



Kelley O'Neill - Warden
Nova Institution for Women
180 James Street
Truro, Nova Scotia B2N 6R8
Sent via email: kelley.oneill@csc-scc.gc.ca

March 21st 2025

Re: CAEFS Regional Advocacy Visit, February 18-19, 2025

This letter details the items at Nova that were reported to the Canadian Association of Elizabeth Fry Societies (CAEFS) Atlantic Regional Advocacy Team during our visit to NIFW in February 2025. This letter also includes a summary of the discussion that took place during the meeting on March 6, 2025, relevant laws and policies, and CAEFS' positions.

Thank you, and we look forward to your response.

FOLLOW UP

Private Family Visit Unit Use for Isolation – Impacts on Access to Family

Description: At the previous meeting between CAEFS and NIFW management we discussed reports that family visits scheduled for the Private Family Visit Unit (PFV) were cancelled with short notice leading up to and during the December holidays, due to the unit being used as a COVID-19 isolation and tuberculosis isolation unit. People expressed feeling upset about these last-minute changes and that it was especially difficult for people at that time of the year when plans were made in advance to have family visits. CAEFS requested an update from management about this situation at the March 6, 2025 meeting.

Discussion: NIFW management responded that one solo visit to the PFV was impacted and cancelled in the past month during the TB concerns. The visit was rescheduled in the next available time slot which was in less than seven days from when it was cancelled.

Double Bunking

Description: During CAEFS's advocacy visits in December 2024 and January 2025 it was reported that double bunking was occurring in multiple living units at NIFW. Individuals expressed that there is an adverse mental health impact of not just being double bunked but anticipating the possibility of being double bunked. At the meeting on March 6, 2025 CAEFS advocates requested an update on this situation.

Discussion: Management reported that as of the date of our meeting (March 6, 2025) the total population at NIFW was 91 individuals and that no one in the Minimum Unit, GP, the SLE or the Maximum Security Unit were being double bunked and everyone had their own room/cell.

Gender Identity and Expression

Description: CAEFS asked for an update on the status of name change on ID tags and institutional paperwork/records for transgender women incarcerated at NIFW. Previously people have reported the use of their deadname¹ on CSC paperwork, including their identification card – although the deadname was whited out. This was reported as creating vulnerability and safety issues, by making people “one step away from being outed” to their peer population.

Discussion: Management stated Institutional Parole Office work hard to facilitate individual legal name changes in these circumstances. Management clarified that until someone’s has been legally changed, institutional documents and institutional identification will have the deadname, but all staff have been directed to address her by her true name and said that they will follow-up on the status to have her name legally changed.

Modified Movement/Routine

Description: When CAEFS visited NIFW on February 18-20, 2025, advocates received reports that the majority of the general population (except for living units 4 and 7) at NIFW continued to under a modified movement/routine schedule that restricted people’s access to free movement and to one another. Further, people reported that they were not allowed to access balconies and/or front steps and are only allowed to leave their living units after hearing instructions over the institution-wide PA system. People described the continuation of negative mental health effects as a result of the imposed movement restrictions, and that it is unfair that the entire NIFW population is being “punished” because of the actions of specific individuals.

During the CAEFS’s advocacy visit on March 4, 2025, incarcerated persons reported that the modified movement/routine schedule had recently been lifted. Individuals also provided CAEFS with a copy of the group grievance they submitted to management regarding the prolonged modified movement/routine which outlined concerns and negative effects. This group grievance contained two pages of signatures from individuals who supported this grievance.

Discussion: CAEFS meeting with management occurred on March 6, 2025 and advocates asked for confirmation from management that all levels of modified movement restrictions had been lifted for all people in the general population. Management concurred that the modified movement/routine restrictions were lifted because there was an alleviation of violations of institutional rules. Management also stated that living units 4 and 7 were not included in the restrictions because individuals in these living units did not violate institutional rules.

