

DATE: April 15, 2020

TO: Michael Mahon  
Assistant Deputy Attorney  
General, Crown Law  
Crown Law Division  
510-405 Broadway

FROM: Greg Skelly  
Executive Director, Custody  
Community Safety Division  
810-405 Broadway

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**SUBJECT: Manitoba Corrections Notice to Judiciary**

Dear Mr. Mahon:

Manitoba Corrections is aware that the prevailing COVID-19 situation and the steps being taken to contain the spread of the virus in custody centres has become a matter of inquiry with the courts in some judicial interim release applications.

This memorandum seeks to inform all stakeholders who participate in those proceedings of the measures implemented in all Manitoba custody centres.

Manitoba Corrections is committed to ensuring the health and safety of its staff and people in its custody, while maintaining the safety and security of Manitobans. Corrections is continually assessing COVID-19 developments and is adjusting operations in consultation with a designated public health physician and other health experts.

**Manitoba Corrections operations in response to COVID-19 are changing regularly. Please note that the following information is accurate as of the date of this communication. Some information is also omitted for security reasons.**

**PREVENTION**

**I. Personal Protection**

There has been direction to all staff to practice personal good prevention techniques including:

- Washing hands often with soap and water or alcohol-based hand sanitizer.
- Sneeze and cough into your sleeve.
- Avoid touching your eyes, nose or mouth.
- Avoid contact with people who are sick.
- Keep workstation clean.
- Practice social distancing.
- Stay at home if sick.

## II. Social Distancing

Operationally, centres are reducing movement and direct contact as much as possible while maintaining essential services:

- Stage or reduce movement through dining halls, corridors, and other common spaces.
- Implement rotating break schedules in larger units to limit the number of inmates/residents sharing common space.
- Maintain distancing during direct supervision and searching (see below).
- Reduce dormitory counts as much as possible.

<b>Centre</b>	<b>Rated Capacity</b>	<b>Count as of April 14, 2020</b>
<b>Youth</b>		
AYC	128	46
MYC	150	24
<b>TOTAL YOUTH</b>	<b>278</b>	<b>70</b>
<b>ADULT</b>		
WRC	289	121
BCC	252	260
MRCC	524	399
HCC	549	677
DCC	61	31
TPCC	114	107
WCC	196	209
<b>TOTAL ADULT</b>	<b>1985</b>	<b>1804 or 91% of rated capacity</b>

## III. Cleaning and Supplies

Regular cleaning with detergents is an effective tool for preventing the spread of the virus and all centres have implemented enhanced aggressive cleaning schedules. Disinfecting fogging equipment was supplied is effective in treating large and high traffic areas, but they can also be integrated into regular cleaning schedules.

### A. Vehicle cleaning protocols

- Clean after each escort and the officer cab (seating area) at the end of every shift:
  - Sweep out the interior and remove garbage.
  - Spray all surfaces within the PTCU with a disinfectant spray.
  - Target the steering wheel, handles, seat belt clasp, and any surface that is often touched.

#### **IV. Programs, Services, Training**

The following are suspended:

- Use of gym equipment/ games. Exercise is restricted to 'fresh air' access and the number of inmates/ Young Persons (YP) may be limited to ensure distancing.
- All non-essential escorts and transfers.
- Central training classes.
- Staff training events.
- Personal visits.
- Inmate/YP programs and volunteer access.

Access for legal services and justice personnel continue (except Winnipeg Remand Centre WRC), but these contacts should occur through LVI and phone services as much as possible. Personal contacts are discontinued at WRC except through video or phone.

Individual (one on one) case management, teacher, counseling, and chaplain meetings can continue if social distancing can be maintained – 6ft apart.

Contractors and maintenance personnel continue to have access to deliver essential services.

Centres are purchasing leisure products for isolated and other units as conditions become more restrictive. This includes games, magazines, movies, art supplies, etc. Several handheld electronic gaming devices were purchased and are being piloted at the WRC. These products are being purchased with the profits from inmate canteen and are not a cost to the Manitoba taxpayer.

Additional free personal calls are being provided to inmates/YPs in custody. Bulk call purchases are also available, allowing users to purchase large volumes of personal calling at reduced rates.

#### **V. Testing**

Public Health has expanded testing criteria to include people at risk of contracting or spreading COVID-19 and are showing respiratory symptoms. This includes health care workers, and those who live and work in-group settings, including Correctional Centres.

Corrections staff who are self-isolating and have flu like symptoms have been directed to contact Health Links and inform them that they work in a Correctional Facility. Staff should follow the advice of a community health professional about returning to work.

Inmates who are showing signs of being symptomatic of cold or influenza like symptoms are being tested for COVID-19.

#### **VI. Staff Screening**

Senior managers will send employees home if they report to work with flu symptoms. Each centre will confirm (verbally) with every staff member coming on shift (or shortly after) that they are not exhibiting flu symptoms. This check will be documented.

