


Chapter:	Close Confinement	Classification:	Public Document
Subject:	Administrative and Disciplinary Close Confinement		
For:	Correctional Facilities	 Authorized by Executive Director	

1. Policy

- 1.1 Correctional Services will place an individual in close confinement within a provincial correctional facility when it is required to assist in maintaining the safety of individuals, staff and the public.
- 1.2 Individuals placed in close confinement will be provided with privileges pursuant to Sections 54 to 58 of the *Correctional Services Regulations*.

2. Workplace Violence Prevention Plan

- 2.1 This policy and procedures, in addition to any facility Standard Operating Procedures (SOP), is part of the Correctional Services Division's overall workplace violence prevention plan as required by Section 7 of the *Violence in the Workplace Regulations*.


3. Authority

- 3.1 The authority and requirements for placing an individual in close confinement is derived from Section 74 of the *Correctional Services Act* (CSA) and Sections 79 to 81, 88(2)(b), 89(c) and 95(1)(c) and (d) of the *Correctional Services Regulations* (CSR).

4. Close Confinement


- 4.1 For the purpose of this policy, close confinement is defined as a restriction imposed on an individual to a cell or isolated area (e.g., unoccupied dayroom, temporary housing unit) that limits interaction with others.
- 4.2 The Superintendent, or delegate is responsible to identify individuals who may require placement in close confinement for the following reasons
 - 4.2.1 the security of the facility may be compromised, examples include
 - 4.2.1.1 concern the individual may be concealing contraband ([high risk safety protocol](#))
 - 4.2.1.2 space limitations
 - 4.2.1.3 to protect the safety of other individuals or staff where the individual poses a physical risk to others or staff
 - 4.2.1.4 threat to an individual from outside the facility

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- 4.2.2 at the request of the individual, examples include
 - 4.2.2.1 expressed concerns of physical assault from others
 - 4.2.2.2 requires time alone due to a stressful or emotional event such as a death in their family
- 4.2.3 where the individual has received an incident report and pending or following adjudication was sanctioned to close confinement in accordance with the disciplinary system
- 4.3 In accordance with Policy and Procedures, 46.00.00, [Access to Health Care](#), when requested by Correctional Health Services, an individual may be confined for medical reasons.
- 4.4 Correctional Services staff will notify the on-duty manager when an individual requires close confinement for reasons identified in Section 4.3 above.
- 4.5 Upon notification from Correctional Services staff, the manager may approve the individual's placement in close confinement and
 - 4.5.1 enter the reason for the close confinement on JEIN under the Custody Term Management "Location Assignment" tab. For further detail see JEIN User Manual Section 4.2.
 - 4.5.2 make a detailed note under the activity tab on JEIN, the JEIN note will be captured under the heading "Close Confinement Initiated" indicating
 - 4.5.2.1 reason for confining (Management, Medical, PC, Own Request, Disciplinary Lev 2, Disciplinary lev 3)
 - 4.5.2.2 individual placement (day room or CCU)
 - 4.5.2.3 personal effects stored (yes/no)
 - 4.5.2.4 personal effects location (if applicable)
 - 4.5.2.5 individual's attitude and behavior at time of confinement
 - 4.5.2.6 manager's name
 - 4.5.3 complete relevant sections of the Close Confinement Entitlement Report ([43.00.00-D](#))
- 4.6 When the reason for confinement has changed and the individual remains in confinement (e.g. disciplinary to administrative), the manager will
 - 4.6.1 update the close confinement reason, 4.6.1

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4.6.2 detail the reason for the change in JEIN under Activity Notes

- 4.7 In youth custody, Reintegration or Reset Program form will be
- 4.7.1 initiated by the manager
 - 4.7.2 uploaded upon completion to Individual Case Management under the "Documents" on JEIN


5. Exercise

- 5.1 In accordance with Section 57 of the *Correctional Services Act* and Section 81 of the *Correctional Services Regulations*, individuals on close confinement will be provided with a minimum of 30 minutes of fresh air exercise daily.
- 5.2 If in accordance with 5.1 and Policy and Procedures, 44.01.00, *Entitlements*, there is a requirement to deny access to exercise, the
- 5.2.1 individual will be advised of the reason for denial
 - 5.2.2 form [44.01.00-A](#), Outdoor Recreation Access Denied will be completed and forwarded to the Superintendent

