will include housing on Bow unit and Participation in designated Programming required prior to Warrant of Expiry Date. The Case Management/Treatment Team will meet on Monday. The same will be shared with BUSCH. If all are in agreement a special review will be held on Tuesday to release from Segregation. BUSCH agrees with the above and would like to stay at RPC  
 Open Visits are recommended unless otherwise determined by the on duty Correctional Manager

## 5. INMATE COMMENTS

Mr BUSCH did not provide any comments in regards to his Segregation Status. He has no concerns at this time and understands that his placement in segregation may be for a few more days to determine a viable Management Plan

## 6. RECOMMENDATION

The recommendation of the Segregation Review Board is to Maintain Mr BUSCH in Segregation pending a Case Management/Treatment team Meeting on Monday June 15, 2009

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
 BRICK, CHAD W  
 A/MR ASSESSMENT INTERVENTION

## FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

## MAINTAIN IN SEGREGATION

Rationale:

I concur with the recommendation of the Segregation Review Board to Maintain Segregation at this time. The proposed reintegration plan will see the development of a management plan no later than 2009/06/16. This appears appropriate given the circumstances of this case and will adequately manage the

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 FIFTH WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
----------------------------------	---

Rationale

risk presented by Mr. BUSCH. As such, a Segregation Review will be held no later than 2009/06/17 at which time it is expected Mr. BUSCH will be released from Segregation.  
Segregation Maintained.

Decision Date                      Effective Date  
2009/06/12

DECISION MAKER - SIGNATURE

\_\_\_\_\_  
MCURRY, LYNN Y  
WARDEN

Y	M	D
Date		

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y	M	D
Date		

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. REG. PSYCHIATRIC CENTRE - PRA

The offender refuses to receive the above mentioned document.

Signature of two (2) Witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
SEGREGATED STATUS  
INSTITUTIONAL REVIEWDecision Number 28  
Decision Date 2009/06/15Completing Operational Unit  
REG. PSYCHIATRIC CENTRE - PRACurrent Institution or Address  
REG. PSYCHIATRIC CENTRE - PRA

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FPS Number  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation	Date of last review
	Y M D	Y M D
INVOLUNTARY	2009/06/05	2009/06/12

Accumulated days in segregation 10

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:

TYPE OF REVIEW

This is the Initial Placement of BUSCH, James (FPS# 741257C) into Administrative Segregation.

## REASON FOR ADMINISTRATIVE SEGREGATION

Section 31(3) (a) (i) CCRA: Jeopardizes Security/Safety of the Institution/Others.

You were Involuntarily placed into Administrative Segregation under section 31(3) (a) (i) of the CCRA on 2009/06/05, as the Institutional head or delegate believes that "the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the continued presence of the inmate in the general population would jeopardize the security of the penitentiary or the safety of any person" based on the following:

## CIRCUMSTANCES SURROUNDING REASONS FOR SEGREGATION

On 2009/06/04, information was received indicating that your behaviour is escalating where you are being aggressive, threatening and inappropriate on the Unit.

As a result of this information seclusion and containment in segregation is deemed as the only viable option to ensure the security of the Institution and the Safety of Other Persons.

## RESOLUTION EFFORTS

Several alternatives to Administrative Segregation were explored, including:

1. Intensive Psychiatric Care (IPC): Consultation with the Clearwater Psychiatrist did not occur and it was deemed that this was not a viable intervention as Mr. BUSCH does not meet the criteria at this time.
2. Regional Psychiatric Intervention (RPI): Consultation with the Clearwater Psychiatrist did not occur as it was deemed that this was not a viable intervention as Mr. BUSCH does not meet the criteria at this time.

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
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## Rationale:

3. Elder/Chaplain Intervention: The writer notified the Institutional Elder and Chaplain regarding this placement.
  4. Case Management/Treatment Team Intervention/Behavioural Contract: This is not deemed a viable option due to Mr. BUSCH's escalating negative behaviour, threats and inappropriate behaviour.
  5. Conflict Resolution: This is not deemed a viable option at this time as Mr. BUSCH was counselled on his inappropriate behaviour earlier after he assaulted another inmate to which he has responded by become verbally aggressive to staff and others on the unit.
  6. Voluntary Cell confinement: Due to the Mr. BUSCH's escalating negative behaviour, this is not deemed a viable option at this time.
  7. Unit/Range Transfer: Mr. BUSCH will be placed into cell C58 for his placement in Segregation.
  8. Institutional Charge: This alternative alone is insufficient to manage the risk that Mr. BUSCH currently presents to others and the security of the Institution.
  9. No Action: Mr. BUSCH's involvement in escalating negative behaviour warrant serious consideration and appropriate action to manage his potential risk to harm others.
- REINTEGRATION PLAN: 2009/06/05

A reintegration plan will be developed prior to Mr. BUSCH's Fifth Day working Segregation Review.

## USE OF FORCE

There was no use of force during this placement

## HEALTH CARE NOTIFICATION

Health Care was notified about this placement into segregation and expressed no concerns

## PERSONAL EFFECTS

Mr. BUSCH will be provided items such as toiletries, clothing, and bedding. The rest of his effects will be made available to him after his 5th working day review should he be maintained.

## CELL SECURITY

Mr. BUSCH will be moved to C 58 and his regular cell on the unit will be secured until a recommendation is made at his 5th working day review to either maintain segregation or release.

## RESTRAINTS

It is recommended that handcuffs be utilized during movement within the Institution: to be removed for shower and exercise.

## STATUS of ESCORTS

It is this writer's recommendation for Two (2) Correctional Officers to escort when out of his cell.

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
----------------------------------	---

Rationale:

STATUS OF VISITS

In the event that you (Mr. BUSCH) receive a visit, all efforts shall be made to facilitate the visit.

PROGRAM INVOLVEMENT

Mr. BUSCH is not currently involved in programs at this time.

SHARING OF INFORMATION

The following documents will be shared with Mr. BUSCH following his placement into Administrative Segregation on 2009/06/05:

- Inmate Handbook
- Commissioner's Directive 709 - Administrative Segregation

RECOMMENDATION

After considering all other options Segregation is seen as the least restrictive measure to manage the risk you pose and ensure the good order of the Institution and the safety of others.

Amended Reason (if applicable):

Effective Date:

Comment:

SEGREGATED STATUS UPDATE

Synopsis of segregated status

On 2009/06/04 there was information received indicating that your behaviour is escalating where you are being aggressive, threatening and inappropriate on the unit

As a result of this information seclusion and containment in segregation is deemed as the only viable option to ensure the security of the Institution and the Safety of Other Persons.

On 2009-06-15 an Institutional review was held and a Management Plan was developed, so BUSCH can be released from Administrative Segregation.

Y	M	D
Date		

Signature  
 EFP, DAMNA E  
 A/PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
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Y M D

## REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason

Rebuttal Received from Offender:	NO	Type of Rebuttal	Dated
Date Received		Date Recorded	

Synopsis

## ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date	2009/06/15	Time	13:30
Offender Appeared in Person	YES		

Recommendation RELEASE FROM SEGREGATION

Rationale:

INSTITUTIONAL REVIEW

SEGREGATION REVIEW BOARD REPORT

## 1. PROCEDURAL SAFEGUARDS

## SRB MEMBERS

The Segregation Review Board was made up of:

Chairperson: Manager of Assessment and Intervention: Chad Brick  
 Correctional Manager: Mike Cook  
 Security Intelligence Officer: Not Available  
 Parole Officer: D. Epp  
 Psychologist: Not Available  
 Program Director: Colin Schwartz  
 Social Worker: Sheila Fleischhacker

## INMATE ATTENDANCE AT THE SRB HEARING

Mr. BUSCH was notified of his right to attend the hearing on 2009/06/15 as it was not 3 days notice, Mr. BUSCH waived his right to the same

Mr. BUSCH chose to appear in person for this segregation review hearing.

## INFORMATION SHARING

Mr. BUSCH was shared all the relevant information that will be used by the SRB on 2009/06/15. This sharing was completed by Parole Officer DAWNA EPP

## RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

REVIEW OF OFFENDER'S SEGREGATED STATUS

INSTITUTIONAL REVIEW

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
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Rationale:

Mr BUSCH was advised of his right to contact legal aid and he declined.

## SEGREGATION HANDBOOK

Mr. BUSCH did receive the Administrative Segregation Handbook for Inmates on 2009/06/05

## HEARING REQUIREMENTS

This is Mr. BUSCH Institutional Review. This is being held within the legislated timeframes.

## 2. ENTITLEMENTS

## HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

Mr. BUSCH has been visited by health care on a daily basis since being placed into administrative segregation by Mr. BUSCH'S Clinical Treatment Team.

## ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

Due to Mr BUSCH placement in Segregation he has not had access to any core Programming. However he does have access to exercise, laundry, shower, and meeting with his Case Management/Treatment Team when requested.

## ACCESS TO CASE MANAGEMENT SERVICES

Mr. BUSCH has been seen by his Parole Officer and other members of his Case Management/Treatment Team members within the Regional Psychiatric Centre. Mr BUSCH indicated that he did not require a visit from Psychiatrist

## ACCESS TO SPIRITUAL SUPPORT

Mr BUSCH has requested to speak with the Aboriginal Elder Ron Thompson. This request has been relayed to Mr. Thompson.

## EXERCISE

Mr. BUSCH has been given the opportunity to exercise for at least one hour every day.

## SHOWERS

Mr BUSCH is provided with the opportunity to shower at least every second day.

## PERSONAL EFFECTS

As this is Mr. BUSCH'S Institutional Review and it is the recommendation of the Segregation Review Board to release Mr. BUSCH he will be provided his personal effects within the following three working days.

## 3. SECURITY ISSUES

One Staff member is required for movement off the unit. . Handcuffs are not recommended at this time. The Correctional Manager will complete an individualized Threat Risk Assessment daily to determine if the above need to be

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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## REV ISO/SEG REV

Page 6

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
----------------------------------	---

Rationale:  
changed.

## REINTEGRATION PLAN

It is recommended that Mr. BUSCH be released from segregation with the provision of an Intervention Plan. This Plan requires BUSCH to be restricted to BOW Active. He requires an escort to off unit activities including the Cultural Center. BUSCH can attend Programming in the Bow Link. Dayroom time as Tolerated

Open Visits are recommended unless otherwise determined by the on duty Correctional Manager

## 5. INMATE COMMENTS

Mr BUSCH did not provide any comments in regards to his Segregation Status. He has no concerns at this time and understands that he is being released on an Intervention Plan and is agreeable to the same

## 6. RECOMMENDATION

The recommendation of the Institutional Review Board is to release Mr BUSCH from Administrative Segregation with an Intervention Plan in place.

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
BRICK, CHAD W  
A/MGR ASSESSMENT INTERVENTION

## FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

## RELEASE FROM SEGREGATION

Rationale

I accept the recommendation of the Institutional Review Board dated 2009-05-15 to release BUSCH from Administrative Segregation to facilitate the developed Intervention Plan

Decision Date	Effective Date
2009/06/15	2009/06/15

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
----------------------------------	---

DECISION MAKER - SIGNATURE

\_\_\_\_\_  
MCMURTRY, LYNN Y  
WARDEN

Y	M	D
Date		

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y	M	D
Date		

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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PERSONAL INFORMATION RANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. REG. PSYCHIATRIC CENTRE - PRA
----------------------------------	---

Y	M	D
Date		

Witness' Signature \_\_\_\_\_

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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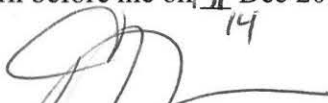
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Page 8 of 8



Documents relating to administrative segregation placement #3 dated October 23, 2009 – December 22, 2009.

This is **Exhibit C**  
to the Affidavit of James Busch  
sworn before me on ~~14~~ Dec 2016



\_\_\_\_\_  
Commissioner for Taking Affidavits in the  
Province of British Columbia.

## REV ISO/SEG REV

Page 1

Correctional Service  
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PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIFTH WORKING DAY REVIEWDecision Number 30  
Decision Date 2009/10/23Completing Operational Unit  
SASKATCHEWAN PENITENTIARYCurrent Institution or Address  
SASKATCHEWAN PENITENTIARY

PUT AWAY ON FILE &gt; See distribution

FPS Number  
[REDACTED]  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2009/10/16	
Accumulated days in segregation 6		

Reason: CCRA 31(3-A) JEP INST/OTH IND

## Rationale:

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE  
CONSIDERATION OF PLACEMENT IN SEGREGATION

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Physiologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

## 2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

There is no alternative to segregation due to your threatening behaviour.

## a. Confinement to cell

This alternative could not be offered due to your behaviour

## b. Mediation

This alternative could not be offered due to your behaviour.

## c. Change of cell/range/unit

This alternative can not be offered due to your behaviour and you can not associate with general population.

## Other

There are no other alternative at this time

## 3. USE OF FORCE

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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## REV ISO/SEG REV

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

No Use of Force.

## 4. HAVE ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

You were allowed to take all of your belongings other than utensils and other sharps as per Segregation Protocols.

## 5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

This section is not applicable at this time since this subject is took all of his belongings with him to Segregation.

## 6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED?

(Yes)

Date: 2009-10-16

Time: At the time the initial segregation placement was shared with the offender  
 Issuing Officer: As indicated in the initial placement

## 7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

Healthcare was contacted for consultation and stated that there were no mental or health concerns at this time.

## 8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?

The Chaplin, IWC, and the Elder have not been contacted to intervene, due to the nature of your current situation.

## 9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

## 10. CUFF STATUS

You will be placed on cuff until the Segregation Review Board has a chance to review you case.

Amended Reason (if applicable):

Effective Date:

Comment:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 3

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 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

SEGREGATED STATUS UPDATE

Synopsis of segregated status

Initial Seg Placement - 2009/10/19 - PO Standingready

Offender acting out inappropriately. Offender's case to be reviewed on 5th working day review.

Y	M	D
Date		

Signature  
 STANDINGREADY, WILLIAM J  
 PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date		
Y	M	D

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason

Rebuttal Received from Offender: NO Type of Rebuttal Dated  
 Date Received Date Recorded

Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2009/10/23 Time 09:00  
 Offender Appeared in Person YES

Recommendation MAINTAIN IN SEGREGATION

Rationale:

PROCEDURAL SAFEGUARDS

SRB MEMBERS

A/MAI Darcy Begrand  
 PO Bill Standingready  
 Offender BUSCH

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

## Rationale:

## INMATE ATTENDANCE AT SRB HEARING

The subject was in attendance at this review.

## INFORMATION SHARING

Information in regards to this review was shared by Segregation Clerk C. Shirran on 2009/10/19.

## RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

The subject was offered a legal phone call at the time of admission to segregation.

## SEGREGATION HANDBOOK

Yes, the handbook was given to the offender upon admission to segregation.

## HEARING REQUIREMENTS

Met.

## 2. ENTITLEMENTS

## HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

Healthcare was contacted for consultation on 2009/10/19 and stated that there were no mental or health concerns at this time.

A Psychological Assessment will be completed every thirty days.

## ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

BUSCH currently has no programs scheduled. He can access education and employment in the segregation unit.

## ACCESS TO CASE MANAGEMENT SERVICES

The subject will be seen by a Parole Officer a minimum of once per week.

## ACCESS TO SPIRITUAL SUPPORT

Spiritual guidance will be provided to the offender in either the chaplain or elders if requested. There has been no request for spiritual support at this time.

## EXERCISE

The offender will be given the opportunity to exercise for a least one hour everyday outdoors. The subject will be encouraged to exercise in an appropriate exercise group if this can be facilitated safely. He is currently exercising alone.

## VISITS

The subject will be allowed to receive visits in the visit area of the

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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## REV ISO/SEG REV

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:  
institution.

## SHOWERS

The subject will be provided with the opportunity to shower at least every second day.

## PERSONAL EFFECTS

At the time of placement, the offender had taken his cell effects with him.

## 3. SECURITY ISSUES

It has been determined that this offender does not require cuffs for general movement.

## 4. OVERALL ASSESSMENT

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Psychologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

BUSCH has been in segregation for 6 days.

## REINTEGRATION PLAN

Consultation will occur with the Security Intelligence Officer to determine if there are any staff safety concerns. Once this is completed, the CMT will assess whether BUSCH can integrate back into the population at Saskatchewan Penitentiary, or if a transfer is necessary.

## 5. INMATE COMMENTS

You indicated that you went to court on the current matter and received a fine. You state that as far as you are concerned the matter was over. When asked why you did it you state you did it for "shits and giggles". You state that you did not target any female staff in particular.

Your primary concerns were your music and why you feel that Saskatchewan Penitentiary is censoring your access to your choice of music.

## 6. RECOMMENDATION

MAINTAIN SEGREGATION.

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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PERSONAL INFORMATION BANK

FPS ██████████ DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

If the offender remains in segregation, this case will be reviewed by the Regional Segregation Oversight Manager prior to 60 days in segregation. The Regional Segregation Review Board, which will be chaired by the Assistant Deputy Commissioner of Operations, will review the case prior to 120 days in segregation and every 60 days following. This review will be based on information used in the most recent institutional 30 day review and on any other new information that may become available after that time. Every reasonable effort will be made to ensure that any new information will be provided to the offender in time to provide the opportunity to make representation. The offender will have 5 working days to submit representations after receipt of any institutional review. The offender may submit representations to an institutional staff member, which will then be forwarded to the Regional Headquarters.

CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
BEGRAND, DARCY J  
A/MGR ASSESSMENT INTERVENTION

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

MAINTAIN IN SEGREGATION

Rationale:

It remains assessed that this offender has acted, attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the presence of inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that there are no reasonable alternatives to administrative segregation at this time.

Therefore, this offender is ordered to remain administratively segregated, as per section 31(3) (a) of the CCRA.

Decision Date                      Effective Date  
2009/10/23

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FIFTH WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

DECISION MAKER - SIGNATURE

\_\_\_\_\_

BIRD, SHAWN A  
A/WARDEN

Y    M    D  
|    |    |  
Date

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_

Offender's Signature

Y    M    D  
|    |    |  
Date

Staff Member's signature who shared the information:

\_\_\_\_\_

Staff Member's Signature

Y    M    D  
|    |    |  
Date

The offender refuses to acknowledge receipt of the above mentioned document. His/her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_

Witness' Signature

Y    M    D  
|    |    |  
Date

\_\_\_\_\_

Witness' Signature

Y    M    D  
|    |    |  
Date

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_

Witness' Signature

Y    M    D  
|    |    |  
Date

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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Y	M	D
Date		

Witness' Signature \_\_\_\_\_

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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## PSYCHOL ISO/PSYCH SEG

Page 1

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PERSONAL INFORMATION BANKPSYCHOLOGICAL/PSYCHIATRIC  
ASSESSMENT REPORTCompleting Operational Unit  
SASKATCHEWAN PENITENTIARY  
Current Institution or Address  
SASKATCHEWAN PENITENTIARY

PUT AWAY ON FILE >	See distribution
FPS Number	██████████
Family Name	BUSCH
Given Name(s)	JAMES LEE
Date of Birth	1977/03/25

Report Type : PSYCHOLOGICAL FOR SEGREGATION

ASSESSMENT

Segregation cell: A1-24 Unit: 3 CMO: Standingready, Bill

Days in segregation: Mr. Busch has been in segregation since 2009/10/16 which now constitutes 22 days.

Refused to be seen: Was willing to be seen

Witness: Range Correctional Officers

PSYCHOLOGICAL CONDITION:  
(Under each heading an assessment is indicated by an XX)Suicidal: Date when last incident occurred: None documented on file.  
Yes: Low: Mod: Severe:  
Ideation:  
Threats:  
Plan:  
No: [XX]History of Self-Injury:  
Yes: Details:  
No: [XX]Depressed: Yes: Low: Mod.: Severe:  
No: [XX]Aggression: Yes: Observations:  
No: [XX]Anxiety: Yes: Low: Mod: Severe:  
No: [XX]Psychotic: Yes: Hallucination:  
Delusion:  
Paranoia:  
Acute: Chronic:  
No: [XX]Manic: Yes: Increase Psychomotor:  
Pressured Speech:PSYCHOLOGICAL/PSYCHIATRIC ASSESSMENT REPORT  
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PSYCHOL ISO/PSYCH SEG

Page 2

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

Disturbed Sleep:

No: [XX]

Overall: First meeting: [XX]  
 Deteriorated:  
 Same:  
 Improved

This inmate appears capable of continuing to reside in segregation at this time:  
 Yes [ XX ] No [ ]

COMMENTS:

Mr. Busch was interviewed briefly at this door for his upcoming segregation review, he provided verbal consent. Mr. Busch did have some concerns as to the length of his stay in segregation and as some of the questions could most likely be answered by his parole officer they were taken to him. Mr. Busch also had questions about his music and those requests were taken forward to Darcy Begrand as this writer could not answer them. Mr. Busch is scheduled to see the psychiatrist next week and possible answers might be available to him at that point. In inquiring about any present suicidal or self-harm inclinations, Mr. Busch was adamant he had no suicidal thoughts at this time.

Mr. Busch for all intensive purposes appears capable of residing in segregation at this point. The correctional officer on his range has stated no concern with his behaviour and the daily segregation log confirms he has been following his hygiene and his behaviour is rated as "fair". Mr. Busch was informed he can put in a request to psychology should his mental state deteriorate.

Please note that this assessment should be considered relevant for the specific purpose of this review and may not be an indication of long term psychological/mental health conditions. Sudden mood and behavioural changes are common for segregated offenders.

ACTIONS AND RECOMMENDATIONS:

- [XX] Follow up: next scheduled segregation review
- [ ] Suicidal monitoring:
- [ ] Contact CMOI:
- [XX] Referral: Community discharge worker, parole officer and the segregation coordinator.
- [ ] Others:
- [ ] A note was left on the "Segregation Log" form.

SHARING OF INFORMATION

Mr. Busch was given the opportunity to review this document. His signature below does not imply agreement with the information contained herein.

