

Chapter: **Close Confinement**

Classification: **Public Document**

Subject: **Secure Separation**

For: **Youth Custody**


Authorized by the Executive Director

Policy

- 1 Correctional Services will place a young person in secure separation within a provincial youth centre when it is required to assist in maintaining their safety, the safety of staff and the public.
- 2 Young persons placed in secure separation will be provided with entitlements pursuant to Sections 54 to 58 of the *Correctional Services Regulations*.

Authority

- 3 The authority and requirements for placing an individual in secure separation 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).

Definitions

- 4 **Entitlements:** Items and activities persons in custody must be provided in accordance with the *Correctional Services Act* and Regulations to ensure positive quality of life.
- 5 **Privileges:** Items and activities persons in custody may be provided to support positive quality of life.
- 6 **Secure Separation:** A temporary restriction imposed on a young person, for the purposes of safety and security, that limits their interaction with others to less than four hours.
- 7 **Reset Program:** The Reset Program is a restorative-based approach to discipline that reduces secure separation by providing youth with opportunities to reflect on their behavior and take accountability, promoting a gradual return to privileges, thereby encouraging behavior change through less restrictive and more supportive measures.

Reasons for Secure Separation

- 8 **Alleged or Breached Rule:** A young person may be securely separated in relation to a Level 2 or Level 3 breach of facility rule(s).
- 9 **Own Request:** A young person may request to be in placed in or remain in secure

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separation despite living unit options being made available to them. This can include situations where they feel their safety, or the safety of others is at risk.

- 10 **Safety of Others:** A young person may be securely separated if there is reasonable belief the safety of others in the facility will be at risk if the person is housed in a living unit.
- 11 **Security of Correctional Facility:** A young person may be securely separated if there is reasonable belief the security of the Correctional Facility would be at risk if the person were housed in a living unit. E.g. escape risk.
- 12 **High Risk Safety Protocol:** A young person may be securely separated if they are suspected of smuggling contraband inside a body cavity and the criteria to initiate HRSP outlined in Policy and Procedures Subject, [39.11.00 – High Risk Safety Protocol](#) has been met.
- 13 **Medical:** To be used when a young person is required to be in separation for medical reasons as outlined in policy [46.00.00, Access to Health Care](#), or in relation to public health direction.

Secure Separation

- 14 A young person placed on secure separation may be restricted to
 - (a) a room in a unit
 - (b) a safety cell
- 15 The Youth Custody Manager, or delegate is responsible to identify young persons who may require placement in secure separation for the following reasons
 - (a) administrative
 - i. the security of the facility may be compromised, examples include
 - a concern the young person may be concealing contraband
 - b to protect the safety of other young people or staff where the individual poses a physical risk to others or staff
 - ii. at the request of the young person, examples include
 - a expressed personal safety concerns

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- b requires time alone due to a stressful or emotional personal event
 - (b) disciplinary
 - i. where the young person has received a disciplinary report and pending or following an adjudication is sanctioned to secure separation in accordance with the disciplinary system.
- 16 In accordance with Policy and Procedures, 46.00.00, [Access to Health Care](#), when requested by IWK Staff, a young person may be placed in administrative secure separation for medical reasons.
- 17 Unless under the direction of the IWK a young person will not be held in secure separation solely for the following reasons
 - (a) pregnant or have recently given birth
 - (b) suicidal or chronically self harming
 - (c) suffering from a confirmed diagnosis of mental disorder or intellectual disability
 - (d) in need of medical observation
 - (e) mobility impaired
- 18 Upon notification from Correctional Services staff, the manager may approve the young person's placement in secure separation and will
 - (a) enter the reason for the secure separation on JEIN under the Custody Term Management "Location Assignment" tab
 - (b) make a note under the activity tab on JEIN using the "[Secure Separation Initiated](#)" activity type
 - (c) complete relevant sections of the Secure Separation Entitlement Report ([43.03.00-A](#))
- 19 When the reason for secure separation has changed the manager will
 - (a) update the secure separation reason
 - (b) detail the reason for the change in JEIN under Activity Notes
- 20 The Reset Program ([43.03.00 – B](#)) will be
 - (a) initiated by the manager