6. Communication and Correspondence

- 6.1 In accordance with Sections 54(2), 55 and 56 of the *Correctional Services Act* and Section 59(1) and 95(3) of the *Correctional Services Regulations*, an individual placed in close confinement is permitted correspondence, telephone communication and visits with the following
- 6.1.1 spiritual advisor
 - 6.1.2 lawyer
 - 6.1.3 representative from the Office of the Ombudsman
 - 6.1.4 representative from the Human Rights Commission
 - 6.1.5 the Nova Scotia Police Complaints Commissioner
 - 6.1.6 the Nova Scotia Civilian Director of the Serious Incident Response Team (SIRT)
 - 6.1.7 individuals approved by the superintendent

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7. Programs and Privileges

- 7.1 An individual in close confinement will be permitted to participate in programs as identified in a case management plan, except where
- 7.1.1 participation has been restricted because of an adjudication
 - 7.1.2 security is an issue
 - 7.1.3 participation will put the individual or other individuals at risk
 - 7.1.4 it is not feasible operationally
- 7.2 Individuals placed in administrative close confinement will be provided with all privileges including
- 7.2.1 canteen
 - 7.2.2 personal visits
 - 7.2.3 daily access to shower
 - 7.2.4 daily access to phone
- 7.3 Where an individual's access to programs and/or privileges has been restricted, the reasons for the restrictions will be documented on JEIN under Offender Case Management "Activity Notes".


8. Disciplinary Close Confinement Pending Hearing by Adjudicator

- 8.1 In accordance with Policy and Procedures, Subject No. 42.03.00, [Temporary Measures](#)
- 8.1.1 correctional staff may place an individual in close confinement, and
 - 8.1.2 a manager may continue the disciplinary close confinement for a period not to exceed twenty-four (24) hours pending a
 - 8.1.2.1 review by the deputy superintendent
 - 8.1.2.2 a hearing by the adjudicator

9. Disciplinary Penalty – Close Confinement

- 9.1 An individual may be placed in close confinement following a
- 9.1.1 level I disciplinary report for a period not to exceed three (3) hours
 - 9.1.2 level II disciplinary report for a period not to exceed five (5) days for adults or three (3) days for youth

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9.1.3 level III disciplinary report for a period not to exceed ten (10) days for adults or seven (7) days for youth

10. Conditions of Disciplinary Close Confinement

- 10.1 An adjudicator may impose close confinement as a disciplinary restriction requiring the individual to serve the sanction in
- 10.1.1 their current room/dormitory/cell in their unit/dayroom
 - 10.1.2 the close confinement unit (CCU)
 - 10.1.3 another location, if security issues are identified, as determined by the manager
- 10.2 When an individual has been sanctioned to disciplinary close confinement in their current room/dormitory/cell, and there are no security issues identified, they will
- 10.2.1 keep their personal belongings in their room/dormitory/cell
 - 10.2.2 have a minimum of thirty (30) minutes of outdoor recreation in the airing court (adult) or outside exercise area (youth) with other individuals from their unit/dayroom
 - 10.2.3 participate in programs as identified in their case management plan
 - 10.2.4 receive personal correspondence (mail)
 - 10.2.5 receive visits
 - 10.2.6 participate in the regular medical distribution process
 - 10.2.7 have a shower each day
 - 10.2.8 be permitted to shave in accordance with the unit schedule
- 10.3 When an individual has been sanctioned to disciplinary close confinement in the close confinement unit, they are permitted the following privileges daily
- 10.3.1 thirty minutes of outdoor exercise
 - 10.3.2 as outlined in the Close Confinement Entitlement Report ([43.00.00-D](#))
- 10.4 Staff will document these privileges, or the individual's refusal to access the privileges, on the Close Confinement Entitlement Report ([43.00.00-D](#)).