_____ Signature	_____ Date
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PSYCHOL ISO/PSYCH SEG

Page 3

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 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

declined to sign

\_\_\_\_\_  
 Aparna Sekhar  
 Psychologist (Provisional)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Reviewed by Fernando Larrea  
 A/Chief Psychologist

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Name of Psychologist/Psychiatrist

Date completed	Date processed
Y M D	Y M D

2009/11/10

--	--	--

\_\_\_\_\_  
 SEKHAR, APARNA S  
 PSYCHOLOGIST

PSYCHOLOGICAL/PSYCHIATRIC ASSESSMENT REPORT  
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Page 1

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PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
SEGREGATED STATUS  
INSTITUTIONAL REVIEWDecision Number 31  
Decision Date 2009/11/13Completing Operational Unit  
SASKATCHEWAN PENITENTIARYCurrent Institution or Address  
SASKATCHEWAN PENITENTIARY

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2009/10/16	2009/10/23

Accumulated days in segregation 27

Reason: CCRA 31(3-A) JEP INST/OTH IND

## Rationale:

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE  
CONSIDERATION OF PLACEMENT IN SEGREGATION

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Physiologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

## 2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

There is no alternative to segregation due to your threatening behaviour.

## a. Confinement to cell

This alternative could not be offered due to your behaviour

## b. Mediation

This alternative could not be offered due to your behaviour.

## c. Change of cell/range/unit

This alternative can not be offered due to your behaviour and you can not associate with general population.

## Other

There are no other alternative at this time

## 3. USE OF FORCE

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
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Page 1 of 8

## REV ISO/SEG REV

Page 2

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

Rationale:

No Use of Force.

## 4. HAVE ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

You were allowed to take all of your belongings other than utensils and other sharps as per Segregation Protocols.

## 5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

This section is not applicable at this time since this subject is took all of his belongings with him to Segregation.

## 6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED?

(Yes)

Date: 2009-10-16

Time: At the time the initial segregation placement was shared with the offender  
 Issuing Officer: As indicated in the initial placement

## 7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

Healthcare was contacted for consultation and stated that there were no mental or health concerns at this time.

## 8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?

The Chaplin, IWC, and the Elder have not been contacted to intervene, due to the nature of your current situation.

## 9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

## 10. CUFF STATUS

You will be placed on cuff until the Segregation Review Board has a chance to review you case.

Amended Reason (if applicable):

Effective Date:

Comment:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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SEGREGATED STATUS UPDATE

Synopsis of segregated status

Initial Seg Placement - 2009/10/19 - PO Standingready

Offender acting out inappropriately. Offender's case to be reviewed on 5th working day review.

\*\*\*\*\*

Update 2009/11/03 - PO Standingready

Offender's security to be reviewed.

Y	M	D

Date

Signature  
STANDINGREADY, WILLIAM J  
PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date

Y	M	D
---	---	---

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason

Rebuttal Received from Offender:	NO	Type of Rebuttal	Dated
Date Received		Date Recorded	

Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date	2009/11/12	Time	09:00
Offender Appeared in Person	YES		

Recommendation MAINTAIN IN SEGREGATION

Rationale:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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## REV ISO/SEG REV

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 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

## Rationale:

## PROCEDURAL SAFEGUARDS

## SRB MEMBERS

A/MAI Darcy Begrand  
 PO Euan Reilly  
 Elder Lloyd Wadidika  
 Offender BUSCH

## INMATE ATTENDANCE AT SRB HEARING

The subject was in attendance at this review.

## INFORMATION SHARING

Information in regards to this review was shared by Segregation Clerk M. Bisson  
 2009/11/03.

## RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

The subject was offered a legal phone call at the time of admission to  
 segregation.

## SEGREGATION HANDBOOK

Yes, the handbook was given to the offender upon admission to segregation.

## HEARING REQUIREMENTS

Met.

## 2. ENTITLEMENTS

## HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

Healthcare was contacted for consultation on 2009/10/19 and stated that there  
 were no mental or health concerns at this time.

A Psychological Assessment was completed on 2009/11/03 which indicated "Mr.  
 Busch was interviewed briefly at this door for his upcoming segregation review,  
 he provided verbal consent. Mr. Busch did have some concerns as to the length  
 of his stay in segregation and as some of the questions could most likely be  
 answered by his parole officer they were taken to him. Mr. Busch also had  
 questions about his music and those requests were taken forward to Darcy Begrand  
 as this writer could not answer them. Mr. Busch is scheduled to see the  
 psychiatrist next week and possible answers might be available to him at that  
 point. In inquiring about any present suicidal or self-harm inclinations, Mr.  
 Busch was adamant he had no suicidal thoughts at this time.

Mr. Busch for all intensive purposes appears capable of residing in segregation  
 at this point. The correctional officer on his range has stated no concern with  
 his behaviour and the daily segregation log confirms he has been following his  
 hygiene and his behaviour is rated as "fair". Mr. Busch was informed he can put  
 in a request to psychology should his mental state deteriorate."

A Psychological Assessment will be completed every thirty days.

## REVIEW OF OFFENDER'S SEGREGATED STATUS

## INSTITUTIONAL REVIEW

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## REV ISO/SEG REV

Page 5

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

## Rationale:

## ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

BUSCH currently has no programs scheduled.

## ACCESS TO CASE MANAGEMENT SERVICES

The subject will be seen by a Parole Officer a minimum of once per week.

## ACCESS TO SPIRITUAL SUPPORT

Spiritual guidance will be provided to the offender in either the chaplain or elders if requested. There has been no request for spiritual support at this time.

## EXERCISE

The offender will be given the opportunity to exercise for a least one hour everyday outdoors. The subject will be encouraged to exercise in an appropriate exercise group if this can be facilitated safely. He is currently exercising alone.

## VISITS

The subject will be allowed to receive visits in the visit area of the institution.

## SHOWERS

The subject will be provided with the opportunity to shower at least every second day.

## PERSONAL EFFECTS

At the time of placement, the offender had taken his cell effects with him.

## 3. SECURITY ISSUES

SIO D. Dutchak was consulted 2009-11-13 and he reported that BUSCH should not be release to general population because of concerns related to his behaviour towards staff.

Maintain cuff status.

## 4. OVERALL ASSESSMENT

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Psychologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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## REV ISO/SEG REV

Page 6

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

## Rationale:

penitentiary or the safety of any person.

BUSCH has been in segregation for 27 days.

## REINTEGRATION PLAN

Consultation with the Security Intelligence Officer indicates staff safety concerns. The Case Management Team will look into a transfer to RPC for a period of assessment and stabilization.

## 5. INMATE COMMENTS

BUSCH indicated that he wanted to return to his range or be transferred to RPC. He felt he had been punished for his behaviour and wanted to move on.

BUSCH stated that he wanted a different Parole Officer.

BUSCH complained about not receiving some music CDs and asked the A/MAI Begrand to look into this with A&D.

## 6. RECOMMENDATION

MAINTAIN SEGREGATION.

Maintain cuff status

Open visits, VCB recommendations will be followed.

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

If the offender remains in segregation, this case will be reviewed by the Regional Segregation Oversight Manager prior to 60 days in segregation. The Regional Segregation Review Board, which will be chaired by the Assistant Deputy Commissioner of Operations, will review the case prior to 120 days in segregation and every 60 days following. This review will be based on information used in the most recent institutional 30 day review and on any other new information that may become available after that time. Every reasonable effort will be made to ensure that any new information will be provided to the offender in time to provide the opportunity to make representation. The offender will have 5 working days to submit representations after receipt of any institutional review. The offender may submit representations to an institutional staff member, which will then be forwarded to the Regional Headquarters.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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Page 7

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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
BEGRAND, DARCY J  
A/MGR ASSESSMENT INTERVENTION

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

MAINTAIN IN SEGREGATION

Rationale

It remains assessed that this offender has acted, attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the presence of inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that there are no reasonable alternatives to administrative segregation at this time.

Therefore, this offender is ordered to remain administratively segregated, as per section 31(3) (a) of the CCRA.

Decision Date                      Effective Date  
2009/11/13

DECISION MAKER - SIGNATURE

Y	M	D
Date		

HOPE, JASON M  
WARDEN

I hereby acknowledge receipt of the above mentioned document.

Y	M	D
Date		

Offender's Signature

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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## REV ISO/SEG REV

Page 1

Correctional Service  
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PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
SEGREGATED STATUS  
INSTITUTIONAL REVIEWDecision Number 32  
Decision Date 2009/12/09Completing Operational Unit  
SASKATCHEWAN PENITENTIARYCurrent Institution or Address  
SASKATCHEWAN PENITENTIARY

Type of segregation

INVOLUNTARY

Date admitted into segregation

Y M D  
2009/10/16

Date of last review

Y M D  
2009/11/13

Accumulated days in segregation 54

Reason: CCRA 31(3-A) JEP INST/OTH IND

## Rationale:

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE  
CONSIDERATION OF PLACEMENT IN SEGREGATION

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the E3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Physiologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

## 2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

There is no alternative to segregation due to your threatening behaviour.

## a. Confinement to cell

This alternative could not be offered due to your behaviour

## b. Mediation

This alternative could not be offered due to your behaviour.

## c. Change of cell/range/unit

This alternative can not be offered due to your behaviour and you can not associate with general population.

## Other

There are no other alternative at this time

## 3. USE OF FORCE

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
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## REV ISO/SEG REV

Page 2

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

No Use of Force.

## 4. HAVE ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

You were allowed to take all of your belongings other than utensils and other sharps as per Segregation Protocols.

## 5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

This section is not applicable at this time since this subject is took all of his belongings with him to Segregation.

## 6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED?

(Yes)

Date: 2009-10-16

Time: At the time the initial segregation placement was shared with the offender  
 Issuing Officer: As indicated in the initial placement

## 7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

Healthcare was contacted for consultation and stated that there were no mental or health concerns at this time.

## 8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?

The Chaplin, IWC, and the Elder have not been contacted to intervene, due to the nature of your current situation.

## 9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

## 10. CUFF STATUS

You will be placed on cuff until the Segregation Review Board has a chance to review you case.

Amended Reason (if applicable):

Effective Date:

Comment:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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Page 2 of 8

REV ISO/SEG REV

Page 3

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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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SEGREGATED STATUS UPDATE

Synopsis of segregated status

Initial Seg Placement - 2009/10/19 - PO Standingready

Offender acting out inappropriately. Offender's case to be reviewed on 5th working day review.

\*\*\*\*\*

Update 2009/11/03 - PO Standingready

Offender's security to be reviewed.

\*\*\*\*\*

Referral has been sent in to Regional Psychiatric Centre for offender.

Updated 2009/12/04 - PO Bill Standingready

Y	M	D

Date

Signature  
STANDINGREADY, WILLIAM J  
PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date

Y	M	D
---	---	---

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason

Rebuttal Received from Offender:	NO	Type of Rebuttal	Dated
Date Received		Date Recorded	

Synopsis

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
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## REV ISO/SEG REV

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 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

## ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2009/12/09 Time 09:00  
 Offender Appeared in Person YES

Recommendation MAINTAIN IN SEGREGATION

## Rationale:

PROCEDURAL SAFEGUARDS

## SRB MEMBERS

A/MAI Darcy Begrand  
 PO Bill Standingready  
 Offender BUSCH

## INMATE ATTENDANCE AT SRB HEARING

The subject was in attendance at this review.

## INFORMATION SHARING

Information in regards to this review was shared by Segregation Clerk C. Shirran  
 2009/12/01.

## RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

The subject was offered a legal phone call at the time of admission to  
 segregation.

## SEGREGATION HANDBOOK

Yes, the handbook was given to the offender upon admission to segregation.

## HEARING REQUIREMENTS

Met.

## 2. ENTITLEMENTS

## HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

Healthcare was contacted for consultation on 2009/10/19 and stated that there  
 were no mental or health concerns at this time.

A Psychological Assessment was completed on 2009/11/10 which indicated "Mr.  
 Busch was interviewed briefly at this door for his upcoming segregation review,  
 he provided verbal consent. Mr. Busch did have some concerns as to the length  
 of his stay in segregation and as some of the questions could most likely be  
 answered by his parole officer they were taken to him. Mr. Busch also had  
 questions about his music and those requests were taken forward to Darcy Begrand  
 as this writer could not answer them. Mr. Busch is scheduled to see the  
 psychiatrist next week and possible answers might be available to him at that  
 point. In inquiring about any present suicidal or self-harm inclinations, Mr.  
 Busch was adamant he had no suicidal thoughts at this time.

Mr. Busch for all intents and purposes appears capable of residing in

## REVIEW OF OFFENDER'S SEGREGATED STATUS

## INSTITUTIONAL REVIEW

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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

segregation at this point. The correctional officer on his range has stated no concern with his behaviour and the daily segregation log confirms he has been following his hygiene and his behaviour is rated as "fair". Mr. Busch was informed he can put in a request to psychology should his mental state deteriorate."

Psychological Activity Notes dated 2009/11/26 states "Mr. Busch seen as part of on-going counselling and is currently quite upset with the "system". He does not feel that he should be placed in segregation and does not find he can get the adequate aid he requires there. He would like to be placed back in RPC and is scheduled to see the psychiatrist. Mr. Busch is not presently on any medication and needs to meet with the psychiatrist to discern the medication he might require. He feels he is deteriorating and the appropriate referrals have been made. He will be followed-up as resources allow."

A Psychological Assessment will be completed every thirty days.

ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

BUSCH currently has no programs scheduled.

ACCESS TO CASE MANAGEMENT SERVICES

The subject will be seen by a Parole Officer a minimum of once per week.

ACCESS TO SPIRITUAL SUPPORT

Spiritual guidance will be provided to the offender in either the chaplain or elders if requested. There has been no request for spiritual support at this time.

EXERCISE

The offender will be given the opportunity to exercise for a least one hour everyday outdoors. The subject will be encouraged to exercise in an appropriate exercise group if this can be facilitated safely. He is currently exercising alone.

VISITS

The subject will be allowed to receive visits in the visit area of the institution.

SHOWERS

The subject will be provided with the opportunity to shower at least every second day.

PERSONAL EFFECTS

At the time of placement, the offender had taken his cell effects with him.

3. SECURITY ISSUES

It has been determined that this offender does not require cuffs for general movement.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

## 4. OVERALL ASSESSMENT

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Psychologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

BUSCH has been in segregation for 53 days.

## REINTEGRATION PLAN

BUSCH has been referred to the Regional Psychiatric Centre for assessment and stabilization.

## 5. INMATE COMMENTS

BUSCH had several complaints about his segregation and access to his music. The offender was advised as per Commissioner's Directives 764 where the offender's music promoted sexually oriented material that also promoted violence, coercion, compulsion, force, bodily harm or threats or fear of bodily harm, or other similar acts. BUSCH's music also contained sexually oriented material that promoted sexual violence against children.

The offender complained that there was an Elder in the previous segregation review and that his rights to privacy was violated. The offender then proceeded to rant and rave about a variety of issues until the CMT had to end the review. BUSCH was escorted to his cell telling people to "fuck off" and muttering under his breath.

## 6. RECOMMENDATION

MAINTAIN SEGREGATION.

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

If the offender remains in segregation, this case will be reviewed by the Regional Segregation Oversight Manager prior to 60 days in segregation. The Regional Segregation Review Board, which will be chaired by the Assistant Deputy Commissioner of Operations, will review the case prior to 120 days in segregation and every 60 days following. This review will be based on information used in the most recent institutional 30 day review and on any other new information that may become available after that time. Every reasonable effort will be made to ensure that any new information will be provided to the

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

offender in time to provide the opportunity to make representation. The offender will have 5 working days to submit representations after receipt of any institutional review. The offender may submit representations to an institutional staff member, which will then be forwarded to the Regional Headquarters.

CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
BEGRAND, DARCY J  
A/MGR ASSESSMENT INTERVENTION

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

MAINTAIN IN SEGREGATION

Rationale

It remains assessed that this offender has acted, attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the presence of inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that there are no reasonable alternatives to administrative segregation at this time.

Therefore, this offender is ordered to remain administratively segregated, as per section 31(3) (a) of the CCRA.

Decision Date                      Effective Date  
2009/12/09

DECISION MAKER - SIGNATURE

Y	M	D
Date		

GFF, CINDY I.  
A/WARDEN

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
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I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y	M	D
Date		

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

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REVIEW OF OFFENDER'S  
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REGIONAL REVIEW

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Completing Operational Unit  
SASKATCHEWAN PENITENTIARY  
Current Institution or Address  
SASKATCHEWAN PENITENTIARY

FPS Number  
[REDACTED]  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

This review is based on the INSTITUTIONAL REVIEW  
Decision Number 32 Date 2009/12/09

Type of segregation  
INVOLUNTARY  
Date admitted into segregation  
Y M D  
2009/10/16

Accumulated days in segregation 59

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE  
CONSIDERATION OF PLACEMENT IN SEGREGATION

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Physiologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

There is no alternative to segregation due to your threatening behaviour.

a. Confinement to cell

This alternative could not be offered due to your behaviour

b. Mediation

This alternative could not be offered due to your behaviour.

c. Change of cell/range/unit

This alternative can not be offered due to your behaviour and you can not associate with general population.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

Other

There are no other alternative at this time

## 3. USE OF FORCE

No Use of Force.

## 4. HAVE ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

You were allowed to take all of your belongings other than utensils and other sharps as per Segregation Protocols.

## 5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

This section is not applicable at this time since this subject is took all of his belongings with him to Segregation.

## 6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED?

(Yes)

Date: 2009-10-16

Time: At the time the initial segregation placement was shared with the offender Issuing Officer: As indicated in the initial placement

## 7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

Healthcare was contacted for consultation and stated that there were no mental or health concerns at this time.

## 8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?

The Chaplin, IWC, and the Elder have not been contacted to intervene, due to the nature of your current situation.

## 9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

## 10. CUFF STATUS

You will be placed on cuff until the Segregation Review Board has a chance to review you case.

Amended Reason (if applicable):

Effective Date:

Comment:

## SEGREGATED STATUS UPDATE

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

Synopsis of segregated status

Initial Seg Placement - 2009/10/19 - PO Standingready

Offender acting out inappropriately. Offender's case to be reviewed on 5th working day review.

\*\*\*\*\*

Update 2009/11/03 - PO Standingready

Offender's security to be reviewed.

\*\*\*\*\*

Referral has been sent in to Regional Psychiatric Centre for offender.

Updated 2009/12/04 - PO Bill Standingready

Synopsis Completed by	Date
STANDINGREADY, WILLIAM J	Y M D
PAROLE OFFICER	2009/12/01

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date  
Y M D

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation	NO		
Reason			
Rebuttal Received from Offender:	NO	Type of Rebuttal	Dated
Date Received		Date Recorded	

Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2009/12/09 Time 09:00  
 Offender Appeared in Person YES  
 Recommendation: MAINTAIN IN SEGREGATION

Rationale:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

## Rationale:

PROCEDURAL SAFEGUARDS

## SRB MEMBERS

A/MAI Darcy Begrand  
 PO Bill Standingready  
 Offender BUSCH

## INMATE ATTENDANCE AT SRB HEARING

The subject was in attendance at this review.

## INFORMATION SHARING

Information in regards to this review was shared by Segregation Clerk C. Shirran  
 2009/12/01.

## RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

The subject was offered a legal phone call at the time of admission to  
 segregation.

## SEGREGATION HANDBOOK

Yes, the handbook was given to the offender upon admission to segregation.

## HEARING REQUIREMENTS

Met.

## 2. ENTITLEMENTS

## HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

Healthcare was contacted for consultation on 2009/10/19 and stated that there  
 were no mental or health concerns at this time.

A Psychological Assessment was completed on 2009/11/10 which indicated "Mr.  
 Busch was interviewed briefly at this door for his upcoming segregation review,  
 he provided verbal consent. Mr. Busch did have some concerns as to the length  
 of his stay in segregation and as some of the questions could most likely be  
 answered by his parole officer they were taken to him. Mr. Busch also had  
 questions about his music and those requests were taken forward to Darcy Begrand  
 as this writer could not answer them. Mr. Busch is scheduled to see the  
 psychiatrist next week and possible answers might be available to him at that  
 point. In inquiring about any present suicidal or self-harm inclinations, Mr.  
 Busch was adamant he had no suicidal thoughts at this time.

Mr. Busch for all intents and purposes appears capable of residing in  
 segregation at this point. The correctional officer on his range has stated no  
 concern with his behaviour and the daily segregation log confirms he has been  
 following his hygiene and his behaviour is rated as "fair". Mr. Busch was  
 informed he can put in a request to psychology should his mental state  
 deteriorate."

Psychological Activity Notes dated 2009/11/26 states "Mr. Busch seen as part of  
 on-going counselling and is currently quite upset with the "system". He does

## REVIEW OF OFFENDER'S SEGREGATED STATUS

## REGIONAL REVIEW

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

Rationale:

not feel that he should be placed in segregation and does not find he can get the adequate aid he requires there. He would like to be placed back in RPC and is scheduled to see the psychiatrist. Mr. Busch is not presently on any medication and needs to meet with the psychiatrist to discern the medication he might require. He feels he is deteriorating and the appropriate referrals have been made. He will be followed-up as resources allow."

A Psychological Assessment will be completed every thirty days.

ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

BUSCH currently has no programs scheduled.

ACCESS TO CASE MANAGEMENT SERVICES

The subject will be seen by a Parole Officer a minimum of once per week.

ACCESS TO SPIRITUAL SUPPORT

Spiritual guidance will be provided to the offender in either the chaplain or elders if requested. There has been no request for spiritual support at this time.

EXERCISE

The offender will be given the opportunity to exercise for a least one hour everyday outdoors. The subject will be encouraged to exercise in an appropriate exercise group if this can be facilitated safely. He is currently exercising alone.

VISITS

The subject will be allowed to receive visits in the visit area of the institution.

SHOWERS

The subject will be provided with the opportunity to shower at least every second day.

PERSONAL EFFECTS

At the time of placement, the offender had taken his cell effects with him.

3. SECURITY ISSUES

It has been determined that this offender does not require cuffs for general movement.

4. OVERALL ASSESSMENT

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

## Rationale:

safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Psychologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

BUSCH has been in segregation for 53 days.

## REINTEGRATION PLAN

BUSCH has been referred to the Regional Psychiatric Centre for assessment and stabilization.

## 5. INMATE COMMENTS

BUSCH had several complaints about his segregation and access to his music. The offender was advised as per Commissioner's Directives 764 where the offender's music promoted sexually oriented material that also promoted violence, coercion, compulsion, force, bodily harm or threats or fear of bodily harm, or other similar acts. BUSCH's music also contained sexually oriented material that promoted sexual violence against children.