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- (b) uploaded upon completion to Case Management under the “Documents” on JEIN
- 21 Staff supervising a young person on secure separation will conduct rounds as follows
 - (a) Youth Worker – at least once every twenty minutes
 - i. document each round on the Young Person Watch form ([43.03.00 – C](#))
 - (b) Officer-In-Charge/Day Manager – a minimum of three per shift
- 22 Young persons placed in secure separation will be supported as follows
 - (a) a youth worker will
 - i. respond to any requests within 3 hours of receiving a referral or request
 - ii. submit a formal referral to the IWK or the Correctional Services Social Worker if there are any concerns regarding the young person’s health or mental health status
 - (b) the Case Management Team will
 - i. visit a young person in secure separation at every 3 days
 - ii. respond to all requests for social work support within in 2 business days of receiving a referral or request
 - iii. submit a formal referral to the IWK if there are any concerns regarding the young persons health or mental health status
 - iv. offer support and guidance to Correctional Services staff and management regarding strategies to support and/or engage with young persons in secure separation
 - v. document all visits to persons in secure separation under the activity tab on JEIN using the “Secure Separation Initiated” activity type

Entitlements


- 23 In accordance with Section 57 of the *Correctional Services Act* and Section 81 of the *Correctional Services Regulations*, young persons in secure separation will be provided with a minimum of 30 minutes of fresh air exercise daily.
 - (a) Exercise may be denied in accordance with Policy and Procedures. [44.01.00, Entitlements](#).

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- 24 In accordance with section 57 of the *Correctional Services Act* a person not being securely separated for disciplinary reasons will be offered access to facility approved reading materials.
- 25 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*, a young person placed in secure separation is permitted correspondence, telephone communication and visits with the following
 - (a) spiritual advisor
 - (b) lawyer
 - (c) representative from the Office of the Ombudsman
 - (d) representative from the Human Rights Commission
 - (e) the Nova Scotia Police Complaints Commissioner
 - (f) the Nova Scotia Civilian Director of the Serious Incident Response Team (SIRT)
 - (g) individuals approved by Youth Custody Manager
- 26 Staff will document access to entitlements, or the young person's refusal to access entitlements, on the Secure Separation Entitlement Report ([43.03.00-A](#)).
- 27 If a young person is refusing entitlements, the manager will inform the Youth Custody Manager and ensure appropriate referrals to the Correctional Services Social Worker and the IWK are made.

Programs and Privileges

- 28 A young person in secure separation will be permitted to participate in programs and access privileges including spiritual/cultural services in accordance with the Reset Program, except where
 - (a) participation has been restricted because of an adjudication
 - (b) security concerns are present
 - (c) participation will put the young person or others at risk
 - (d) it is not feasible operationally

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- 29 Young persons placed in secure separation with no identified security issues will be provided with all privileges including
- (a) canteen
 - (b) personal visits
 - (c) access to phone for communication with those not covered under entitlements
 - (d) a daily shower
 - (e) access to a razor in accordance with the facility schedule
- 30 Where a young person's access to programs and/or privileges have been restricted, the reasons for the restrictions will be documented on JEIN under Case Management "Activity Notes" with a plan to return the young person to participation in accordance with the Reset Program.

Secure Separation Pending Hearing by Adjudicator

- 31 In accordance with Policy and Procedures, Subject No. 42.00.00, [Rules and Regulations](#)
- (a) correctional staff may place a young person in secure separation
 - (b) review and remove the young person from secure separation based on risk and safety

Disciplinary – Secure Separation

- 32 A young person may be placed in secure separation following a
- (a) level I disciplinary report for a period not to exceed 3 hours
 - (b) level II disciplinary report for a period not to exceed 3 days
 - (c) level III disciplinary report for a period not to exceeds 5 days

Disciplinary Secure Separation - Conditions

- 33 The staff acting as adjudicator may impose secure separation as a disciplinary restriction requiring the young person to serve the sanction in
- (a) their room
 - (b) safety cells

