

Ontario Youth Segregation Class Action

OFFICIAL COURT COMMUNICATION

LONG-FORM NOTICE

A SETTLEMENT HAS BEEN REACHED THAT WILL BENEFIT THOSE WHO WERE HELD IN SECURE ISOLATION (SEGREGATION) IN MANY ONTARIO YOUTH JUSTICE FACILITIES

FOR MORE INFORMATION, VISIT WWW.YOUTHSEGREGATIONCLASSACTION.CA

YOU MAY ALSO CONTACT LAWYERS AT: 1-844-819-8501 OR 1-866-229-5323, EXT. 296

There was a lawsuit about secure isolation (also called secure de-escalation or youth segregation) at Youth Justice Facilities operated by Ontario. The lawsuit is now over and there is money available for Class Members who file a Claim and meet the requirements set out in the claims process.

This notice explains how to make a claim for compensation from the Settlement if you were harmed. **If you do nothing, you will not get any money.**

PLEASE READ THIS NOTICE CAREFULLY OR ASK FOR HELP FROM SOMEONE YOU TRUST

YOUR RIGHTS UNDER THE SETTLEMENT ARE AFFECTED EVEN IF YOU DO NOTHING

Additional information is available at www.youthsegregationclassaction.ca.

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BASIC INFORMATION

A. WHY AM I RECEIVING THIS NOTICE?

You got this notice because you may have been placed in Youth Segregation at a Youth Justice Facility in Ontario between April 1, 2004 and December 17, 2018.

The Court said that you should get this information about your legal rights.

While not admitting liability, and without the Court making a decision about whether Ontario did anything wrong, Ontario has agreed to a Settlement which will provide compensation to eligible persons who were placed in secure isolation (also called secure de-escalation or Youth Segregation) at a Youth Justice Facility for more than 6 consecutive hours while under the age of 18.

On October 14, 2021, the Court approved this Settlement. There is now a process for making claims for compensation according to the Settlement Agreement.

If you received this notice, you or someone you know may have legal rights and interests that are affected by the Settlement Agreement. This notice explains what is happening and what your legal options are.

B. WHAT IS THE CLASS ACTION ABOUT?

In a class action, one or more people called “**Representative Plaintiffs**” sue on behalf of people who have similar claims. All of the people who have similar claims are called a “**Class**” or “**Class Members**.” The court resolves the issues for everyone affected, except for those who excluded themselves by opting out.

The class action seeks damages and other relief on behalf of those who, while under the age of 18, were held in a Youth Justice Facility and were isolated for longer than 6 consecutive hours.

This class action is known as: *C.S. v. Ontario* before the Ontario Superior Court of Justice.

Ontario has not admitted liability but has agreed to a Settlement that has now been approved by the Court.

C. WHY IS THERE A SETTLEMENT?

By agreeing to the Settlement, the Representative Plaintiff, Class Members, and Ontario have avoided the risks of a trial and delays in obtaining a judgment.

The Settlement Agreement will provide money for eligible Class Members whose Claims meet the requirements of the claims process. Having a trial would have left open the risk that the lawsuit would be unsuccessful and no money would be available to any Class Member.

In this case, the settlement also means that Class Members will not need to testify in court in order to receive money.

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CLASS MEMBERSHIP

D. AM I INCLUDED IN THE SETTLEMENT?

You may be included in the Settlement if you were segregated at a Youth Justice Facility while under the age of 18, alone in a designated room or area, for more than 6 consecutive hours ("Youth Segregation").

You are not included if you only experienced:

- (a) segregation by reason of a lock-down at a Youth Justice Facility; or
- (b) the routine locking down of youth in their rooms overnight at a Youth Justice Facility, as authorized by statute.

The Youth Justice Facilities included in the Settlement are:

Bluewater Youth Centre
Brookside Youth Centre
Cecil Facer Youth Centre
Donald Doucet Youth Centre
Invictus Youth Centre
Justice Ronald Lester Youth Centre
Roy McMurtry Youth Centre
Sprucedale Youth Centre
Toronto Youth Assessment Centre

The period of time covered by this class action and the Settlement is April 1, 2004 to December 17, 2018.

You may only make a claim for compensation if you were isolated or segregated at one of the above facilities during the relevant time period.

The Court ordered that the time to opt out of this lawsuit was January 9, 2019 – April 9, 2019. It is no longer possible to opt out of this lawsuit.

If you're not sure whether you're included in the settlement, you may call 1-833-430-7538, visit www.youthsegregationclassaction.ca, or email info@youthsegregationclassaction.ca for more information.

E. WHAT BENEFITS CAN I RECEIVE?

Under the Settlement, eligible Class Members may submit Claims for money for time spent in Youth Segregation.

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You can make more than one claim if you were placed in Youth Segregation more than once.

There are four categories of Claims:

- 1) Category 1: placements in Youth Segregation for between 6 and 72 consecutive hours
- 2) Category 2: placements in Youth Segregation for between 72 hours and 5 consecutive days
- 3) Category 3: placements in Youth Segregation for between 6 and 14 consecutive days
- 4) Category 4: placements in Youth Segregation for 15 or more consecutive days

F. HOW MUCH MONEY CAN I GET?

These amounts of money will be awarded for each Approved Claim:

- 1) Category 1 Claims: \$1000 per placement in Youth Segregation of between 6 and 72 hours.
- 2) Category 2 Claims: \$5000 per placement in Youth Segregation between 72 hours and 5 consecutive days.
- 3) Category 3 Claims: \$12,000 per placement in Youth Segregation between 6 and 14 consecutive days.
- 4) Category 4 Claims: \$35,000, or a maximum of \$40,000, for each placement of 15 consecutive days or more in Youth Segregation. The exact figure will depend on the number of Class Members who make a claim.