The offender complained that there was an Elder in the previous segregation review and that his rights to privacy was violated. The offender then proceeded to rant and rave about a variety of issues until the CMT had to end the review. BUSCH was escorted to his cell telling people to "fuck off" and muttering under his breath.

## 6. RECOMMENDATION

MAINTAIN SEGREGATION.

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

If the offender remains in segregation, this case will be reviewed by the Regional Segregation Oversight Manager prior to 60 days in segregation. The Regional Segregation Review Board, which will be chaired by the Assistant Deputy Commissioner of Operations, will review the case prior to 120 days in segregation and every 60 days following. This review will be based on information used in the most recent institutional 30 day review and on any other new information that may become available after that time. Every reasonable effort will be made to ensure that any new information will be provided to the offender in time to provide the opportunity to make representation. The offender will have 5 working days to submit representations after receipt of any institutional review. The offender may submit representations to an institutional staff member, which will then be forwarded to the Regional Headquarters.

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

CHAIRPERSON

BEGRAND, DARCY J  
A/MGR ASSESSMENT INTERVENTION

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

MAINTAIN IN SEGREGATION

Rationale:

It remains assessed that this offender has acted, attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the presence of inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that there are no reasonable alternatives to administrative segregation at this time.

Therefore, this offender is ordered to remain administratively segregated, as per section 31(3) (a) of the CCRA.

Decision Date                      Effective Date  
2009/12/09

DECISION MAKER

GEE, CINDY L  
A/WARDEN

\*\*\*\*\* REGIONAL REVIEW \*\*\*\*\*

Decision Number      34                      Decision Date      2009/12/15  
Offender Appeared in Person    NO

Your status as a segregated offender has been reviewed and is determined    CCRA ART. 31(3) JUSTIFIED  
according to the CCRA sub-section 31(3).

Rationale

Mr. James BUSCH is currently segregated, as per section 31(3) (a) of the Corrections and Conditional Release Act, on an involuntary basis at Saskatchewan Penitentiary. Mr. BUSCH was placed into segregation on 2009-10-16 due to disruptive behaviour on the B3&4 ranges. Mr. BUSCH also passed an inappropriate letter to an officer. Finally on 2009-10-16 he was being interviewed by a Physiologist when he displayed threatening behaviour.

The Administrative Segregation Placement Report does indicate that alternatives were considered but not sufficient to manage the risk the Mr. BUSCH posed.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

## Rationale

The 5th Working Day 2009-10-23 and 30th Working Day Reviews 2009-11-12 and 2009-12-09 were completed within the required timeframe.

The most recent institutional Segregation Review Board (SRB) was completed on 2009-12-09. The SRB recommended maintaining Mr. BUSCH in segregation. Mr. BUSCH has been referred to the Regional Psychiatric Centre for assessment and stabilization with no decision rendered at this time. The final decision of the Institutional Head was to maintain Mr. BUSCH in administrative segregation.

The SRB was chaired by the A/MAI. The sharing of information was completed within the required timeframe.

It should be noted that Mr. BUSCH had his Detention Confirmed 2009-11-04. Mr. BUSCH will be released on his WED on 2010-03-26. As well the CMT have completed a security review A for D 2009-12-14 in which they are recommending maintaining Mr. BUSCH as medium security. No final decision rendered as of this report.

It appears that Mr. BUSCH has access to or is being offered the entitlements required by policy.

A Psychological Review for segregation was completed on 2009-11-10. Mr. Busch was interviewed briefly at this door for his upcoming segregation review. Mr. BUSCH is scheduled to see the Psychiatrist next week and possible answers might be available to him at that point. Mr. BUSCH was adamant he had no suicidal thoughts at this time. The Psychologist assessed Mr. BUSCH capable of residing in segregation at this point. The report was completed within the required timeframe.

The RSOM assesses that there are reasonable grounds to believe that the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the continued presence of the inmate in general inmate population would jeopardize the security of the penitentiary or the safety of any person and that there are no reasonable alternatives to segregation at Saskatchewan Penitentiary. Therefore, the Administrative Segregation of this offender, per section 31(3)(a) of the CCRA, is deemed justified.

The CMT are exploring the possibility of Mr. BUSCH returning to RPC for stabilization. Due to Mr. BUSCH's WED approaching 2010-03-26 the CMT should attempt all efforts to either consult with RPC for admission prior to his WED for stabilization or continue reintegration efforts at Saskatchewan Penitentiary. The time remaining in Mr. BUSCH's sentence most likely will not allow for a transfer to another facility prior to WED. The CMT must ensure that all required case management work is completed within the timeframes for the WED release.

Should Mr. BUSCH remain administratively segregated, a review shall be conducted by the Regional Segregation Review Board (RSRB) on or before the offender has reached 120 days since having been admitted to administrative segregation, and then within every 60 days thereafter. This review will be based on the most recent institutional review and any other new information that may become available between the two review dates. Mr. BUSCH will have the right to make representations to be presented to the RSRB within five days of receipt of the last institutional Segregation Review Board Report.

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Page 9

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PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

DECISION MAKER - SIGNATURE

\_\_\_\_\_  
OUELLET, MARC  
PROJECT OFFICER

Y	M	D

Date

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y	M	D

Date

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D

Date

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

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PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
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INSTITUTIONAL REVIEWDecision Number 35  
Decision Date 2009/12/22Completing Operational Unit  
SASKATCHEWAN PENITENTIARYCurrent Institution or Address  
SASKATCHEWAN PENITENTIARY

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FPS Number  
[REDACTED]  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation			Date of last review		
	Y	M	D	Y	M	D
INVOLUNTARY			2009/10/16			2009/12/09

Accumulated days in segregation 66

Reason: CCRA 31(3-A) JEP INST/OTH IND

## Rationale:

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE  
CONSIDERATION OF PLACEMENT IN SEGREGATION

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Physiologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

## 2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

There is no alternative to segregation due to your threatening behaviour.

## a. Confinement to cell

This alternative could not be offered due to your behaviour

## b. Mediation

This alternative could not be offered due to your behaviour.

## c. Change of cell/range/unit

This alternative can not be offered due to your behaviour and you can not associate with general population.

## Other

There are no other alternative at this time

## 3. USE OF FORCE

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW

Ce formulaire existe aussi en français.

CSC 2019-1 (R-97-08) QMS VERS (1)

Date and Time Locked 2009/12/22 11:40

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Page 1 of 8

REV ISO/SEG REV

Page 2

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[ ] A [X] B [ ] C  
PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

No Use of Force.

4. HAVE ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

You were allowed to take all of your belongings other than utensils and other sharps as per Segregation Protocols.

5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

This section is not applicable at this time since this subject is took all of his belongings with him to Segregation.

6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED?

(Yes)

Date: 2009-10-16

Time: At the time the initial segregation placement was shared with the offender Issuing Officer: As indicated in the initial placement

7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

Healthcare was contacted for consultation and stated that there were no mental or health concerns at this time.

8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?

The Chaplin, IWC, and the Elder have not been contacted to intervene, due to the nature of your current situation.

9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

10. CUFF STATUS

You will be placed on cuff until the Segregation Review Board has a chance to review you case.

Amended Reason (if applicable):

Effective Date:

Comment:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASKATCHEWAN PENITENTIARY

SEGREGATED STATUS UPDATE

Synopsis of segregated status

Initial Seg Placement - 2009/10/19 - PO Standingready

Offender acting out inappropriately. Offender's case to be reviewed on 5th working day review.  
\*\*\*\*\*

Update 2009/11/03 - PO Standingready

Offender's security to be reviewed.  
\*\*\*\*\*

Referral has been sent in to Regional Psychiatric Centre for offender.

Updated 2009/12/04 - PO Bill Standingready

UPDATED - 2009.12.22 - C. Shirran

Recommended release from Segregation and placement to Overflow.

Y	M	D

Date

Signature  
STANDINGREADY, WILLIAM J  
PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date

Y	M	D
---	---	---

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

## REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason:

Rebuttal Received from Offender: NO Type of Rebuttal Dated  
 Date Received Date Recorded

Synopsis

## ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2009/12/22 Time 09:00  
 Offender Appeared in Person NO

Recommendation RELEASE FROM SEGREGATION

Rationale:

PROCEDURAL SAFEGUARDS

SRB MEMBERS  
 MAI Valerie Boyce  
 PO Bill Standingready  
 Offender BUSCH

INMATE ATTENDANCE AT SRB HEARING

The subject was not in attendance at this review.

INFORMATION SHARING

Information in regards to this review was shared by Segregation Clerk C. Shirran 2009/12/22.

RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

The subject was offered a legal phone call at the time of admission to segregation.

SEGREGATION HANDBOOK

Yes, the handbook was given to the offender upon admission to segregation.

HEARING REQUIREMENTS

Met.

2. ENTITLEMENTS

HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

Healthcare was contacted for consultation on 2009/10/19 and stated that there were no mental or health concerns at this time.

A Psychological Assessment was completed on 2009/11/10 which indicated "Mr.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
 Ce formulaire existe aussi en français.  
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## REV ISO/SEG REV

Page 5

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

## Rationale:

Busch was interviewed briefly at this door for his upcoming segregation review, he provided verbal consent. Mr. Busch did have some concerns as to the length of his stay in segregation and as some of the questions could most likely be answered by his parole officer they were taken to him. Mr. Busch also had questions about his music and those requests were taken forward to Darcy Bégard as this writer could not answer them. Mr. Busch is scheduled to see the psychiatrist next week and possible answers might be available to him at that point. In inquiring about any present suicidal or self-harm inclinations, Mr. Busch was adamant he had no suicidal thoughts at this time.

Mr. Busch for all intensive purposes appears capable of residing in segregation at this point. The correctional officer on his range has stated no concern with his behaviour and the daily segregation log confirms he has been following his hygiene and his behaviour is rated as "fair". Mr. Busch was informed he can put in a request to psychology should his mental state deteriorate."

Psychological Activity Notes dated 2009/12/16 states "Mr. Busch had some questions regarding his possible transfer to RPC. His parole officer has put in a referral form but in the interim there is talk of him being released to general population. The deputy warden is looking at releasing him from segregation. He will be followed-up as resources allow."

A Psychological Assessment will be completed every thirty days.

## ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

BUSCH currently has no programs scheduled.

## ACCESS TO CASE MANAGEMENT SERVICES

The subject will be seen by a Parole Officer a minimum of once per week.

## ACCESS TO SPIRITUAL SUPPORT

Spiritual guidance will be provided to the offender in either the chaplain or elders if requested. There has been no request for spiritual support at this time.

## EXERCISE

The offender will be given the opportunity to exercise for a least one hour everyday outdoors. The subject will be encouraged to exercise in an appropriate exercise group if this can be facilitated safely. He is currently exercising alone.

## VISITS

The subject will be allowed to receive visits in the visit area of the institution.

## SHOWERS

The subject will be provided with the opportunity to shower at least every second day.

## PERSONAL EFFECTS

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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Page 5 of 8

## REV ISO/SEG REV

Page 6

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

## Rationale:

At the time of placement, the offender had taken his cell effects with him.

## 3. SECURITY ISSUES

It has been determined that this offender does not require cuffs for general movement.

## 4. OVERALL ASSESSMENT

Inmate BUSCH, JAMES Lee FPS: [REDACTED] you are being involuntarily segregated under 31 (3) (a) (i) the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,

You have been disruptive on the B3&4 ranges. You have also passed an inappropriate letter to an officer. On 2009-10-16 you were being interviewed by a Psychologist when you displayed threatening behaviour. Your continued presence in the general inmate population would jeopardize the security of the penitentiary or the safety of any person.

BUSCH has been in segregation for 66 days.

## REINTEGRATION PLAN

BUSCH has been referred to the Regional Psychiatric Centre for assessment and stabilization. In the meantime, he is working with the psychiatrist and has become medication-compliant. It is believed his risk can be managed in population under his continued compliance.

## 5. INMATE COMMENTS

No comments

## 6. RECOMMENDATION

RELEASE FROM SEGREGATION.

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If the offender is not satisfied with the decision of the Institutional Head, a grievance may be submitted directly to the Deputy Commissioner of the region (as per section 90 of the CCRA and paragraph 75(b) of the CCRR).

If the offender remains in segregation, this case will be reviewed by the Regional Segregation Oversight Manager prior to 60 days in segregation. The Regional Segregation Review Board, which will be chaired by the Assistant Deputy Commissioner of Operations, will review the case prior to 120 days in segregation and every 60 days following. This review will be based on information used in the most recent institutional 30 day review and on any other new information that may become available after that time. Every reasonable effort will be made to ensure that any new information will be provided to the offender in time to provide the opportunity to make representation. The offender will have 5 working days to submit representations after receipt of any

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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Page 6 of 8

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Page 7

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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

Rationale:

institutional review. The offender may submit representations to an institutional staff member, which will then be forwarded to the Regional Headquarters.

CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature

RASK, MAUREEN D  
ASSISTANT WARDEN INTERVENTION

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

RELEASE FROM SEGREGATION

Rationale

It is assessed that the offender no longer acts, attempts to act or intends to act in a manner that will jeopardize the security of the penitentiary or the safety of any person, and the presence of this inmate in the general inmate population no longer jeopardizes the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that this offender no longer requires administrative segregation at this time.

Therefore, this offender is to be released from administrative segregation, as per section 31(3) of the CCRA.

Decision Date	Effective Date
2009/12/22	2009/12/22

DECISION MAKER - SIGNATURE

Y	M	D
Date		

BIRD, SHAWN A  
A/WARDEN

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
Ce formulaire existe aussi en français.  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASKATCHEWAN PENITENTIARY
----------------------------------	---

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y	M	D
Date		

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

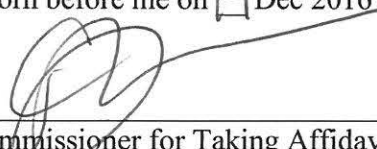
REVIEW OF OFFENDER'S SEGREGATED STATUS  
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Documents relating to administrative segregation placement #4 dated November 8, 2010 – December 3, 2010.

This is **Exhibit D**  
to the Affidavit of James Busch  
sworn before me on 4 Dec 2016.



---

Commissioner for Taking Affidavits in the  
Province of British Columbia.

## REV ISO/SEG REV

Page 1

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PERSONAL INFORMATION BANK

REVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIRST WORKING DAY REVIEW

Decision Number 3  
Decision Date 2010/11/08

Completing Operational Unit  
SASK PEN - MAX

Current Institution or Address  
SASK PEN - MAX

Type of segregation  
INVOLUNTARY

Accumulated days in segregation 1

PUT AWAY ON FILE >	See distribution
FPS Number	
Family Name	BUSCH
Given Name(s)	JAMES LEE
Date of Birth	1977/03/25
Date admitted into segregation	Y M D 2010/11/06

Reason: CCRA 31(3-A) JEP INST/OTH IND

## Rationale:

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE CONSIDERATION OF PLACEMENT IN SEGREGATION  
On 2010-11-06 you were involved in a fight with another inmate for this reason you have been placed in segregation

2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

a. Confinement to cell

This is not appropriate in this case.

b. Mediation

N/A

c. Change of cell/range/unit

N/A

Other

3. USE OF FORCE

yes

4. HAVE ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

yes

5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

yes

6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED? (Yes)

Date: 2010-11-06

Time:1530

Issuing Officer: brunning

7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIRST WORKING DAY REVIEW  
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CSC 2019 (R-97-08) OMS VERS (1)  
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Page 1 of 4



## REV ISO/SEG REV

Page 2

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 [ ] A [X] B [ ] C  
 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASK PEN - MAX

Rationale:  
 yes

8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?  
 no

9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

"If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Regional Deputy Commissioner.

If you are not satisfied with the conditions of confinement in segregation and the treatment that you have received, you may submit a grievance to the Institutional Head, as per section 90 of the CCRA, paragraph 75(b) of the CCRR and paragraph 42 of CD 081. You have the right to address sensitive or urgent requests to the Institutional Head in a sealed envelope, which will be provided upon request".

10. CUFF STATUS

cuff status until 5th working day review

Amended Reason (if applicable):

Effective Date:

Comment:

SEGREGATED STATUS UPDATE

Synopsis of segregated status

INITIAL PLACEMENT RATIONALE COMPLETED

Y	M	D

Date

Signature

BALAN, ALLAN

A/MGR ASSESSMENT INTERVENTION

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation

Reason

Rebuttal Received from Offender:

Type of Rebuttal

Dated

Date Received

Date Recorded

Synopsis

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

MAINTAIN IN SEGREGATION

Rationale

It remains assessed that this offender has acted, attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIRST WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASK PEN - MAX

Rationale

of any person, and the presence of inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that there are no reasonable alternatives to administrative segregation at this time.

Therefore, this offender is ordered to remain administratively segregated, as per section 31(3) (a) of the CCRA.

Decision Date                      Effective Date  
2010/11/08

DECISION MAKER - SIGNATURE

\_\_\_\_\_  
BIRD, SHAWN A  
W/WARDEN

Y    M    D  
|   |   |  
Date

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y    M    D  
|   |   |  
Date

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y    M    D  
|   |   |  
Date

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y    M    D  
|   |   |  
Date

\_\_\_\_\_  
Witness' Signature

Y    M    D  
|   |   |  
Date

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIRST WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASK PEN - MAX

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

\_\_\_\_\_  
Witness' Signature

Y	M	D

Date

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIRST WORKING DAY REVIEW  
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## REV ISO/SEG REV

Page 1

Correctional Service  
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[ ] A [X] B [ ] C  
PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIFTH WORKING DAY REVIEWDecision Number 4  
Decision Date 2010/11/15Completing Operational Unit  
SASK PEN - MAXCurrent Institution or Address  
SASK PEN - MAX

PUT AWAY ON FILE &gt; See distribution

FPO Number  
[REDACTED]  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2010/11/06	2010/11/08
Accumulated days in segregation	8	

Reason: CCRA 31(3-A) JEP INST/OTH IND

## Rationale:

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE CONSIDERATION OF PLACEMENT IN SEGREGATION  
On 2010-11-06 you were involved in a fight with another inmate for this reason you have been placed in segregation

2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

a. Confinement to cell

This is not appropriate in this case.

b. Mediation

N/A

c. Change of cell/range/unit

N/A

Other

3. USE OF FORCE

yes

4. HAVE ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

yes

5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

yes

6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED? (Yes)

Date: 2010-11-06

Time:1530

Issuing Officer: brunning

7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
----------------------------------	--

Rationale:

yes

8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?  
no

9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

"If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Regional Deputy Commissioner.

If you are not satisfied with the conditions of confinement in segregation and the treatment that you have received, you may submit a grievance to the Institutional Head, as per section 90 of the CCRA, paragraph 75(b) of the CCRR and paragraph 42 of CD 081. You have the right to address sensitive or urgent requests to the Institutional Head in a sealed envelope, which will be provided upon request".

10. CUFF STATUS

cuff status until 5th working day review

Amended Reason (if applicable):

Effective Date:

Comment:

SEGREGATED STATUS UPDATE

Synopsis of segregated status

Initial Pen Placement Rational

On 2010-11-06 you were involved in a fight with another inmate for this reason you have been placed in segregation.

Swd

There is currently no change from the Initial segregation placement rational.

Updated by Acting Parole Officer A. Morgan

Y	M	D

Date

Signature

MORGAN, AMANDA J  
A/PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date

Y M D

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
----------------------------------	--

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO  
 Reason  
 Rebuttal Received from Offender: NO Type of Rebuttal Dated  
 Date Received Date Recorded

Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2010/11/15 Time 09:30  
 Offender Appeared in Person YES

Recommendation MAINTAIN IN SEGREGATION

Rationale:  
 SEGREGATION REVIEW BOARD REPORT - CONTENT GUIDELINES

1. PROCEDURAL SAFEGUARDS

SRB MEMBERS

A/MAI A. Balan, Chairperson and A/PO A. Morgan.

INMATE ATTENDANCE AT THE SRB HEARING

BUSCH attended the hearing.

INFORMATION SHARING

The information for this review was shared with BUSCH on 2010-11-09 by C. Jones, Segregation Assistant.

RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

BUSCH was advised of his right to consult legal counsel but has chosen not to make a call at this time. He indicates that he would like to call his lawyer at a future date.

SEGREGATION HANDBOOK

Has the inmate received the Administrative Segregation Handbook for Inmates? Yes

HEARING REQUIREMENTS

The SRB hearing is being held within the legislated timeframes.

2. ENTITLEMENTS

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
 Ce formulaire existe aussi en français.  
 CSC 2019-1 (R-97-08) QMS VERS (1)  
 Date and Time Locked 2010/11/15 15:46

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## REV ISO/SEG REV

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
----------------------------------	--

Rationale:

## HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

BUSCH has not requested to meet with psychologist or mental health professional.

BUSCH's healthcare needs can be met during the daily visits by healthcare staff to segregation.

Does the inmate report at the hearing that he or she requires health care attention? No

## ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

BUSCH was not participating in any Correctional Programs at the time of his incarceration.

## ACCESS TO CASE MANAGEMENT SERVICES

The inmate is seen once a week by his Parole Officer.

## ACCESS TO SPIRITUAL SUPPORT

Has the inmate requested to see the Chaplain/Aboriginal Elder or other appropriate spiritual advisor? No

## EXERCISE

The inmate has been given the opportunity to exercise for at least one hour every day outdoors, weather permitting, or to exercise indoors where the weather does not permit exercising outdoors.

## VISITS

Does the inmate receive visits? No

Has the inmate met with the Inmate Committee members or peer support? No

## SHOWERS

The inmate is provided the opportunity to shower at least every second day.

## PERSONAL EFFECTS

At the time of this review, has the inmate received his or her personal effects? Yes.

## 3. SECURITY ISSUES

Are there any specific security issues relating to this inmate that require attention (i.e. incompatibilities, gang-related problems, use of restraint equipment during staff contact or escort, restrictions on personal effects)? CM McPherson was consulted on 2010-11-15 and it was recommended that BUSCH be taken off of cuff status.

What contact does the inmate have with other inmates? Is he or she permitted normal association with other inmates in administrative segregation or does he

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
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## Rationale:

or she required a specialized routine (e.g. exercise alone)? Normal.

SIO investigation into the altercation between BUSCH and another offender on 2010-11-06 is still pending. BUSCH has been institutionally charged, outside charges may be considered.