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- (c) another location, if security issues are identified, as determined by the manager
- 34 When a young person has been sanctioned to secure separation as part of an adjudication and no security issues have been identified, they will be permitted to
 - (a) keep their personal belongings in their room
 - (b) have a minimum of 30 minutes of outdoor recreation in the outside exercise area with other young persons from their cottage
 - (c) participate in programs and services including spiritual/cultural services as identified in their case management plan and according to the Reset Program
 - (d) receive personal correspondence (mail)
 - (e) receive visits
 - (f) have a shower each day
 - (g) be permitted to shave in accordance with the unit schedule

Administrative Secure Separation – Conditions

- 35 Young persons in administrative secure separation will be afforded the same privileges given to other young persons in the facility consistent with available resources and security needs.
- 36 Young persons requiring or requesting a period of separation will be securely separated within the living unit and not in a safety cell, unless deemed necessary by the manager.
- 37 Young persons will continue to receive services in accordance with their reintegration plan and may participate in programs consistent with available resources and security needs.
- 38 When a young person is in administrative secure separation, the Officer in Charge will complete a daily report including the following information
 - (a) young person's name and the reason for the separation
 - (b) date and time of both admission and release
 - (c) all visits
 - (d) all observations made and supervision received
 - (e) all medical or psychological services rendered or requested

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- (f) any unusual events or problems and the resolution

Secure Separation Review and Request for Extension

- 39 A manager may continue the secure separation for a period not to exceed 24 hours pending
 - (a) review by the Youth Custody Manager or delegate
 - (b) a hearing by an adjudicator
- 40 Daily, the Youth Custody Manager or delegate will review the Secure Separation Entitlement Report for all young persons currently in secure separation to ensure compliance with Policy and Procedure Subject 44.01.00 – Entitlements ([43.03.00-A](#)), including the following
 - (a) young people are receiving entitlements
 - (b) there is documentation to support withholding privileges and denying exercise.
- 41 Release from administrative secure separation may be authorized in accordance with section 53 of this policy subject.
- 42 The Youth Custody Manager or delegate will access the JEIN Currently Secure Separated Report daily to ensure young persons listed on the report are reviewed
 - (a) no later than one day after the time the secure separation began
 - i. the Youth Custody Manager or delegate will document pertinent information under the “Separation Review – 1 Day”, (SS24H), activity tab heading on JEIN
 - a in the absence of the Youth Custody Manager, the on-duty manager will conduct the review and complete the required documentation
 - (b) following the initial secure separation review, the Youth Custody Manager or delegate will
 - i. conduct on going reviews once every 3-days, including a review of an existing Plan of Care completed in accordance with section 45 of this policy
 - ii. update the Plan of Care if required and document pertinent information on JEIN under the activity tab heading “Secure Separation – 3 Day Review” (SSR3D)
- 43 The “Separation Review – 1 Day” (SS24H) and “Secure Separation – 3 Day Review”

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(SSR5D) contain the following headings to assist in building a comprehensive note of the young persons status

- (a) physical and mental condition
- (b) behavior and attitude
- (c) efforts to move the individual from secure separation
- (d) program participation
- (e) physical condition of cell
- (f) decision and comments

- i. including confirmation an existing plan of care was reviewed and whether or not updates were made

- 44 A Plan of Care to assist the young person's transition out of secure separation will be developed if a period of secure separation will exceed 3 days.
- 45 Where a Plan of Care is required, the Youth Custody Manager or delegate and the Correctional Services Social Worker, will work in collaboration with IWK Staff to develop the Plan of Care using form [43.03.00 – D](#). Upon completion, the Plan of Care will be
- (a) reviewed by the Day Manager
 - (b) forwarded by the Day Manager to the Youth Custody Manager for approval
- 46 For a young person to remain in secure separation beyond 5 days, the Youth Custody Manager or delegate will submit a request at the earliest opportunity prior to the end of the current separation period, to the Executive Director, or delegated Director as follows
- (a) using form Request for Extension of Disciplinary Secure Separation ([43.03.00-E](#)), or Request for Extension of Administrative Secure Separation ([43.03.00-F](#))
 - (b) a period of secure separation cannot be extended for more than 2 days at a time
 - (c) the applicable request for extension form will be submitted for each subsequent 2-day period
- 47 In cases where a young person's secure separation has reached 7-days and continued separation has been deemed necessary, and after every subsequent 7-day period, the young person will receive a formal letter ([see 43.03.00-G](#)). A copy will be placed on the young person's file from the Youth Custody Manager detailing

