

Solicitor General

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January 6, 2021

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Dear Emily Hill, Abby Deshman, Ryan Peck, Lesa Francis, Aliah El-houni, Leora Smith and Sima Atri:

Thank you for your letter also addressed to Deborah Richardson, Deputy Solicitor General, Correctional Services, and Superintendent Donata Calitri-Bellus, Toronto South Detention Centre, presenting concerns and recommendations following reports of an outbreak of COVID-19 at the Toronto South Detention Centre (TSDC).

The ministry can confirm that effective January 6, 2021, there is 1 positive inmate case of COVID-19 at the TSDC. Those inmates are under droplet precautions and isolated from the rest of the inmate population while they receive appropriate medical care. The overall reduction in inmate population has provided space within TSDC that can be used for medical isolation. Placement in medical isolation is temporary and non-punitive. Inmates placed in medical isolation are managed in accordance with ministry policy and receive access to court and counsel, fresh air (yard), showers, use of telephone and access to personal belongings and canteen.

The ministry is working with Toronto Public Health to support contact tracing which is underway for all individuals who have tested positive. The testing of inmates is ongoing at the direction of the ministry's Corporate Health Care branch and in consultation with Public Health. Local public health units are responsible for the identification and notification of close contacts.

As you may know, the TSDC houses sentenced and remanded male inmates and provides specialized accommodations and services for inmates, including a mental health assessment unit, infirmary, special needs unit and an Indigenous program area. Inmates are housed in cells. The approximate dimensions of each cell are: 8 ft. 11" (2737mm) x 15 ft. 9" (4803mm). The standard cell is designed to house two inmates and is equipped with bunk-style beds. Meals are centrally prepared and reheated in the kitchens at the TSDC. Meals are individually packaged and then loaded into meal carts by unit. Each unit is provided with their own meal cart.

During this challenging period, every effort is being made to maintain the regular schedule of showers, telephone calls, programming and other services. As an interim measure, the ministry is temporarily providing all inmates with calling cards for \$20 per month in addition to their regular access to personal phone calls. The TSDC is working on local initiatives to provide extra postage and other activities for inmates while visits are suspended.

To mitigate the impact of the current limitations, institution-specific measures implemented at the TSDC include:

- All new admits at the TSDC are housed in an intake staging unit. The population of these units is limited with the goal of single celling inmates to the greatest extent possible (i.e. one inmate per cell) and only emergency movement off the units is allowed.
- Inmates placed on intake units are required to wear Personal Protective Equipment (PPE) when out of their cell and when leaving the unit for any reason.
- Intake units are separated from the rest of the units housing the general population. New admits are admitted to an intake unit until the capacity is reached. Once capacity is reached, the inmates are placed in cohorts for a minimum of 14 days. All inmates are kept in the Intake Unit for two weeks and undergo screening including COVID-19 testing, upon consent, prior to mixing with the general population.
- Regular units (non-intake) have reduced capacity with a targeted maximum of 30 inmates. The current average is 25 inmates on a 40-bed unit.
- Additional cleaning has been contracted to supplement the TSDC housekeeping staff. All common areas are disinfected daily, with high traffic areas done twice. Admitting and discharge and video court areas receive a high-level disinfecting nightly.
- The TSDC cleaners and contract cleaners disinfect showers and contact points on all isolation units between use.
- Disinfecting agents are provided to clean telephones and video units between use.

- Each morning, living units are unlocked and inmates spend time in the yard, dayrooms, programming, etc. During this period, to improve the ability to maintain physical distance, intake units are unlocked in smaller groups to stagger the time inmates are spending out of cell.
- The TSDC has developed an information channel that can be played on inmate televisions that provides instructional information from Public Health Ontario on handwashing, cough etiquette and other practical infection information.
- Activity packages are given to inmates which include word puzzles, paper and pencil and additional public health information.
- Professional visits, including visits with counsel continue; however, personal visits with friends and family were cancelled prior to this outbreak as part of the regional COVID-19 grey zone response, and now as part of the province-wide lockdown. Visits are available only in special circumstances.
- All employees and visitors are screened prior to entrance and are required to wear PPE when in the institution.
- The ministry publishes a weekly Information Note on cases and protocols, which is shared with the Ministry of the Attorney General.
- As reported in the weekly updates provided to our partners, the TSDC has been dealing with inmates who have tested positive throughout the pandemic. The presence, or lack of an official outbreak status, has not affected the screening of individual inmates prior to court, nor the necessity of inmates and staff involved in the transportation and supervision for courts to maintain required PPE use.
- Inmates are required to be medically cleared prior to being transported outside of the institution. Inmates with active COVID-19 diagnosis or those under enhanced precautions are deemed unfit for transport.

