"Canadian Penitentiary Service. Study Group on Dissociation."

REPORT

OF THE

STUDY GROUP

ON

DISSOCIATION

Published under the authority of
HONORABLE WARREN ALLMAND
SOLICITOR GENERAL OF CANADA

OTTAWA, Ontario.

December 24, 1975.

Mr. A. Therrien,
Commissioner,
Canadian Penitentiary Service,
OTTAWA, Ontario.

Sir:

The Study Group on Dissociation has the honour to submit the attached report of its findings and recommendations.

Respectfully yours,

James A. Vantour
Chairman

Roger Fournier
Member

Jean Lavoie
Member

TABLE OF CONTENTS

LIST OF TABLES

PREFACE

Background

Dissociation is the removal of an inmate from the general inmate population for any one of three basic reasons: to protect certain inmates from harassment by other inmates, to serve as a means of punishment for serious or flagrant disciplinary offences and to ensure the orderly operation of the institution.

Its use in the Canadian Penitentiary Service was questioned by the Correctional Investigator, Inger Hansen, Q.C., in the Annual Report of the Correctional Investigator, 1973 - 1974. Noting a number of inmate complaints regarding the conditions of, and the inmates' treatment in, dissociation, Ms. Hansen recommended

> That a special study of the use of dissociation in Canadian penitentiaries be made to determine:
>
> a) whether it is useful as punishment;
>
> b) whether it is the most efficient way of providing protection to certain inmates;
>
> c) whether some or all dissociated inmates could be detained in other small structures which provide adquate security; but outside the main institution.[1]

On April 30, 1975, the Honorable Warren Allmand, Solicitor General of Canada, announced the appointment of the Study Group on Dissociation.

Terms of Reference

The terms of reference of the Study Group were:

General

The objectives of the study are threefold: the usefulness of dissociation as a method of punishment, the effectiveness of dissociation as a means of protecting inmates and the living conditions which exist in both types of dissociation from the point of view of humane treatment and the negative effects of prolonged isolation.

In order to meet these objectives, the Study Group will visit a

medium and a maximum security institution in each of the Atlantic, Ontario and Pacific Regions, and in addition Saskatchewan Penitentiary in relation to punitive dissociation and Mountain Prison in relation to protective dissociation. The Correctional Investigator has expressed a willingness to share her findings with the members of the Study Group and they will avail themselves of this opportunity. Specific terms of reference are outlined for each objective. The Study Group, on the basis of its findings, will make the recommendations that are necessary for the continuation or modification of existing procedures and suggest alternatives.

A. Punitive Dissociation

- to interview inmates in order to asses their attitude toward punitive dissociation. This will comprise inmates who have never been dissociated; those who have been dissociated at least twice (not recently and recently released from dissociation) and those who are presently dissociated.

- on the basis of these interviews, to determine the deterrent effect of this method of punishment, the modification in behaviour which results from its application and to assess alternatives to dissociation as suggested by the interviewees;

- to interview staff regarding the effectiveness of punitive dissociation;

- to analyze Disciplinary Board proceedings and dissociation statistics in the last three-month period in terms of consistency of punishment, extent of use, length of punishment, return to association before expiration of punishment award;

- to study the extent to which dissociation for the good order of the institution is being used as a substitute for punitive dissociation;

- to study the files of dissociated inmates in terms of institutional adjustment, personality, intelligence and ethnicity.

B. Protective Dissociation

- to interview staff at various levels in order to determine the extent to which protective dissociation is a problem and to obtain their views as the means to solve it;

- to obtain statistics over a two year period on the number of assaults on inmates while under protective custody, the number of inmates placed in protective dissociation after being assaulted, or at their own request;

- to determine, over a period of two years, the number of inmates who, having been dissociated, were returned to the general population and adjusted successfully, had to be returned, were assulted, or were transferred to another institution or region;

- of those transferred to another institution or region, to determine how many adjusted successfully, or had to be placed again in protective dissociation;

- to analyze the reasons for placing inmates in protective dissociation in terms of offence, institutional adjustment, emotional disturbance, etc;

- to record the length of time inmates spend in protective dissociation.

C. Living Conditions

- to study institutional routine and living conditions in both types of dissociation in terms of availability of staff at all times, physical conditions (temperature, light, furniture), opportunity for exercise, existence of programme activities (e.g. reading, hobbycraft);

- to interview both staff and inmates regarding present conditions and the possibility of improvement;

- to study the extent to which inmates in protective dissociation are deprived of amenities which they should have;

- to determine the type of programme activities which would make conditions more humane and more likely to maintain social interest among dissociated inmates.

During early discussions the Study Group, in consultation with representatives of the Canadian Penitentiary Service, amended the terms of reference to include the following;

1) Field visits to a medium and maximum security institution in the Québec Region, and to the Prison for Women, Ontario Region.

2) An examination of Administrative Dissociation dissociation for the good order and discipline of the institution.

It was felt that since the Study Group was required to consider the effects of prolonged isolation, inmates dissociated for the "good order and discipline" should be included since often their confinement is for lengthy periods. More important, however, is the fact that the distinctions between the three types of dissociation are very often blurred in terms of the type of dissociation facility in which the inmate is confined and the treatment subsequently accorded him.

Consultation Process

The Study Group visited thirteen federal institutions:

Maximum Security	Medium Security
Archambault Institution	Collin's Bay Institution
British Columbia Penitentiary	Leclerc Institution
Dorchester Penitentiary	Matsqui Institution
Laval Institution	Mountain Prison
Millhaven Institution	Springhill Institution
Prison for Women	
Region Reception Centre, Québec	
Saskatchewan Penitentiary	

One hundred and fifty interviews were conducted with institutional personnel, including directors, assistant directors, security staff and programme staff. The latter included psychologists, classification officers, instructors and recreation officers. Sixty seven of the interviews were with CX staff.

Two hundred and sixteen inmates were interviewed - 155 in maximum security institutions, and 61 in medium security. The majority of those interviewed were in protective custody, punitive dissociation and administrative segregation at the time of the interview. They represented about one-third of all inmates in protective custody, one-third of those in administrative segregation, and almost all inmates in punitive dissociation.

Of the remainder of inmates interviewed, almost all had been dissociated in the past.

Interviews were also conducted with Canadian Penitentiary Service personnel in Ottawa and the regional offices.

Consultations were also held with other interested and experienced persons.

Acknowledgements

We wish to express our thanks to all those individuals who assisted us in our task.

In particular, we are indebted to Mr. J.W. Gibbs, Living Units and Human Relations Division, Ottawa, who assisted us on many of our field trips and in the drafting of this report; Dr. George Scott, Director of the Regional Psychiatric Centre (Ontario), who provided us with considerable data and the benefit of his experience and expertise; and Mrs. Lorraine Berzins, Living Units and Human Relations Division; Ottawa, for providing us with background material and the benefit of her knowledge.

We wish to thank the administrators of the institutions for their cooperation in making their staff available to us; and the inmates for their cooperation.

Our thanks to Denise Marchand for typing the report and Patty Zepfel for her handling of various clerical tasks.

References

1. Hansen, Inger, Q.C. Annual Report of the Correctional Investigator, 1973-1974, Ottawa. Information Canada. 1974. p. 45.

INTRODUCTION

The History of Dissociation

The term "dissociation" is generally considered to be synonymous with its forerunner "solitary confinement". It is also used interchangeably with other terms such as "segregation" and "the hole".

According to the Shorter Oxford English Dictionary, to dissociate means "to cut off from association or society". This implies that a person in dissociation is isolated - unable to interact with other persons. An inmate in dissociation is, effectively, in solitary confinement. At no time, however, in the history of North American penology has this really been the case. In the late eighteeth century, the first penitentiary was established on the principle of "separate confinement of prisoners, one from the other". However, this practice of confining prisoners in solitary living, working and exercise facilities was a "means of preventing the contamination of prisoners through social interaction"[2] with one another. Individually, prisoners maintained considerable contact with their custodians and prison administrators.