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- 10.5 Managers responsible for conducting rounds in close confinement units will review the Close Confinement Entitlement Report ([43.00.00-D](#)) to ensure
 - 10.5.1 individuals are receiving privileges in accordance with 10.4, i.e., shower, outdoor recreation, phone calls
 - 10.5.2 there is documentation to support withholding privileges in accordance with 10.4

11. Case Management Team Rounds

- 11.1 Individuals placed in close confinement will be monitored by the case management team as follows
 - 11.1.1 a case management officer will
 - 11.1.1.1 complete rounds with all individuals in close confinement a minimum of once per calendar week, completing additional rounds on an as needed basis
 - 11.1.1.2 respond to any requests for case management officer support within two (2) business days of receiving a referral or request
 - 11.1.1.3 document each round in JEIN under Activity Notes
 - 11.1.1.4 submit a formal referral to Correctional Health Services if there are any concerns regarding the individual's health or mental health status
 - 11.1.2 a social worker will
 - 11.1.2.1 complete rounds on an as needed basis and respond to all requests for social work support within in two (2) business days of receiving a referral or request
 - 11.1.2.2 enter clinical notes on the social work shared drive clinical file
 - 11.1.2.3 document each round in JEIN under Activity Notes
 - 11.1.2.4 submit a formal referral to Correctional Health Services if there are any concerns regarding the individual's health or mental health status
 - 11.1.2.5 offer support and guidance to Correctional Services staff and management regarding strategies to support and/or engage with individuals in close confinement

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12. Additional Measures

- 12.1 A Security Management Plan may be utilized to provide direction to staff regarding any additional security procedures that are required for the management of the individual while they are in close confinement, such as restrictions around
- 12.1.1 contact with other individuals
 - 12.1.2 individual movement
 - 12.1.3 special precautions, such as “no sharps”
 - 12.1.4 interaction with staff
 - 12.1.5 escort protocols


13. Close Confinement Review and Request for Extension

- 13.1 The administrative or disciplinary close confinement of an individual will be reviewed by the deputy superintendent on regular business days and the Provincial Adjudicator (24 hr review) on weekends. The responsibility will only be delegated to a manager of a lower rank in accordance with 13.2.1.2 below.
- 13.2 The deputy superintendent or provincial adjudicator will access the JEIN Currently Confined Report daily to ensure individuals listed on the report are reviewed
- 13.2.1 no later than twenty-four (24) hours after the time the close confinement began
 - 13.2.1.1 the deputy superintendent or provincial adjudicator who conducts the twenty-four-hour close confinement review will document pertinent information (see 12.2) under the heading, “Close Confinement – 24 Hour”, under the activity tab on JEIN
 - 13.2.1.2 the on-duty manager may conduct a twenty-four-hour close confinement required to be completed on a when the deputy superintendent or provincial adjudicator are not normally scheduled to work, the manager will document pertinent information (see 12.2) under the heading, “Close Confinement – 24 Hour”, under the activity tab on JEIN

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- 13.2.2 following the twenty-four (24) hour review, once within every subsequent five (5) days, the deputy superintendent who will conduct a five-day close confinement review and will document pertinent information (see 12.2) on JEIN under the activity tab heading “Close Confinement – 5 Day” (CCR5D)
- 13.3 The “Close Confinement – 24 Hour” (CCR24H) and “Close Confinement – 5 Day” (CCR5D) contain the following headings to assist in building a comprehensive note of the individual’s status
- 13.3.1 physical and mental condition
 - 13.3.2 behavior and attitude
 - 13.3.3 efforts to move the individual from close confinement
 - 13.3.4 behavioural management plan (if required)
 - 13.3.5 program participation
 - 13.3.6 physical condition of cell
 - 13.3.7 decision and comments
- 13.4 Requests by the deputy superintendent for an individual to remain in close confinement beyond 10 days for adults and 5 days for youth will be submitted to the Executive Director, Correctional Services or delegated director. The deputy superintendent will submit the request, at the earliest opportunity, prior to the end of the current confinement period. Upon receipt of the request for extension the Executive Director or delegate may approve an additional period of confinement not to exceed 5 days for youth and 10 days for adults for disciplinary close confinement.
- 13.5 Requests for the individual continued placement in close confinement beyond the superintendent’s authority in accordance with 12.2 above will be submitted
- 13.5.1 using the Request for Extension of Disciplinary Close Confinement form ([43.00.00-B](#)), or the Request for Extension of Administrative Close Confinement form ([43.00.00-C](#))
 - 13.5.2 for subsequent continued confinement beyond the Executive Director’s or delegate’s approved extension period
- 13.6 In cases where an individual’s close confinement has reached 30 days and continued confinement has been deemed necessary, and after every subsequent 30-day period, the individual will receive a formal letter (see

