



Justice and
Public Safety

Justice et
Sécurité publique



Deputy Minister
and Deputy Attorney General
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March 9, 2021

JPS 2021-003

Mr. Kevin Walby
515 Portage Avenue
Winnipeg, MB R3B 2E9

k.walby@uwinnipeg.ca

Dear Mr. Walby:

Re: *Freedom of Information and Protection of Privacy Act (the "Act")*

Your request for access to records under the Act was received by the Department of Justice and Public Safety on January 4, 2021. After discussing the request with you, the request was revised on January 13, 2021 and it was explained we would provide to you all records relevant to your request including briefing notes which was among the items requested in your application:

Memorandums, presentations, briefing notes

I am requesting final copies of all memorandums, presentations, briefing notes, or other similar documents regarding COVID-19 and correctional institutions or parole offices.

I am writing to inform you that we are providing access to the records. A copy of the records is attached.

Pursuant to section 60 of the Act, you may make a written request to the Information and Privacy Commissioner to review this matter. You have 60 days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at the J. Angus MacLean Building, P.O. Box 2000, Charlottetown, PE C1A 7N8. When requesting a review, please provide the Office of the Commissioner with the following information:

- The file number noted at the top of this letter.
- A copy of this letter.
- A copy of your original request form.

If you have any questions, please contact the Access and Privacy Services Office at 902-569-7590 or apso@gov.pe.ca.

Sincerely,



Karen MacDonald
A/Deputy Minister of Justice and Public Safety
A/Deputy Attorney General

Attachment

c: Access and Privacy Services Office

Capacity for Isolation in Custody

KEY MESSAGES

- Due to COVID-19, there have been challenges in housing offenders in correctional facilities.
- Correctional facilities and youth custody facilities are like long-term care facilities and have similar COVID transmission risks.
- Corrections and CPHO developed a testing protocol for all admissions. (There is a diagram that can be tabled.)
- There is a modified admissions process for offenders right now with 22 beds earmarked for isolation.
- At the onset of the pandemic, offenders serving intermittent sentences were given temporary absences to reduce the repeated admissions into the facility.
- There are strict isolation protocols set out by CPHO. Given these protocols, intermittent sentences cannot be practically accommodated.
- Until the pandemic is under control, corrections senior management continue to look for safe and secure alternatives to deal with new admissions and the need to isolate these offenders.

KEY INDICATORS & SUCCESS STORIES

Currently, there is no COVID community spread reported on Prince Edward Island.

Contact tracing was conducted in July 2020 on 11 corrections employees at PCC who were present at QEH while there was a positive case in ER. These staff had to be off duty and on isolation until two negative COVID tests were confirmed.

Adult custody reported admission of one offender who tested positive for Covid-19 upon entry to the facility.

FACTORS and COMMITMENTS

Adult offenders are admitted and placed in a single isolation wet (with toilet and sink) cell. Offenders are tested at admission as per CPHO direction. They are then housed for one week (7 days) in designated isolation cells and tested again at seven days. Once two negative test results are received, the offender is moved to general population, as appropriate. Personal Protective Equipment ("PPE") is worn by all Correctional Officers and Youth Workers when entering isolation units. PPE equipment supply is monitored closely by nursing staff.

As of December 31, 2020, corrections had completed over 1,000 COVID tests on inmates.

The nursing team is also providing Covid-19 testing for staff who work in more than one location, as required by CPHO. There are approximately 30 staff who are being tested weekly.

Custody facilities continue to work with the courts to safely house sentenced and remanded offenders.