As the principle changed to a congregate system in which prisoners worked together in silence, "only the most incorrigible were to be placed in solitary cells without labor."[3]

With a growing emphasis on prison industry and an increasing emphasis on the rehabilitation of prisoners, the principle of association became the norm. With the eventual abolition of corporal punishment, solitary confinement remained as the major formal mechanism of control."[4]

The term "solitary confinement" eventually fell into disuse, at least technically, and was replaced by "dissociation". Today, dissociation is a more complex matter than was solitary confinement. It is used not only for the punishment of inmates who break prison rules but also for the uncooperative or dangerous inmates and for those inmates who must be protected from others. In the present system, the extent to which a dissociated inmate is a"cut off from association or society" is a matter of degree first on recent changes in institutional architecture and secondly on the reason why the inmate is dissociated.

Some dissociated inmates are confined in facilities which approximate the classical picture of solitary confinement - a sparsely furnished cell, with a solid door, and contact only with staff. Others are confined in open-faced (bar door) cells. In older institutions, these cells are situated back-to-back so that the inmate, looking out of his cell, sees only a corridor and wall. In the newer institutions, these open-faced cells are situated opposite one another against outside walls. The inmate has a window and he can also communicate with other inmates whom he can see across the corridor. Other dissociated inmates are confined in facilities that even more closely approximate a "pure" congregate architectural principle - dormitories. Even though considered to be in dissociation, their day-to-day routine is based on the association principle - working together, engaging in recreational activities together, and living in a dormitory. In such a situation, dissociation means only the removal of an inmate from the general prison population and his placement in a smaller, selected population.

This variety of facilities means that there is a multiplicity of reasons why an inmate may be dissociated. There are generally considered to be three major categories of dissociation each motivated by a different reason. In addition, each involves a different decision-making process, and may involve different physical facilities and routine. The period of dissociation will vary in length according to the reason and certain characteristics of the individual inmate. In some cases, the period of dissociation is clearly defined by regulations; in others, there is uncertainty as to when the inmate will return to association.

Definition of Terms

The Study Group uses the term dissociation in a broad sense to refer simply to the removal of an inmate from the general institutional population.

The three major types of dissociation used in the Canadian Penitentiary Service are:*

Punitive Dissociation - the removal of an inmate from the population after he has been convicted of a serious disciplinary offence. Disciplinary offences are outlined in Penitentiary Service Regulation 2.29 and the Director's authority to dissociate an inmate for this reason is provided in Penitentiary Service Regulation 2.28. The period of dissociation may not exceed thirty days.

*The terminology used in designating the categories of dissociation varies from one institution to another. For purposes of consistency, the above definitions are used throughout this report.

The other two types of dissociation are non-punitive. That is, an inmate in either of these categories is not considered to be undergoing punishment. Penitentiary Service Regulation 2.30(2) states that:

> An inmate who has been dissociated is not considered under punishment unless he has been sentenced as such and he shall not be deprived of any of his privileges and amenities by reason thereof, except those privileges and amenities that
>
> a) can only be enjoyed in association with other inmates, or
>
> b) cannot reasonably be granted having regard to the limitations of the dissociation area and the necessity for the effective operation thereof.

These categories are:

Administrative Segregation - the removal of an inmate from the population to ensure the good order and discipline of the institution. This is an administrative action by the Director or his representative and does not require a hearing. The Director's authority is provided in Penitentiary Service Regulation 2.30.

Protective Custody - the removal of an inmate from the population for his own safety. This is an administrative action by the Directory or his representative and is outlined in Penitentiary Service Regulation 2.30.

There are additional reasons why an inmate may be dissociated from the population. Temporary dissociation is used for inmates returning to the institution following parole violation, for inmates awaiting appearances in outside court or before the Inmate Disciplinary Board, or awaiting transfer to another institution. None of these is considered to be punitive dissociation.

The Effects of Dissociation

Any discussion of the effects of dissociation typically involves a consideration of "sensory deprivation", arising from the condition of social isolation and the monotony of the environment. There are, however, two basic reasons why we are unable to formulate any conclusions about the extent to which dissociated inmates experience sensory deprivation:

1) There are few reports in the scientific literature on sensory deprivation among prisoners. Most of the studies that are available have used volunteer subjects and have been of relatively short duration. Few adverse effects have been reported in these studies and there are no reports on the effects of long-term confinement.

The remaining literature is autobiographical or anecdotal and generalizations are obviously unwarranted.

2) The diversity of dissociation conditions in Canadian penitentiaries means that the degree of social isolation which any inmate experiences will depend on the nature of the dissociation unit in which he is confined and the daily routine attached to it.

The determination of the extent to which inmates experience sensory deprivation requires scientific experiments beyond the scope of this study.

RECOMMENDATION

1. THE CANADIAN PENITENTIARY SERVICE SHOULD ENGAGE IN SCIENTIFIC EXPERIMENTS TO DETERMINE IF INMATES IN VARIOUS CONDITIONS OF DISSOCIATION DO EXPERIENCE SENSORY DEPRIVATION.

Such experiments should be of a longitudinal nature in order to monitor changes that occur over extended periods of dissociation and to determine whether any adverse effects are long-lasting; that is, beyond the dissociation period.

On the basis of our evidence, social isolation per se is but one of many factors that may have an adverse effect on an inmate. More important, generally, is the psychological milieu in which the inmate finds himself. The following are the major factors which contribute to that psychological milieu:

- Certain characteristics of the individual; namely, physical, mental and emotional characteristics.
- The reason for being dissociated.
- The process by which he is dissociated.
- The physical facilities of the dissociation unit.
- The routine for the dissociated inmate.
- The lack of association with other persons.
- The length of the dissociation period.
- The uncertainty, in some cases, as to when he will be released from dissociation.
- Other related factors such as concern for his own safety, fear or illness, injury and lack of medical attention, and the quality of food.

In the following pages, we discuss each of the major types of dissociation separately and the factors which we consider may have an adverse effect on an inmate in that particular type of dissociation.

References

1. Barnes, Harry Elmer, and Teeters, Negley K. New Horizons in Criminology. Third Edition. Englewood Cliffs, N.J. Prentice-Hall, Inc., 1959. p. 338.

2. Cloward, Richard A. "Social Control in the Prison". Prison Within Society. Edited by Lawrence Hazelrigg. New York. Doubleday & Company, Inc., 1968. p. 84

3. Johnson, Elmer Hubert. Crime, Correction and Society. Revised Edition. Homewood, Illinois. The Dorsey Press, 1968. p. 485.

4. Cloward, "Social Control in the Prison", p. 82.

GENERAL FINDINGS

Before discussing each type of dissociation separately, we wish to make some general comments.

The Availability and Reliability of Data

The Study Group was appalled by the state of record-keeping regarding dissociation at the institutional, regional and national levels. The Penitentiary Service does not maintain adequate records on the use of dissociation either in summary form or in individual files.

For this reason, the Study Group was unable to deal with certain points in the terms of reference. For example, institutional authorities were unable to provide us with the names of inmates who had never been dissociated or who had been dissociated in the past but not recently. We acknowledge that both lengthy criminal records and the mobility of the inmate population make up-to-date record-keeping difficult but if there is to be any meaning to dissociation, an effort must be made to document files in cases where dissociation is used.

There are no reliable summary records on:

- the number of assaults on inmates in protective custody;
- the number of inmates placed in protection after being assaulted;
- the number of inmates placed in protection at their own request;
- the number of inmates who successfully returned to the population from protective custody;
- the number of protection cases transferred and the outcome of the transfers.

Similarly, a search of inmate files was relatively fruitless in determining the above, as well as in determining certain characteristics of dissociated inmates.

We hesitate to provide even a statement on the national count of inmates dissociated in each of the three major categories on any given day. Such figures are meaningless at the national level because each institution may define any given situation in a different way. For example, the last date on which Headquarters data is available for dissociated inmates is November 15, 1974. On that date, 325 inmates were listed as being in protective custody across the country. The record notes that this figure

does not include forty-four inmates in Laval who were confined in a separate wing for their own safety but not considered dissociated because they had access to a full range of activities. The fact remains that they were dissociated from the rest of the population for their own protection. At the same time, there were forty-two inmates in the Saskatchewan Penitentiary who were confined in a separate dormitory with a full range of activities. They were included in the count on protective custody cases.

Clearly, the definition of a dissociated inmate as a protection, segregation, or punitive case is made at the institutional level. Without standardization of terminology, the collection of such data lacks meaning.