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- (a) period spent in secure separation
 - (b) reasons for initial separation
 - (c) reason for continued separation
 - (d) options that may have been presented to person to allow for discontinue of secure separation
 - (e) privileges and services to be provided/continued while the young person remains in secure separation
- 48 Upon receipt of a decision regarding the request for extension of secure separation, the form will be uploaded to Custody Term Management under the “Person Documents” tab on JEIN. Responsibility to upload the form will be outlined in Standard Operating Procedures.
- 49 Young persons will be held on administrative secure separation only as long as the reasons for the initial placement remain valid.
- 50 Weekly, the Manager, Correctional Services, or delegate will review all cases of young persons on administrative secure separation.
- 51 Young persons on administrative secure separation may appeal their case to the Executive Director or delegate.

Discontinuing Secure Separation

- 52 In accordance with the **Secure Separation Review and Request for Extension** section of this policy, the Youth Custody Manager or delegate may release the young person from secure separation if they are satisfied that it is in the best interest of the young person, other young persons and the security of the correctional facility.
- 53 Release from secure separation may also be authorized by the Youth Custody Manager, Day Manager, or OIC pending an adjudication or when the condition that required the young person to be placed in secure separation no longer exists.
- 54 Correctional Services staff releasing a young person from secure separation will
- (a) complete a location change on JEIN and 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 “separation discontinued”

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- (b) forward the Entitlements Report for review and upload to JEIN in accordance with Standard Operating Procedures 43.03.00 – Secure Separation

Reporting

- 55 A secure separation summary report listing all young persons subject to secure separation and the reason will be submitted
 - (a) weekly, by the Youth Custody Manager or delegate will provide to summary report the Director, Correctional Services
 - (b) daily, to the Youth Custody Manager as directed in Standard Operation Procedures

Secure Separation Review by the Office of the Ombudsman

- 56 The Director Correctional Services or delegate will provide the Ombudsman's Office with a copy of the JEIN *Department of Justice Secure Separation History* report on a quarterly basis, i.e., October, January, April and July.
 - (a) upon receipt of the report the Ombudsman's office will select individual files for review.
- 57 The Director, Correctional Services or delegate will provide the selected young person's files and provide them to the Ombudsman's Office for review.
- 58 The Inspector, Correctional Services will ensure correctional facilities develop and implement action plans to address any deficiencies identified by of the ombudsman review.

Standard Operating Procedures

- 59 The Youth Custody Manager will establish Standard Operating Procedures (SOPs) with respect to this policy as follows
 - (a) details on placement
 - (b) responsibility for review of required documentation
 - (c) supervision
 - (d) requirements for documenting entitlements and privileges offered and accessed
 - (e) responsibility for documenting the reasons for restricting access to programs, services and privileges on JEIN

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- (f) responsibilities related to the Secure Separation Entitlement Report as follows
 - i. completion
 - ii. review
 - iii. storage
- (g) additional measures
- (h) location(s) for secure separation
- (i) responsibility to enter the reason for the secure separation on JEIN
- (j) responsibility to establish the process for reviews to be relayed to the Officer-In-Charge on weekends
- (k) responsibility for documentation in JEIN Activity Notes (secure separation review) regarding secure separation
 - i. approval to initiate
 - ii. approval to discontinue
 - iii. initial separation review
 - iv. subsequent 3-day review(s)
 - v. requests to Executive Director for permission to exceed five days
- (l) responsibility for uploading documents to the Custody Term Management under the "Person Documents" tab on JEIN
- (m) responsibility for preparing the daily and monthly secure separation summary report and the information required in the reports