CAEFS advocates asked for an update on the previous statement by management at the February meeting, that NIFW will be structuring movements that align with practices at other institutions and that a better pass system is being developed to account for peoples’ whereabouts. Management stated that the process has not been finalized and offered that after COVID, regular movement has never resumed as per pre-COVID processes. Further, due to

¹ A deadname signifies a former name that is usually a person’s birth name, from before their transition.



the increase in the institutional population, a return to pre-COVID movement processes is not possible. Management stated that there is now a committee comprised of NIFW staff and people with experience from other institutions across the country that is tasked with developing a new movement plan that will be easier for incarcerated people to follow, and for staff to know where people are within the institution. Management stated that if modified movements come into place in the future, there will be more clarity about processes. CAEFS advocates asked if people from the institutional population and/or the IC are included in the planning committee. Management replied that incarcerated people are not members of the committee, but that “a lot of consultation (with incarcerated people) takes place when these decisions are made, but some committee communications cannot be shared with (non-CSC staff) due to security reasons.”

Law & Policy:

CCRA S.4

(c) the Service uses the least restrictive measures consistent with the protection of society, staff members and [incarcerated people].

CCRA S.70 The Service shall take all reasonable steps to ensure that penitentiaries, the penitentiary environment, the living and working conditions of [incarcerated people]...are safe, healthful and free of practices that undermine a person’s sense of personal dignity.

CCRA S.74 The Service shall provide [incarcerated people] with the opportunity to contribute to decisions of the Service affecting the [incarcerated] population as a whole, or affecting a group within the [incarcerated] population, except decisions relating to security matters.

CCRR S.83 (1) (2) The Service shall take all reasonable steps to ensure the safety of every [incarcerated person] and that every [incarcerated person] is...

(d) given the opportunity to exercise for at least one hour every day outdoors, weather permitting, or indoors where the weather does not permit exercising outdoors.

CD 566-3 S.4(d) All movement procedures allow [incarcerated people] to engage in their Correctional Plan, including participation in case management, reintegration programs, interventions, and approved religious and cultural events, while taking into consideration institutional security requirements, both during work and leisure hours

CD 024 S.106 Communications products, activities and initiatives for [incarcerated people] should be developed to provide information on issues that may impact them or may be of interest/value to them, such as the implementation of new legislation, the launch of new initiatives and programs, and operational changes.

CAEFS’ Recommendations: CAEFS is encouraged that the most recent restrictions on movement with NIFW have been removed especially considering the real mental, emotional, and physical health consequences that were reported during advocacy visits. CAEFS encourages CSC to revisit the use of all movement restrictions within penitentiaries designated for women, and to develop alternative responses that align with Creating Choices and the evidence-based needs of women and gender diverse people in prison. CAEFS also encourages NIFW and CSC more broadly to include incarcerated individuals, whenever possible, in the development of institutional processes that are



most impactful on their day to day lives. Further, CAEFS urges NIFW to develop robust and accessible communications initiatives that serve to inform incarcerated people about new institutional processes and practices.

Living Conditions in the Maximum Security Unit

Description: CAEFS received reports of very cold temperatures and drafty windows within cells on both pods in the Maximum Security Unit. Individuals reported that they “wake up cold and go to bed cold” and that they adhere sanitary pads on the windows as insulation against the cold and drafty conditions. CAEFS also noted to management that conditions within the small interview room where advocates meet with individuals was also very cold and drafty, and that people said that these are the same conditions they experience in their cells. CAEFS received a report that an individual submitted a recent complaint about the cold conditions in her cell and that management attempted to resolve this issue during a conversation that included an assurance that the windows would be taped which would stop the draft. The individual informed CAEFS that she agreed to the resolution, but that as of the date we talked (February 18, 2025) no steps were taken to tape the windows.

CAEFS also reminded management of a telephone call received in January 2025 from an individual at NIFW who reported very cold and drafty conditions within their cell on the Maximum Security Unit. At that time, CAEFS regional advocate called management directly due to the urgency expressed by the individual. Management was responsive and informed CAEFS that the situation was investigated, there was a check on temperature and no irregularities were observed.