There are additional complexities in examining summary data. It appears that inmates are categorized not on the basis of the institution's reason for dissociating them but rather on the basis of their location in the institution.

Counts on the three major categories of protection, segregation, and punitive dissociation are not reliable because inmates in each category are not confined in separate areas of the institution. Most protection cases are confined in a special unit but some may require or wish further protection and therefore be confined in a segregation unit or in punitive dissociation facilities. Or, an inmate may request segregation for his own safety but refuse the protection facility to avoid being labeled as a protection case.

Similarly, some inmates confined under PSR 2.30 (1) (a) (for the good order and discipline of the institution) are confined in punitive dissociation facilities; sometimes at their own request, sometimes because the administration feels that they are disruptive to the segregation unit.

In addition, we have noted that inmates may be dissociated for a variety of reasons in addition to protection, good order and punishment. These reasons include temporary detention following parole violation, awaiting outside court or Inmate Disciplinary Board, or awaiting transfer. Inmates confined for these reasons are most likely to be confined in punitive dissociation facilities, and, on the basis of our experience, we suggest that they are likely to be counted as punitive cases.

The following cases illustrate this problem:

1) The Study Group examined the cases of thirty-nine inmates being held in punitive dissociation facilities in maximum security institutions during the summer, 1975. Only thirteen had been sentenced by the Inmate Disciplinary Board.

In one maximum security institution, eleven inmates were confined in punitive dissociation facilities. Eight were protection cases, two were segregation cases and one was being held for outside court. The board count simply lists eleven occupied cells. The officer in charge was unable to tell the members of the Study Group the reason why any particular inmate was confined there.

2) In July of 1975, in the six maximum security institutions, there were approximately seventy-five inmates in segregation facilities. The Study Group interviewed twenty-six and found that thirteen were in segregation at their own request (mostly for protection). It cannot be said that they represent a threat to the good order and discipline of the institution, yet they are counted as segregated inmates.

3) In one maximum security institution, their board count on one particular day showed the following distribution of dissociated inmates;

Protective Custody	- 20
Segregation	- 10
Punitive Dissociation	- 10

In assessing each case, the Study Group determined that of the ten inmates listed as in segregation, only four were confined for the good order and discipline of the institution. The other six were protective custody cases.

Furthermore, of the ten inmates listed as in punitive dissociation, none had been sentenced by the Inmate Disciplinary Board. These ten cases may more accurately be categorized as follows:

Protective Custody	- 4
Awaiting Transfer	- 1
Being Held for Outside Court	- 1
Temporary Detention (following parole violation)	- 1
Awaiting Disciplinary Court	- 3

In summary, the board count is misleading. It was determined simply on the basis of the inmate's location in one of three dissociation facilities. A more accurate count, based on the reason for dissociation, is as follows:

Protective Custody	- 30

Segregation - 4

Punitive Dissociation - 0

We accept the fact that any dissociation facility may have to be a multipurpose facility. (For example, confinement in a punitive dissociation unit may be necessary for an inmate who cannot get along in the protection unit.) But this apparent lack of concern on the part of institutions to maintain adequate and meaningful records on dissociated inmates results in inaccurate record-keeping at the regional and national levels and hinders research efforts.

More important, it can have serious consequences for the inmates. It means that clear distinctions are not made between the various types of dissociation at the operational level. This is not simply a matter of semantics since the directives clearly indicate the differential treatment that is to be accorded to various categories of dissociated inmates. The failure to pay strict attention to the directives reflects the philosophy of the Canadian Penitentiary Service toward dissociated inmates.

Present Philosophy Regarding Dissociated Inmates

We agree with the claims of many inmates that those in dissociation are "forgotten" or "ignored."

Once the various categories of dissociated inmates are "mixed" in terms of their location in the institution, the distinction between them, vis-à-vis the treatment they are accorded, can easily disappear. That this can happen is quite obvious when an officer in charge is not aware of the reason why an inmate is being held in a punitive dissociation unit. In such a situation, it is quite likely that an inmate, regardless of the reason for his being there, will be treated as if he "belongs" in punitive dissociation. This means that he may be deprived of privileges to which he is entitles according to the Penitentiary Service Regulations. Failure to provide the appropriate information to the officer in charge is indicative of a lack of concern and is inexcusable.

We are also concerned that an inmate's placement in punitive dissociation facilities for reasons other than punishment may affect his future treatment in the institution and perhaps even his possibilities of gaining a parole since he may acquire an underserving label. The Study Group deplores the fact that an inmate may be unnecessarily punished simply through inadequate record-keeping.

Dissociated inmates, generally, are not high priority to institutional staff. There are a number of reasons for this. For example, classification officers have heavy caseloads and may have to select inmates to whom they will devote their time. Inmates segregated for the good order and discipline of the institution are generally considered the "troublemakers" - those least likely to respond to treatment and, as a result, are those least likely to receive treatment.

Many inmates confined in protective custody units are those who have committed particularly reprehensible acts such as child molesting or "informing". Often, they incur not only the wrath of their fellow inmates but in some cases that of staff as well. We heard of many instances of security staff harassing such inmates and have no doubt that this occasionally occurs.

We encountered many situations in which regulations were ignored by staff in charge of dissociation facilities. These are discussed in the following chapters. After carefully examining existing regulations and discussing them with both staff and inmates, we have concluded that most of these regulations are not abusive or inappropriate. But the lot of the dissociated inmate would be greatly improved if the regulations were followed.

Summary

We propose a number of changes in the regulations governing the custody and treatment of dissociated inmates as well as the process by which they are dissociated. We also make recommendations regarding the segregation and training of staff for dissociation areas. We have attempted to lay the groundwork for a system that would be fair and reasonable to inmates without compromising the administration's obligation to provide security to staff and other inmates and programme to all inmates, including those dissociated. But, new regulations alone cannot change the psychological milieu of the dissociated inmate. The philosophy of the Service and the attitudes of individual staff members are not necessarily affected by a change in the regulations.

ADMINISTRATIVE SEGREGATION

Definition

Provision for "Administrative Segregation" is set out in Penitentiary Service Regulation 2.30.

2.30 (1) Where the institutional head is satisfied that

(a) for the maintenance of good order and discipline in the institution, or

(b) in the best interests of an inmate it is necessary or desirable that the inmate should be kept from associating with other inmates he may order the inmate to be dissociated accordingly, but the case of every inmate so dissociated shall be considered not less than once each month, by the Classification Board for the purpose of recommending to the institutional head whether or not the inmate should return to association with other inmates. *

There are various reasons why an inmate may be placed in administrative segregation. These include:

- suspicion of having committed or planned some action which serves to disrupt the good order of the institution, such as an escape, assault, or riot, or an offence which is punishable in an outside court and is being investigated by the R.C.M.P.;

- refusal to cooperate in the institutional routine or programme;

- on request. An inmate may feel that he requires protection from other inmates but is afraid of the consequences of being labeled a "protection case". Or, he may simply feel that it is easier to serve his sentence in segregation since he can avoid the relatively hectic and noisy pace and the harassments of institutional life.

* 2.30 (1) (b) covers inmates who require dissociation for their own protection as opposed to the concern here - inmates who are dissociated because they are in some way disruptive to the good order of the institution. Inmates dissociated under 2.30 (1) (b) are discussed in Chapter IV.

The present Situation

Rate

There are no accurate records kept of the numbers in segregation at any one time across the country. The only count available is for November 15, 1974 when 139 inmates were listed as segregated under PSR 2.30 (1) (a). This represented 1.6% of the total inmate population.

Data compiled by the Study Group shows that in July of 1975 approximately seventy-five inmates were segregated in maximum security institutions. This compares with eighty-seven in maximum security on November 15, 1974.

Both of these figures are subject to the limitations discussed in Chapter II. That is, we assume that these estimates do not include those inmates who are segregated under PSR 2.30 (1) (a) but who are confined in punitive dissociation facilities. On the other hand, the data includes a number of inmates who are not confined as threats to the good order and discipline of the institution but who are, nevertheless, confined in segregation units. For example, we have noted that thirteen of twenty-six segregated inmates interviewed in maximum security had requested segregation. (We acknowledge, however, that these inmates may have constituted threats had their requests for segregation been denied.)