## 4. OVERALL ASSESSMENT

BUSCH is currently involuntarily segregated under section 31(3)(a) of the Corrections and Conditional Release Act. The reason for the placement is given as BUSCH was involved in a inmate fight on 2010-11-06 at Unit 7.

BUSCH has been on administrative segregation status for a total of 5 days on the current placement.

## REINTEGRATION PLAN

The CMT will continue to consult with the SIO to determine the status of the investigation. At this time BUSCH is willing to reintegrate back onto G Range at Unit 7.

## 5. INMATE COMMENTS

BUSCH does not believe that he is in danger. He reported that he believes that he can return to his range, and that the incident was isolated and an issue from the past. BUSCH states that all issues are resolved between himself and the other offender. BUSCH would like to reintegrate back onto G range at Unit 7, and feels that there are no other issues between himself and the Range in general. BUSCH also admitted to being the aggressor in the incident.

BUSCH requested that his institutional court date be moved up so he could be moved back to Unit 7 as soon as possible.

## 6. RECOMMENDATION

Maintain segregation.

Remove from cuff status.

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Regional Deputy Commissioner.

If you are not satisfied with the conditions of confinement in segregation and the treatment that you have received, you may submit a grievance to the Institutional Head, as per section 90 of the CCRA, paragraph 75(b) of the CCRR and paragraph 42 of CD 081. You have the right to address sensitive or urgent requests to the Institutional Head in a sealed envelope, which will be provided upon request.

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CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
BALAN, ALLAN  
A/MGR ASSESSMENT INTERVENTION

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

**MAINTAIN IN SEGREGATION**

Rationale

It remains assessed that this offender has acted, attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and the presence of inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person. Furthermore, I am satisfied that there are no reasonable alternatives to administrative segregation at this time.

Therefore, this offender is ordered to remain administratively segregated, as per section 31(3) (a) of the CCRA.

Decision Date                      Effective Date  
2010/11/15

DECISION MAKER - SIGNATURE

Y	M	D
Date		

BIRD, SHAWN A  
A/WARDEN

I hereby acknowledge receipt of the above mentioned document.

Y	M	D
Date		

Offender's Signature

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

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REVIEW OF OFFENDER'S  
SEGREGATED STATUS  
INSTITUTIONAL REVIEW

Decision Number 5  
Decision Date 2010/12/02

Completing Operational Unit  
SASK PEN - MAX

Current Institution or Address  
SASK PEN - MAX

PUT AWAY ON FILE > See distribution

FPS Number  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2010/11/06	2010/11/15

Accumulated days in segregation 25

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:

1. FULL DESCRIPTION OF THE INCIDENT OR CIRCUMSTANCES LEADING TO THE CONSIDERATION OF PLACEMENT IN SEGREGATION  
On 2010-11-06 you were involved in a fight with another inmate for this reason you have been placed in segregation

2. CONSIDERATION OF ALL ALTERNATIVES TO ADMINISTRATIVE SEGREGATION

a. Confinement to cell

This is not appropriate in this case.

b. Mediation

N/A

c. Change of cell/range/unit

N/A

Other

3. USE OF FORCE

yes

4. HAVE ADEQUATE BEDDING, CLOTHING AND TOILETRIES BEEN ISSUED?

yes

5. HAS THE INMATE'S CELL IN GENERAL POPULATION BEEN SECURED?

yes

6. HAS THE ADMINISTRATIVE SEGREGATION HANDBOOK FOR INMATES BEEN ISSUED? (Yes)

Date: 2010-11-06

Time:1530

Issuing Officer: brunning

7. HAS HEALTH CARE STAFF BEEN NOTIFIED?

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
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FPS ██████████ DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
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Rationale:  
yes

8. HAS A CHAPLAIN OR ELDER BEEN REQUESTED?  
no

9. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

"If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Regional Deputy Commissioner.

If you are not satisfied with the conditions of confinement in segregation and the treatment that you have received, you may submit a grievance to the Institutional Head, as per section 90 of the CCRA, paragraph 75(b) of the CCRR and paragraph 42 of CD 081. You have the right to address sensitive or urgent requests to the Institutional Head in a sealed envelope, which will be provided upon request".

10. CUFF STATUS

cuff status until 5th working day review

Amended Reason (if applicable):

Effective Date:

Comment:

SEGREGATED STATUS UPDATE

Synopsis of segregated status

Initial Pen Placement Rational

On 2010-11-06 you were involved in a fight with another inmate for this reason you have been placed in segregation.

5wd

There is currently no change from the Initial segregation placement rational.

Updated by Acting Parole Officer A. Morgan

BUSCH is penitentiary placed to Edmonton Institution and is waiting for transfer. The CMT are exploring if a release from segregation is an option; however this has yet to be determined. It is recommended that BUSCH be maintained in segregation until a reintegration plan can be explored.

Updated by PO T. Umpherville on 2010/11/25

Y	M	D
Date		

Signature  
MORGAN, AMANDA J  
A/PAROLE OFFICER

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
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ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date  
Y M D

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation:

Reason

Rebuttal Received from Offender: Date Received	Type of Rebuttal Date Recorded	Dated
---	-----------------------------------	-------

Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date	2010/11/30	Time	09:30
Offender Appeared in Person	NO		

Recommendation RELEASE FROM SEGREGATION

Rationale:

1. PROCEDURAL SAFEGUARDS

SRB MEMBERS

Those members of the Segregation Review Board (SRB) who were present for your hearing included Chairperson Acting Manager Assessment Intervention, A. Balan, and A/Parole Officer, A. Morgan.

INMATE ATTENDANCE AT THE SRB HEARING

Inmate BUSCH chose not to attend this hearing.

INFORMATION SHARING

Information for the purposes of this review was shared three working days prior to the segregation review. The information was shared by C. Jones, Segregation Assistant.

RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION

The inmate did not request to make a legal call on admission.

HEARING REQUIREMENTS

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
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## Rationale:

The SRB hearing was held within the legislated timeframes. (i.e. within five working days of placement in administrative segregation)

## 2. ENTITLEMENTS

## HEALTH CARE, MENTAL HEALTH AND ACCESS TO PSYCHOLOGICAL COUNSELLING

BUSCH's healthcare needs are being met in segregation on a daily basis.

## ACCESS TO CORRECTIONAL PROGRAMS OR INTERVENTIONS

There is no information suggesting the offender refused correctional programming during this review period.

## ACCESS TO CASE MANAGEMENT SERVICES

Offenders at this maximum-security institution have a minimum of weekly contact with their Parole officers via cell visits. Otherwise, offenders are urged to submit requests for interviews via the institutional mail services.

## ACCESS TO SPIRITUAL SUPPORT

BUSCH has not requested access to spiritual support; however these services are available should he request them.

## EXERCISE

The inmate has been given the opportunity to exercise for at least one hour every day outdoors, weather permitting.

## VISITS

To date, offender BUSCH has not received any visits. Due to the nature of his segregation status, it is recommended that BUSCH visits be "open"; however this will be reviewed by VCB.

## SHOWERS

The inmate is provided the opportunity to shower at least every second day.

## 3. SECURITY ISSUES

There have been no concerns with BUSCH's institutional behaviour since his placement in segregation. The CMT recommend that cuffs not be necessary.

## 4. OVERALL ASSESSMENT

BUSCH was involved in an inmate assault at Unit 7 where he was identified as the aggressor.

As such, he was placed in involuntary segregation.

## REINTEGRATION PLAN

The CMT, in consultation with the Security Intelligence Office, determined that

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Page 4 of 7

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
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Rationale:

there is no information that would confirm the inability of BUSCH to integrate back into his former range (G range Unit 7). BUSCH has been encouraged to integrate into a general population while he awaits pen placement to Edmonton. BUSCH is currently on the wait list for transfer to Edmonton. CMT will recommend release from Segregation.

5. INMATE COMMENTS

BUSCH was interviewed prior to his hearing and stated that he would like to integrate back to his previous range (G Range). His incompatible that he had on the range is no longer at Sask Pen Max and there are no other issues with the offenders currently housed on G Range.

6. RECOMMENDATION

The CMT (Case Management Team) and SRB (Segregation Review Board) recommend that BUSCH be RELEASED from SEGREGATION to the open population of G range Unit 7.

7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Regional Deputy Commissioner.

If you are not satisfied with the conditions of confinement in segregation and the treatment that you have received, you may submit a grievance to the Institutional Head, as per section 90 of the CCRA, paragraph 75(b) of the CCRK and paragraph 42 of CD 081. You have the right to address sensitive or urgent requests to the Institutional Head in a sealed envelope, which will be provided upon request.

CHAIRPERSON - SIGNATURE

Signature  
 BALAN, ALLAN  
 A/MGR ASSESSMENT INTERVENTION

Y	M	D
Date		

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

RELEASE FROM SEGREGATION

Rationale

It is assessed that the offender no longer acts, attempts to act or intendeds to act in a manner that will jeopardize the security of the penitentiary or the safety of any person, and the presence of this inmate in the general inmate population no longer jeopardizes the security of the penitentiary or the safety

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. SASK PEN - MAX
----------------------------------	--

Rationale

of any person. Furthermore, I am satisfied that this offender no longer requires administrative segregation at this time.

Therefore, this offender is to be released from administrative segregation, as per section 31(3) of the CCRA.

Decision Date                      Effective Date  
 2010/12/02                      2010/12/02

DECISION MAKER - SIGNATURE

\_\_\_\_\_  
 BIRD, SHAWN A  
 A/WARDEN

Y	M	D
Date		

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
 Offender's Signature

Y	M	D
Date		

Staff Member's signature who shared the information:

\_\_\_\_\_  
 Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
 Witness' Signature

Y	M	D
Date		

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\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of Two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

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## PSYCHOL ISO/PSYCH SEG

Page 1

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ASSESSMENT REPORTCompleting Operational Unit  
SASKATCHEWAN PENITENTIARYCurrent Institution or Address  
SASK PEN - MAX

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FPS Number:

Family Name

BUSCH

Given Name(s)

JAMES

LEE

Date of Birth  
1977/03/25

Report Type : PSYCHOLOGICAL FOR SEGREGATION

ASSESSMENT

Segregation cell: 10 Unit: A2 CMO: A. Morgan

Date admitted to Segregation: 2010-11-06  
Reason for Segregation: CCRA 31(3-A)

Voluntary: Involuntary: XX

Refused to be seen:  
Witness:

## PSYCHOLOGICAL CONDITION:

Suicidal: Date when last incident occurred:  
Yes: Low: Mod: Severe:  
Ideation:  
Threats:  
Plan:  
No: XXHistory of Self-Injury: Yes  
When did the last incident occur: July 2010  
Yes: Details:  
No: XXDepressed: Yes: Low: Mod.: Severe:  
No: XXAggression: Yes: Observations:  
No: XXAnxiety: Yes: Low: Mod: Severe:  
No: XXPsychotic: Yes: XX Hallucination: XX  
Delusion:  
Paranoia:  
Acute: Chronic:  
No:Manic: Yes: Increase Psychomotor:  
Pressured Speech:PSYCHOLOGICAL/PSYCHIATRIC ASSESSMENT REPORT  
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Page 1 of 3

## PSYCHOL ISO/PSYCH SEG

Page 2

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. SASK PEN - MAX

Disturbed Sleep:

No: XX

Overall: First meeting: XX  
 Deteriorated:  
 Same:  
 Improved

According to your opinion, quote yes or no respecting the inmate's capacity to remain in segregation  
 Yes  No

## COMMENTS:

-----

Mr. Busch provided verbal consent to be interviewed at his cell.

At the time of the interview, Mr. Busch presented as rational and oriented in all spheres (time, place, and person). Mr. Busch indicated no current thoughts of suicide or self-harm. A review of his psychology file over the past two years indicated no recent documentation of suicide attempt. He has a history of cutting in 1998 and slashed his wrists in July 2010.

Mr. Busch stated that he had auditory hallucinations. He did not want to see the institutional psychiatrist. Due to the brevity of the cell interview, there could be issues not shared with the writer at the time of interview. There were no notations in his segregation log which suggest possible psychological imbalance.

Mr. Busch spends his time doing schoolwork and watching television. Monitoring will continue on a regular basis. He has been advised that psychological services are available to him if needed.

Please note that this assessment should be considered relevant for the specific purpose of this review and may not be an indication of long term psychological/mental health conditions. Sudden mood and behavioural changes are common for segregated offenders.

Medication: None Disclosed

## ACTIONS AND RECOMMENDATIONS:

-----

Follow up: next scheduled segregation review.  
 Suicidal monitoring:  
 Contact CMOI:  
 Referral:  
 Others:  
 A note was left on the "Segregation Log" form.

## SHARING OF INFORMATION

Mr. Busch was given the opportunity to review this document. His signature below does not imply agreement with the information contained herein.

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PSYCHOL ISO/PSYCH SEG

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Mr. Busch

Date  
 declined to sign

Reviewed by Fernando Larrea  
 Chief Psychologist

Date

Name of Psychologist/Psychiatrist

Date completed	Date processed
Y M D	Y M D
2010/12/03	[ ][ ][ ]

HAUTCOEUR, EDITH L  
 ASSOCIATE PSYCHOLOGIST

PSYCHOLOGICAL/PSYCHIATRIC ASSESSMENT REPORT  
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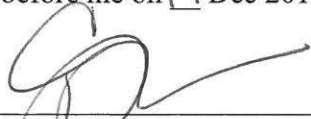
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TIME IS BASED ON A 24-HOUR CLOCK PERIOD.

Documents relating to administrative segregation placement #5 dated February 18, 2011.

This is **Exhibit E**  
to the Affidavit of James Busch  
sworn before me on 14 Dec 2016



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Commissioner for Taking Affidavits in the  
Province of British Columbia.

## REV ISO/SEG REV

Page 1

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[ ] A [X] B [ ] C  
PERSONAL INFORMATION BANKREVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIFTH WORKING DAY REVIEWDecision Number 6  
Decision Date 2011/02/18Completing Operational Unit  
EDMONTON INSTITUTIONCurrent Institution or Address  
EDMONTON INSTITUTION

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FPS Number  
[REDACTED]  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2011/02/15	
Accumulated days in segregation 2		

Reason: CCRA 31(3-C) INMATE IN DANGER

## Rationale:

This is the Admission/Placement of inmate BUSCH, FPS # [REDACTED] into Administrative Segregation.

## REASON FOR ADMINISTRATIVE SEGREGATION

31(3) (C) CCRA 31(3-C) INMATE IN DANGER

On 2011-02-15 at 1200hrs, inmate BUSCH was admitted into Segregation. He was received on a transfer from Sask Pen Max. Upon arrival, BUSCH was placed onto C- unit pending bed space on the SLE. Approximately 15 minutes after arrival on C-unit, inmate BUSCH started receiving threats against his life, and was subsequently moved to Segregation for his own safety. BUSCH is suitable for placement onto the SLE but he is unable to integrate onto this unit due to lack of appropriate bed space.

Based on the above information the inmate has been placed into Administrative Segregation as a voluntary placement under Section 31 (3 - C) of the Corrections and Conditional Release Act, Inmate in Danger, as the continued presence of the inmate in the general inmate population would jeopardize the inmate's own safety.

All reasonable alternatives to administrative segregation have been considered. The following list, while not exhaustive, has been reviewed as alternatives for consideration prior to placement in administrative segregation.

a. Confinement to cell - New admission, confinement to his cell is not appropriate.

Voluntary lock-up as an option in this case was reviewed and deemed inappropriate as there is a demonstrated risk that the inmate currently presents of such magnitude that confinement to his cell would not sufficiently manage this risk.

b. Mediation - Not applicable

The risk that the inmate currently presents cannot adequately be addressed any further with mediation and/or counselling.

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Page 1 of 11

## REV ISO/SEG REV

Page 2

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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Rationale:

c. Change of cell/range/unit - Awaiting bed space on D-unit

There are no alternative cells or units that would serve to separate the inmate from other inmates and sufficiently manage the risk posed to the safety and security of the institution.

d. Other (alternatives unique to the institution or situation)

What other alternatives have been considered by the Case Management Team and the Security Intelligence Officer?

Use of force - No

Was use of force necessary in completing this administrative segregation admission/placement? What are the details of that use of force? NO

Have adequate bedding, clothing and toiletries been issued? Yes

What other effects were allowed on admission? - None at this time

Has the inmate's cell in general population been secured? N/A New admit

Date:

Time:

Officer(s) who secured cell:

Has the Administrative Segregation Handbook for Inmates been issued? Yes

:

The following information was shared with the inmate:

Commissioner's Directive - 709 Administrative Segregation  
 Commissioner's Directive - 567(1-5) Use of Force

Has health care staff been notified? Yes

Was the inmate seen by health care staff at the time of placement? Yes

(If the health care staff is not on site, the officer in charge will ask the inmate if he or she has any concerns or requires medical attention and document response.)

Did the inmate require outside hospital care? No

Has a Chaplain or Elder been requested? No

(This is important for documenting spiritual health.).

Has psychology been notified or requested by the inmate prior to the segregation placement? No

Has the immediate needs assessment been completed and entered into OMS prior to

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 FIFTH WORKING DAY REVIEW  
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Page 2 of 11

## REV ISO/SEG REV

Page 3

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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Rationale:

the placement into segregation? Yes  
 USE OF RESTRAINT EQUIPMENT:

Following an individual risk assessment, restraint equipment may be authorized to protect staff, inmates and the public in the following circumstances:

- a) to escort inmates within the institution, including:
- i) escorting to segregation, yes
  - ii) escorting from segregation, yes
  - iii) escorting a high-risk inmate, N/A
  - iv) movement within the Special Handling Unit; N/A
- b. as a precautionary measure against escape or as necessary for controlling inmates under escort outside the institution for any purpose other than work, including:
- i) transfers, leg irons and handcuffs
  - ii) court appearances, leg irons and handcuffs
  - iii) medical and dental appointments, leg irons and handcuffs
  - iv) hospitalization, leg irons and handcuffs
  - v) interviews, Only if he becomes a behavioural problems and threatening
  - vi) other escorted temporary absences as approved; leg irons and handcuffs
- c. to prevent self-mutilation, injury to others, or property damage, when all other reasonable methods of control have been tried and have failed, or are not the safest and most reasonable intervention given the situational factors.

"If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Regional Deputy Commissioner.

If you are not satisfied with the conditions of confinement in segregation and the treatment that you have received, you may submit a grievance to the Institutional Head, as per section 90 of the CCRA, paragraph 75(b) of the CCRR and paragraph 42 of CD 081. You have the right to address sensitive or urgent requests to the Institutional Head in a sealed envelope, which will be provided upon request".

This segregation placement was completed by? Correctional Manager Carin Taylor

Amended Reason (if applicable):

Effective Date:

Comment:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 3 of 11



## REV ISO/SEG REV

Page 4

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## SEGREGATED STATUS UPDATE

Synopsis of segregated status

## TYPE OF REVIEW:

This is James Busch's 5th Day Review of his placement into Segregation. Busch was admitted into segregation 31(3-C) on 2011/02/15.

## SYNOPSIS OF CASE:

James Busch is serving his third Federal sentence. He is serving a Life sentence for Second Degree Murder x 1. Parole eligibility is 15 years. At present there are no appeal processes in place. Busch is a Canadian Citizen and thus is not subject to deportation. His official language is English.

On 2010/11/08 Busch was penitentiary placed to Edmonton Institution. On 2011/02/15 he was admitted to Edmonton Institution. Busch's next security review is scheduled for 2012/11.

## Placement To Segregation:

CCRA 31(3-C) INMATE IN DANGER

On 2011/02/15 at 1200hrs, Busch was admitted into Segregation. He was received on a transfer from Saskatchewan Penitentiary's Maximum-Security Unit. Upon arrival, Busch was placed to C Unit pending bed space on the SLE. Approximately 15 minutes after arrival he received threats against his life. Busch was subsequently moved to Segregation for his own safety. Busch is suitable for placement onto the SLE but he is unable to integrate onto that unit at present due to lack of appropriate bed space.

## SEGREGATION HISTORY:

This is Busch's first placement in Segregation at Edmonton Institution. At Saskatchewan Penitentiary Busch was housed in Segregation on one occasion 31(3-A) due to involvement in a fight with a fellow offender.

## CONSULTATION WITH SECURITY INTELLIGENCE OFFICER:

Consultation with Daniel Massey SIO occurred on 2011/02/15. The SIO indicated Busch is unlikely to integrate on a general population unit due to having a sex offence. There is no information suggesting any gang involvement.

## INCOMPATIBILITY ISSUES:

Busch has no known incompatibles at Edmonton Institution however it is clearly evident he is incompatible on C Unit.

## OTHER RELEVANT CONSULTATIONS:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 4 of 11

REV ISO/SEG REV

Page 5

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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Synopsis of segregated status

Not applicable.

CURRENT PLAN TO ALLEVIATE SEGREGATION STATUS:

The CMT will recommend review for placement on the SLE Unit. If Busch does not meet the criteria placement to H Unit will be considered.

Y	M	D
Date		

Signature  
 KINDRACHUK, KEVIN M  
 PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date		
Y	M	D

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation

Reason

Rebuttal Received from Offender: Date Received	Type of Rebuttal Date Recorded	Dated
---	-----------------------------------	-------

Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2011/02/18 Time 09:00  
 Offender Appeared in Person YES

Recommendation RELEASE FROM SEGREGATION

Rationale:

- PROCEDURAL SAFEGUARDS

Segregation Review Board Members

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 6

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## Rationale:

The Segregation Review Board was made up of:

Chairperson/Manager Assessment Intervention: Darren Kornberger  
 Assistant Warden Intervention: Brad Sass  
 Correctional Manager: Chris Saint  
 Parole Officer: Kevin Kindrachuk  
 Parole Officer: James Morgan  
 Psychologist: Dev Sawh  
 Security Intelligence Officer: Brandy Swenson

## Inmate Attendance at Segregation Review Board:

Busch was notified of his right to attend the Segregation Review Board. He appeared before the Segregation Review Board on 2011/02/18.

## Information Sharing:

Busch indicated he received notification of this review and sharing of information that will be used for this review. Sharing was completed 2011/02/16 by Kyla Wahl at 0900h.

## RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION and SEGREGATION HANDBOOK

Busch indicated he did not receive a copy of the Segregation Handbook upon his placement into Segregation nor does he want one. He also indicated he received access to make a legal call following his placement into Segregation.

