

Chapter: **General Facility Operations**

Classification: **Public Document**

Subject: **Communication**

For: **All Custody**


Authorized by the Executive Director

Policy

- 1 The Superintendent and Youth Custody Manager may monitor and restrict communication privileges of a person in custody (see Policy and Procedures, Subject No. 37.15.00, [Communication Monitoring](#)) and are responsible to ensure a person in custody is provided access to
 - (a) mail and written correspondence
 - (b) telephone, video, and electronic communication
 - (c) visitation, including video visitation

Privileged Communication


- 2 Privileged communication includes communication made to or by a person that is considered confidential and is excluded from monitoring procedures. As identified in Section 56 of the *Correctional Services Act* (CSA) and Section 61 of the *Correctional Services Regulations*, this includes a person's written correspondence with the following
 - (a) a lawyer
 - (b) Office of the Ombudsman
 - (c) Human Rights Commission
 - (d) Legislative Assembly of Nova Scotia
 - (e) Parliament of Canada
 - (f) Deputy Minister of the Department of Justice
 - (g) Executive Director or Director of the Correctional Services Division
 - (h) Inspector designated under the CSA
 - (i) Nova Scotia Police Complaints Commissioner
 - (j) Nova Scotia Civilian Director of the Serious Incident Response Team
- 3 As identified in Section 55 of the *Correctional Services Act* and Section 59 of the *Correctional Services Regulations*, privileged communication, which is excluded from monitoring procedures, includes a person's telephone, video, and electronic communication

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with the following

- (a) a lawyer
- (b) representative of the Office of the Ombudsman
- (c) representative of the Human Rights Commission
- (d) Nova Scotia Police Complaints Commissioner
- (e) Nova Scotia Civilian Director of the Serious Incident Response Team

Mail


- 4 Mail identified as privileged and/or confidential will be forwarded unopened.
- 5 If the facility senior manager believes mail identified as privileged poses a security risk, they may
 - (a) withhold the mail until it can be confirmed as privileged
 - (b) direct correctional staff to open and inspect the letter in the presence of recipient and witness
- 6 At adult facilities all mail will be scanned using a narcotics detector or Ion Mobility Spectrometry, commonly known as an Ion Scanner, as follows
 - (a) a swab will be taken of the envelope or package
 - (b) the swab will be inserted into the Ion Scanner
 - (c) if a negative result occurs, process mail as per policy
 - (d) if a positive result occurs
 - i. place mail in a sealed bag
 - ii. mail given to security risk management or supervisor for further internal review which may include liaison with the police
- 7 Outgoing and incoming mail that is not identified as privileged will be reviewed by designated correctional staff to ensure the correspondence does not
 - (a) jeopardize the security of the facility, or persons

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- (b) contain threats
- (c) include content intended to conspire or commit further offence(s)
- (d) contain contraband
- (e) pose a risk to public safety

Telephone Communication

- 8 The facility senior manager will ensure standard operating procedures (SOP) are developed to detail persons in custody's telephone communication, and will include
 - (a) an opportunity to contact family via a phone call upon admission
 - (b) procedure for those in custody to access the telephone system
 - (c) frequency and duration of phone calls
 - (d) telephone use documentation/record
 - (e) SOP will be developed to outline the process for ensuring persons phone accounts are updated as required.
- 9 All persons in custody will be provided with 1 free phone call per day. The free call is added to each account automatically by the telephone system provider.

Electronic Communication


- 10 The facility senior manager will ensure standard operating procedures (SOP) are developed regarding persons in custody the use of electronic communication devices, including tablets, where available, and will include
 - (a) procedure to access tablets in each dayroom, including
 - i. sign out process
 - ii. tablet sign-in details regarding protection of persons tablet access information, i.e. Personal Identification Number (PIN)
 - iii. staff to ensure tablets returned in good working order and placed on the charging stations for overnight charging and software update
 - (b) frequency and duration of tablet usage

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- (c) tablet use documentation/record

Referral to Police

- 11 Where communication contains information of criminal activity, the information will be forwarded to the police by designated correctional staff.
- 12 Where information is forwarded to the police, a written report will be submitted to the facility senior manager.

Restriction on Communication

- 13 The facility senior manager will ensure that persons in custody are not permitted communication with individuals
 - (a) incarcerated at other provincial or federal correctional facilities, unless there is an established family relationship
 - (b) named on a person's probation order with conditions of no contact
 - (c) who request not to be contacted by the person
 - (d) named on court orders for remand and similar orders that restrict communications

Standard Operating Procedure


- 14 The facility senior manager will develop SOP to identify the
 - (a) staff designated to
 - i. review outgoing and incoming written communication not identified as privileged
 - ii. review outgoing and incoming electronic communication not identified as privileged
 - iii. open and inspect privileged written communication
 - iv. forward information regarding criminal activity to police
 - (b) process for forwarding information to police regarding communication as identified under heading *Electronic Communication*

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(c) procedures for withholding mail to be confirmed as privileged