Discussion: Management stated that they had not received any requests to address the cold conditions in the Maximum Security Unit since January 2025. CAEFS asked management why conditions are so cold and what is the plan going forward to resolve these conditions. Management stated that the NIFW infrastructure is 30 years old and was built to code at that time. Management encouraged incarcerated persons to submit requests and talk to the unit CM if these issues persist. CAEFS advocates asked that management consider the reports given to them at the meeting as reports that could prompt an investigation forthwith because people are currently cold and uncomfortable. Management stated that they will investigate these conditions.

Law & Policy

CCRA S. 3 The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by (b) assisting the rehabilitation of [incarcerated people] and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

CCRA S.70 The Service shall take all reasonable steps to ensure that penitentiaries, the penitentiary environment, the living and working conditions of [incarcerated people] and the working conditions of staff members are safe, healthful and free of practices that undermine a person’s sense of personal dignity.

CCRR S.83 (1) The Service shall, to ensure a safe and healthful penitentiary environment, ensure that all applicable federal health, safety, sanitation and fire laws are complied with in each penitentiary and that every penitentiary is inspected regularly by the persons responsible for enforcing those laws.

CAEFS’ Recommendations: People in prison maintain their constitutional right to dignity and have the right to live in a safe physical environment. Being kept in custodial conditions that violate individuals’ sense of safety and wellness create lasting adverse mental, physical, and emotional impacts CAEFS encourages NFIW and the CSC broadly to



address and be responsive to impacts produced by physical conditions of confinement, including by working to fulfil their purpose to successfully reintegrate people back into community and provide adequate material living conditions throughout all units at NIFW.

Physical Living Conditions in General Population/Main Compound

Description: CAEFS advocates received several reports of inadequate living conditions within General Population (GP) living units. These included reports of mold in four living units, mostly related to leaking pipes in bathrooms and kitchens, unstable and moisture saturated walls and ceilings in bathrooms, a shattered sink and uneven sidewalks in the yard between the living units and the main building. People reported feeling concerned that there is harmful mould in the units and they feel that not enough maintenance is occurring to remedy these situations. CAEFS met with an individual during the March 4, 2025 advocacy visit who reported that they fell due to severely uneven and broken side walk pavers resulting in them falling, scraping their hands and knees and breaking a front tooth.

Discussion: Management stated that they have addressed some of these issues and that the chief of engineering and maintenance has walked through the living units to ensure that there is no visible mould. Management reiterated that the physical infrastructure at NIFW is old and that a new jail might be required to address all the issues. Further, management reported that the ceilings are scheduled to be repaired and that two bathrooms have recently been remodeled. CAEFS advocates asked if NIFW has done airborne mould testing to discern the seriousness or the presence of mould. Management stated that they are cautious when people report mould because there may be mildew that accumulated on gyprock which is not necessarily mould. Management stated that there has been one mould test performed since August and that engineering and maintenance can inspect the area and would request an air quality test if deemed necessary. Management encouraged incarcerated people to submit requests as soon as a condition of premises issue arises.

Regarding the poor conditions of sidewalks in the GP area, management stated that they are working on a project to add some accessibility sidewalks and redo sidewalks in the inner loops, and that the conditions of the sidewalks is a priority issue. Management was not aware that an individual fell and broke their tooth, but that they will follow up on this and fill out an injury form as needed.

Law & Policy

CCRA S. 3 The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by (b) assisting the rehabilitation of [incarcerated people] and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

CCRA S.70 The Service shall take all reasonable steps to ensure that penitentiaries, the penitentiary environment, the living and working conditions of [incarcerated people] and the working conditions of staff members are safe, healthful and free of practices that undermine a person's sense of personal dignity.

CCRR S.83 (1) The Service shall, to ensure a safe and healthful penitentiary environment, ensure that all applicable federal health, safety, sanitation and fire laws are complied with in each penitentiary and that every penitentiary is inspected regularly by the persons responsible for enforcing those laws.