## HEARING REQUIREMENTS

This review is completed within the legislated and policy timeframes.

## 2. ENTITLEMENTS

## Health Care, Mental Health And Access To Psychological Counselling:

Busch was seen by the staff Psychologist for this Fifth Working Day Review on 2011/02/16. There are no concerns that would preclude his continued placement in Administrative Segregation at this time.

## Comments from the Clinician are as follows:

"Mr. Busch presented as reasonably well oriented to time, place, and person. He easily engaged in conversation. Mr. Busch reported that he has been diagnosed with schizophrenia however he has refused medication for the past several months. He stated that he typically stops taking medication when he feels well, but then experiences an increase in symptoms. Mr. Busch stated that he is currently experiencing some hallucinations. He is willing to meet with the psychiatrist and begin taking medication. A referral was made to the mental health nurse. Mr. Busch was also placed on the waitlist for the SLE. He requested to speak to a Chaplin, and this request was forwarded."

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 6 of 11

## REV ISO/SEG REV

Page 7

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## Rationale:

Busch was also given access psychological services and health care services upon receipt of a request. He indicated at the time of this review that he wishes to speak with the psychiatrist and has not requested health services. According to file information and Dev Sawh, Psychologist appropriate referrals have been made and Busch will be seen by the Psychiatrist as soon as operationally possible.

## Access to Correctional Programs or Interventions:

Not applicable.

## Access to Case Management Services:

Busch was not seen by his Parole Officer. Attempts were made to interview Busch in Segregation however this was not possible due to operational requirements.

## Access to Spiritual Support:

Busch was given access to spiritual support. He indicated at the time of this review that he wishes to speak the chaplain. The CMT will notify Oliver Johnson about this request.

## Exercise:

Busch was given the opportunity to exercise for at least one hour every day.

## Visits:

Busch indicated at the time of this review that he has not had any visits while in segregation.

## Showers:

Busch was provided the opportunity to shower at least every second day.

## Personal Effects

Not applicable.

## 3. SECURITY ISSUES

In accordance with CD 567-3, Busch requires the standard use of restraint equipment at this time.

## Incompatibility Issues

Consultation with the Security Intelligence Department on 2011/02/16 and a review of file information identifies the following incompatibility issues:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
 Ce formulaire existe aussi en français.  
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Page 7 of 11

## REV ISO/SEG REV

Page 8

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## Rationale:

Busch has no gang affiliation. Due to the nature of his offences he is a TRU offender. At present he cannot integrate on the Pathways Unit (C) due to being threatened by offenders in that area.

## 4. OVERALL ASSESSMENT

Segregation Review Board Comments on Reintegration Plan

Placement To Administrative Segregation:

CCRA 31(3-C) INMATE IN DANGER

On 2011/02/15 at 1200hrs, Busch was admitted into Segregation. He was received on a transfer from Saskatchewan Penitentiary's Maximum-Security Unit. Upon arrival, Busch was placed to C Unit pending bed space on the SLE. Approximately 15 minutes after arrival he received threats against his life. Busch was subsequently moved to Segregation for his own safety. Busch is suitable for placement onto the SLE but he is unable to integrate onto that unit at present due to lack of appropriate bed space.

## REINTEGRATION PLAN TO ALLEVIATE SEGREGATION

The CMT is recommending release from Segregation to the SLE Unit. Consultation with Chief Psychologist Don Bossin revealed that Busch is appropriate for placement on that unit. Given the long wait-list an interim recommendation to release Busch to H Unit is also being proposed. It would appear Busch would not likely experience any difficulty integrating on H Unit. An eventual move to the SLE is recommended pending bed space availability.

Alternatives to Segregation (Gen Pop, TRU, SLE, Transfer, etc.):

Based on the above information and the analysis of all available information in this case, the SRB is of the opinion that Busch can be released from segregation as there is another reasonable alternative to segregation (SLE Unit or H Unit). It is expected that Busch will be released from segregation pending bed space on either of these units.

## 5. INMATE COMMENT

Busch provided the following comments regarding his placement into segregation and current plan for release from segregation:

Busch indicated he was unhappy about being run off of the Pathways Unit. He conceded there was no chance for mediation with the aggressors due to the nature of past offences (sexual). Busch indicated he wishes to see the Psychiatrist and return to his medication regime. He is also willing to move to H Unit while awaiting eventual admission to the SLE. Busch enquired as to the need for him to spend the first two years in a maximum-security facility. He was informed that he does not meet the criteria for an exception to this policy. As such his next security review is scheduled for 2012/11.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 8 of 11

## REV ISO/SEG REV

Page 9

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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## Rationale:

## 6. RECOMMENDATION

31(3)(c) release

Recommend that you be released from Segregation to the SLE or H Cellblock as we no longer have reason to believe that your safety is in jeopardy.

"If you remain in segregation, your case will be reviewed by the Regional Segregation Oversight Manager within 60 days. The Regional Segregation Review Board, which will be chaired by the Assistant Deputy Commissioner Institutional Operations, will review your case within 120 days in segregation and every 60 days following. This review will be based on information used in the most recent institutional 30 day review and on any other new information that may become available after that time. Every reasonable effort will be made to ensure that any new information will be provided to you in time to provide the opportunity to make representation. You will have five working days to submit representations after receipt of any institutional review. You may submit representations to an institutional staff member, which will then be forwarded to the Regional Headquarters."

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Deputy Commissioner of the Prairie Region within 30 days of receipt of this Segregation Review Board Report.

## CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
 KORNBERGER, DARREN R  
 MGR ASSESSMENT INTERVENTION

## FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

## RELEASE FROM SEGREGATION

## Rationale

I order Busch be released from segregation to either the SLE or H cellblock effective pending available bed space.

You are being advised that should you disagree with this decision, you may provide written or verbal representation to the Regional Segregation Review Board within thirty (30) days of receipt of this Institutional Segregation Review Board Report.

Decision Date	Effective Date
2011/02/18	2011/02/18

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 9 of 11

REV ISO/SEG REV

Page 10

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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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DECISION MAKER - SIGNATURE

GARRISON, ROE  
A/WARDEN

Y	M	D
Date		

I hereby acknowledge receipt of the above mentioned document.

Offender's Signature

Y	M	D
Date		

Staff Member's signature who shared the information:

Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

Witness' Signature

Y	M	D
Date		

Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

Witness' Signature

Y	M	D
Date		

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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Page 11

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PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. EDMONTON INSTITUTION

Y	M	D
Date		

Witness' Signature \_\_\_\_\_

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 FIFTH WORKING DAY REVIEW  
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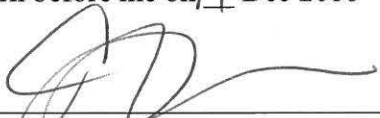
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Page 11 of 11



Documents relating to administrative segregation placement #6 dated October 23, 2011.

This is **Exhibit F**  
to the Affidavit of James Busch  
sworn before me on 4 Dec 2016



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Commissioner for Taking Affidavits in the  
Province of British Columbia.

REV ISO/SEG REV

Page 1

Correctional Service  
Canada

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PERSONAL INFORMATION BANK

REVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW

Decision Number 8  
Decision Date 2011/10/31

Completing Operational Unit  
EDMONTON INSTITUTION

Current Institution or Address  
EDMONTON INSTITUTION

PUT AWAY ON FILE > See distribution

FPS Number  
[REDACTED]  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2011/10/25	

Accumulated days in segregation 5

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:

This is the Admission/Placement of inmate BUSCH, JAMES FPS # [REDACTED] into Administrative Segregation.

REASON FOR ADMINISTRATIVE SEGREGATION

31 3A CCRA 31(3-A) JEP INST/OTH IND = (jeopardize institution/other individuals)

Narrative:

During a random routine cell search of cell 004 on D cellblock that is single occupied by Inmate BUSCH, a home made weapon was discovered in his photo album. The search for this weapon was intensified when fresh marks consistent with sharpening were discovered. Paranoia was the noted reason from the inmate as to his reason for possessing the weapon. He also advised he has not been sleeping, not attending gym and feeling out of sorts for a while.

Based on the above information the inmate has been placed into administrative segregation under Section 31 (3 - A) of the Corrections and Conditional Release Act, Jeopardy to the Security of the Institution, as it is believed that the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person.

All reasonable alternatives to administrative segregation have been considered. The following list, while not exhaustive, has been reviewed as alternatives for consideration prior to placement in administrative segregation.

a. Confinement to cell

Voluntary lock-up as an option in this case was reviewed and deemed inappropriate as there is a demonstrated risk that the inmate currently presents of such magnitude that confinement to his cell would not sufficiently manage this risk. The inmate residing on the Structured Living Cellblock also contributes to the destabilization of other inmates on the cellblock from his situation.

b. Mediation

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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## REV ISO/SEG REV

Page 2

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## Rationale:

There is no known person the weapon was made for so mediation is not an option. The risk that the inmate currently presents cannot adequately be addressed any further with mediation and/or counselling.

## c. Change of cell/range/unit

There are no alternative cells or units that would serve to separate the inmate from other inmates and sufficiently manage the risk posed to the safety and security of the institution.

d. Other (alternatives unique to the institution or situation) No other options were seen at this time.

Use of force No

Has the Administrative Segregation Handbook for Inmates been issued? Not at this time.

The following information was shared with the inmate:

Commissioner's Directive - 709 Administrative Segregation

Commissioner's Directive - 567(1-5) Use of Force

Has health care staff been notified? Yes

Was the inmate seen by health care staff at the time of placement? Yes

At what time? 1610 hours

Has a Chaplain or Elder been requested? Would like to see a chaplain or an elder.

Has psychology been notified or requested by the inmate prior to the segregation placement? Yes

Has the immediate needs assessment been completed and entered into OMS prior to the placement into segregation? (Must be completed on all segregation placements)

## USE OF RESTRAINT EQUIPMENT:

Following an individual risk assessment, restraint equipment may be authorized to protect staff, inmates and the public in the following circumstances:

a) to escort inmates within the institution, including:

- i) escorting to segregation, yes
- ii) escorting from segregation, yes
- iii) escorting a high-risk inmate, N/A
- iv) movement within the Special Handling Unit; N/A

b. as a precautionary measure against escape or as necessary for

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
 Ce formulaire existe aussi en français.  
 CSC 2019-1 (R-97-08) OMS VERS (1)  
 Date and Time Locked 2011/10/31 12:51

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Page 2 of 10

REV ISO/SEG REV

Page 3

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[ ] A [X] B [ ] C  
PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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Rationale:

controlling inmates under escort outside the institution for any purpose other than work, including:

- i) transfers, leg irons and handcuffs
- ii) court appearances, leg irons and handcuffs
- iii) medical and dental appointments, leg irons and handcuffs
- iv) hospitalization, leg irons and handcuffs
- v) interviews, Only if he becomes a behavioural problems and threatening
- vi) other escorted temporary absences as approved; leg irons and handcuffs

c. to prevent self-mutilation, injury to others, or property damage, when all other reasonable methods of control have been tried and have failed, or are not the safest and most reasonable intervention given the situational factors.

"If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Regional Deputy Commissioner.

If you are not satisfied with the conditions of confinement in segregation and the treatment that you have received, you may submit a grievance to the Institutional Head, as per section 90 of the CCRA, paragraph 75(b) of the CCRR and paragraph 42 of CD 081. You have the right to address sensitive or urgent requests to the Institutional Head in a sealed envelope, which will be provided upon request".

This segregation placement was completed by K. Austin Correctional Manager

Amended Reason (if applicable):

Effective Date:

Comment:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## SEGREGATED STATUS UPDATE

Synopsis of segregated status

## TYPE OF REVIEW:

This is James Busch's 5-Day Review of his placement into Segregation. Busch was admitted into segregation 31(3-A) on 2011/10/25.

## SYNOPSIS OF CASE:

Busch is a 34 year old Aboriginal male serving his third Federal sentence. He is serving a Life Sentence (Parole Eligibility Date 15 years) for Second Degree Murder. He was penitentiary placed to Edmonton Institution. His next security review is scheduled for 2012/11.

## Placement to Segregation:

CCRA 31(3-A) JEP INST/OTH IND (jeopardize institution/other individuals)

During a random routine cell search of cell 004 on D cellblock that is single occupied by Busch, a home-made weapon was discovered in his photo album. The search for this weapon was intensified when fresh marks consistent with sharpening were discovered. Paranoia was the noted reason given by Busch as the reason he possessed the weapon. He also advised he has not been sleeping, not attending gym, and feeling out of sorts for a while.

## SEGREGATION HISTORY:

Busch has one previous Segregation placement while at Edmonton Institution during this sentence. On 2011/02 he was admitted to Segregation after being threatened on C Unit/Pathways. He was immediately released to the SLE Unit and has remained there since.

## CONSULTATION WITH SECURITY INTELLIGENCE OFFICER:

No consultation with the SIO occurred however further attempts will be made prior to the SRB Hearing.

## INCOMPATIBILITY ISSUES:

At present this area requires investigation given the circumstance of his Segregation placement.

## OTHER RELEVANT CONSULTATIONS:

Kevin Austin (Correctional Manager SLE), was consulted regarding this matter.

## CURRENT PLAN TO ALLEVIATE SEGREGATION STATUS:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Synopsis of segregated status

The CMT will explore all options with respect to Busch being returned to a suitable unit.

Y	M	D

Date

Signature  
 KINDRACHUK, KEVIN M.  
 PAROLE OFFICER

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date  
 Y M D

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason

Rebuttal Received from Offender: NO Type of Rebuttal Dated  
 Date Received Date Recorded

Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2011/10/31 Time 09:00  
 Offender Appeared in Person YES

Recommendation RELEASE FROM SEGREGATION

Rationale:

1. PROCEDURAL SAFEGUARDS

Segregation Review Board Members

The Segregation Review Board was made up of:

Chairperson: Manager Assessment Intervention: Darren Korberger  
 Correctional Manager: Chris Saint

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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Rationale:

Correctional Manager: Kevin Austin  
Parole Officer: Kevin Kindrachuk  
Parole Officer: Marta Puzio  
Psychologist: Dev Sawh  
Security Intelligence Officer: none

Inmate Attendance at Segregation Review Board:

Busch was notified of his right to attend the Segregation Review Board. He appeared before the Segregation Review Board on 2011/10/31.

Information Sharing:

File information shows Busch received notification of this review and sharing of information that will be used for this review. Sharing was completed 2011/10/26 by Jillian Morrow.

RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION and SEGREGATION HANDBOOK

Busch indicated that he received a copy of the Segregation Handbook upon his placement into Segregation. He also indicated that he did not receive access to make a legal call following his placement into Segregation. He will be provided one following the hearing if he finds it necessary.

HEARING REQUIREMENTS

This review is completed within the legislated and policy timeframes.

2. ENTITLEMENTS

Health Care, Mental Health And Access To Psychological Counselling:

Busch was not seen by the staff Psychologist for this Fifth Working Day Review. There are no concerns that would preclude his continued placement in Administrative Segregation at this time.

Busch had access to Health care services upon receipt of a request. He indicated at the time of this review that he does not want to speak with the psychologist and has not requested health services.

Access to Correctional Programs or Interventions:

Not applicable.

Access to Case Management Services:

Busch was not seen by his Parole Officer since admission to Segregation as there was no pressing case management issues requiring immediate attention.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## Rationale:

## Access to Spiritual Support:

Busch was given access to spiritual support. He indicated at the time of this review that he wishes to speak with the chaplain. A referral was made however the Chaplain was not available over the weekend.

## Exercise:

Busch was given the opportunity to exercise for at least one hour every day.

## Visits:

Busch has not had any visits while in segregation.

## Showers:

Busch was provided the opportunity to shower at least every second day.

## Personal Effects

Not applicable.

## 3. SECURITY ISSUES

In accordance with CD 567-3, Busch requires the standard use of restraint equipment at this time.

## Incompatibility Issues

Consultation with the Security Intelligence Department on 2011/10/31 and a review of file information identifies the following incompatibility issues:

Not applicable for this review.

## 4. OVERALL ASSESSMENT

## Segregation Review Board Comments on Reintegration Plan

## Placement To Administrative Segregation:

CCRA 31(3-A) JEP INST/OTH IND (jeopardize institution/other individuals)

During a random routine cell search of cell 004 on D cellblock that is single occupied by Busch, a home-made weapon was discovered in his photo album. The search for this weapon was intensified when fresh marks consistent with sharpening were discovered. Paranoia was the noted reason given by Busch as the reason he possessed the weapon. He also advised he has not been sleeping, not attending gym, and feeling out of sorts for a while.

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Rationale:

## REINTEGRATION PLAN TO ALLEVIATE SEGREGATION

Busch will be released to C Unit.

Alternatives to Segregation (Gen Pop, TRU, SLE, Transfer, etc.):

Based on the above information and the analysis of all available information in this case, the SRB is of the opinion that Busch can be released from segregation as there is another reasonable alternative to segregation (C Unit). It is expected that the inmate will be released from segregation 2011/10/31.

## 5. INMATE COMMENT

Busch provided the following comments regarding his placement into segregation and current plan for release from segregation:

Busch indicated he found a piece of metal outside of the cage yard on D Unit. He fashioned it into a weapon by sharpening it against his cell wall. Busch indicated he did so because he was experiencing feelings of paranoia due to his medication that had been changed. He felt someone was out to cause him harm despite no evidence to suggest this was the case. Busch indicated his medication regime is now stabilized, he is sleeping better, and not experiencing paranoia. He was encouraged to report any symptoms to staff members in the event these feelings reoccur. He agreed. He is also in agreement with moving to C Unit as he realizes some of the offenders on the SLE are concerned about his weapon possession.

## 6. RECOMMENDATION

## 31(3) (a) release

Recommend that you be released from Segregation to C cellblock as we no longer have reason to believe that you pose a risk to jeopardize the security of the Institution or the safety of any person.

"If you remain in segregation, your case will be reviewed by the Regional Segregation Oversight Manager within 60 days. The Regional Segregation Review Board, which will be chaired by the Assistant Deputy Commissioner Institutional Operations, will review your case within 120 days in segregation and every 60 days following. This review will be based on information used in the most recent institutional 30 day review and on any other new information that may become available after that time. Every reasonable effort will be made to ensure that any new information will be provided to you in time to provide the opportunity to make representation. You will have five working days to submit representations after receipt of any institutional review. You may submit representations to an institutional staff member, which will then be forwarded to the Regional Headquarters."

## 7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If you are not satisfied with the decision of the Institutional Head, you may

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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**Rationale:**

submit a grievance directly to the Deputy Commissioner of the Prairie Region within 30 days of receipt of this Segregation Review Board Report.

CHAIRPERSON - SIGNATURE

\_\_\_\_\_  
Signature  
KORNBERGER, DARREN R  
MGR ASSESSMENT INTERVENTION

Y    M    D  
|    |    |  
Date

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

**RELEASE FROM SEGREGATION**

**Rationale**

I order Busch be released from segregation to C Cellblock effective 2011/10/31.

You are being advised that should you disagree with this decision, you may provide written or verbal representation to the Regional Segregation Review Board within thirty (30) days of receipt of this Institutional Segregation Review Board Report.

Decision Date	Effective Date
2011/10/31	2011/10/31

DECISION MAKER - SIGNATURE

\_\_\_\_\_  
HARTLE, KELLY  
WARDEN

Y    M    D  
|    |    |  
Date

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y    M    D  
|    |    |  
Date

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
----------------------------------	--

Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

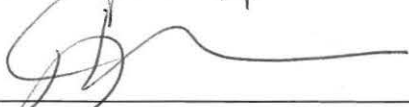
REVIEW OF OFFENDER'S SEGREGATED STATUS  
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Documents relating to administrative segregation placement #7 dated December 19, 2011 – December 28, 2011.

This is **Exhibit G**  
to the Affidavit of James Busch  
sworn before me on 14 Dec 2016



---

Commissioner for Taking Affidavits in the  
Province of British Columbia.

Correctional Service  
Canada

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IMMEDIATE NEEDS IDENTIFICATION AND REFERRAL: SUICIDE

IDENTIFICATION	SENTENCE MANAGEMENT
FPS: [REDACTED]	Sentence: Years <b>LIFE</b> Months Days
Family Name: <b>BUSCH</b>	Sentence Number: <b>3</b>
Given Name(s): <b>JAMES LEE</b>	Sentence Commencement: <b>2010/07/28</b>
Sex: <b>MALE</b>	UTA: <b>2022/07/06</b>
DOB: <b>1977/03/25</b>	DPE: <b>2022/07/06</b>
Citizenship: <b>CANADIAN</b>	FPR: <b>2025/07/06</b>
Deportable: <b>NO</b>	SRD:
Marital Status: <b>SINGLE</b>	WFD:
Preferred Language: <b>ENGLISH</b>	LTED:
Home Language: <b>ENGLISH</b>	APR: <b>NO</b>
Need for Translator: <b>NO</b>	PED set at 1/2: <b>NO</b>
Alias(es): <b>YES</b>	Judicial Review: <b>NO</b>
	Long Term Supervision: <b>NO</b>

KEY QUESTIONS

Make an immediate referral (by telephone or in person) to a health care professional, if on site, and inform the Duty Correctional Manager, if 'yes' to any of the following:

- NO Have you been feeling hopeless, thinking that life is not worth living?
- NO Have you been thinking within the last week about hurting yourself?
- NO Have you been thinking within the last week about killing yourself?

Comment:

KEY INFORMATION/OBSERVATIONS

Make an immediate referral (by telephone or in person) to a health care professional, if on site, and inform the Duty Correctional Manager if any of the following apply:

- NO You have received reports that the inmate has threatened to attempt suicide.
- NO You are very concerned that the inmate is not safe (i.e. that he/she may attempt suicide).
- NO You are aware that the inmate has a history of suicide attempts and is currently emotionally distressed

Comment:

SUPPLEMENTARY QUESTIONS

Offer a non-urgent referral to a health care professional (Form CSC/SCC 0450, attach the completed Suicide Risk Checklist) if 'yes' to any of the following questions. If the inmate declines this offer, note this below.

- NO Have you been feeling sad or worried?
- YES Have you ever tried to kill yourself?
- NO Have you received any bad news recently?
- YES Have you ever been treated for emotional or mental health problems?

Comment: Inmate previously resided on Structured Living Cellblock and was removed due to weapon and inappropriate involvement in the drug trade and use on the cellblock.