Of the 139 inmates segregated on November 15, 1974, fifty-six had been segregated for three months or more. Six of these had been segregated twelve months or more and one for 3½ years.

There is wide variation in the use of segregation between institutions and even within one institution over a period of time. Its use is tied to such factors as varying institutional policies and facilities, and the atmosphere in an institution at a particular time.

Institutional authorities make some attempt to distinguish those inmates who constitute persistent management problems from those who may be considered short-term cases. An inmate in a minimum or medium institution who is likely to be segregated for a lengthy period will probably be transferred to a maximum security institution.

Physical Facilities

Generally, physical facilities for segregated inmates do not differ markedly from those for population inmates in the same institution. Variations between institutions depend on the age of the institution, its design and available space.

In most institutions, segregated inmates are confined in a separate range, in this way isolated from the population as well as from inmates in protective custody and punitive dissociation.*

Their cells are similar to normal populations cells. That is, each cell - about five or six feet wide and ten feet long - is equipped with a bed, desk, cabinet, sink, and toilet. In the British Columbia Penitentiary, the segregation cells have solid doors with a small window and a food slot. All other institutions have bar doors but two - Saskatchewan Penitentiary and Dorchester - have some "black cells". These cells have a solid door in addition to the bar door and are used for inmates who are disruptive to the segregation range. They are only used as a "last resort" or when all other segregation cells are occupied. Laval, in addition to a range of cells with bar doors, utilizes an old dissociation cell block as a "last resort". These cells have solid doors. The segregation cells in Millhaven and Archambault have windows. In all other maximum security institutions, windows are located on the wall across the corridor from the cells. All cells with the exception of the "block cells" have two lights, one a normal light which can be controlled by the inmate, the other a night light controlled from outside the cell. In the block cells the only light is located on the ceiling just inside the solid door. All cells are equipped with radios. There are generally two shower stalls per range.

Routine

The routine for segregated inmates is very basic and is fairly consistent throughout maximum security institutions.

Inmates are entitled to one hour of exercise per day in the summer months and one-half hour per day in the winter. Exercise is in a yard adjacent to the cell block in which they are confined. In the British Columbia Penitentiary, segregated inmates are housed in the "Penthouse" on the fifth floor of a cell block. Their exercise area is located adjacent to the cells and is totally enclosed except for a small space between the walls and the ceiling.

Segregated inmates receive the same meals as the population inmates. They are served at approximately 7:00 a.m., 11:00 a.m., and 4:00 p.m., although there is slight variation between institutions.

Inmates in segregation are not considered under punishment and have access to library and canteen privileges. Some institutions permit some hobbies. However, since inmates may use hobbycraft materials as weapons to harm themselves or others, they are generally sever restricted.

Programme for segregated inmates is non-existent. In some institutions, a classification officer is assigned to the segregation unit. In others, they maintain contact with their own classification officer. Programme staff appears to spend very little time with segregated inmates.

The Effects of Segregation

The following factors are likely to affect the degree to which segregation can be detrimental to the inmate:

1) The Reason for Being Segregated; and
2) The process by Which an Inmate is Segregated.

The reason for segregation and the process of segregating are closely linked. At present, most inmates are not formally advised of the reason or reasons for their being segregated. This, combined with the lack of opportunity to respond to a specific charge, deprives the inmate of his "day in court". The procedure in segregating is an administrative action. After observations by staff of the inmate's activities and his associations with other inmates during the day-to-day routine of the institution, the head of the institution will, following consultation, order the security staff to "remove" the inmate from the population. He is placed in a segregation unit within the institution.

Inmates in punitive dissociation - that is, those who were charged, had the opportunity to defend themselves, but were found guilty- exhibited less resentment towards the administration than did segregated inmates. Although an inmate in punitive dissociation may deny guilt, he at least knows the administration's reason for having him dissociated. An inmate deprived of the opportunity to hear the charge and respond to it is likely to demonstrate considerable resentment toward the administration. This is not to suggest that he does not know the reason for his being segregated. The inmate expects that the administration should have to present evidence to support their decision.

3) Living Conditions - Physical Facilities and Routine; and
4) The lack of Contact With Staff and Other Inmates.

Most segregated inmates complained more about the manner in which they were treated than the physical conditions in which they lived.

Their day is long and boring. Typically, meals are served quite close together so that dinner is finished by about 4:00 p.m. leaving a rather long evening and a lengthy period between dinner and breakfast. Exercise is limited to walking or running and inmates claim that they rarely get the time to which they are entitled.

Association with other persons is restricted. Contact with security staff is limited to exercise and meal times. Many inmates complained about the attitudes of certain security staff and their harassing of inmates. Programme staff visit once per week but often these inmates do not have contact with their own classification officer since in some institutions one classification officer is assigned to all inmates in the segregation unit. Whether or not an inmate exercises alone or with one or two others depends on his relationship with other inmates in the unit.

Most segregated inmates confessed to "sleeping their time away", sometimes placing heavy demands on the hospital staff for sedation. Many admitted that they spend many hours daydreaming and inventing and playing time-consuming games. Most made attempts at some sort of tension-release; for example, trying to exercise in their cells, hollering at other inmates and staff, and in the extreme cases, smashing up their cells.

We have noted that the physical milieu is not as crucial to the inmate as the psychological. However, in some cases, it is difficult to separate the two. Being confined behind a solid door, thus cutting off the inmates interviewed, an anxiety-producing experience. In fact, a normal segregation cell, even though physically identical to those in the population ranges, takes on a different meaning psychologically because the inmate is confined

23½ hours per day.

5) The Length of the Period of Segregation; and

6) The Uncertainty as to When an Inmate Will be Released.

Many inmates spend months and some spend years in segregation. A prolonged period may be coupled with an absence of any indication as to a release date. The administration is only required, under the Penitentiary Service Regulations, to review the case of a segregated inmate "not less than once each month". The inmate does not have the right to be present at such a review.

The Study Group has concluded that a prolonged period of segregation combined with the lack of recourse, the monotony, and the uncertainty of release, can have a damaging effect on an inmate. Dr. Anthony M. Marcus, in his written statement as an expert witness in McCann et al versus the Crown, stated that

> Psychological trauma came from the fact that there is not definite answers given as to when men are going to be let out so that there is a continuing atmosphere of not knowing, heightening the psychological insecurity.[1]

Most inmates interviewed expressed resentment, bitterness, considerable hatred and described deep depression, loneliness, concern about their physical and mental well-loneliness, concern about their physical and mental well-being, and a feeling of hopelessness. Reactions such as smashing their cells, self-mutilation, and suicide are not uncommon.

7) The Process by Which the Inmate is Returned to the Population

When an inmate is released from segregation, he is simply returned to the population and is expected to participate in the routine of the institution. After an extended period in the conditions just described, this can be a drastic change, given that there is no preparation. The day-to-day activities of the institution are noisy and hectic. He must adjust to the constant presence of other people and the pressure of having to be on his best behaviour in order to prove that he should remain in the population.

Summary

Prolonged segregation under these conditions lacks any indication of administrative purpose other than to isolate inmates considered to be disruptive to institutional order. Although we recognize the limitations of the social sciences in affecting change in inmates, we must still acknowledge the lack of any substantive rehabilitative or therapeutic value in the concept of segregation. It must be recognized that almost all of these inmates will eventually be released from prison. This being the case, segregation as it presently exists is not practical. It further enhances the inmate's anti-social attitude and, in general, constitutes a self-fulfilling prophesy.

The Need for Segregation

The Study Group is aware of the growing interest in inmate rights and the concern that inmates are segregated without charges. Many of the persons interviewed expressed the opinion that this preventive aspect of penitentiary administration would not be tolerated should it occur in the free community. This argument equates penitentiary life with life in the free society. We do not consider this to be the case.