CAEFS' Recommendations: As per the Creating Choices philosophy, penitentiary environments should take measures to provide a supportive, wholistic approach to environment that respects the dignity of individuals by not subjecting them to inadequate living conditions. CAEFS encourages NIFS and CSC more broadly to address and be responsive to the conditions of confinement.

COVID-19 Restrictions in the Minimum Unit

Description: CAEFS received reports of conflicting and confusing information regarding the restrictions related to a recent COVID-19 outbreak in the Minimum Unit. People reported receiving information from NIFW staff that they must isolate for seven days within the unit if they refuse to take a nasal swab while others reported that staff told them that they have a better chance of not being locked down if they take a swab. These reports focused on the confusing information from staff that lacked clarity on the necessity to take a swab and also the length of time of isolation if an individual tests positive for COVID-19.

Discussion: Management stated that there were four positive COVID-19 cases in the Minimum Unit, so an outbreak was declared, and reiterated that CSC guidelines (CD 822) as per isolation due to COVID-19 have not changed since 2022 in the institutional environment. Management asserted that the population did not agree with or like the necessity of the movement restrictions, but that the nurse shared the guidelines in policies and procedures with individuals in the Minimum Unit.

Law & Policy

CCRA S.4 The principles that guide the Service in achieving the purpose referred to in section 3 are as follows: ...

(b) the Service enhances its effectiveness and openness through the timely exchange of relevant information with victims, [incarcerated persons] and other components of the criminal justice system and through communication about its correctional policies and programs to victims, [incarcerated persons] and the public;

(c) the Service uses the least restrictive measures consistent with the protection of society, staff members and [incarcerated people]

CD 26

105. All communications products, activities and initiatives developed for [incarcerated persons], both in institutions and in the community, will recognize their specific circumstances. Products will be developed in a hard copy format that is easy to print on demand for distribution by staff.

106. Communications products, activities and initiatives for [incarcerated persons] should be developed to provide information on issues that may impact them or may be of interest/value to them, such as the implementation of new legislation, the launch of new initiatives and programs, and operational changes.

CAEFS' Recommendations: CAEFS encourages Nova to provide clear communications to incarcerated people regarding all circumstances that affect their wellbeing. CAEFS recognizes that incarcerated people have a right to understand the rules within a penitentiary. Vagueness about rules causes confusion, anxiety and conflict among incarcerated people. CAEFS encourages the CSC to ensure that medical isolation practices are



align with least restrictive measures and to develop procedures for medical isolation practices that do not compromise the rights of incarcerated people, and ensure effective communication of modified routines.

Access to Religious Services

Description: CAEFS received reports from a Muslim woman at NIFW that she has not had access to an Imam in many months, and that she has submitted at least one request to the Chaplain as per policy to meet with an Imam. This woman is participating in Ramadan, this is an especially important issue. Also, the individual requires a haircut and needs specific accommodations regarding her privacy during the hair cut (no male persons present), but she has not been able to access a haircut to date.

Further, the individual reports that she only has access the three hijabs and that she has other head coverings in her personal property storage in the Admission and Discharge (A and D) department. The individual also reported that she is not allowed access to the other hijabs because A and D staff have told her that she has at total of 35 clothing items for her personal use, which is the maximum number of clothing allowed at NIFW (inclusive of the 11 pieces of institutional clothing provided upon admission). The individual reported that three hijabs are not enough to accommodate her needs and that she would ideally like to be allowed to change her head covering every day. Further, the individual reported that during the Office of the Correctional Investigator's (OCI) recent visit, she was told by the OCI representative that NIFW should not include the 11 pieces of institutional clothing provided upon admission in the maximum of 35 pieces of clothing allowed while incarcerated as this is not supported in policy.

Discussion: Management was responsive to these issues and assured CAEFS advocates that they will follow up with the Chaplain on the issue of access to an Imam. However, management defined that there are contractual restraints related to the size of the Muslim population within an institution, that define when incarcerated people have access to an Imam. Management stated that because there is currently one Muslim person at NIFW, the chaplaincy contract restrains the institution's ability to ensure the services of an Imam. Management offered that the NIFW Chaplain is working with the Muslim community to find a volunteer Imam to provide services at NIFW.