RECENT PUBLIC COMMENT

"Lack of jail space is creating backlog in courts, says judge" (CBC PEI, August 26, 2020):

<https://www.cbc.ca/news/canada/prince-edward-island/pei-covid-19-orr-jail-1.5699435>

"Punish Crime, but Rethink Jail Time" (Eastern Graphic, September 16, 2020):

https://www.peicanada.com/eastern_graphic/punish-crime-but-rethink-jail-time/article_84a13dce-f753-11ea-b638-0b28824c7230.html

Contact Information

Shannon Ellis, Acting Director of Community and Correctional Services, stellis@gov.pe.ca



February 5, 2021
Justice and Public Safety

Correctional Services Mental Health Programs

KEY MESSAGES

- Offenders in PEI correctional facilities have access to a broad range of medical services for both physical and mental health needs.
- To protect the health and safety of staff and offenders, some group programming within the facility is on hold for now.
- Using technology (phone, zoom, teleconference), offenders can still access individual sessions and interventions.
- Programming with Clinical Services staff (mental health therapists, sexual deviance therapist, Turning Point and the aboriginal caseworker) never stopped.
- As part of the release process, referrals may be made to community based programs like Community Mental Health, Addiction Services or Canadian Mental Health Association.

KEY INDICATORS & SUCCESS STORIES

Mental health interventions and individual sessions have continued to happen throughout the pandemic. They occur in person, by telephone, via zoom, and via teleconferencing. The division has five physicians working on a rotating schedule who are contacted for prescriptions, advice on inmate care, notified when an inmate needs to be sent to the emergency department, and normally hold bi-weekly health clinics. Due to the pandemic, the Nurse Practitioner has held these clinics with remote support from the Centre physicians.

The Divisional Clinical Services Team is a provincial resource that provides assessment and treatment services. Clinical Services staff provide in person interventions and counselling sessions at the Correctional Centre and to community-based clients on a daily basis. Additionally, they are available via telephone as needed. The frequency of counselling sessions is the same as it was prior to COVID-19.

Psychiatric assessments and appointments are arranged through the Centre Physician. These may occur by videoconference.

Sessions with external mental health providers have and are occurring via telephone, zoom, or in person at the Correctional Centre.

FACTORS and COMMITMENTS

All offenders admitted to the custody facilities are assessed by a registered nurse upon admission and regularly during their incarceration.

Nursing staff are responsible for managing offenders' daily medication and health care needs, under the direction of a physician.

Group addiction programming has resumed after being postponed due to concerns of Covid-19. Individual interventions/sessions/programming remained available as always within the institution.

Referrals to community-based addiction services occur as part of the release planning process. Corrections also offers a variety of group programs designed to respond to the most prevalent risks and needs of offenders. Topic areas include anger management, substance abuse, parenting, relapse prevention, respectful relationships, job readiness, meditation, and healthy boundaries.

RECENT PUBLIC COMMENT

N/A

Contact Information

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Electronic Supervision Program

KEY MESSAGES

- Electronic supervision (ES) bracelets can support alternatives to incarceration.
- It is cost effective and reduces the risk of reoffending.
- It can safely assist offender rehabilitation and community reintegration of offenders.
- It can only be used if certain conditions are met (can't be public risk, safe for victims, offender accountability).
 - They can be used for conditional sentences (house arrest), probation orders, temporary absences.
- Offenders are placed on this program with various conditions, such as
 - Staying home unless going to work, not going near a victim.
- As a response to COVID, additional electronic supervision bracelets have been made available to the Court for offenders on interim release.
 - Last year, 50 people were released on temporary absences with bracelets and they all completed their sentence without any breaches to their conditions.

KEY INDICATORS & SUCCESS STORIES

In 2016, Community and Correctional Services implemented an Electronic Supervision Program (ESP). The Electronic Supervision Program uses leased electronic monitoring technologies and systems to monitor offenders' compliance with Conditional Sentence Orders, Probation conditions, those approved for release from custody on Temporary Absence programs and those on judicial interim release. The ES technology can create inclusion or exclusion zones for offenders such as setting up locations they are required to remain or locations they may not be permitted (i.e., victims properties/workplaces) and also has the ability to monitor curfew conditions.

These technologies assist program staff responsible for supervising offenders in the community to more closely monitor their compliance with conditions, and allow for the staff to hold offenders more accountable for their actions.