If the total amount of payments to Class Members exceeds the total maximum available, payments will be reduced on a proportionate or *pro rata* basis so that the compensation paid to Class Members does not exceed the amount available.

More detailed information about Class Member eligibility and compensation can be found in the settlement agreement, which is available here: www.youthsegregationclassaction.ca.

G. HOW CAN I MAKE A CLAIM IN THE SETTLEMENT?

The period to submit a claim began on **November 26, 2021**. You must submit a claim **no later than August 26, 2022**.

The process for Class Members receiving their benefit(s) involves the following steps:

1. Class Members must submit a Claim Form to the Claims Administrator **no later than August 26, 2022**.
2. The Claim Form contains certain information about the Class Member's time in Youth Segregation. The Claim Form will require a Claimant to sign and declare that information is correct based on knowledge and belief.
3. The Class Member will be required to give their consent to allow for their relevant Youth Records to be obtained. The Class Member will be able to give their consent along with the

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Claim Form.

4. The parties will obtain the Class Member's Youth Records that are relevant to their time spent in Youth Segregation. Permission must be provided to obtain a Court Order from a judge of the Youth Justice Court to retrieve the Youth Records.
5. The Claims Administrator will determine whether the Class Member is eligible to participate in the claims process.
6. For Category 1 Claims, the Claims Administrator will determine whether the Class Member was in Youth Segregation for more than 6 and up to 72 consecutive hours. If the Class Member satisfies this requirement, the Claims Administrator will issue a payment to the Class Member if that Class Member affirms that they were placed in Youth Segregation for reasons other than an immediate likelihood to cause serious property damage or to cause another person serious bodily harm, or if the Class Member was "overheld".
7. For Category 2, Category 3 and Category 4 Claims, the Claims Administrator will transfer the Class Member's Youth Records to a retired Superior Court of Justice judge. The retired judge will review the events described in the Claimant's Claim Form and will also review the available Youth Records. The retired judge will determine whether the Class Member was appropriately placed in Youth Segregation due to immediate likelihood to cause serious property damage or to cause another person serious bodily harm, whether the Class Member was "overheld", and will assess whether the Youth Records are inadequate to justify placement.
8. The Claims Administrator will advise each Class Member of whether their Claims were approved or denied.
9. At the end of the claims period, after all Claims have been determined, the Claims Administrator will pay compensation for approved Claims to Class Members.

H. WHAT SUPPORTING DOCUMENTS WILL BE NEEDED TO MAKE A CLAIM?

To submit a claim for benefits under the Settlement, you will need to provide the following information and supporting documents:

-) Identity Document (including a valid driver's license or other government-issued photo identification);
-) Claim Form (including your written statement that describes the events surrounding each placement in Youth Segregation and the justification for each placement, as told to you at the time. You will also have to describe how long you were kept in Youth Segregation and how many times you were placed in Youth Segregation.); and
-) Consent (to give permission for your relevant Youth Records to be obtained so that your Claim Form can be processed.)

I. CAN I GET HELP WITH MY CLAIM FORM?

Yes. Your support person or anyone else can help you fill in the form. If you have a legal guardian, they can make a claim on your behalf.

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You can also call for help: 1-833-430-7538

And you can get help online at www.youthsegregationclassaction.ca.

J. WHEN DO I GET THE MONEY?

You must send in your form **by August 26, 2022**. The claims office will make decisions on your Claims and determine if you will receive compensation. All compensation for claims will be paid by cheque to the Class Member who made the claim or to their legal guardian.

The claims office needs time to make decisions on all the claims before any compensation can be provided to anyone. This is also why the deadlines are important as everyone waits for all claims to be processed. This can take many months. Please be patient.

K. WHO IS MY LAWYER / CLASS COUNSEL?

The law firms representing all Class Members are listed below:

Koskie Minsky LLP 20 Queen St. West, Suite 900 Box 52 Toronto, ON M5H 3R3	Strosberg Sasso Sutts LLP 1561 Ouellette Avenue Windsor, Ontario N8X 1K5
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You will not be charged for contacting these lawyers. Class Counsel can be reached by telephone at 1-844-819-8501 or 1-866-229-5323, ext. 296.

L. HOW WILL CLASS COUNSEL BE PAID?

No Class Member has to pay any money directly to Class Counsel in order to take part in the claims process.

At the hearing to approve the settlement agreement, the lawyers asked the Superior Court of Justice to approve legal fees and disbursements in the amount of \$4,071,900, plus HST. The Court determined that this amount was fair and reasonable. This amount was subtracted from the amount paid by Ontario to settle the lawsuit.

M. HOW DO I GET MORE INFORMATION?

This Notice is only a summary of some of the terms of the Settlement. If there is a conflict between this Notice and the Settlement, the Settlement applies.

For more information about your legal rights under the Settlement, you may consult Class Counsel at no charge by calling:

) 1-844-819-8501 or 1-866-229-5323, ext. 296; and

In addition, information for Class Members is available at www.youthsegregationclassaction.ca.