

Topic: Use of Dry Cells

Ministry of Corrections, Policing and Public Safety
Custody, Supervision and Rehabilitation Services

LEGISLATIVE AUTHORITY: <i>The Correctional Services Act, 2012</i> , section 41-42	Authorization: Assistant Deputy Minister, Custody, Supervision and Rehabilitation Services Policy Owner: Executive Director, Custody Services
Prepared by: Paul Sagel and Lindsay Tokarski	Effective Date: March 17, 2021
Revised by: Tammy Homes	Latest Revisions Effective: September 11, 2023

SCOPE:

This policy applies to all adult correctional facilities as defined by s. 2(h) of *The Correctional Services Act, 2012*.

POLICY OBJECTIVE:

The purpose of this policy is to establish standards for the temporary placement of an inmate in a cell without operating plumbing fixtures (dry cell) where it is suspected that the inmate may have contraband concealed within their person. Adherence to this policy will ensure that inmates' rights privacy and dignity are respected while mitigating the risk of contraband entering the correctional facility.

PRINCIPLES:

- The safety of staff, inmates, and the public is the paramount consideration when placing an inmate in a dry cell.
- Dry cell placements will be conducted in accordance with *The Correctional Services Act, 2012* and *The Correctional Services Regulations 2013*.
- Correctional facilities actively discourage the concealment or use of illicit or prohibited substance use and/or dangerous contraband entering the facilities.

DEFINITIONS:

Body Cavity Search: the physical probing of a body cavity in the prescribed manner. Body cavity searches shall only be conducted for compelling medical reasons by a qualified medical practitioner and with the inmate's written consent.

Body Scan: the process of using the body x-ray security scanning system to conduct a search of the inmate's person.

Body Scanner: a device that utilizes very low doses of x-rays to scan through the body and produce a visual image that is displayed on the computer monitor at the operator console.

Contraband: any unauthorized substance or item, as defined per s. 2(e) of *The Correctional Services Act, 2012* in the possession of an inmate or found in the facility or on the grounds of the facility.

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Dry Cell: a cell without operating plumbing fixtures.

STANDARDS:

1.0 GENERAL

1.1 The Correctional Facility Director shall implement a local procedural directive on the use of dry cells, which shall include, but is not limited to the following:

- Procedures for when an inmate is suspected of concealing contraband within their person;
- Observation standards for when the inmate is in the dry cell; and
- Collection procedures for expelled contraband.

2.0 ROLES AND RESPONSIBILITIES

2.1 The **Correctional Facility Director** is responsible for:

- Implementing a local procedural directive on the use of dry cells in their facility.

2.2 The **Deputy Director of Operations (DDO)** is responsible for:

- Reviewing each dry cell placement on a daily basis; and
- Approving dry cell placements beyond 72 hours and ensuring the placement continues to be based on reasonable grounds.

2.3 The **Assistant Deputy Director of Operations (ADDO)** is responsible for:

- Authorizing the placement of an inmate in a dry cell and ensuring the placement is based on reasonable grounds;
- Assigning staff to search the inmate and cell and provide observation of the inmate while in the dry cell;
- Providing the inmate with written reasons for the placement; and
- Providing the DDO/on-call Senior Manager with daily updates until the situation has been resolved.

2.4 **Correctional Officers** are responsible for:

- Providing continuous observation and recording inmate activity in the observation log book;
- Searching the inmate and dry cell prior to use;
- Assisting the ADDO in checking for contraband;
- Completing incident reports on the Criminal Justice Information management System (CJIMS); and
- Using Personal Protective Equipment (PPE) as required.

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2.5 **Nursing Staff** are responsible for:

- Conducting daily health assessments on inmates placed in a dry cell.

3.0 **AUTHORIZATION**

3.1 Pursuant to subsection 16(4) of *The Correctional Services Act, 2012*, the Correctional Facility Director's responsibility for authorizing the placement of an inmate in a dry cell is delegated to the DDO, on-call Senior Manager, and ADDOs.