OBSERVATIONS

Make a non-urgent referral to a health care professional (Form CSC/SCC 0450 - attach the completed Suicide Risk Checklist) if you observe the inmate exhibiting one or two of the following behaviours. Make an immediate referral (by telephone or in person) to a health care professional, if on site, and inform the Duty Correctional Manager if you observe the inmate exhibiting three or more of the following behaviours.

IMMEDIATE NEEDS IDENTIFICATION  
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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. EDMONTON INSTITUTION

- NO Inmate is crying/tearful
- NO Inmate reports inability to sleep or poor appetite
- NO Inmate is withdrawn or uncommunicative
- NO Inmate has been giving away possessions
- NO Inmate shows signs of recent injury (e.g. cuts, burn marks, bruises)
- NO Inmate shows bizarre behaviour, suggesting serious mental disorder

Comment:

**ACTIONS TAKEN**

Respond to all that apply:

- NO Immediate referral (by phone or in person) made to a health care professional
- YES Informed the Duty Correctional Manager
- NO Non-urgent referral made to a health care professional using form CSC/SCC 0450
- NO Inmate offered a non-urgent referral to a health care professional, but declined; referral not made
- NO No action

Comment: Psychology, chapel and health care advised of segregation status

**COMMENTS:**

Segregation placement

Completing Officer - Signature

AUSTIN, KEVIN G  
CORRECTIONAL MANAGER

Date  
Y M D  
2011/12/19

CSC Supervisor - Signature

Date  
Y M D

IMMEDIATE NEEDS IDENTIFICATION  
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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. EDMONTON INSTITUTION

Copy provided to offender by:

Signature _____	Date		
	Y	M	D
_____			

IMMEDIATE NEEDS IDENTIFICATION  
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REVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW

Decision Number 9  
Decision Date 2011/12/28

Completing Operational Unit  
EDMONTON INSTITUTION

Current Institution or Address  
EDMONTON INSTITUTION

PUT AWAY ON FILE >	See distribution
FPS Number [REDACTED]	
Family Name BUSCH	
Given Name(s) JAMES LEE	
Date of Birth 1977/03/25	

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2011/12/19	

Accumulated days in segregation 8

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:  
This is the Admission/Placement of inmate BUSCH, JAMES FPS # [REDACTED] into Administrative Segregation.

REASON FOR ADMINISTRATIVE SEGREGATION

31 3A CCRA 31(3-A) JEP INST/OTH IND = (jeopardize institution/other individuals)

On December 16, 2011 you were involved in an incident with other inmates on the upper range of C cellblock. Video evidence of this incident and reviews of reports have identified you as the instigator in an assault of another inmate and from that incident a fight with a second inmate who resides on C cellblock. Your residency on C has not been easy as there have been several threats from others towards your person and a general feeling of not approving your residency. This negative feeling towards you has not been acted upon by other inmates and your recent attack on this individual and fight with another resident has made your integration on C not possible.

Based on the above information the inmate has been placed into administrative segregation under Section 31 (3 - A) of the Corrections and Conditional Release Act, Jeopardy to the Security of the Institution, as it is believed that the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person.

All reasonable alternatives to administrative segregation have been considered. The following list, while not exhaustive, has been reviewed as alternatives for consideration prior to placement in administrative segregation.

- a. Confinement to cell
- Voluntary lock-up as an option in this case was reviewed and deemed inappropriate as there is a demonstrated risk that the inmate currently presents of such magnitude that confinement to his cell would not sufficiently manage this risk. An extended orientation period was used to enable mediation and work out problems that made it possible for your residency on C cellblock to work to the extent it did. Further confinement would not enable a reintegration to C as acceptance is no longer possible.

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FIFTH WORKING DAY REVIEW  
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Page 2

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## Rationale:

## b. Mediation

The risk that the inmate currently presents cannot adequately be addressed any further with mediation and/or counselling. Mediation had worked to the extent that no active attacks on your person have been made. Your residency on C was not favoured by many of the inmates, and it is no longer deemed able to be mediated.

## c. Change of cell/range/unit

There are no alternative cells or units that would serve to separate the inmate from other inmates and sufficiently manage the risk posed to the safety and security of the institution. Your attack on another person in the manner in which you did (attack without warning and when not anticipated) makes you a risk to others. Your recent removal from the structured living cellblock due to the possession of a weapon make your risk factor to others high. Other cellblocks may be possible, but not at this time.

## d. Other (alternatives unique to the institution or situation)

Use of force No, the inmate was segregated on the cellblock.

Have adequate bedding, clothing and toiletries been issued? Yes, he has retained his possessions at this time and is segregated on the cellblock.

The following information was shared with the inmate:

Commissioner's Directive - 709 Administrative Segregation

Commissioner's Directive - 567(1-5) Use of Force

Has health care staff been notified? Yes he was seen post use of force and decontamination due to OC spray being used.

Was the inmate seen by health care staff at the time of placement? No as the determination was made after he was seen and no force or other actions were taken towards the inmate

Has a Chaplain or Elder been requested? No, but the chaplains are aware of his situation.

Has psychology been notified or requested by the inmate prior to the segregation placement? Yes his situation was passed onto psychology.

Has the immediate needs assessment been completed and entered into OMS prior to the placement into segregation, YES.

## USE OF RESTRAINT EQUIPMENT:

Following an individual risk assessment, restraint equipment may be authorized to protect staff, inmates and the public in the following circumstances:

a) to escort inmates within the institution, including:

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Page 3

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. EDMONTON INSTITUTION

## Rationale:

- i) escorting to segregation, yes  
 ii) escorting from segregation, yes  
 iii) escorting a high-risk inmate, N/A  
 iv) movement within the Special Handling Unit; N/A
- b. as a precautionary measure against escape or as necessary for controlling inmates under escort outside the institution for any purpose other than work, including:
- i) transfers, leg irons and handcuffs  
 ii) court appearances, leg irons and handcuffs  
 iii) medical and dental appointments, leg irons and handcuffs  
 iv) hospitalization, leg irons and handcuffs  
 v) interviews, Only if he becomes a behavioural problems and threatening  
 vi) other escorted temporary absences as approved; leg irons and handcuffs
- c. to prevent self-mutilation, injury to others, or property damage, when all other reasonable methods of control have been tried and have failed, or are not the safest and most reasonable intervention given the situational factors.

"If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Regional Deputy Commissioner. If you are not satisfied with the conditions of confinement in segregation and the treatment that you have received, you may submit a grievance to the Institutional Head, as per section 90 of the CCRA, paragraph 75(b) of the CCRR and paragraph 42 of CD 081. You have the right to address sensitive or urgent requests to the Institutional Head in a sealed envelope, which will be provided upon request".

This segregation placement was completed by K. Austin Correctional Manager

Amended Reason (if applicable):

Effective Date:

Comment:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 4

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## SEGREGATED STATUS UPDATE

Synopsis of segregated status

## TYPE OF REVIEW:

This is James Busch's 5-Day Review of his placement into Segregation. Busch was admitted into segregation 31(3-A) on 2011/11/19.

## SYNOPSIS OF CASE:

Busch is an Aboriginal male serving his third Federal sentence. He is serving a Life Sentence (Parole Eligibility Date 15 years) for Second Degree Murder. He was penitentiary placed to Edmonton Institution. His next security review is scheduled for 2012/11.

## Placement To Segregation:

CCRA 31(3-A) JEP INST/OTH IND (jeopardize institution/other individuals)

On 2011/12/16 Busch was involved in an incident with other inmates on the upper range of C cellblock. Video evidence of this incident and reviews of reports have identified him as the instigator in an assault of another inmate. From that incident a fight with a second inmate who resides on C cellblock occurred. His residency on C has not been easy as there have been several threats from others towards him. A general feeling of him being unwelcome exists. As a result removal from C Unit was necessary.

## SEGREGATION HISTORY:

Busch has two previous Segregation placement while at Edmonton Institution during this sentence. On 2011/02 he was admitted to Segregation after being threatened on C Unit/Pathways. On 2011/10 he was segregated after a homemade weapon was found in his possession on the SLE. Since release he was placed on C Unit.

## CONSULTATION WITH SECURITY INTELLIGENCE OFFICER:

Security Intelligence Officers were not consulted prior to this review however further attempts will be made.

## INCOMPATIBILITY ISSUES:

Busch has no known incompatibles at Edmonton Institution however his recent behaviour on C Unit will require further analysis of this area.

## OTHER RELEVANT CONSULTATIONS:

Not applicable.

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 FIFTH WORKING DAY REVIEW  
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Page 4 of 10

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Page 5

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Synopsis of segregated status

CURRENT PLAN TO ALLEVIATE SEGREGATION STATUS:

The CMT will explore all options with respect to Busch's return to a unit at Edmonton Institution.

Signature  
 KINDRACHUK, KEVIN M  
 PAROLE OFFICER

Y	M	D
Date		

ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date		
Y	M	D

REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation NO

Reason

Rebuttal Received from Offender:	NO	Type of Rebuttal	Dated
Date Received		Date Recorded	

Synopsis

ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date 2011/12/28 Time 09:00  
 Offender Appeared in Person YES

Recommendation RELEASE FROM SEGREGATION

Rationale:

1. PROCEDURAL SAFEGUARDS

Segregation Review Board Members

The Segregation Review Board was made up of:

Chairperson/Manager Assessment Intervention: M. Jacknicke  
 Correctional Manager: C. Saint  
 Parole Officer: K. Kindrachuk

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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 CSC 2019-1 (R-97-08) OMS VERS (1)  
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## REV ISO/SEG REV

Page 6

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 A  B  C  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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## Rationale:

Psychologist: D. Sawh  
 Security Intelligence Officer: none

## Inmate Attendance at Segregation Review Board:

Busch was notified of his right to attend the Segregation Review Board. He appeared before the Segregation Review Board on 2011/12/28.

## Information Sharing:

File information shows Busch received notification of this review and sharing of information that will be used for this review. Sharing was completed on 2011/12/22 by Jillian Morrow.

## RIGHT TO RETAIN LEGAL COUNSEL UPON PLACEMENT IN SEGREGATION and SEGREGATION HANDBOOK

Busch indicated that he received a copy of the Segregation Handbook upon his placement into Segregation. He also indicated that he received access to make a legal call following his placement into Segregation.

## HEARING REQUIREMENTS

This review is completed within the legislated and policy timeframes.

## 2. ENTITLEMENTS

## Health Care, Mental Health And Access To Psychological Counselling:

Busch was not seen by the staff Psychologist for this Fifth Working Day Review. There are no concerns that would preclude his continued placement in Administrative Segregation at this time.

Busch was also given access psychological services and health care services upon receipt of a request.

## Access to Correctional Programs or Interventions:

Not applicable.

## Access to Case Management Services:

Busch was not seen by his Parole Officer since admission to segregation as there was no pressing case management concerns requiring immediate attention.

## Access to Spiritual Support:

Busch was given access to spiritual support. He indicated at the time of this review that he does not want to speak with the chaplain/aboriginal elder or other appropriate spiritual advisor.

## Exercise:

Busch was given the opportunity to exercise for at least one hour every day.

## Visits:

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
 Ce formulaire existe aussi en français.  
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Page 6 of 10

## REV ISO/SEG REV

Page 7

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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Rationale:

Busch has not had any visits while in segregation.

## Showers:

Busch was provided the opportunity to shower at least every second day.

## Personal Effects

Not applicable.

## 3. SECURITY ISSUES

In accordance with CD 567-3, Busch requires the standard use of restraint equipment at this time.

## Incompatibility Issues

Consultation with the Security Intelligence Department on 2011/12/28 and a review of file information identifies the following incompatibility issues:

Busch has no known incompatibles on C Unit at Edmonton Institution.

## 4. OVERALL ASSESSMENT

## Segregation Review Board Comments on Reintegration Plan

## Placement To Administrative Segregation:

CCRA 31(3-A) JEP INST/OTH IND (jeopardize institution/other individuals)

On 2011/12/16 Busch was involved in an incident with other inmates on the upper range of C cellblock. Video evidence of this incident and reviews of reports have identified him as the instigator in an assault of another inmate. From that incident a fight with a second inmate who resides on C cellblock occurred. His residency on C has not been easy as there have been several threats from others towards him. A general feeling of him being unwelcome exists. As a result removal from C Unit was necessary.

## Alternatives to Segregation (Gen Pop, TRU, SLE, Transfer, etc.):

Based on the above information and the analysis of all available information in this case, the SRB is of the opinion that Busch can be released from segregation status as there is another reasonable alternative to segregation (return to C Unit regular routine). It is expected he will be released from segregation status on 2011/12/28.

## 5. INMATE COMMENT

Busch provided the following comments regarding his placement into segregation and current plan for release from segregation:

Busch indicated he wanted to stay on C Unit. Mediation efforts were completed by CM Saint. Busch has no concerns remaining on C Unit but will maintain a lower profile.

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 FIFTH WORKING DAY REVIEW  
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Page 7 of 10

REV ISO/SEG REV

Page 8

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PERSONAL INFORMATION BANK

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Rationale:

6. RECOMMENDATION

31(3) (a) release

Recommend that you be released from Segregation status to C cellblock's regular routine as we no longer have reason to believe that you jeopardize the safety of the institution.

"If you remain in segregation, your case will be reviewed by the Regional Segregation Oversight Manager within 60 days. The Regional Segregation Review Board, which will be chaired by the Assistant Deputy Commissioner Institutional Operations, will review your case within 120 days in segregation and every 60 days following. This review will be based on information used in the most recent institutional 30 day review and on any other new information that may become available after that time. Every reasonable effort will be made to ensure that any new information will be provided to you in time to provide the opportunity to make representation. You will have five working days to submit representations after receipt of any institutional review. You may submit representations to an institutional staff member, which will then be forwarded to the Regional Headquarters."

7. OPPORTUNITY FOR INMATE GRIEVANCE OF THE DECISION

If you are not satisfied with the decision of the Institutional Head, you may submit a grievance directly to the Deputy Commissioner of the Prairie Region within 30 days of receipt of this Segregation Review Board Report.

CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature  
JACKNICKE, MIKE  
A/MGR ASSESSMENT INTERVENTION

FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

RELEASE FROM SEGREGATION

Rationale:

I order Busch be released from segregation status to C cellblock regular routine effective immediately.

You are being advised that should you disagree with this decision, you may provide written or verbal representation to the Regional Segregation Review Board within thirty (30) working days of receipt of this Institutional Segregation Review Board Report.

Decision Date	Effective Date
2011/12/28	2011/12/28

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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Page 9

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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DECISION MAKER - SIGNATURE

\_\_\_\_\_

HARTLE, KELLY  
WARDEN

Y    M    D  
|    |    |  
Date

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_

Offender's Signature

Y    M    D  
|    |    |  
Date

Staff Member's signature who shared the information:

\_\_\_\_\_

Staff Member's Signature

Y    M    D  
|    |    |  
Date

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_

Witness' Signature

Y    M    D  
|    |    |  
Date

\_\_\_\_\_

Witness' Signature

Y    M    D  
|    |    |  
Date

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_

Witness' Signature

Y    M    D  
|    |    |  
Date

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FIFTH WORKING DAY REVIEW  
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Page 10

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. EDMONTON INSTITUTION
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Y	M	D
Date		

Witness' Signature \_\_\_\_\_

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Documents relating to administrative segregation placement #8 dated October 29, 2015 – November 12, 2015.

This is **Exhibit H**  
to the Affidavit of James Busch  
sworn before me on 14 Dec 2016



\_\_\_\_\_  
Commissioner for Taking Affidavits in the  
Province of British Columbia.

Correctional Service  
Canada

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IMMEDIATE NEEDS IDENTIFICATION AND REFERRAL: SUICIDE

IDENTIFICATION		SENTENCE MANAGEMENT				
FPS:	[REDACTED]	Sentence:	Years	LIFE	Months	Days
Family Name:	BUSCH	Sentence Number:	3			
Given Name(s):	JAMES	Sentence Commencement:	2010/07/28			
	LEE	UTA:	2022/07/06			
Sex:	MALE	DPE:	2022/07/06			
DOR:	1977/03/25	FPE:	2025/07/06			
Citizenship:	CANADIAN	SRE:				
Deportable:	NO	WED:				
Marital Status:	SINGLE	LTED:				
Preferred Language:	ENGLISH	APR:	NO			
Home Language:	ENGLISH	PED set at 1/2:	NO			
Need for Translator:	NO	Judicial Review:	NO			
Alias(es):	YES	Long Term Supervision:	NO			

Reason for Assessment: ADMISSION TO SEGREGATION

Reason for Assessment:

BACKGROUND QUESTIONS

Required Action: If the offender answers "Yes" to any or all of these questions or does not respond and is NOT exhibiting either of the behavioural signs described in the Behavioural Observations section: -a referral is not necessary -tell the offender that he/she can meet with a mental health professional by submitting a request.

- NO Have you been feeling sad?
- NO Have you been feeling worried?
- NO Have you received any bad news recently?
- YES Have you ever been treated for emotional or mental health problems?

KEY QUESTIONS

Required Action: If the offender answers "Yes" to any of these questions, displays either of the behavioural signs, or does not respond and displays either of the behavioural signs, make an immediate referral to a mental health professional. The referral must be made (by telephone or in person) to a mental health professional, if on site and the Duty Correctional Manager must be informed. In addition, a referral must be made by using form 4000-01 (Referral for Health Services). If you make an immediate referral, the inmate should not be left unsupervised until he/she has been seen by a mental health professional.

- NO Within the last three months, have you done anything or prepared to do anything with the intent to die? Examples: taken pills, cut yourself with the goal to end life, tried to hang yourself, collected pills, created a noose/ligature, wrote a suicide note, gave away needed possessions, etc...?
- NO Are you thinking about killing yourself now?
- NO Do you have a plan to kill yourself?
- NO Do you wish you were dead?

BEHAVIOURAL OBSERVATIONS

- NO Shows signs of significant agitation (extremely stirred up, excited, or extremely tense), or significant emotional distress, to the point that you have serious concerns about the offender's risk for suicide.

ACTION TAKEN

Required Action: (select one)

- YES Provided instruction for self-referral

IMMEDIATE NEEDS IDENTIFICATION  
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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. KENT INSTITUTION

NO Immediate Referral

ADDITIONAL INFORMATION

Comments:

COMMENTS:

Seg Placement - No issues

Completing Officer - Signature

CARLSON, GLENN  
CORRECTIONAL OFFICER II

Date  
Y M D  
2015/10/29

CSC Supervisor - Signature

MULLEN, ALAN  
A/CORRECTIONAL MANAGER

Date  
Y M D  
2015/10/29

Copy provided to offender by:

Signature

Date  
Y M D  
[ ] [ ] [ ]

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REVIEW OF OFFENDER'S  
SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW

Decision Number 25  
Decision Date 2015/11/04

Completing Operational Unit  
KENT INSTITUTION

Current Institution or Address  
KENT INSTITUTION

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FPS Number  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2015/10/29	

Accumulated days in segregation 6

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:

1. Incident Description:

I/M BUSCH was observed to to run up behind another inmate and leap in the air and punch the inmate in the back of the head. Direct orders were issued by officers but BUSCH continued the assault by continuing to punch the other inmate. Several more direct orders were issued followed by OC spray and BUSCH continued violently punching the inmate in the back of the head. More OC spray had to be deployed and also physical handling utilized to stop the incident.

Inmate BUSCH was emergency involuntarily transferred to Kent from Mountain Institution. At this point the full information is unknown and also the inmate is classified as a medium security inmate. As such no other reasonable option exists other than segregation.

Inmate BUSCH is identified as an Aboriginal inmate. In terms of Aboriginal Social History, an Elder Review was completed 2012-08-29 by B. O'Chiese while at Edmonton Institution. Mr. BUSCH is from Cold Lake First Nations in Alberta. A healing plan was developed which incorporates recreational activities, health, one-to-one counselling with Elders to reinforce ceremonies and Aboriginal teachings, referrals to Aboriginal institutional programs (including addressing substance abuse issues), and participation in pipe ceremonies, smudging and sweat lodges in order to endorse cultural knowledge and identity. Mr. BUSCH has had the opportunity to engage in Aboriginal events, ceremonies, sweats, counselling, etc. while at Mountain Institution.

2. Segregation Assessment Tool:

Segregation Assessment Tool (SAT)

Instructions: Respond to all blue fields

Is the tool being completed to assess admission or as part of a review? Admission

Note: For the assessment of an admission, complete all sections of the tool. For a review, you are only required to complete the "reason for admission" and "establishing the facts" sections if the reason for the placement in Administrative Segregation has changed.

Reason for admission

What is the reason for the administrative segregation admission to be assessed? 31  
(a)

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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 PERSONAL INFORMATION BANK

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## Rationale:

Has the inmate acted or does the inmate intend to act in a manner that jeopardizes the security of the institution and/or the safety of other individuals? Yes

Has the inmate acted or does he/she intend to act in this manner? The inmate has acted in this manner.

Select the specific behaviour demonstrating that the inmate has acted or inmate intends to act in a manner that jeopardizes the security of the institution and/or the safety of other individuals: Assault

## Establishing the facts

Was the behaviour witnessed by staff? Yes

Was the behaviour reported by multiple sources? Yes

Was the behaviour brought forward to staff by source(s) believed to be reliable? Yes

Ensure these facts are documented in a Statement/Observation Report (SOR).

## Risk Assessment

Severity of the threat that will actualize if the inmate is not segregated? High

Does the threat that may actualize if the inmate is not admitted to segregation

include serious bodily injury, incitement of others to compromise the safety/security of the institution, or major destruction of property? Yes

Likelihood that the threat will actualize if the inmate is not segregated? High

Is the behaviour ongoing? Yes

Is the inmate threatening more or similar behaviour? Yes

Is there reliable information that indicates the intention and imminence of similar behaviour in the future? Yes

Will the continued placement outside of segregation compromise the security of the institution, the safety of another person and/or an investigation? Yes

Is containment of the behaviour in question possible outside of segregation? No

Alternatives considered and eliminated as viable options:

Change in unit? Yes

Transfer (intra or inter-regional)? Yes

Voluntary cell confinement? Yes

Mediation? Yes

Culturally appropriate/restorative alternatives? Yes

Intermediate Mental Health Care placement? Yes

## Consultation

Has consultation occurred with members of the Case Management Team? N/A (These staff members are unavailable for consultation at this time. Consultation will occur at the earliest possible opportunity).

