



Mr. Tom Engel
President
Canadian Prison Law Association
#200, 10209-97 STREET
EDMONTON, AB T5J 0L6

APR - 6 2020

Dear Mr. Engel:

Government Response to COVID-19 Pandemic – Correctional Facilities

Thank you for your letters of March 16 and 26, 2020 addressed to federal, provincial and territorial Ministers of Justice regarding the treatment of inmates in correctional facilities during the COVID-19 pandemic. In your March 26 letter, you highlighted the overrepresentation of Indigenous peoples in Canadian correctional facilities and called for specific action to protect this vulnerable population during the pandemic.

As the Minister of Justice and a former defence lawyer practicing in the Northwest Territories, I know that the high rate of incarceration of Indigenous peoples is complex and multifaceted. It is linked to systemic discrimination, economic and social disadvantages, substance abuse and intergenerational loss, violence and trauma. The reality is that the majority of inmates in the NWT are Indigenous. In fact, as recently as the past January the number of incarcerated inmates in NWT correctional facilities who are Indigenous was at 83%.

It is my intention that during the Northwest Territories 19th Legislative Assembly our government will explore multi-sector options to address this overrepresentation of Indigenous people in our criminal justice system. This work will be undertaken in collaboration with Indigenous government and communities and with the support of the Ministers responsible for Health and Social Services, Education, Culture and Employment, and the Northwest Territories Housing Corporation.

The Government of the Northwest Territories is committed to the health and safety of all inmates in our care. Over the past several weeks, the NWT Corrections Service has been working hard to implement several measures within our correctional facilities in response to the COVID-19 pandemic. These measures have been made in consultation with health officials and adopt best practices from other jurisdictions. They are also being reassessed on an ongoing basis.

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The present inmate count in each of our three Correctional facilities allow for the housing of one inmate per cell. Social distancing is being promoted throughout each facility. Corrections Health Services staff are continually reaching out to inmates and staff to reinforce messaging around universal precautions including hand washing, limiting contact with surfaces, practicing social distancing, etc. In addition, COVID-19 specific signage has been placed in all facilities for both inmates and staff.

The Corrections Service has also implemented a health screening questionnaire to check inmates upon entry into a Correctional facility. This questionnaire includes screening for symptoms related to COVID-19. In the event an inmate is symptomatic they will be isolated from other inmates and health staff will contact Public Health to arrange testing. No inmate will be permitted to enter the general population until they are medically cleared to do so.

If an inmate already in general population shows COVID-19 symptoms the Corrections Service will follow the same process as outlined for the intake of new inmates. If a situation occurs where an inmate is showing new symptoms, the Corrections Service will create living arrangements that hold the inmate exhibiting symptoms in a separate area away from the general population.

Additional procedures include giving the identified inmate a procedural mask to wear; requiring staff to wear gloves, gown, protective glasses and a procedural mask; putting the inmate on contact and droplet precautions and placing them in their own cell away from other inmates; and ensuring that health services staff consult with Public Health on testing and inmate wellness procedures. Any symptomatic inmate will remain on contact and droplet precautions until such time as they are medically cleared to move back into general population. Any inmate in medical distress would be moved to a hospital for their care. In such a case, the Corrections Service will work with the Department of Health and Social Services to provide timely care.

The Corrections Service is continually monitoring the status of COVID-19 in the NWT, and is reviewing existing policies on epidemics and outbreaks to ensure updates are being completed in a timely manner and distributed to staff as required. All Corrections Officers have been requested to review procedures on the proper protocols for working with infectious diseases.

It should go without saying that the health and safety of inmates during these exceptional times also requires that specific measures be implemented to protect the health and safety of all Corrections staff. On this end, frequent communications are being sent out to staff on Corrections procedures including enhancing inmate assessment upon intake and monitoring inmates for COVID-19 related symptoms. Regular meetings are held with staff on implementing universal precautions, enhancing cleaning of high contact surfaces, and reinforcing safe work practices. Corrections Officers are required to wear personal protective equipment contingent on the level of need. As an example, if an inmate is not symptomatic upon intake an Officer is only required to wear gloves. If an inmate is symptomatic, the Officer would be required to wear gloves, a gown and a procedural mask.

In addition to implementing measures to protect the health and safety of inmates and staff, the Department of Justice has also been actively exploring all options available to reduce the number of inmates within NWT correctional facilities without putting the public at risk. As a first step, the Corrections Service has granted temporary absences for all intermittent sentenced inmates.

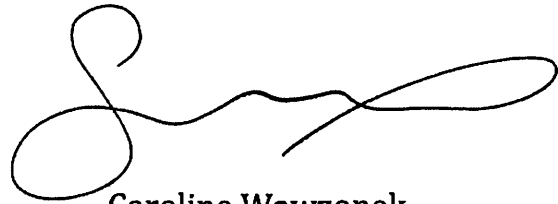
We have also been investigating opportunities for granting temporary absences for releasing inmates on a case by case, and risk assessed basis. This effort has resulted in seven sentenced inmates with up to three months remaining on their sentence having been granted temporary absences. It should be noted that airlines operating in the NWT have significantly reduced their flight schedules in response to the COVID-19 pandemic. To ensure that inmates being released are able to return to their home community without delay, the Corrections Service has been working closely with our northern airlines to schedule inmate releases with available flights.

The Department of Justice has also been working with the Public Prosecution Service of Canada, the Courts, defence lawyers and other partners in the justice system to reduce the number of people who may be coming into Corrections facilities through the remand process. This work seeks to ensure that only people who are a risk to public safety are being remanded in our facilities.

Finally, our government has been actively working with the Public Prosecution Service of Canada to support the review of all remanded offenders currently in NWT correctional facilities to identify remanded accused who may be candidates for a judicial interim release. The individuals identified through this process would need to consent to taking such an approach and provide a reasonable bail plan in consultation with their legal counsel, but the ultimate approval for a judicial interim release would of course remain with the Court.

Once again, thank you for your letters.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal stroke.

Caroline Wawzonek
Minister of Justice

- c. Ms. Shaleen Woodward, Principal Secretary
- Mr. Martin Goldney, Secretary to Cabinet
Deputy Minister, Executive and Indigenous Affairs
- Ms. Charlene Doolittle, Deputy Minister of Justice