3.2 The ADDO may authorize the detention of an inmate in a dry cell where there are reasonable grounds to believe that the inmate has ingested contraband or is carrying contraband in a body cavity on the expectation that the contraband will be expelled.

3.3 Placement of an inmate in a dry cell is limited to no more than 72 consecutive hours except for the circumstances noted in 3.4 of this policy.

3.4 The DDO or on-call Senior Manager may approve extending the placement for up to an additional 24-hours if:

- It is determined that contraband had been excreted but re-ingested or re-inserted into a body cavity;
- The inmate has not had a bowel movement in 72-hours;
- The inmate is exhibiting signs/symptoms of drug intoxication and the medical unit has been notified and has approved of extending the placement; and
- If the inmate has left the correctional facility during the dry cell placement (e.g., for court or police escort) and there are reasonable grounds to believe the inmate may still, or has new, contraband within their person upon their return.

4.0 **NOTIFICATION**

4.1 The ADDO on duty shall notify the DDO if an extension is required (during regular working hours) or the on-call Senior Manager (outside of regular working hours) as per the requirements set out in s. 3.4 of this policy.

4.2 The inmate shall be provided with written reasons by way of the *Notice of Dry Cell Placement* form for the placement and be provided with a reasonable opportunity to consult with a legal representative upon placement in the dry cell.

4.3 The medical unit shall be provided with a copy of the *Notice of Dry Cell Placement* form when an inmate has been placed in a dry cell.

4.4 If the inmate is required to leave the facility (e.g., court or police escort) during the dry cell placement, the transporting agency will be notified by providing a copy of *Notice of Dry Cell Placement* form.

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5.0 PRIOR TO PLACEMENT

- 5.1 The inmate will be provided with an opportunity to voluntarily surrender the contraband prior to being placed in a dry cell; however, the ADDO may still authorize the placement if there are reasonable grounds to believe the inmate may have additional contraband within their person.
- 5.2 Inmates who voluntarily surrender contraband prior to placement in a dry cell shall not be subject to an internal discipline charge; however, if the contraband is related to their criminal charges, it shall be seized as evidence in accordance with Provincial Policy **Security 509 – Contraband and Evidence Handling, Testing and Disposition**.
- 5.3 The inmate shall be examined using the whole body x-ray scanner in accordance with Provincial Policy **Security 520 – Whole Body X-Ray Scanners** prior to being placed in a dry cell.
- 5.4 The inmate shall then be strip searched and provided with new clothing prior to placement in the dry cell. Transgender inmates shall be searched in accordance with Provincial Policy **Case Management 313 – Transgender Inmates**.
- 5.5 The dry cell shall be thoroughly searched and all content removed, except the mattress, prior to the inmate being placed in the cell.

6.0 PLACEMENT

- 6.1 The inmate shall be assessed by nursing staff upon placement and on a daily basis thereafter until the placement has been discontinued.
- 6.2 The inmate shall be placed on continuous observation until the placement has been discontinued.
- 6.3 All items entering and exiting the cell (e.g., food trays, toiletry items, etc.) shall be inspected prior to entering the cell and upon removal.
- 6.4 The inmate's head and hands must be visible at all times except when they are sleeping.
- 6.5 If the inmate appears to be experiencing drug intoxication or medical distress, immediate medical assistance shall be provided by either having the inmate assessed by nursing staff or be transported to a local healthcare facility/hospital.
- 6.6 Inmates caught tampering with cell contents may have them removed.

6.7 Conditions of Confinement

- 6.7.1 All inmates placed in dry cells shall be provided with:
 - A mattress and blanket(s);
 - Meals (e.g., bagged lunch with no plastic wrap);
 - Drinking water hourly and upon request;
 - Toiletry items;

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- Reasonable access to privileged telephone contacts (e.g., lawyer, ombudsman, etc.);
- Medical attention;
- Access to Chaplains and Elders;
- Shower after 24 hours of placement;
- Clean clothing;
- Access to cleaning supplies; and
- The opportunity to order canteen to be received after the placement is discontinued.