Specify if the following members have been consulted:

Parole Officer? N/A (These staff members are unavailable for consultation at this time. Consultation will occur at the earliest possible opportunity).

Health Care Staff? Yes

Chaplain? N/A (These staff members are unavailable for consultation at this time. Consultation will occur at the earliest possible opportunity).

Elder? N/A (These staff members are unavailable for consultation at this time.

Consultation will occur at the earliest possible opportunity).

Other? Yes

Specify other: SIO Officer and DW

## Additional Considerations

Has the inmate's state of health and have his/her health care needs been taken into consideration? Yes

Have any readily apparent physical or mental health concerns that should be taken into consideration in the decision to place an inmate in administrative segregation been

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Page 2 of 13

## REV ISO/SEG REV

Page 3

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 A  B  C  
 PERSONAL INFORMATION BANK

FFS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
----------------------------------	--

## Rationale:

considered? Yes  
 Does the incompatibility assessment indicate a valid and relevant existing  
 incompatibility between offenders? No

## Tool Result

Administrative segregation not justified: Do not admit or release from segregation

Reason is valid? Yes  
 Facts established? Yes  
 Risk severity and likelihood are moderate to high? Yes  
 Safety/security of institution compromised? Yes  
 Behaviour cannot be contained outside of segregation? Yes  
 All alternatives considered and eliminated as viable options? Yes  
 Consultation has occurred? Yes  
 Additional considerations? No

## 3. Procedural Safe Guards:

## Admission to Segregation

Use of Force  
 Use of force? Yes  
 Was use of force necessary in completing this administrative segregation admission?  
 Yes  
 What are the details of that use of force? Physical handling, OC Spray  
 Bedding, clothing and toiletries  
 Have adequate bedding, clothing and toiletries been issued? Yes  
 At what time were adequate bedding, clothing and toiletries issued? 10:15  
 If applicable, list any other effects that were allowed on admission to segregation:  
 No  
 Previous cell secured  
 Has the inmate's previous cell been secured? Unknown, Inmate transferred from  
 Medium  
 On what date? 2015-10-29  
 At what time? 1005  
 Officer(s) who secured the cell?  
 Administrative Segregation Handbook  
 Has the Administrative Segregation Handbook for Inmates been issued? Yes  
 On what date? 2015-10-29  
 At what time? 10:05  
 Who was the issuing officer? CXII Carlson  
 Chaplain/Elder/Aboriginal Officer  
 Has the inmate been offered the opportunity to see a Chaplain, Elder, or Aboriginal  
 Officer? Yes  
 Was the Chaplain, Elder or Aboriginal Officer notified? No  
 Is any follow-up required? No

## Health Needs

Health Services Notification? Yes  
 On what date and at what time were Health Services notified and by whom? 2015-10-29  
 at 1030 by Operations CM

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Page 3 of 13

REV ISO/SEG REV

Page 4

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 A  B  C  
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Rationale:

On what date and at what time did health care staff meet with the inmate and who met with the inmate? 2015-10-29 at 1515

If health care staff is not on site, has the officer in charge asked the inmate if he/she has any health concerns or requires medical attention? N/A

Are there any readily apparent physical or mental health concerns (pursuant to section 87 of the CCRA) that should be taken into consideration in the decision to place an inmate in administrative segregation? No

Did the inmate require outside hospital care? No  
 Has the Immediate Needs Checklist - Suicide Risk (CSC/SCC 1433) been completed prior to the segregation admission? Yes

Was the inmate informed of the right to engage an advocate to assist in the ISRB? (If the inmate is identified with acute or high level of mental health needs.) N/A

All Procedural Safeguards Met? Yes

Procedural Safeguards Met in the following areas?

Use of Force Yes  
 Bedding, clothing, and toiletries Yes  
 Previous cell secured Yes  
 Administrative Segregation Handbook Yes  
 Chaplain/Elder/Aboriginal Officer Yes  
 Health Needs Yes

4. Recommendation- "Admit to Segregation"

Amended Reason (if applicable):

Effective Date:

Comment:

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## REV ISO/SEG REV

Page 5

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 A  B  C  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
----------------------------------	--

## SEGREGATED STATUS UPDATE

## Synopsis of segregated status

Fifth Working Day Review: 2015-11-04

At the time of this segregation review, inmate BUSCH will have been segregated for 6 days.

## Re-Integration Plan:

I/M BUSCH was observed to run up behind another inmate and leap in the air and punch the inmate in the back of the head. Direct orders were issued by officers but BUSCH continued the assault by continuing to punch the other inmate. Several more direct orders were issued followed by OC spray and BUSCH continued violently punching the inmate in the back of the head. More OC spray had to be deployed and also physical handling utilized to stop the incident.

Inmate BUSCH is identified as an Aboriginal inmate. In terms of Aboriginal Social History, an Elder Review was completed 2012-08-29 by B. O'Chiese while at Edmonton Institution. Mr. BUSCH is from Cold Lake First Nations in Alberta. A healing plan was developed which incorporates recreational activities, health, one-to-one counselling with Elders to reinforce ceremonies and Aboriginal teachings, referrals to Aboriginal institutional programs (including addressing substance abuse issues), and participation in pipe ceremonies, smudging and sweat lodges in order to endorse cultural knowledge and identity. Mr. BUSCH has had the opportunity to engage in Aboriginal events, ceremonies, sweats, counselling, etc. while at Mountain Institution.

Inmate BUSCH was emergency involuntarily transferred to Kent from Mountain Institution. At this point the full information is unknown and also the inmate is classified as a medium security inmate. As such no other reasonable option exists other than segregation. Upon Mr. BUSCH's security classification being reviewed, if determined to be a Maximum security inmate, he will be reviewed for our Unit 2 population.

Y	M	D

Date

Signature  
 WICE, TONYA  
 ADMINISTRATIVE ASSISTANT

## ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date  
 Y M D

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 5 of 13

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Page 6

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 PERSONAL INFORMATION BANK

FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. KENT INSTITUTION

## REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation

Reason

Rebuttal Received from Offender: Date Received	Type of Rebuttal Date Recorded	Dated
---	-----------------------------------	-------

Synopsis

## ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date	2015/11/04	Time	09:00
Offender Appeared in Person	YES		

Recommendation MAINTAIN IN SEGREGATION

Rationale:

SEGREGATION REVIEW BOARD  
 5TH WORKING DAY REVIEW - BUSCH FPS#: [REDACTED]  
 2015-11-04

## 1) INCIDENT DESCRIPTION:

I/M BUSCH was observed to run up behind another inmate and leap in the air and punch the inmate in the back of the head. Direct orders were issued by officers but BUSCH continued the assault by continuing to punch the other inmate. Several more direct orders were issued followed by OC spray and BUSCH continued violently punching the inmate in the back of the head. More OC spray had to be deployed and also physical handling utilized to stop the incident.

Inmate BUSCH is identified as an Aboriginal inmate. In terms of Aboriginal Social History, an Elder Review was completed 2012-08-29 by B. O'Chiese while at Edmonton Institution. Mr. BUSCH is from Cold Lake First Nations in Alberta. A healing plan was developed which incorporates recreational activities, health, one-to-one counselling with Elders to reinforce ceremonies and Aboriginal teachings, referrals to Aboriginal institutional programs (including addressing substance abuse issues), and participation in pipe ceremonies, smudging and sweat lodges in order to endorse cultural knowledge and identity. Mr. BUSCH has had the opportunity to engage in Aboriginal events, ceremonies, sweats, counselling, etc. while at Mountain Institution.

## 2) COMPLETION OF THE SEGREGATION ASSESSMENT TOOL:

Segregation Assessment Tool (SAT)

Instructions: Respond to all blue fields

Is the tool being completed to assess admission or as part of a review? Review

Note: For the assessment of an admission, complete all sections of the tool. For a review, you are only required to complete the "reason for admission" and "establishing the facts" sections if the reason for the placement in Administrative Segregation has changed.

Reason for admission

What is the reason for the administrative segregation admission to be assessed?

REVIEW OF OFFENDER'S SEGREGATED STATUS

FIFTH WORKING DAY REVIEW

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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Rationale:

## Risk Assessment

Severity of the threat that will actualize if the inmate is not segregated? Moderat  
 Does the threat that may actualize if the inmate is not admitted to segregation  
 include non-serious bodily injury or minor destruction of property? Yes

Likelihood that the threat will actualize if the inmate is not segregated? Moderate  
 Is the behaviour ongoing? Yes  
 Is the inmate threatening more or similar behaviour? No  
 Is there reliable information that indicates the intention and imminence of similar  
 behaviour in the future? No

Will the continued placement outside of segregation compromise the security of the  
 institution, the safety of another person and/or an investigation? Yes  
 Is containment of the behaviour in question possible outside of segregation? Yes  
 Alternatives considered and eliminated as viable options:

Change in unit? Yes  
 Transfer (intra or inter-regional)? No  
 Voluntary cell confinement? Yes  
 Mediation? Yes  
 Culturally appropriate/restorative alternatives? Yes  
 Intermediate Mental Health Care placement? Yes

Consultation  
 Has consultation occurred with members of the Case Management Team? Yes  
 Specify if the following members have been consulted:

Parole Officer? Yes  
 Health Care Staff? Yes  
 Chaplain? Yes  
 Elder? Yes  
 Other? No

## Additional Considerations

Has the inmate's state of health and have his/her health care needs been taken into  
 consideration? Yes  
 Have any readily apparent physical or mental health concerns that should be taken into  
 consideration in the decision to place an inmate in administrative segregation been  
 considered? No  
 Does the incompatibility assessment indicate a valid and relevant existing  
 incompatibility between offenders? No

## Tool Result

Administrative segregation not justified: Do not admit or release from segregation

Reason is valid? N/A for Review  
 Facts established? N/A for Review  
 Risk severity and likelihood are moderate to high? Yes  
 Safety/security of institution compromised? Yes  
 Behaviour cannot be contained outside of segregation? No  
 All alternatives considered and eliminated as viable options? No  
 Consultation has occurred? Yes  
 Additional considerations? Mr. BUSCH is currently assessed as a Medium security inm  
 who was just Emergency Involuntary Transferred from Mountain Institution.

## 3) SEGREGATION REVIEW BOARD PROCEDURAL SAFEGUARDS AND INMATE NEEDS

## Segregation Review Board Procedural Safeguards and Inmate Needs

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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## Rationale:

## Procedural Safeguards

## ISRB Members

Identify those in attendance at the ISRB hearing, including their title. A/DW K. Schierer, CM T. Yolland, A/MAI R. Leech, Psychologist Neufeld, CX's Spyridis and Wilson.

## Inmate Attendance at the ISRB Hearing

Was the inmate notified of his/her right to attend the hearing? Yes  
 Did the inmate attend the hearing? Yes

If the inmate is assessed with acute or high (elevated/ substantial) mental health needs, has he/she been permitted the opportunity to engage an advocate to assist him/her with the ISRB process? N/A

## Information Sharing

Has the information that will be used by the ISRB to make a decision been shared with the inmate at least three working days prior to the date of the hearing? Yes  
 Indicate the date and time of the sharing and the name of the officer who completed the sharing. (The information that may be shared with the inmate may include but is not limited to Security Intelligence Officer gists, previous review information, etc.)  
 Shared on 2015-10-30 by CX2 Wilson

## Right to Retain Legal Counsel upon Placement in Segregation

Once the inmate has received his/her legal call, this question is no longer required in further reviews.

Did the inmate make a legal call on admission? Yes

If, at the time of admission the inmate chose to postpone his/her call to a later date/time, indicate if this was completed and when. N/A

## Administrative Segregation Handbook

Once the inmate has received his/her Administrative Segregation Handbook, this question is no longer required in further reviews.

Has the inmate received the Administrative Segregation Handbook for Inmates? (If this has been completed, then it does not need to be asked at subsequent hearings). Yes

## Hearing Requirements

Is the SRB hearing being held within the legislated timeframes (i.e. within five working days of placement in administrative segregation and once every 30 days following placement)? Yes

Was it confirmed that the placement in administrative segregation was entered as a continuation of segregation placement in OMS when an inmate is readmitted to administrative segregation after having been released for a period exceeding 24 hours for reasons such as court, outside hospital, temporary absence, or transfer, and is returned to administrative segregation for the same reason/incident as before. No  
 If not, explain why. Has not been removed from Segregation

## Inmate Needs

## Health Care, Mental Health and Access to Psychological Counselling

What is the outcome of the consultation with health care professionals regarding any physical and mental health issues that may impact the segregation status? No concerns noted

Are there any concerns in relation to the inmate's mental and/or physical state that would preclude his/her continued placement in administrative segregation and/or concerns of adverse effects of segregation on the inmate? No

If there are no concerns, indicate that there are no concerns and how it is evidenced (date, type of review, supporting documentation, etc.). psychology met with Mr. BUSCH prior to his review on 2015-11-04. No concerns where indicated which would

## REVIEW OF OFFENDER'S SEGREGATED STATUS

## FIFTH WORKING DAY REVIEW

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Page 8 of 13

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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## Rationale:

preclude Mr. BUSCH from remaining in segregation.  
 Has the inmate made a request to speak with a mental health professional for counselling? No

Are his/her health care needs met during the daily health care staff visits to administrative segregation? Yes  
 Does the inmate report at the hearing that he/she requires health care attention? N

Is any follow-up required in this area? No  
 Access to Correctional Programs or Interventions  
 What correctional programs or interventions are being accessed by the inmate while in segregation? MM Support  
 If the inmate has refused available programs or interventions, indicate which ones and why. (These may include educational self-study programs, individual or group programs.). N/A  
 Access to Case Management Services  
 Has the inmate been seen by his/her Parole Officer? Yes

Indicate frequency of meeting. Once Per Week  
 Access to Spiritual Support  
 Has the inmate requested to see the Chaplain, Elder, Aboriginal Liaison or other appropriate spiritual advisor? Yes  
 Has this occurred? Yes  
 At what frequency? Once Per Week

Exercise  
 Has the inmate been given the opportunity to exercise for at least one hour every day outdoors, weather permitting, or to exercise indoors where the weather does not permit exercising outdoors? Yes  
 If weather did not permit outdoor exercise and the institution's administrative segregation area does not allow for indoor exercise, what was done? N/A  
 Has the Segregation Log (CSC/SCC 0218) been reviewed for confirmation? Yes

Visits  
 Does the inmate receive visits? Yes  
 Has the inmate met with the Inmate Committee members or peer support? Yes  
 Does he/she wish to? Yes

Showers  
 Is the inmate provided the opportunity to shower at least every second day? Yes

Has the Segregation Log (CSC/SCC 0218) been reviewed for confirmation? Yes

Personal Effects  
 If, at the fifth-working-day review, the decision is made to retain the inmate in administrative segregation, the inmate is entitled to receive his/her personal effects within the following three working days. Once the inmate has received his/her personal effects, this heading is no longer required in further reviews.  
 At the time of this review, has the inmate received his/her personal effects? No,  
 as this is the first or fifth-working- day review.

All Procedural Safeguards and Inmate Needs Met? Yes

Procedural Safeguards/Inmate Needs Met in the following areas?  
 Procedural Safeguards  
 SRB Members Yes  
 Inmate Attendance at the SRB Hearing Yes  
 Information Sharing Yes  
 Right to Retain Legal Counsel upon Placement in Segregation Yes  
 Administrative Segregation Handbook Yes

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 9 of 13

REV ISO/SEG REV

Page 10

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FPS [REDACTED]	NAME BUSCH, JAMES LEE
DOB 1977/03/25	LOC. KENT INSTITUTION

Rationale:

Hearing Requirements Yes  
 Entitlements  
 Health Care, Mental Health and Access to Psychological Counselling Yes  
 Access to Correctional Programs or Interventions Yes  
 Access to Case Management Services Yes  
 Access to Spiritual Support Yes  
 Exercise Yes  
 Visits Yes  
 Showers Yes  
 Personal Effects Yes

4) RE-INTEGRATION ACTION PLAN

Inmate BUSCH was emergency involuntarily transferred to Kent from Mountain Institution. At this point the full information is unknown and also the inmate is classified as a medium security inmate. As such no other reasonable option exists other than segregation. Upon Mr. BUSCH's security classification being reviewed, if determined to be a Maximum security inmate, he will be reviewed for our Unit 2 population.

Currently the Segregation Assessment Tool indicates Mr. BUSCH is an Unjustified Segregation due to his risk being manageable within Kent Institution population. At this time Mr. BUSCH remains assessed as a Medium security inmate. As such until he has his security classification reviewed, he is unable to integrate into our population. As such the CMT is recommending this tool be over-ridden. If Mr. BUSCH's security classification is reassessed prior to his next segregation review, he will be seen via a Waiver to assess if he is able to integrate into our population.

INMATE COMMENTS:

Mr. BUSCH spoke about his wish to rebut his involuntary transfer.

5) RECOMMENDATION

Maintain in Segregation.

6) REGIONAL REVIEW

If you remain in segregation, your case will be reviewed by the Regional Project Officer within 45 days of your admission. The Regional Segregation Review Board, chaired by the Assistant Deputy Commissioner (Assistant Deputy Commissioner, Correctional Operations, or Assistant Deputy Commissioner, Integrated Services) will review your case if you reach 60 days in segregation and every 30 days thereafter. This review will be based on information used in the most recent institutional segregation review and any other new information that may become available after that time. You will have five working days to submit representations after receipt of any Regional Segregation Review Board report. You may submit representations to your Parole Officer, who will forward these to the Regional Headquarters.

7) RECORDING OF DECISIONS:

All factors relevant to the case were considered in rendering a decision, including your social history, and physical and mental health needs.

If you are not satisfied with the decision of the Institutional Head or you are not satisfied with the conditions of confinement or the treatment that you received, you

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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## Rationale:

may submit a grievance pursuant to sections 90-91 of the CCRA, sections 74-82 of the CCRR and CD 081 - Inmate Complaints and Grievances. You have the right to address sensitive information or urgent requests to the Regional Headquarters in a sealed envelope, which will be provided upon request.

You also have the right to either contact or file a complaint with the Office of the Correctional Investigator or the Canadian Human Rights Commission.

## CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature

SCHIERER, KAREN  
A/DEPUTY WARDEN

## FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

## MAINTAIN IN SEGREGATION

## Rationale

I have reviewed the recommendation of the Segregation Review Board to maintain you in segregation. Therefore, in accordance with the CCRA you are being maintained in segregation. I have considered any mental health concerns and medical conditions in my decision. I have considered your Aboriginal Social History in the making of my decision.

If you are not satisfied with the decision of the Institutional Head or you are not satisfied with the conditions of confinement or the treatment that you received, you may submit a grievance pursuant to sections 90-91 of the CCRA, sections 74-82 of the CCRR and CD 081 - Inmate Complaints and Grievances. You have the right to address sensitive information or urgent requests to the Institutional Head and/or Regional Headquarters in a sealed envelope, which will be provided upon request.

You also have the right to either contact or file a complaint with the Office of the Correctional Investigator or the Canadian Human Rights Commission.

If you remain in segregation, your case will be reviewed by the Regional Segregation Oversight Manager at least once within 45 days from the date of admission. At least once within 60 days following your initial admission in administrative segregation, and at least once every subsequent 30 days, the Regional Segregation Review Board will review the case. The decision will be rendered by the Assistant Deputy Commissioner. The Regional Segregation Review Board will review your case at least once every 30 days thereafter.

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 FIFTH WORKING DAY REVIEW  
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Page 11 of 13

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Page 12

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PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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Decision Date                      Effective Date  
2015/11/04

DECISION MAKER - SIGNATURE

\_\_\_\_\_  
SANDHU, BOBBI  
WARDEN

Y    M    D  
|   |   |  
Date

I hereby acknowledge receipt of the above mentioned document.

\_\_\_\_\_  
Offender's Signature

Y    M    D  
|   |   |  
Date

Staff Member's Signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y    M    D  
|   |   |  
Date

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y    M    D  
|   |   |  
Date

\_\_\_\_\_  
Witness' Signature

Y    M    D  
|   |   |  
Date

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

REVIEW OF OFFENDER'S SEGREGATED STATUS  
FIFTH WORKING DAY REVIEW  
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REVIEW OF OFFENDER'S  
SEGREGATED STATUS  
INSTITUTIONAL REVIEW

Decision Number 26  
Decision Date 2015/11/12

Completing Operational Unit  
KENT INSTITUTION

Current Institution or Address  
KENT INSTITUTION

PUT AWAY ON FILE > See distribution

FPS Number  
Family Name  
BUSCH  
Given Name(s)  
JAMES  
LEE  
Date of Birth  
1977/03/25

Type of segregation	Date admitted into segregation Y M D	Date of last review Y M D
INVOLUNTARY	2015/10/29	2015/11/04
Accumulated days in segregation 14		

Reason: CCRA 31(3-A) JEP INST/OTH IND

Rationale:

1. Incident Description:

I/M BUSCH was observed to to run up behind another inmate and leap in the air and punch the inmate in the back of the head. Direct orders were issued by officers but BUSCH continued the assault by continuing to punch the other inmate. Several more direct orders were issued followed by OC spray and BUSCH continued violently punching the inmate in the back of the head. More OC spray had to be deployed and also physical handling utilized to stop the incident.

Inmate BUSCH was emergency involuntarily transferred to Kent from Mountain Institution. At this point the full information is unknown and also the inmate is classified as a medium security inmate. As such no other reasonable option exists other than segregation.

Inmate BUSCH is identified as an Aboriginal inmate. In terms of Aboriginal Social History, an Elder Review was completed 2012-08-29 by B. O'Chiese while at Edmonton Institution. Mr. BUSCH is from Cold Lake First Nations in Alberta. A healing plan was developed which incorporates recreational activities, health, one-to-one counselling with Elders to reinforce ceremonies and Aboriginal teachings, referrals to Aboriginal institutional programs (including addressing substance abuse issues), and participation in pipe ceremonies, smudging and sweat lodges in order to endorse cultural knowledge and identity. Mr. BUSCH has had the opportunity to engage in Aboriginal events, ceremonies, sweats, counselling, etc. while at Mountain Institution.