Prisoners do not voluntarily enter penitentiaries. They are brought forcibly and restrained in a circumscribed environment. The prison system is a caste system where the roles of captive and captor are mutually exclusive. Furthermore,

> The etiology of crime and the workings of the legal system operate selectively to the end that a high proportion of prisoners are emotionally and attitudinally maladjusted. A minority is only a step away from active rebellion.[2]

Richard Cloward points out that all inmates have gone through an experience of status degradation - "the ritual destruction of the individual's identity"[3] and that "the new identity assigned to the individual is always of a lower order in the social scheme..."[4] According to Cloward, the series of status degradation ceremonies that occur for offenders throughout the criminal justice system have the following effect:

> Prisoners are less likely to impute legitimacy to the bases of social control in the prison than is typical of persons in other spheres of the society. Having been denounced, degraded, segregated, and confined, many renounce the legitimacy of the invidious definitions to which they are subjected, and thus further pressure toward deviance is created. This socially induced strain toward deviance, above all else, sets the stage for a major problem of social control in the prison.[5]

The result is that

> The acute sense of status degradation that prisoners experience generates powerful pressures to evolve means of restoring status. Principle among the mechanisms that emerge is an inmate culture - a system of social relationships governed by norms that are largely at odds with those espoused by the officials and the conventional society.[6]

Inmates, then, seek the prestige that was not accorded them in the free society. Cloward argues, however, that since so many inmates are deprived, prestige is in short supply, and

> Consequently, these disenchanted individuals are forced into bitterly competitive relationships... Thus it is hardly surprising to find that the upper echelons of the inmate world come to be occupied by those whose past behaviour best symbolizes that which society rejects and who have most fully repudiated institutional norms.[7]

These are the inmates who

> Refuse or are unable to lower their aspirations and to accept their degraded position. Disillusioned and frustrated, they seek means of escaping degradation.[8]

It is these prisoners who represent major problems for the administration. Generally, the result is a competitive, exploitative and sometimes violent society. Sykes and Messinger note that an additional significant feature of an inmate's social environment is simply

> The presence of other imprisoned criminals... who are the inmate's constant companions... Crowded into a small area with men who have long records of physical assaults, thievery, and so on (and who may be expected to continue in the path of deviant social behaviour in the future), the inmate is deprived of the sense of security that we more or less take for granted in the free community.[9]

The inmate society cannot be likened to our free society. It is a caste system and a one-sex community of persons with unique experiences (status degradation), who are deprived of their basic right to liberty and security. They are denied experiences taken for granted in the free society and are "required to labor without the familiar incentives of free industry".[10] It is a society with a unique set of values, norms and social relationships.

The penitentiary, like any other part of the criminal justice system, is designed to achieve a number of goals. In his discussion paper, The Criminal in Canadian Society: A Perspective on Corrections, the Solicitor General, in outlining the basic purpose of the corrections process, states that "control is the first priority of the correctional process".[11] The primary function of the director of a penitentiary is to ensure the protection of the public from persons being detained against their will.

The Solicitor General adds that:

> The second priority of correctional authorities... is to ensure that the offender is dealt with individually and humanely.[12]

This means that the offender too is "a member of society entitled to full protection".[13] The director is responsible for the safety and security of the inmates as well as that of his staff and the public.

The third priority of corrections is the "provision of appropriate correctional opportunities"[14] in order to achieve the successful reintegration of the offender into the community. This requires the implementation of meaningful programmes. These programmes demand a certain freedom of movement for inmates within the institution. The director must be able to ensure that this freedom of movement is not at the expense of the first and second priorities - the safety of the public, staff and inmates.

In order to ensure that the director can perform this total role, his authority to segregate disruptive or dangerous inmates is very broad and vague, and the procedure by which he exercises this authority is simple and swift.

We recognize that, given certain factors mentioned previously, segregation can be damaging to the inmate. Secondly, we did find evidence of abuse in terms of these factors. But, on the other hand, given the nature of the inmate community and the goals of the penitentiary, segregation of certain inmates is necessary in order to protect both staff and inmates and to maximize the rehabilitative potential of the institution.

We have concluded that abuses emenate not so much from the Penitentiary Service Regulation which permits the segregation of inmates for the good order and discipline of the institution, but rather from the spirit in which the regulation is applied. The Study Group acknowledges the need for this type of preventive administrative act and therefore agrees in principle with PSR 2.30 (1) (a).

RECOMMENDATION

2. THE CANADIAN PENITENTIARY SERVICE SHOULD MAINTAIN ADMINISTRATIVE SEGREGATION AS A NECESSARY TOOL IN INSTITUTIONAL MANAGEMENT.

Our purpose, then, is to recommend when and how administrative segregation should be used.

The Identification of Inmates Requiring Segregation

On the basis of our interviews with staff and inmates, we have determined two distinct situations which require that an inmate be segregated under PSR 2.30 (1) (a):*

1) Some inmates can be considered temporary threats to the good order of the institution.

2) Some inmates represent persistent and serious threats to both staff and other inmates.

Temporary Threats

We believe that, given the nature of institutional life, it is inevitable that an inmate may, from time to time, become frustrated and anxious. This could result in b haviour contrary to institutional expectations. In most cases, it would probably result in a charge under PSR 2.29 (punitive dissociation) but not always. In some cases a "cooling out" period in segregation may be necessary.

In addition, inmates under investigation by the RCMP may require segregation only until the matter is cleared.

Since these situations are inevitable in any institution, we acknowledge the need for each institution to maintain its own segregation unit. Segregation of "temporary" threats should be for brief periods, and the inmate will probably not experience the same effects as those segregated for long periods.

We do, however, consider unreasonable the present practice of transferring inmates from medium security institutions to maximum security institutions simply because they must be segregated. This should only be done if there are grounds for a lengthy period of segregation.

RECOMMENDATION

3. ALL INSTITUTIONS SHOULD MAINTAIN THEIR OWN SEGREGATION UNITS FOR INMATES WHOSE BEHAVIOUR IS CONSIDERED TEMPORARILY DISRUPTIVE AND WHO MUST BE SEGREGATED FOR SHORT PERIODS.

We believe that the safeguards and proposals which we recommend below for the cases which may require long-term segregation will adequately provide for short-term cases as well.

Persistent and Serious Threats

We wish to distinguish between the offender who is commonly referred to in the criminal justice system as a "dangerous offender" and the inmate who is the focus of our attention here.

* We acknowledge the inmate who, for whatever reason, asks for segregation and we deal with this problem separate from that of the institution's need to segregate certain inmates.

It is not within the terms of reference of this Study to propose legislation to cope with the problem of the "dangerous offender" in the criminal justice system. That problem has been acknowledged elsewhere.[15] It is our assumption that regardless of what shape dangerous offender legislation presently takes or may take in the future an offender who is considered by the courts to be dangerous and is sentenced accordingly will be confined in a maximum security institution. An offender in the community should not be labeled dangerous until it has been established that because of his behaviour he represents a threat to the poeple around him. Similary, no inmate in a maximum security institution should be considered dangerous within that setting until it has been established that he represents a threat to institutional staff and other inmate or is an escape risk even in maximum security. Most inmates do conform to the administration's expectations irrespective very often of the crimes they have committed or their behaviour in the community.

We recognize, however, that some inmates do represent persistent and serious threats to the institution. They are, typically, the inmates who are persistent in their criminal activities. They demonstrate a pro-criminal attitude, and are serving long sentences, aften for crimes of violence. They lack hope and their conduct in the institution is hostile and sometimes violent.

Even though we acknowledge the need for long-term segregation facilities to confine such inmates, we believe that appropriate facilities to confine such inmates, we believe that appropriate facilities, review procedures and programmes can be implemented to control the length of stay.

The Principle and Goal of Segregation

Segregation must become a more integral part of institutional programming. Long-term segregation cases are presently confined in institutions which are not designed for them. These inmates are, as we have pointed out, isolated and forgotten. There appears to be very little administrative intent behind their present situation.

On the basis of our interviews with inmates, we have concluded that the most severe hardship for most inmates is the deprivation of association. Therefore, the privilege which has the most meaning for segregated inmates is the privilege of association. It is perhaps the only privilege of any consequence on the behaviour of most
Indeed, the ultimate goal of the criminal justice system is the reintegration of the offender into the community - adjustment to life outside the prison - and the basic fact of that life is association. Similarly, the ultimate goal of a segregation unit ought to be to return the segregated inmate to association, albeit in a maximum security institution, as soon

* We acknowledge that association does not have the same meaning for all inmates and that some are segregated at their own request and would prefer not to associate with other inmates.

as possible.