6.7.2 Inmates on dry cell placement will not be permitted to:

- Convene or communicate with other inmates;
- Attend group programming or work placements;
- Possess canteen items; and
- Partake in the visiting program.

7.0 MEDICAL X-RAY AND/OR PHYSICAL EXAMINATION

7.1 An inmate may be asked to consent to a medical X-ray and/or physical examination/body cavity search to determine whether they have contraband within their person.

7.2 The inmate who is being asked to consent to a medical X-ray and/or physical examination shall be provided with a reasonable opportunity to seek advice from a legal representative should they wish to do so.

7.3 If consent is obtained, the inmate shall be escorted to a health care facility for the procedure(s) to be conducted by a qualified medical practitioner. *Under no circumstances will such examinations be conducted by anyone other than qualified medical practitioner.*

7.4 If the inmate refuses to provide their consent, the inmate shall be placed in the dry cell and be assessed and observed as per Provincial Policy **Incident Management 717 – Observation Standards** or, if there are concerns for the inmate's health, be transported to a local healthcare facility/hospital.

7.5 All consent, refusals to consent and requests to obtain legal advice shall be documented on the *Inmate Consent for Medical Imaging and/or Examination* form.

8.0 DISCONTINUATION OF PLACEMENT

8.1 The dry cell placement shall be discontinued as soon as:

- The inmate expels the contraband and it is turned over to/retrieved by the ADDO; and/or
- The ADDO is satisfied that the inmate no longer has contraband in their person; or

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- 72 consecutive hours has passed (96 hours with approval of the DDO/on-call Senior Manager).

8.2 The inmate shall be scanned using the whole body x-ray scanner and/or strip searched and provided with a change of clothing upon discontinuation of the placement.

9.0 CONTRABAND RECOVERY AND TESTING

9.1 Any contraband found shall be handled in accordance with Provincial Policy **Security 509 – Contraband and Evidence Handling, Testing and Disposition**.

10.0 DISCIPLINE

10.1 Inmates found to be in possession of contraband during placement in a dry cell may be subject to disciplinary action in accordance with Provincial Policy **Inmate Rights and Privileges 403 - Inmate Discipline**.

11.0 DOCUMENTATION

11.1 A *Search and Seizure Report* shall be completed in accordance with Provincial Policy **Security 508 – Searches** when contraband has been seized after the use of a dry cell.

11.2 The ADDO shall complete all forms for placement and examination, along with a CJIMS report, when a dry cell is used regardless of whether or not any contraband was seized.

12.0 COMPLAINT

12.1 An inmate who disagrees with their placement in a dry cell may submit a written complaint to the Correctional Facility Director in accordance with Provincial Policy **Inmate Rights and Privileges 401 – Inmate Complaint Process**.

CROSS-REFERENCE:

Case Management 313 – Transgender Offenders

Inmate Rights and Privileges 401 – Inmate Complaint Resolution Process

Inmate Rights and Privileges 403 – Inmate Discipline

Security 508 – Searches

Security 509 – Contraband and Evidence Handling, Testing and Disposition

Security 515 – Preventative Measures for Control of Drug Use

Security 520 – Whole Body X-Ray Scanners

Forms

Search and Seizure Report

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Notice of Dry Cell Placement

Inmate Consent for Medical Imaging and/or Examination

ACCOUNTABILITY:

A quality assurance audit will be conducted as required by a person designated by the Assistant Deputy Minister of Custody, Supervision and Rehabilitation Services. The audit will, at a minimum, assess compliance with all sections that require a recorded task. A report of this audit will be submitted to the Executive Director of Custody Services.

REVIEW:

The ministry will conduct routine reviews to ensure the content reflects any recent provincial, federal legislation changes and/or higher court decisions. In addition, all policies are subject to review or revision at any time on an as-needed basis.

AUTHORIZATION:



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for Assistant Deputy Minister
Custody Supervision and Rehabilitation Services