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[43.00.00-E](#)), a copy will be placed on the individual’s file in accordance with 12.6 below, from the superintendent detailing

- 13.6.1 period spent in close confinement
- 13.6.2 reasons for initial confinement
- 13.6.3 reason for continued confinement
- 13.6.4 options that may have been presented to individual to allow for discontinue of close confinement
- 13.6.5 privileges and services to be provided/continued while the individual remains in close confinement

13.7 Upon receipt of a decision regarding the request for extension of close confinement, the form will be uploaded to Custody Term Management under the “Person Documents” tab on JEIN.

14. Housed with Privileges

14.1 Individuals who are housed with privileges in a close confinement unit or another facility location, e.g., temporary housing unit, intensive supervision unit, etc., will


- 14.1.1 have an updated Institutional Security assessment (ISA) completed in accordance with Policy and Procedures, 28.03.00, [Security Risk Assessment – Institutional Security Assessment](#)
- 14.1.2 be provided access to out of cell programs/privileges and to interact with other individuals in custody at a minimum in excess of two hours daily

14.2 Individuals housed in a close confinement unit in accordance with 14.1 will have the reason for the close confinement entered on JEIN as “Housed with Privileges” under the Custody Term Management “Location Assignment” tab. For further detail see JEIN User Manual Section 4.2.

14.3 Individuals “housed with privileges” in a close confinement unit will be reviewed in accordance with section of 13 of this policy to determine if the individuals can be integrated into a facility dayroom.

15. Discontinuing Close Confinement

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- 15.1 In accordance with Section 13, the deputy superintendent or provincial adjudicator may release the individual from confinement if they are satisfied that it is in the best interest of the individual, other individuals and the security of the correctional facility.
- 15.2 Release from close confinement may also be authorized by the superintendent, deputy superintendent, ADS, captain or unit supervisor/OIC pending an adjudication or when the condition that required the individual to be placed in close confinement no longer exists.
- 15.3 Correctional Services staff releasing an individual from confinement in accordance with Section 15.1 and 15.2 will make a detailed note under the “activities” tab on JEIN detailing the reasons for the release. The JEIN note will be captured under the heading “confinement discontinued”.


16. Close Confinement Review by the Office of the Ombudsman

- 16.1 The Director of Policy and Program Services or designate will provide the Ombudsman’s Office with a copy of the JEIN *Department of Justice Close Confinement History* report on a quarterly basis, i.e., October, January, April and July.
- 16.2 Upon receipt of the report the Ombudsman’s office will select individual files for review.
- 16.3 The Director of Policy and Program Services or designate will provide the selected individual’s files and provide them to the Ombudsman’s Office for review.
- 16.4 The Correctional Services Inspector will ensure correctional facilities develop and implement action plans to address any deficiencies identified as a result of the ombudsman review.

17. Standard Operating Procedures (SOP)

- 17.1 The superintendent is responsible to establish Standard Operating Procedures (SOPs) with respect to this policy as follows

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- 17.1.1 details on placement
- 17.1.2 responsibility for review
- 17.1.3 supervision
- 17.1.4 treatment
- 17.1.5 privileges
- 17.1.6 additional measures
- 17.1.7 location(s) for close confinement
- 17.1.8 responsibility to enter the reason for the close confinement on JEIN
- 17.1.9 responsibility for documenting the reasons for restricting access to programs and services on JEIN
- 17.1.10 responsibility to establish the process for reviews to be relayed to the deputy superintendent of adjudications on weekends
- 17.1.11 responsibility for documentation in JEIN Activity Notes (close confinement review) regarding close confinement
 - 17.1.11.1 approval to impose
 - 17.1.11.2 approval to discontinue
 - 17.1.11.3 twenty-four (24) hour review
 - 17.1.11.4 every five (5) day review
 - 17.1.11.5 requests to Executive Director for permission to exceed ten (10) days for adult or seven (7) days for youth
- 17.1.12 responsibility for uploading documents to the Custody Term Management under the "Person Documents" tab on JEIN