## **A. Screening Procedure**

- Before leaving home, staff are expected to self-assess, based on the following:
  - Fever (higher than 38 degrees Celsius).
  - New or chronic cough.
  - Shortness of breath or trouble breathing.
  - Sore throat.
  - Runny nose.
  - Malaise.
  - Headache.
  
- In the last 14 days, have you:
  - Returned from travel outside of Manitoba?
  - Had close contact with a confirmed case of COVID-19 while not wearing PPE or practicing social distancing?
  - Had a laboratory exposure to COVID-19?
  - Had close contact with someone who has flu symptoms?

If staff have any of the above symptoms or answered 'yes' to any question, they are advised to stay home and contact Health Links.

- Screening upon arrival:
  - Centres will designate a staging area.
  - Arrival times may be staged to ensure that staff arriving to work should remain 6ft apart prior to screening.
  - All staff will be checked for fever using infrared thermometer.
  - All staff will be asked to confirm the pre-shift self-screening results.

If staff have a fever or other symptoms, employees will be asked to apply a surgical mask and return home to contact Health Links.

## **VII. Health Information**

If there is a COVID-19 laboratory diagnosis in a Correctional Centre, a public health investigation is automatically triggered. Public Health notifies close contacts of laboratory-confirmed positive COVID-19 cases and anyone at risk of contracting the virus will be notified by Public Health.

Any inmate who is symptomatic is considered and treated as suspected positive. There is no change to approach or PPE on the officer's behalf whether someone was suspected or confirmed positive.

## **VIII. Court Appearances, Police Removals, and Medical Escorts**

Inmates/YPs who are escorted for rural court appearances will be returned to their home centre and isolated for 14 days. Inmates/YPs who are escorted to the Sheriff's lock up at the Law Courts Building do not need to be isolated upon return.

Inmates removed from custody by police agencies will be returned to their home centres and isolated for 14 days.

Inmates returning from medical escorts with corrections escorts do not need to be isolated, as they are wearing PPE and their movements in the community are supervised/monitored.

## **IX. Population Management and Isolation**

### **A. Unescorted Temporary Absences (UTA)**

All intermittent sentences are to be served at home and Unescorted Temporary Absences (UTAs) are authorized in all cases.

We are reviewing all other inmates towards the end of their custody sentences. All inmates who are released have a release plan completed with their correctional case manager to ensure there are appropriate supports in place.

The release of Open Custody youth are permitted, subject to stable residence.

### **B. Admission Restrictions**

Effective Thursday, April 2, 2020, all new admissions (adult/youth, male/female) in the province are being processed through the Winnipeg Remand Centre (WRC), where they will be isolated for 14 days, unless:

- The inmate is released from custody.
- The inmate becomes symptomatic while in isolation and isolation is extended as directed by medical personnel.
- An isolated inmate is housed in a cell alone with a minimum of one 30-minute break per day (in which to shower, make a phone call, etc.). When leaving their cell, they must wear their cloth reusable mask and wear a set of gloves.

All inmates who are symptomatic will be tested for COVID-19.

Admission to the WRC will require a remand warrant, disposition, committal, or other court ordered detention document(s). All direct lock-ups and other non-criminal detentions are suspended for the interim, province wide.

To assist in the detention of youth inmates, two staff from the Manitoba Youth Centre are assigned to the Winnipeg Remand Centre 24 hours per day to help address the unique needs of young offenders.

Male federal parole violators (PV) will not be admitted to the WRC. Female PVs will be admitted to the WRC.

Canadian Border Services is reviewing all detainee admission and will ensure that only essential cases will be admitted to the WRC.

Inmates who are admitted to the WRC on the same day can be housed in the same cell, assuming compatibility.

### **C. Isolation in other Centres**

Inmates who become symptomatic at other custody centres will remain in that centre and be isolated for 14 days from the onset of symptoms. Each centre has a designated isolation area for symptomatic inmates.

### **D. Post-Isolation**

After 14 days in isolation at the WRC, asymptomatic inmates will be transferred to other provincial custody centres, based on place of residence, court appearance location, and security needs. A process will be developed to ensure the transfer of isolated inmates out of the WRC immediately after isolation. This is based on the advice from Public Health that after 14 days even if an inmate had COVID-19, he/she would not be contagious.

## **X. Prevention and PPE Use**

Routine Practices, including hand hygiene, respiratory hygiene, routine cleaning and social distancing should be practiced as much as possible by all staff, always, and in all areas. No one is exempt from Routine Practices.

### **A. How the Virus Spreads**

Based on the information we have to date, the spread of the COVID-19 is by droplet spread only and is not airborne (does not stay in the air, ducts, vents, etc.). With droplet spread, the virus *cannot* penetrate skin but can only infect someone if the virus enters through a mucous membrane (eyes, nose, and mouth). This can occur directly if the droplet enters one of these locations or indirectly (if your hand touches droplets then that same hand is used to touch your mouth, nose or eyes). Spread is reduced or eliminated by Routine Practices and proper application of PPE as required.