A plexiglass shield was specifically designed by TIE to ensure bracelets could be easily and safely installed while limiting contact between program staff and offenders.

In FY 2019-20, 106 offenders were placed on ES. Since March 2020, 141 individuals have been subject to electronic supervision including, 60 offenders on temporary absence, 38 individuals on release orders, 23 probation offenders, 19 offenders under conditional sentence orders and 1 Criminal Code Review Board client have been activated on electronic supervision.

For victims, the ES Program uses the Prime Mobile Device. These devices are mobile panic buttons with GPS location. The use of Prime Mobile Devices has been increasing with twelve victims issued Prime Mobile Devices over the last six months.

As part of the corrections COVID response, the ES program has made more devices available to the Courts for Interim Release. 38 offenders have been subject to Electronic Supervision since March 2020 while on Interim Release.

One individual who was accused of a crime but declared not criminally responsible (NCR) by reason of a mental disorder has been ordered by the Criminal Code Review Board to be subject to Electronic Supervision as part of any unescorted passes from Hillsborough Hospital.

RECENT PUBLIC COMMENT

"No inmates sent home during pandemic reoffended, P.E.I. jails report" (CBC, June 19, 2020)
<https://www.cbc.ca/news/canada/prince-edward-island/pei-provincial-jail-electronic-monitoring-ankle-bracelets-isolation-1.5619328>

Contact Information

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February 5, 2021
Justice and Public Safety

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Transitioning PEI Youth Centre to Dual-Use

KEY MESSAGES

- The Province is pleased to have fewer young people at the PEI Youth Centre. This is due to the success of community based and school outreach programs, police initiatives, changes in youth legislation and demographics.
- Because there are fewer youth offenders, there is an opportunity to dedicate some of the available space to temporarily house women offenders.
- This will help reduce some capacity pressures at the correctional facilities, especially during COVID.
- Low risk female offenders will be eligible to go to the youth centre to finish their sentence.
- Young people in custody will have no contact with women offenders.
- Youth Centre staff are experienced at managing low to high risk youth offenders and will receive additional training to support the transition to managing women offenders.
- There are best practices that PEI can learn from its sister Atlantic provinces for this important transition.



KEY INDICATORS & SUCCESS STORIES

In the last 5 years bed days at the Provincial Correctional Centre have risen by 32% from 27,741 days in 2015-16 to 36,679 days in 2019-20. The PEI Youth Centre has experienced a dropped over the same time period by 60% from 2,400 days in 2015-16 to 960 days in 2019-20.

In 2019-20 average daily occupancy rates at the Provincial Correctional Centre reached 81% of total capacity. Over the same time period, the PEI Youth Centre had an average 16% utilization of total capacity.

In the last three months, occupancy rates at the Provincial Correctional Centre have ranged from 86% to 88% of total capacity. Along with the high occupancy rates, 22 beds within the facility are designated isolation beds for offenders entering the facility.

FACTORS and COMMITMENTS

The Province is legally bound to provide open and secure custody for youth offenders and receives funding from Justice Canada to support delivery of youth justice programs, including operation of the PEI Youth Centre.

A decision has been made to designate one unit of the PEI Youth Centre for youth offenders and house adult women offenders in the other unit in the same building but completely separated from the youth offenders. This will allow young people sentenced to either open or secure custody to be housed together but with distinct restrictions, e.g. bedroom doors locked at night for secure custody and unlocked for open custody.

Youth Centre staff will also supervise the low risk female offenders. Additional training will be provided for staff to ensure service levels continue for female offenders.

Construction is currently underway for a 34 bed women's unit at the Provincial Correctional Centre, which will increase total capacity at PCC by 12,410 bed days (19%). This will provide some relief with current occupancy rates.

RECENT PUBLIC COMMENT

Lack of jail space is creating backlog in courts, says judge – CBC PEI
<https://www.cbc.ca/news/canada/prince-edward-island/pei-covid-19-orr-jail-1.5699435>

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