Management also stated that they will request the individual to have her haircut and ensure her religious accommodations before April 1st as that is the date the current contract with the NIFW hairdresser expires.

In relation to the number of hijabs an incarcerated person is allowed, CAEFS and management discussed the limitations as per *CD 750-1* [incarcerated person] *Religious Accommodations*, which stipulates that religious clothing for day-to-day use is included in the total clothing allowances for individuals while they are incarcerated. Management shared that they had discussed this issue also with the OCI representative and that they are looking into whether policy supports the practice of including the 11 institutional items count towards the maximum of 35 items.

Law & Policy

CCRA S.75 An [incarcerated person] is entitled to reasonable opportunities to freely and openly participate in, and express, religion or spirituality, subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons.

CCRR S.100 (1) Every [incarcerated person] shall be entitled to express the [incarcerated person's] religion or spirituality in accordance with section 75 of the Act...



CCRR S. 101 The Service shall ensure that, where practicable, the necessities that are not contraband and that are reasonably required by an [incarcerated person] for the [incarcerated person's] religion or spirituality are made available to the [incarcerated person], including

- (a) interfaith chaplaincy services;
- (b) facilities for the expression of the religion or spirituality;
- (c) a special diet as required by the [incarcerated person's] religious or spiritual tenets; and
- (d) the necessities related to special religious or spiritual rites of the [incarcerated person].

CD 750-1 S.2 The Institutional Head or delegate, not below the Assistant Warden level, will:

- (a) approve [incarcerated person's] religious accommodations...
- (b) ensure [incarcerated person's] religious accommodations are maintained throughout the [incarcerated person's] incarceration...

Definitions

[incarcerated person's] religious accommodations: provision for the exercise of [incarcerated persons'] religious rights as guaranteed by the Canadian Charter of Rights and Freedoms that falls outside CSC policy and procedures.

Canadian Charter of Rights and Freedoms S.2 Everyone has the following fundamental freedoms:

- a) freedom of conscience and religion...

Canadian Human Rights Act S.3 (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion...

CAEFS' Recommendation: People who are incarcerated maintain their constitutional right to freedom of religion. Individuals who are incarcerated lose the ability to access religious services in the community which makes it expressly important for CSC to ensure that the religious resources, inclusive of access to faith leaders and religious garments and that all religious accommodations are supported. CAEFS encourages Nova and the CSC broadly to be proactive in developing systemic approaches to provide relevant and timely religious supports in penitentiary environments.

Mail Delivery

Description: CAEFS received reports of instances in general population that mail with personal information, specifically mail containing A4D and parole-related information is being placed in mailboxes. This system appears to be a change to the process that was put in place last Summer (June-July 2024) wherein management introduced a new mail delivery system in response to repeated reports of mail with sensitive information being delivered to the wrong person's mailbox and thus violating peoples' right to privacy. Importantly, the new mail delivery system introduced the process of hand delivering sensitive institutional mail by hand to individuals.

Discussion: Management stated they will investigate this as it was unclear to them that there is a change in the delivery of mail containing sensitive personal information, and that they would send further information to CAEFS via email regarding this issue.



Law & Policy

Privacy Act 7 Use of personal information: Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be used by the institution except

- (a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose; or
- (b) for a purpose for which the information may be disclosed to the institution under subsection 8(2).

Disclosure of personal information

8 (1) Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.

CAEFS' Recommendations: CAEFS looks forward to receiving further information about this issue. CAEFS encourages improved adherence to processes and policies to ensure that individuals at NIFW are protected from breaches of privacy.

In closing and on behalf of CAEFS Atlantic Regional Advocacy team, I would like to thank the management team at NIFW for continuing to have open dialogue, investigating the reports we raise, and engaging in solutions orientated discussion wherever possible.

Respectfully,

Fiona Traynor
Lead Advocate, Atlantic Regional Advocacy Team, CAEFS