### **B. Assess**

Before inmate/YP interaction, a risk assessment is done. This includes an assessment of the task/care to be performed:

- How much direct or indirect contact will occur?
- The presentation of the person, are they experiencing symptoms of respiratory illness?
- The physical state of the environment. Is the area an isolation space or, general population, etc.?
- Are there physical barriers in place, which provide separation or is there the ability to distance safely?

The Risk assessment will determine what type of Personal Protective Equipment (PPE) is required for both the inmates/YPs and staff. PPE requirements for inmates/YPs and PPE requirements for staff are addressed separately for clarity.

### **C. PPE Requirements for Inmates/YPs**

- All asymptomatic inmates will be issued reusable masks to combat the spread of virus through sneezing, coughing or talking when in close (less than 6 feet) contact with others. Masks should be retained by the inmates/YPs for further use but will be laundered/replaced daily, or when damaged, wet, or visibly soiled.
- All symptomatic inmates in isolation will be issued surgical masks, as long as these are available.
- Masks will be worn at all times when uncontained (outside of a cell).
- Gloves will be issued to inmates/YPs in isolation and must be worn when outside of the cell. Plastic gloves are suitable for in-unit activities (may be adjusted to non-plastic gloves when required). Higher protection/more durable gloves will be issued for off unit activity/travel. Hand Hygiene should be encouraged both before an inmate/YP comes out of the cell and after the inmate/YP returns to their cell.
- Inmates/YPs are not required to wear PPE if they are contained in a cell or they are in a cell with an open door/meal slot and are not within 6 ft. of others.
- Inmates in isolation who are escorted outside of the centre are required to wear a mask, non-plastic gloves, and a paper suit/coveralls.

If the isolated inmate/YP is being escorted to hospital, PPE will be determined by hospital personnel.

If an inmate/YP refuses to comply with PPE requirements, they are not to be moved and the SOM/Manager is to be advised of non-compliance.

### **D. PPE Requirements for Staff**

Appropriate use of PPE is essential for reducing spread of disease including COVID-19 and we must ensure our supply of PPE is not overused to ensure that we continue to have this resource for future. Re-usable or surgical masks will be made available for officers.

Staff are reminded to ensure hand hygiene is practiced routinely and when moving from one area to another. Hand sanitizer or washing hands is recommended after each encounter when hands may have become contaminated.

When supervising isolated inmates/YPs during medical procedures or assessments, staff will wear gloves and surgical masks. Staff will ensure safety and may recommend gowns, eye protection, etc. as required.

Because medical personnel are encountering and treating both symptomatic and asymptomatic inmates during a shift, consistent PPE is required. Medical personnel will wear a surgical mask, eye protection, gloves, and gowns/coveralls for the duration of their shift. Gowns may be removed and changed when taking a meal break.

All custody centre staff will wear a mask for the duration of their shift. Masks should be changed if wet, damaged, soiled, or removed for any reason. Staff are advised to avoid changing the mask unnecessarily.

Staff working in the isolation centre or isolation units will don eye protection for the duration of their shift. Eye protection includes personal glasses, face shield, or goggles. Eye protection must be cleaned/disinfected with a mild detergent before and after shift, or if removed for any reason.

Staff working in the isolation centre or isolation units will don gloves in any area where there is inmate/YP movement. Gloves include leather, plastic (sandwich), or any rubber/latex/nitrile glove. Gloves must be cleaned/disinfected or changed after each encounter (within 6ft) with an inmate/YP.

Staff working in isolation areas with symptomatic or COVID positive inmates/YPs will wear the same PPE as medical personnel (as described above).

Staff are required to practice hand hygiene before/after donning/doffing PPE.

#### **E. Uniform Management**

Staff are required to keep uniform items separate from regular clothing at home, including footwear. Staff should be changing in and out of their uniform at work.

Clean uniforms should come to work and should be washed after each shift, using regular detergent and warmest machine temperatures recommended on the uniform label.

In conclusion, all centres have plans and procedures in place to isolate and provide care to individuals who may require it. Decisions on when to test for COVID-19 are made by the centres' health care providers, based on the criteria set out by public health experts. Manitoba Corrections is in regular communication with counterparts in other provinces and territories to share best practices and learn from each other.

Manitoba Corrections is continuing to manage inmate populations under existing legislative authority with direction from its public health officials and other experts in consideration of the public health risks posed by COVID-19 and with full consideration of risks to public safety.

It is the understanding of Manitoba Corrections that Crown Attorneys and the Courts are prioritizing bail hearings and custody issues to reduce numbers in our centres. We understand dedicated 24 hour/7 day a week Crown Attorney and Legal Aid duty counsel are in place to reduce unnecessary prisoner transport and detentions.

I trust you will circulate this memorandum as you consider warranted.

Sincerely,

Greg Skelly,  
Executive Director Custody