This goal can best be achieved through a principle of gradual and monitored reintegration of segregated inmates into the population. Such a principle has the following benefits:

- it provides the staff with a means of evaluating the inmate in a manner that is "measurable" - through observation of his behaviour in the company of staff and other inmates. Segregation review boards would become more meaningful and institutional authorities could have greater confidence in their decision-making process if the segregated inmate could be tested in association;

- it provides the inmate with the opportunity to earn his way out of segregation, thus alleviating the atmosphere of hopelessness which characterizes segregation units at present. Now he cannot earn his way out since he has no opportunity to demonstrate behaviour or attitude change;

- it eliminates the shock that may accompany sudden reintegration into the population and thus represents a "decompression" phase in which the change in his routine is gradual and controlled.

If segregation is recognized as a crucial aspect of institutional life, and the system is serious about the problem of the persistently disruptive and dangerous inmate, then the Penitentiary Service must commit itself to the utilization of physical and human resources for these inmates. Segregation facilities must have appropriate living, working and exercise space. There must be both security and programme staff charged with the sole responsibility of the persistently disruptive inmate. That is, facilities must be designed to accommodate these inmates and some staff must be there for the express purpose of their custody and treatment.

Confining "Long-Term" Segregation Cases

A number of alternatives were considered for confining inmates whose behaviour is persistently disruptive and represents a serious threat to institutional order. Essentially, there are two basic models,[16] with a number of variations possible.

The "Dispersal" Model

The present system is an example of a dispersal model. Inmates who may require lengthy periods of segregation remain in the institution which was responsible for their confinement before they were segregated. Long-term cases, then, are dispersed at least throughout the seven maximum

security institutions. Any modification of existing segregation facilities to accommodate inmates in a more meaningful way is still a dispersal model. We do not consider the modification of existing facilities to be a long-range solution to the problem of segregation. Irregardless of changes which may be built into existing institutions, such a possibility would not be in the best interests of inmates who may require long-term segregation. Their situation is such that, wherever they are located, they must be a prime focus of attention. In existing facilities, both security and programme staff must focus their attention on the majority - those inmates who cooperate or who at the very least are not wilfully uncooperative. They must be considered first. Given the heavy caseloads of the programme staff, it is unlikely that they can devote their time to segregation cases. The movement of segregated inmates for purposes of visits and interviews is an added burden for security staff and the presence of these inmates is not in the best interests of other inmates in the institution. The report on the Design of Federal Maximum Security Institutions points out that

> Institutions charged with holding people will tend to organize their life with a view to the highest potential risk, thus subjecting others to unnecessary restrictions.[17]

The other alternatives which we considered involve the construction of new facilities. This takes time. Therefore, in the meantime, the present situation would have to be modified to serve these inmates in a meaningful way if only as a temporary measure pending the completion of adequate new facilities. This interim measure is discussed in more detail below.

The "Concentration" Model

The concentration model is one in which those inmates who may require long-term segregation are concentrated in one institution or a few institutions perhaps on a regional basis. These institutions would be designed solely for the treatment and custody of such inmates.

The Study Group does not favour, as a long-range solution, the introduction of institutions designed solely for the purpose of confining segregated inmates. Such a situation is likely to result in a continuation of existing practices. We are also concerned about the dangers involved in confining large numbers of difficult cases in one institution, completely isolated from other inmates. There would be no other influences on their behaviour other than that of inmates with similar attitudes to their own.

The Study Group favours a compromise between the two models.

A "Limited Dispersal" Model

A limited dispersal plan means that only certain select maximum security institutions would be responsible for the custody and treatment of potentially long-term segregation cases. Such a plan should utilize purpose-built institutions - institutions that are designed, at least in part, to provide programme for the persistently disruptive inmate. This plan differs from the dispersal model in that all maximum security institutions would not have the responsibility of long-term segregation. The report on the Design of Federal Maximum Security Institutions suggests that such a plan would

> Make it possible for other institutions to operate on a lower level of restriction and anxiety.[18]

Therefore, those institutions which will not have long-term segregation facilities would benefit from this plan in that the removal of persistently disruptive inmates could have a settling or stabilizing effect on the population and would further enhance the development of progressive and meaningful programmes in these institutions.

We note the opinion expressed in the Report of the Advisory Council on the Penal System that "The removal of the apparent leaders of trouble may only result in the appearance of fresh leaders to take their place".[19] We disagree and believe that it is an oversimplification to suggest that such inmates would be replaced by a new hard-core. Granted, new leaders will emerge but to suggest that they posses the same qualities as their predecessors is to suggest that such a process is a never-ending one.

The limited dispersal model differs from the concentration plan in that those institutions used to confine long-term segregation cases would not be used exclusively for that purpose. Therefore, with a normal population, this plan would allow for programmes designed to reintegrate segregation cases into the population.

Present construction plans of the Canadian Penitentiary Service fit the requirements for a limited dispersal model. These plans call for the construction of at least one new maximum security institution per region. This means that each region will have at least two maximum security institutions.

RECOMMENDATION

4. ONE NEW MAXIMUM SECURITY INSTITUTION PER REGION SHOULD BE USED IN PART FOR THE CUSTODY AND TREATMENT OF INMATES WHO MAY REQUIRE LONG-TERM SEGREGATION.

Given this plan, and the utilization of new institutions, it is possible to introduce a meaningful programme for inmates who are presently segregated for long periods.

A careful selection of population inmates is a pre-requisite. If the new institution is populated by inmates serving long sentences but who are typically good inmates, it may positively affect the nature of interaction in the new institution. For example, many persons who have committed murder are good inmates. There is some evidence that they are not intimidated by the hard-core. They do their own time and, in fact, may exert a positive influence on the hard-core.

Every attempt should be made to integrate inmates who are presently considered long-term segregation cases into the population as soon as possible after their admission to the new institution.

RECOMMENDATION

5. ALL INMATES PREVIOUSLY IN SEGREGATION IN OTHER INSTITUTIONS AND APPARENTLY REQUIRING LONG-TERM SEGREGATION SHOULD BE PHASED INTO THE POPULATION OF THE NEW FACILITY.

Many of these inmates will have been in segregation for months. To introduce them into the population immediately and on a twenty-four hour basis is likely to constitute a difficult adjustment for them. Reintegration should be gradual. While we recognize that some of these inmates may not last long in the population and will require further segregation, we also suggest that many may benefit from a change of scenery and staff, and may not require segregation.

Segregation facilities in the new institutions should consist of two phases:

Phase 1: Segregation

This should approximate the type of segregation that presently exists but should be used for as short a period as possible.

Phase 2: Segregation with Limited Association

Phase 2 is proposed as an attempt to introduce the inmate, in a controlled manner, into the population or at least into association with other inmates in the same phase.

It may include recreation or exercise in the presence of other inmates, or other brief periods - one or two hours per day - outside his cell in the company of other inmates. It constitutes both a "testing" and a "decompression" phase.

Staffing Segregation Units

Our recommendations for the staffing of segregation units apply to the five regional facilities proposed above, and, where indicated, to the short-term segregation units in all other penitentiaries.

Also, we believe that many of these recommendations can and should be implemented immediately pending the completion of the new units.

The Study Group is opposed to the present practice of rotating security staff in the segregation units. This is not in the best interests of the segregated inmates. The practice of rotating staff leads to the kinds of problems discussed in Chapter II. Also, many staff persons may not appreciate the unique situation and the special problems of segregated inmates. Staff must be motivated to appreciate the problems of the segregated inmates and trained to deal effectively with them. They must attempt to develop personal relationships with those inmates in their custody.

RECOMMENDATION

6. SECURITY STAFF SHOULD BE SELECTED FOR EXTENDED ASSIGNMENT IN SEGREGATION UNITS AND PROVIDED WITH IN-SERVICE TRAINING COVERING REGULATIONS, AND THEORY ON SOCIAL ISOLATION AND ITS EFFECTS.

These assignments should be for approximately one year, after which a new staff, appropriately trained, would replace them.

It may be that salary adjustments would be necessary for staff assigned to segregation units, in view of the specialized responsibilities. The Study Group would not consider a proposal for "merit pay" unreasonable.

This recommendation is applicable for short-term segregation units as well.