2. Segregation Assessment Tool:

Segregation Assessment Tool (SAT)

Instructions: Respond to all blue fields

Is the tool being completed to assess admission or as part of a review? Admission

Note: For the assessment of an admission, complete all sections of the tool. For a review, you are only required to complete the "reason for admission" and "establishing the facts" sections if the reason for the placement in Administrative Segregation has changed.

Reason for admission

What is the reason for the administrative segregation admission to be assessed? 31  
(a)

REVIEW OF OFFENDER'S SEGREGATED STATUS  
INSTITUTIONAL REVIEW  
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Page 1 of 12

## REV ISO/SEG REV

Page 2

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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## Rationale:

Has the inmate acted or does the inmate intend to act in a manner that jeopardizes the security of the institution and/or the safety of other individuals? Yes

Has the inmate acted or does he/she intend to act in this manner? The inmate has acted in this manner.

Select the specific behaviour demonstrating that the inmate has acted or inmate intends to act in a manner that jeopardizes the security of the institution and/or the safety of other individuals: Assault

## Establishing the facts

Was the behaviour witnessed by staff? Yes  
 Was the behaviour reported by multiple sources? Yes  
 Was the behaviour brought forward to staff by source(s) believed to be reliable? Yes  
 Ensure these facts are documented in a Statement/Observation Report (SOR). Yes

## Risk Assessment

Severity of the threat that will actualize if the inmate is not segregated? High  
 Does the threat that may actualize if the inmate is not admitted to segregation include serious bodily injury, incitement of others to compromise the safety/security of the institution, or major destruction of property? Yes

Likelihood that the threat will actualize if the inmate is not segregated? High

Is the behaviour ongoing? Yes  
 Is the inmate threatening more or similar behaviour? Yes  
 Is there reliable information that indicates the intention and imminence of similar behaviour in the future? Yes

Will the continued placement outside of segregation compromise the security of the institution, the safety of another person and/or an investigation? Yes

Is containment of the behaviour in question possible outside of segregation? No

Alternatives considered and eliminated as viable options:

Change in unit? Yes  
 Transfer (intra or inter-regional)? Yes  
 Voluntary cell confinement? Yes  
 Mediation? Yes  
 Culturally appropriate/restorative alternatives? Yes  
 Intermediate Mental Health Care placement? Yes

## Consultation

Has consultation occurred with members of the Case Management Team? N/A (These staff members are unavailable for consultation at this time. Consultation will occur at the earliest possible opportunity).

Specify if the following members have been consulted:

Parole Officer? N/A (These staff members are unavailable for consultation at this time. Consultation will occur at the earliest possible opportunity).

Health Care Staff? Yes

Chaplain? N/A (These staff members are unavailable for consultation at this time.

Consultation will occur at the earliest possible opportunity).

Elder? N/A (These staff members are unavailable for consultation at this time.

Consultation will occur at the earliest possible opportunity).

Other? Yes

Specify other: SIO Officer and DW

## Additional Considerations

Has the inmate's state of health and have his/her health care needs been taken into consideration? Yes

Have any readily apparent physical or mental health concerns that should be taken into consideration in the decision to place an inmate in administrative segregation been

REVIEW OF OFFENDER'S SEGREGATED STATUS  
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Page 2 of 12

## REV ISO/SEG REV

Page 3

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## Rationale:

considered? Yes  
 Does the incompatibility assessment indicate a valid and relevant existing  
 incompatibility between offenders? No

## Tool Result

Administrative segregation not justified: Do not admit or release from segregation

Reason is valid? Yes  
 Facts established? Yes  
 Risk severity and likelihood are moderate to high? Yes  
 Safety/security of institution compromised? Yes  
 Behaviour cannot be contained outside of segregation? Yes  
 All alternatives considered and eliminated as viable options? Yes  
 Consultation has occurred? Yes  
 Additional considerations? No

## 3. Procedural Safe Guards:

## Admission to Segregation

Use of Force  
 Use of force? Yes  
 Was use of force necessary in completing this administrative segregation admission?  
 Yes  
 What are the details of that use of force? Physical handling, OC Spray  
 Bedding, clothing and toiletries  
 Have adequate bedding, clothing and toiletries been issued? Yes  
 At what time were adequate bedding, clothing and toiletries issued? 10:15  
 If applicable, list any other effects that were allowed on admission to segregation:  
 No  
 Previous cell secured  
 Has the inmate's previous cell been secured? Unknown, Inmate transferred from  
 Medium  
 On what date? 2015-10-29  
 At what time? 1005  
 Officer(s) who secured the cell?  
 Administrative Segregation Handbook  
 Has the Administrative Segregation Handbook for Inmates been issued? Yes  
 On what date? 2015-10-29  
 At what time? 10:05  
 Who was the issuing officer? CXII Carlson  
 Chaplain/Elder/Aboriginal Officer  
 Has the inmate been offered the opportunity to see a Chaplain, Elder, or Aboriginal  
 Officer? Yes  
 Was the Chaplain, Elder or Aboriginal Officer notified? No  
 Is any follow-up required? No

## Health Needs

Health Services Notification? Yes  
 On what date and at what time were Health Services notified and by whom? 2015-10-29  
 at 1030 by Operations CM

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 INSTITUTIONAL REVIEW  
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Page 3 of 12

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Page 4

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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Rationale:

On what date and at what time did health care staff meet with the inmate and who met with the inmate? 2015-10-29 at 1515

If health care staff is not on site, has the officer in charge asked the inmate if he/she has any health concerns or requires medical attention? N/A

Are there any readily apparent physical or mental health concerns (pursuant to section 87 of the CCRA) that should be taken into consideration in the decision to place an inmate in administrative segregation? No

Did the inmate require outside hospital care? No  
 Has the Immediate Needs Checklist - Suicide Risk (CSC/SCC 1433) been completed prior to the segregation admission? Yes  
 Was the inmate informed of the right to engage an advocate to assist in the ISRB? (If the inmate is identified with acute or high level of mental health needs.) N/A

All Procedural Safeguards Met? Yes

Procedural Safeguards Met in the following areas?

Use of Force Yes  
 Bedding, clothing, and toiletries Yes  
 Previous cell secured Yes  
 Administrative Segregation Handbook Yes  
 Chaplain/Elder/Aboriginal Officer Yes  
 Health Needs Yes

4. Recommendation- "Admit to Segregation"

Amended Reason (if applicable):

Effective Date:

Comment:

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 INSTITUTIONAL REVIEW  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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## SEGREGATED STATUS UPDATE

Synopsis of segregated status

Fifth Working Day Review: 2015-11-04

At the time of this segregation review, inmate BUSCH will have been segregated for 6 days.

## Re-Integration Plan:

I/M BUSCH was observed to run up behind another inmate and leap in the air and punch the inmate in the back of the head. Direct orders were issued by officers but BUSCH continued the assault by continuing to punch the other inmate. Several more direct orders were issued followed by OC spray and BUSCH continued violently punching the inmate in the back of the head. More OC spray had to be deployed and also physical handling utilized to stop the incident.

Inmate BUSCH is identified as an Aboriginal inmate. In terms of Aboriginal Social History, an Elder Review was completed 2012-08-29 by B. O'Chiese while at Edmonton Institution. Mr. BUSCH is from Cold Lake First Nations in Alberta. A healing plan was developed which incorporates recreational activities, health, one-to-one counselling with Elders to reinforce ceremonies and Aboriginal teachings, referrals to Aboriginal institutional programs (including addressing substance abuse issues), and participation in pipe ceremonies, smudging and sweat lodges in order to endorse cultural knowledge and identity. Mr. BUSCH has had the opportunity to engage in Aboriginal events, ceremonies, sweats, counselling, etc. while at Mountain Institution.

Inmate BUSCH was emergency involuntarily transferred to Kent from Mountain Institution. At this point the full information is unknown and also the inmate is classified as a medium security inmate. As such no other reasonable option exists other than segregation. Upon Mr. BUSCH's security classification being reviewed, if determined to be a Maximum security inmate, he will be reviewed for our Unit 2 population.

2015-11-12 - WAIVER REVIEW

Y	M	D
Date		

Signature  
 WICE, TONYA  
 ADMINISTRATIVE ASSISTANT

## ADDITIONAL RECOMMENDATIONS

Comment:

Recommendation:

Date  
 Y M D

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 INSTITUTIONAL REVIEW  
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Page 5 of 12

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Page 6

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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## REFUSED TO LEAVE SEGREGATION/REBUTTAL INFORMATION

Refused to Leave Segregation

Reason

Rebuttal Received from Offender: Date Received	Type of Rebuttal Date Recorded	Dated
---	-----------------------------------	-------

Synopsis

## ADMINISTRATIVE SEGREGATION REVIEW BOARD

Review Board Date	2015/11/12	Time	13:00
Offender Appeared in Person	YES		

Recommendation RELEASE FROM SEGREGATION

Rationale:

SEGREGATION REVIEW BOARD  
 WAIVER REVIEW - BUSCH FPS#: [REDACTED]  
 2015-11-12

## 1) INCIDENT DESCRIPTION:

I/M BUSCH was observed to run up behind another inmate and leap in the air and punch the inmate in the back of the head. Direct orders were issued by officers but BUSCH continued the assault by continuing to punch the other inmate. Several more direct orders were issued followed by OC spray and BUSCH continued violently punching the inmate in the back of the head. More OC spray had to be deployed and also physical handling utilized to stop the incident.

Inmate BUSCH is identified as an Aboriginal inmate. In terms of Aboriginal Social History, an Elder Review was completed 2012-08-29 by B. O'Chiese while at Edmonton Institution. Mr. BUSCH is from Cold Lake First Nations in Alberta. A healing plan was developed which incorporates recreational activities, health, one-to-one counselling with Elders to reinforce ceremonies and Aboriginal teachings, referrals to Aboriginal institutional programs (including addressing substance abuse issues), and participation in pipe ceremonies, smudging and sweat lodges in order to endorse cultural knowledge and identity. Mr. BUSCH has had the opportunity to engage in Aboriginal events, ceremonies, sweats, counselling, etc. while at Mountain Institution.

## 2) COMPLETION OF THE SEGREGATION ASSESSMENT TOOL:

## Risk Assessment

Severity of the threat that will actualize if the inmate is not segregated? Moderat  
 Does the threat that may actualize if the inmate is not admitted to segregation include non-serious bodily injury or minor destruction of property? Yes

Likelihood that the threat will actualize if the inmate is not segregated? Moderate  
 Is the behaviour ongoing? Yes  
 Is the inmate threatening more or similar behaviour? No  
 Is there reliable information that indicates the intention and imminence of similar behaviour in the future? No

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 INSTITUTIONAL REVIEW  
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Page 6 of 12

## REV ISO/SEG REV

Page 7

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
----------------------------------	--

## Rationale:

Will the continued placement outside of segregation compromise the security of the institution, the safety of another person and/or an investigation? No  
 Is containment of the behaviour in question possible outside of segregation? Yes  
 Alternatives considered and eliminated as viable options:  
 Change in unit? No  
 Transfer (intra or inter-regional)? No  
 Voluntary cell confinement? Yes  
 Mediation? Yes  
 Culturally appropriate/restorative alternatives? Yes  
 Intermediate Mental Health Care placement? Yes  
 Consultation  
 Has consultation occurred with members of the Case Management Team? Yes  
 Specify if the following members have been consulted:  
 Parole Officer? Yes  
 Health Care Staff? Yes  
 Chaplain? Yes  
 Elder? Yes  
 Other? No

## Additional Considerations

Has the inmate's state of health and have his/her health care needs been taken into consideration? Yes  
 Have any readily apparent physical or mental health concerns that should be taken into consideration in the decision to place an inmate in administrative segregation been considered? Yes  
 Does the incompatibility assessment indicate a valid and relevant existing incompatibility between offenders? N/A

## Tool Result

Administrative segregation not justified: Do not admit or release from segregation

Risk severity and likelihood are moderate to high? Yes  
 Safety/security of institution compromised? No  
 Behaviour cannot be contained outside of segregation? No  
 All alternatives considered and eliminated as viable options? No  
 Consultation has occurred? Yes  
 Additional considerations? Yes

## 3) SEGREGATION REVIEW BOARD PROCEDURAL SAFEGUARDS AND INMATE NEEDS

## Segregation Review Board Procedural Safeguards and Inmate Needs

## Procedural Safeguards

## ISRB Members

Identify those in attendance at the ISRB hearing, including their title. A/AWI A.

Perry, IPO J. Palahicky, CXs Sims and Bains and Mr. BUSCH

## Inmate Attendance at the ISRB Hearing

Was the inmate notified of his/her right to attend the hearing? Yes

Did the inmate attend the hearing? Yes

If the inmate is assessed with acute or high (elevated/ substantial) mental health needs, has he/she been permitted the opportunity to engage an advocate to assist him/her with the ISRB process? N/A

## Information Sharing

Has the information that will be used by the ISRB to make a decision been shared with

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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 CSC 2019-1 (R-97-08) QMS VERS (1)  
 Date and Time Locked 2015/11/12 11:43

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Page 7 of 12



## REV ISO/SEG REV

Page 8

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 A  B  C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
----------------------------------	--

## Rationale:

the inmate at least three working days prior to the date of the hearing? No  
 Indicate the date and time of the sharing and the name of the officer who completed the sharing. (The information that may be shared with the inmate may include but is not limited to Security Intelligence Officer gists, previous review information, etc.)

Hearing was conducted via a waiver

Right to Retain Legal Counsel upon Placement in Segregation

Once the inmate has received his/her legal call, this question is no longer required in further reviews.

Did the inmate make a legal call on admission? Yes

If, at the time of admission the inmate chose to postpone his/her call to a later date/time, indicate if this was completed and when. N/A

Administrative Segregation Handbook

Once the inmate has received his/her Administrative Segregation Handbook, this question is no longer required in further reviews.

Has the inmate received the Administrative Segregation Handbook for Inmates? (If this has been completed, then it does not need to be asked at subsequent hearings). Yes  
 Hearing Requirements

Is the SRB hearing being held within the legislated timeframes (i.e. within five working days of placement in administrative segregation and once every 30 days following placement)? Yes

Was it confirmed that the placement in administrative segregation was entered as a continuation of segregation placement in OMS when an inmate is readmitted to administrative segregation after having been released for a period exceeding 24 hours for reasons such as court, outside hospital, temporary absence, or transfer, and is returned to administrative segregation for the same reason/incident as before. No  
 If not, explain why. Inmate never left Segregation

## Inmate Needs

Health Care, Mental Health and Access to Psychological Counselling

What is the outcome of the consultation with health care professionals regarding any physical and mental health issues that may impact the segregation status? No  
 Concerns

Are there any concerns in relation to the inmate's mental and/or physical state that would preclude his/her continued placement in administrative segregation and/or concerns of adverse effects of segregation on the inmate? No

If there are no concerns, indicate that there are no concerns and how it is evidenced (date, type of review, supporting documentation, etc.). Consultation occurred with Healthcare and Psychology on 2015-11-12. There are no current identified concerns which would impact Mr. BUSCH's placement in segregation.

Has the inmate made a request to speak with a mental health professional for counselling? No

Are his/her health care needs met during the daily health care staff visits to administrative segregation? Yes

Does the inmate report at the hearing that he/she requires health care attention? N

Is any follow-up required in this area? No

Access to Correctional Programs or Interventions

What correctional programs or interventions are being accessed by the inmate while in segregation? N/A

If the inmate has refused available programs or interventions, indicate which ones and why. (These may include educational self-study programs, individual or group programs.). N/A

Access to Case Management Services

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
 Ce formulaire existe aussi en français.  
 CSC 2019-1 (R-97-08) OMS VERS (1)  
 Date and Time Locked 2015/11/12 11:43

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Page 8 of 12

## REV ISO/SEG REV

Page 9

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 [ ] A [X] B [ ] C  
 PERSONAL INFORMATION BANK

FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
----------------------------------	--

## Rationale:

Has the inmate been seen by his/her Parole Officer? Yes

Indicate frequency of meeting. Once per week

Access to Spiritual Support

Has the inmate requested to see the Chaplain, Elder, Aboriginal Liaison or other appropriate spiritual advisor? Yes

Has this occurred? Yes

At what frequency? Once per week

## Exercise

Has the inmate been given the opportunity to exercise for at least one hour every day outdoors, weather permitting, or to exercise indoors where the weather does not permit exercising outdoors? Yes

If weather did not permit outdoor exercise and the institution's administrative segregation area does not allow for indoor exercise, what was done? N/A

Has the Segregation Log (CSC/SCC 0218) been reviewed for confirmation? Yes

## Visits

Does the inmate receive visits? Yes

Has the inmate met with the Inmate Committee members or peer support? Yes

Does he/she wish to? Yes

## Showers

Is the inmate provided the opportunity to shower at least every second day? Yes

Has the Segregation Log (CSC/SCC 0218) been reviewed for confirmation? Yes

## Personal Effects

If, at the fifth-working-day review, the decision is made to retain the inmate in administrative segregation, the inmate is entitled to receive his/her personal effects within the following three working days. Once the inmate has received his/her personal effects, this heading is no longer required in further reviews.

At the time of this review, has the inmate received his/her personal effects? Yes

All Procedural Safeguards and Inmate Needs Met? No

Procedural Safeguards/Inmate Needs Met in the following areas?

Procedural Safeguards

SRB Members Yes

Inmate Attendance at the SRB Hearing Yes

Information Sharing No - Seen on a waiver

Right to Retain Legal Counsel upon Placement in Segregation Yes

Administrative Segregation Handbook Yes

Hearing Requirements Yes

Entitlements

Health Care, Mental Health and Access to Psychological Counselling Yes

Access to Correctional Programs or Interventions Yes

Access to Case Management Services Yes

Access to Spiritual Support Yes

Exercise Yes

Visits Yes

Showers Yes

Personal Effects Yes

Provide an explanation or comment as to why not all procedural safeguards were met, if applicable:

This hearing occurred via a waiver. Mr. BUSCH indicated he understood he had a right to have information shared with him and wished to proceed with the hearing.

## 4) RE-INTEGRATION ACTION PLAN

REVIEW OF OFFENDER'S SEGREGATED STATUS

INSTITUTIONAL REVIEW

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Page 9 of 12

## REV ISO/SEG REV

Page 10

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 A  B  C  
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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
----------------------------------	--

## Rationale:

Inmate BUSCH was emergency involuntarily transferred to Kent from Mountain Institution. It is believed he can be managed in the Unit 2 orientation unit. As such, it is being recommended he be released from Segregation to the Unit 2 orientation range.

## INMATE COMMENTS:

Mr. BUSCH indicated he had no concerns with entering the unit 2 population.

## 5) RECOMMENDATION

Release from segregation.

## 6) REGIONAL REVIEW

If you remain in segregation, your case will be reviewed by the Regional Project Officer within 45 days of your admission. The Regional Segregation Review Board, chaired by the Assistant Deputy Commissioner (Assistant Deputy Commissioner, Correctional Operations, or Assistant Deputy Commissioner, Integrated Services) will review your case if you reach 60 days in segregation and every 30 days thereafter. This review will be based on information used in the most recent institutional segregation review and any other new information that may become available after that time. You will have five working days to submit representations after receipt of any Regional Segregation Review Board report. You may submit representations to your Parole Officer, who will forward these to the Regional Headquarters.

## 7) RECORDING OF DECISIONS:

All factors relevant to the case were considered in rendering a decision, including your Aboriginal social history, and physical and mental health needs.

If you are not satisfied with the decision of the Institutional Head or you are not satisfied with the conditions of confinement or the treatment that you received, you may submit a grievance pursuant to sections 90-91 of the CCRA, sections 74-82 of the CCRR and CD 081 - Inmate Complaints and Grievances. You have the right to address sensitive information or urgent requests to the Regional Headquarters in a sealed envelope, which will be provided upon request.

You also have the right to either contact or file a complaint with the Office of the Correctional Investigator or the Canadian Human Rights Commission.

CHAIRPERSON - SIGNATURE

Y	M	D
Date		

Signature

PERRY, ALI

A/ASSISTANT WARDEN INTERVENTIO

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 INSTITUTIONAL REVIEW  
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Page 10 of 12

REV ISO/SEG REV

Page 11

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FPS [REDACTED] DOB 1977/03/25	NAME BUSCH, JAMES LEE LOC. KENT INSTITUTION
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FINAL DECISION

Your status as a segregated offender has been reviewed and the decision has been made to:

RELEASE FROM SEGREGATION

Rationale

I have reviewed the recommendation of the segregation review board and your segregation status according to the CCRA. I agree with the recommendation of releasing you from segregation for reintegration into the open Unit 2 population. I concur with the assessments provided by the Segregation Review Board, Case Management Team and Security Intelligence Department that you are able to be safely managed within the Unit 2 population. I have considered your Aboriginal Social History and any mental health concerns and medical conditions in my decision.

I hereby order your release from segregation.

If you are not satisfied with the decision of the Institutional Head or you are not satisfied with the conditions of confinement or the treatment that you received, you may submit a grievance pursuant to sections 90-91 of the CCRA, sections 74-82 of the CCRR and CD 081 - Inmate Complaints and Grievances. You have the right to address sensitive information or urgent requests to the Regional Headquarters in a sealed envelope, which will be provided upon request.

You also have the right to either contact or file a complaint with the Office of the Correctional Investigator or the Canadian Human Rights Commission.

Decision Date	Effective Date
2015/11/12	2015/11/12

DECISION MAKER - SIGNATURE

SANDHU, BOBBI  
WARDEN

Y	M	D

Date

I hereby acknowledge receipt of the above mentioned document.

Offender's Signature

Y	M	D

Date

REVIEW OF OFFENDER'S SEGREGATED STATUS  
 INSTITUTIONAL REVIEW  
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 Date and Time Locked 2015/11/12 11:43

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Page 12

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Staff Member's signature who shared the information:

\_\_\_\_\_  
Staff Member's Signature

Y	M	D
Date		

The offender refuses to acknowledge receipt of the above mentioned document. His/Her copy was nevertheless given to him/her.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

The offender refuses to receive the above mentioned document.

Signature of two (2) witnesses.

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

\_\_\_\_\_  
Witness' Signature

Y	M	D
Date		

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Vancouver Registry

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**IN THE SUPREME COURT OF BRITISH COLUMBIA**

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BETWEEN:

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION and  
THE JOHN HOWARD SOCIETY OF CANADA

PLAINTIFFS

AND:

ATTORNEY GENERAL OF CANADA

DEFENDANT

---

**AFFIDAVIT**

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