Over the last number of months, the ministry has made the following important operational changes across all provincial correctional institutions:

- Every individual entering the institution is subject to an active screening process that was developed based on Ministry of Health Screening Guidelines. The ministry has put in screening procedures (in addition to standard health assessment) for all inmates.
- All inmates are screened when they are admitted to the institution, including from police custody or transfers from other institutions.
- PPE is being worn in Admitting and Discharge departments by correctional staff that have first contact with new admits who are conducting screening and by nursing staff conducting further medical assessments.
- Masks are provided to inmates immediately upon entering the facility.
- Providing PPE for all staff.
- Requiring all staff and visitors to always wear masks.
- Inmates are asked if they have a fever, new cough, difficulty breathing or have travelled from outside the country in the last 14 days. Inmates answering “yes” to any question results in the inmate being immediately provided with a mask and asked to wash or sanitize their hands. The inmate will be kept at least two metres from other inmates and in a separate area where possible. Staff within two metres of the inmate will wear a mask and eye protection until they have been cleared by the healthcare team who will be contacted to complete an assessment as soon as possible.

- All inmates continue to receive a full health assessment on admission, which includes assessing vital signs including temperature and a review of current and past medical history.
- If an inmate does not pass the screening process, they are placed in medical isolation, based on direction from the healthcare team.
- Inmates who pass the screening process are placed in an intake unit for a minimum of 14 days and monitored for symptoms before they are moved into the general inmate population.
- When more than one inmate per cell is required, then only inmates who were admitted on the same day or admitted within 2 days of each other can be bunked together in the same cell. Consultation with healthcare staff must occur regarding vulnerability (e.g., elderly, immune compromised) and unit release date.
- All meals will be issued to inmates in their cell by correctional staff.
- Where safely feasible, non-custodial options are considered by the court for individuals charged with non-violent or less serious offences.
- The ministry is working closely with Correctional Service Canada to continue the movement of federal inmates from our custody.
- There were 6,883 inmates registered in custody across all 25 institutions on December 4, 2020, when data was extracted. This is a 18% reduction since March 16, 2020.

For more information on the operational changes implemented at provincial correctional institutions to respond to COVID-19, please visit www.mcscs.jus.gov.on.ca/english/Corrections/CorrectionalServicesUpdateCOVID19.html.

For your reference, cases at all adult correctional institutions are posted online at <https://data.ontario.ca/dataset/status-of-covid-19-cases-in-ontario-s-correctional-institutions>.

Inmate testing information is also posted online at <https://data.ontario.ca/en/dataset/covid-19-testing-of-inmates-in-ontario-s-correctional-institutions>.

Regarding segregation of inmates, as you are aware, recent court decisions have created new requirements for segregation oversight. The government continues to take responsible steps to comply with these new legal obligations by moving forward with operational changes and investing in additional frontline staff resources and training.

There are times when separating individuals from the general inmate population is necessary for health, safety and/or security reasons. There are also times when inmates request to be separated from the general inmate population. In these situations, the ministry's focus is to improve conditions under which inmates are separated, to reduce the harmful effects of isolation, and to safely transition inmates into less restrictive conditions that can include:

- Transferring inmates who are refusing to leave their cell to other institutions that can better accommodate their needs;

- Facilitating more one-on-one counselling;
- Staff participation and collaboration on Inter-Professional Teams to identify alternative housing placements and initiate Care Plans when required;
- Holding education sessions in Specialized Care units to help transition inmates out of segregation conditions;
- Staff participation in weekly Segregation Review Committee meetings to collaborate on different and case-specific strategies; and
- Building rapport with inmates to identify barriers and inmate concerns in order to encourage time out of cells and meaningful social interaction.

As you may also know, the Ontario government is investing more than \$500 million over five years to transform Correctional Services. This major investment will support the hiring of more than 500 new staff members to help address mental health and addiction challenges within the correctional system and further support those in our custody and under supervision, including those in conditions of segregation.

Thank you again for taking the time to write.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sylvia Jones', written in a cursive style.

Sylvia Jones
Solicitor General

c: Deborah Richardson
Deputy Solicitor General, Correctional Services

Superintendent Donata Calitri-Bellus
Toronto South Detention Centre