The Study Group visited institutions where at certain hours the segregation range was not supervised. The possibility exists that illness, attempted suicide, self-mutilation, or fire could go undetected for some time.

RECOMMENDATION

7. AT LEAST ONE SECURITY STAFF PERSON MUST BE PRESENT IN THE SEGREGATION UNIT AT ALL TIMES.

The impact of programme staff on segregation units is, at present, negligible. Some institutions have assigned one classification officer to all segregated inmates. In others, the classification officer responsible for the inmate before his being segregated maintains contact. In either case, the inmate's contact with programme staff is minimal.

The adjustment to living in a segregation unit may be difficult. This difficulty may be further enhanced by the lack of contact with programme staff, in particular the inmate's classification officer, and the necessity of establishing rapport with a new classification officer. We acknowledge that some inmates do not even know their own classification officer and would not be affected in this way. Nevertheless, they may be affected in the sense that the assignment of a new classification officer implies that an extended stay in segregation can be anticipated.

RECOMMENDATION

8. ALL SEGREGATED INMATES SHOULD CONTINUE CONTACT WITH THEIR OWN CLASSIFICATION OFFICER THROUGHOUT THEIR PERIOD OF SEGREGATION.

These classification officers should visit segregated inmates on their caseload at least once per week and more often if necessary. This suggestion does not constitute a change in existing regulations. However, at present segregation units are predominantly security-oriented and lack adequate office and interview space for programme staff. This, combined with the fact that segregation cases do not appear to have high priority with programme people, suggests the need for the coordination of security and programme staff and the need to monitor the involvement of programme staff.

RECOMMENDATION

9. A CLASSIFICATION OFFICER OR PSYCHOLOGIST SHOULD BE ASSIGNED TO EVERY SEGREGATION UNIT TO COORDINATE SECURITY AND PROGRAMME STAFF INVOLVEMENT AND MONITOR THE PARTICIPATION OF PROGRAMME STAFF.

This person would not be responsible for individual inmates but rather would monitor the involvement of programme staff with segregated inmates. If, however, group programmes can be established in segregation units then such a person should assume that responsibility.

It is likely that, at least in some institutions, such a person would only be required on a part-time basis.

In order to encourage and support greater input into the segregation unit by programme personnel, adequate facilities for them are necessary.

RECOMMENDATION

10. EACH SEGREGATION UNIT SHOULD HAVE APPROPRIATE OFFICE AND INTERVIEW SPACE FOR PROGRAMME STAFF.

Our recommendations regarding the involvement of programme staff should be implemented in both long-term and short-term segregation units. Furthermore, they can be implemented immediately.

Living Conditions and Routine in Segregation Units

The following recommendations apply to both short-term and long-term segregation units. These too can and should be implemented immediately.

We consider the regulations regarding segregated inmates to be, for the most part, reasonable. However, we are concerned that the directives are not always followed. Indeed, we encountered officers on duty in segregation units who could not tell us what the directives stated. Regulations must be strictly applied.

As a basic principle regarding the conditions of segregation we reiterate the need for a strict application of regulations.

RECOMMENDATION

11. ALL INMATES IN SEGREGATION SHOULD BE ENTITLED TO THE SAME AMENITIES AS ALL OTHER INMATES, INSOFAR AS IS REASONABLE, EXCEPT FOR THE PRIVILEGE OF ASSOCIATION.

This means, first, that basic cell conditions should not differ from the cells in the population ranges in terms of size, furnishings, lighting, and temperature.

Many inmates complained of not getting the exercise time to which they are entitled. Some claimed that they did not, on occasion, get any exercise. We realize that it difficult to provide each inmate his allotted time (one hour per day in summer months and one half hour per day in winter) if there are large numbers in segregation. This is particularly the case when, for good reason, they cannot exercise in pairs or groups. Nevertheless, we feel that a greater effort can be made to provide adequate exercise time. For example, the construction of an additional exercise yard adjacent to present facilities may alleviate the problem. Furthermore,

provision should be made for an extended exercise period, or perhaps two per day, in situations in which segregation facilities are not crowded.

The preparation of meals should be monitored by kitchen staff and hospital staff in order to ensure that they meet prevailing standards in terms of nutrition, scheduling (i.e. too many hours between supper and breakfast) and the promptness with which they are delivered to the segregation unit and served.

All segregated inmates should maintain library, correspondence and visiting privileges, canteen privileges, and smoking privileges, if the latter is practical.

However, once an inmate has been segregated, and the Segregation Review Board upholds the decision, the Board shall at its discretion, have the authority to reduce his pay to the grade one level.

Allowing segregated inmates hobbies is a difficult decision. Typically, they are not permitted in segregation units because of the risk that hobbycraft tools may be used as weapons. Decisions regarding access to hobby materials should be made on an individual basis.

The Study Group recognizes that it is possible that, given facilities designated as "long-term segregation units," there may be a tendency to oversuse them. For that reason, and the fact that in general we feel that stricter guidelines for the use of segregation are necessary, we porpose the following process as one which is designed to protect the interests of both the institution and the inmates.

The Process of Segregating Inmates

These recommendations apply to all situations in which segregation is used. That includes all institutions in the system including the five regional institutions with long-term segregation facilities.

The Authority to Segregate

From time to time, it is necessary that an inmate be segregated quickly. The institutional director must maintain the right to do this, even if it is based simply on "suspicion". Even in the absence of hard evidence that an act has been committed or planned by a particular inmate, it may be in the interests of both the institution and the inmate that he be segregated.

Often, the decision to segregate must be made in the obsence of the Director. If, for example, an incident occurs at night, the officer in charge of the institution must act on the Director's behalf. His decision to segregate should be reviewed, however, by the Director immediately upon his return to the institution.

RECOMMENDATION

12. THE AUTHORITY TO SEGREGATE AN INMATE UNDER PSR 2.30 (1) (a) SHOULD REMAIN WITH THE DIRECTOR OF THE INSTITUTION.

Written Notice

An inmate should be entitled to know the reason or reasons for his being segregated as soon as possible after the decision is made.

RECOMMENDATION

13. NO INMATE SHALL BE SEGREGATED WITHOUT BEING ADVISED OF THE REASON IN WRITING WITHIN TWENTY-FOUR HOURS OF THE DIRECTOR'S DECISION TO SEGREGATE.

Reviews

At present, the cases of all inmates in segregation are reviewed once per month. This review must necessarily be cursory since, in present conditions, there is very little for the review board to evaluate other than the reason for segregating the inmate in the first place. Under the system proposed here, where inmates in long-term segregation will be tested in association, these reviews should become more meaningful. This should also be the case regarding short-term segregation given a commitment to returning the inmate to the population as soon as possible. We propose the following review structure:

RECOMMENDATION

14. EACH INSTITUTION SHALL ESTABLISH A SEGREGATION REVIEW BOARD WHICH SHALL CONSIST OF

- A CHAIRMAN - THE DIRECTOR OF THE INSTITUTION;
- THE ASSISTANT DIRECTOR (SECURITY) OR ASSISTANT DIRECTOR (SOCIALIZATION);
- THE CLASSIFICATION OFFICER OR PSYCHOLOGIST IN CHARGE OF SEGREGATION:
- THE SECURITY OFFICER IN CHARGE OF SEGREGATION.

Other persons such as the inmate's classification officer or shop supervisor may be invited to contribute to the deliberations of this board.

RECOMMENDATION

15. THE SEGREGATION REVIEW BOARD MUST REVIEW THE CASE OF AN INMATE WITHIN FIVE WORKING DAYS OF THE DIRECTOR'S DECISION TO SEGREGATE HIM, AND AT LEAST ONCE EVERY TWO WEEKS IF THE DECISION TO SEGREGATE IS UPHELD.

We do not consider it essential, nor necessarily in the best interests of the inmate, that he be present when his case is being reviewed. Novertheless, the Segregation Review Board should have the discretionary power to request the inmate's presence for specific reasons.

RECOMMENDATIONS

16. THE INMATE SHALL NOT BE PRESENT AT THE REVIEW UNLESS REQUESTED BY THE BOARD.

17. THE INMATE SHALL BE ADVISED IN WRITING OF THE BOARD'S DECISION AFTER EACH REVIEW.

There are various decisions available to the Segregation Review Board.

