



March 17, 2020

Jennifer Metcalfe
Executive Director
Prisoners' Legal Services
jmetcalfe@pls-bc.ca

Dear Jen,

I write to provide further information on the steps we are taking to ensure that people in custody have access to legal representation as needed while taking measures to ensure social distancing. As you are aware, British Columbia is now dealing with a major health crisis that needs to be immediately managed. BC Corrections remains committed to safeguarding both the health, safety, and the Charter rights of people in custody. In the current circumstances, that will require some balancing. In order to reduce the risks to our vulnerable incarcerated population, we are restricting in-person, direct physical contact between people in custody and potential external carriers of COVID-19. Given the increase in the level of community transmission and the importance of flattening the curve, we have taken immediate action to best protect our individuals in custody, who are identified as a vulnerable sector of the population.

There are two primary ways in which we are changing how incarcerated people receive access to their counsel currently:

- 1) **During disciplinary hearings:** incarcerated people will continue to have reasonable and fair access to counsel before and during any disciplinary hearings. At each correctional centre, steps will be taken to ensure that an individual facing a disciplinary charge has reasonable opportunity to privately consult with their counsel by telephone, including during the hearing if and as necessary. However, in our efforts to limit the opportunities for COVID-19 virus to enter our facilities, we will not be allowing counsel to attend the hearings in person; and
- 2) **Counsel visits relating to other matters:** at this time, people in custody will continue to be able to meet with their counsel, but direct physical contact will not be permitted. Counsel who need to attend a facility to meet with their client in person will be provided with private space in which to meet but will be physically separated from their client by a glass partition. As with any other person attending the facility, counsel will have to comply with the same safe hygiene measures and self-screening protocols as staff.

As always, incarcerated individuals will have access to mail, though we expect some delays associated with increased volume and safe handling protocols. In addition, people in custody will have access to phone time through which they can contact their counsel.

Protect communities, reduce reoffending

Ministry of
Public Safety and
Solicitor General

Corrections Branch
Adult Custody Division

Mailing Address:
PO Box 9278 STN PROV GOVT
Victoria BC V8W 9J7

Location Address:
7th Floor, 1001 Douglas St
Telephone: (250) 387-5098
Facsimile: (250) 952-6883

Each warden will consider exceptions to these general rules in extraordinary circumstances. We ask that you make a written request to the warden for an exception sufficiently in advance of your intended contact to allow for due consideration.

Once again, BC Corrections is taking these robust and unprecedented measures to protect our incarcerated population from possible COVID-19 outbreak in our correctional centres – their living environments. These measures were not taken lightly and were made after careful consideration and balancing of all factors and considerations, including Charter rights for persons in custody.

BC Corrections continues to consult health professionals including the Provincial Health Officer and will continue to update our practices and implement further measures as circumstances change. If you have any questions or feedback on this matter, please feel free to write to me.

A handwritten signature in black ink, appearing to be 'SM', followed by a long horizontal line.

Stephanie Macpherson
Provincial Director



March 17, 2020

Defense Counsel
Legal Services Branch
Ministry of Attorney General

Dear sirs/madams,

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