RECOMMENDATION

18. THE SEGREGATION REVIEW BOARD SHALL BE CHARGED WITH THE RESPONSIBILITY OF DETERMINING WHETHER IN FACT THERE IS JUST REASON FOR SEGREGATION, AND HAVE THE FOLLOWING ALTERNATIVES AVAILABLE TO IT:

    - RETURN THE INMATE TO THE POPULATION:
    - CONTINUE SEGREGATION IN PRESENT FACILITIES:
    - REFER THE CASE TO THE REGIONAL CLASSIFICATION BOARD WITH A RECOMMENDATION FOR TRANSFER TO THE REGIONAL SEGREGATION UNIT.

The authority to transfer inmates to the long-term segregation facility thus rests with the Regional Classification Board. This board is already responsible for the transfer of inmates and there is no need to create an additional committee at this level.

Decisions of the Segregation Review Board will be more meaningful if as soon as possible after the inmate is segregated the Board develops a plan for his reintegration into the population. That is, they should consider the changes which must occur in the inmate's situation before he can be reintegrated and advise the inmate's progress relative to the plan.

RECOMMENDATION

19. AFTER ASSESSING THE INMATE'S SITUATION, THE SEGREGATION REVIEW BOARD SHALL:

- DEVELOP A PLAN TO REINTEGRATE HIM INTO THE POPULATION AS SOON AS POSSIBLE:
- MONITOR THAT PLAN DURING SUBSEQUENT REVIEWS;
- MAINTAIN WRITTEN RECORDS ON THE SUBSTANCE OF EACH REVIEW:
- FORWARD SUCH REPORTS TO THE REGIONAL CLASSIFICATION BOARD.

Institutional and regional authorities must recognize and adhere to the following principle:

RECOMMENDATION

20. TRANSFER TO A LONG-TERM SEGREGATION UNIT SHALL BE USED ONLY IN THE EVENT THAT ALL OTHER MEASURES HAVE FAILED AND NOT AS A MEANS OF SOLVING DAY TO DAY PROBLEMS OF INSTITUTIONAL MANAGEMENT.

Facilities for Inmates Requesting Segregation

Some inmates who are concerned about their safety in the institution request segregation in order to avoid being labeled a protection case. Others request segregation to retreat at least temporarily from the demands of institutional life.

Any inmate who requests segregation as a substitute for protective custody should be screened in the same way that other potential protection cases would be. If his case warrants protective custody he should be assigned to such a unit and not placed in segregation facilities.

Of particular concern to us here is the inmate who requests and needs "quiet time". There are a number of reasons why an inmate may feel the need to dissociate himself at least temporarily from the population; for example, emotional upset, perhaps depression, because of a death in his family or a parole refusal. A retreat for a short period of time would be in his best interests and the interests of the institution and he should not be considered dissociated.

"Quiet cells", relatively isolated from the population ranges, should be available for these kinds of situations. An inmate granted this kind of "time out" from institutional life should be allowed total isolation, if he wishes, or partial retreat in which he may participate in some

institutional activities.

Quiet cells areas should be closely supervised since it is likely that many inmates using such facilities may be emotionally upset. It should be understood that the inmate may return to the population at any time but that he may not stay beyond a specified time period - perhaps three days - except in cases where medical advice indicates otherwise.

RECOMMENDATION

21. EVERY INSTITUTION SHOULD HAVE "QUIET CELLS" AVAILABLE FOR INMATES WHO REQUIRE A RETREAT FROM POPULATION LIFE FOR A PERIOD NOT TO EXCEED THREE DAYS' UNLESS OTHERWISE DIRECTED BY MEDICAL STAFF.

The responsibility to grant this privilege to an inmate should rest with the director or an assistant director of the institution.

References

1. Marcus, Anthony M. "Isolation at the B.C. Penitentiary: Some Clinical Observations". Written testimony in McCann et al versus the Crown. February 7, 1975. p. 3.

2. Johnson, Crime, Correction, and Society, p. 499.

3. Cloward, "Social Control in the Prison", p. 78.

4. Ibid., p. 79

5. Ibid., -. 79

6. Ibid., p. 79

7. Ibid., p. 79

8. Ibid., p. 91.

9. Sykes, Gresham M., and Messinger, Sheldon L. "The Inmate Social System". The Sociology of Punishment and Correction. Edited by Norman Johnston, Leonard Savitz, and Marvin E. Wolfgang. Second Edition. New York. John Wiley and Sons, Inc., 1970. p. 406.

10. Johnson, Crime, Correction, and Society, p. 499.

11. Canada. Ministry of the Solicitor General. The Criminal in Canadian Society: A Perspective on Corrections. Ottawa. Information Canada. 1973. p. 29.

12. Ibid., p. 29.

13. Ibid., p. 29.

14. Ibid., p. 29.

15. Canada. Report of the Canadian Committee on Corrections. Toward Unity: Criminal Justice and Corrections. Ottawa. Queen's Printer. 1969; and Canada. Report of the Standing Senate Committee on Legal and Cosntitutional Affairs. Parole in Canada. Ottawa. Information Canada. 1974.

16. Britain. Report of the Advisory Council on the Penal System. The Regime for Long-Term Prisoners in Conditions of Maximum Security. London. Her Majesty's Stationery Office. 1968.

17. Canada. Department of the Solicitor General. Report of the Working Group on Federal Maximum Security Institutions Design. Ottawa. 1971. p. 10.

18. Ibid., p. 10.

19. Report of the Advisory Council on the Penal System, p. 16.

PROTECTIVE CUSTODY

Definition

The authority for the prison administration to grant an inmate protective custody is provided in Penitentiary Service Regulation 2.30 (1) (b):

> 2.30 (1) Where the institutional head is satisfied that
>
> (a) for the maintenance of good order and discipline in the institution, or
>
> (b) in the best interests of an inmate
>
> it is necessary or desirable that the inmate should be kept from associating with other inmates he may order the inmate to be dissociated accordingly, but the case of every inmate so dissociated shall be considered, not less than once each month, by the Classification Board for the purpose of recommending to the institutional head whether or not the inmate should return to association with other inmates.

An inmate may require protective custody because he or the prison administrator fears that he will be harmed by others or that he will harm himself. There are a number of factors which may prompt this fear:

- the offence for which the inmate is incarcerated or perhaps a previous offence.

  Most likely to require protection are those inmates who have committed sex offences, particularly against children; and certain drug traffickers whose behaviour was not acceptable to the criminal element;

- the fact that an inmate is, or is believed to be, a crown witness;

- problems experienced within the institution.

  Typically, these include the accumulation of gambling debts and personal conflicts with other inmates such as participation in an homosexual relationship.

The administration may place an inmate in protective custody if they consider it in his best interests, or simply if the inmate asks for protection because he fears for his safety in the institution. Very often, the decision to dissociate an inmate for protection reasons is a mutually arrived at decision following concrete evidence that the inmate may be in danger. Threatening notes or beatings, either in the penitentiary or in a provincial institution prior to transfer to the penitentiary, constitute sufficient evidence.

About one-half of the protective custody cases interviewed by the Study Group had been placed in protection immediately upon their admission to the institution.

The Present Situation

Rate

We have pointed to the problems in determining the actual number of inmates confined in protective custody facilities in federal institutions. The following figures serve merely as a guide and are subject to the limitations discussed below:

TABLE I

NUMBER OF PROTECTIVE CUSTODY CASES
IN FEDERAL INSTITUTIONS

Date	Number	Percentage of Total Population
December , 1972	210	2.5
November 15, 1974	369*	4.25
July 15, 1975	368**	4.25

* Headquarters data for that date indicate 325 inmates in protective custody. The Study Group has revised that figure to include the 44 inmates in the Laval Institution who were not included in the original count. See page 17.

** Headquarters statistics are not available beyond November 15, 1974. The figure of 368 is based on data compiled by the Study Group in visiting 7 maximum and 5 medium security institutions in 1975 with their 1974 figures and projecting for those institutions not visited by the Study Group.

On the basis of our experience and the illustrations provided under the "Availability and Reliability of Data", the Study Group considers all these figures to represent only those inmates confined in protective custody units and not protection cases held in segregation and punitive dissociation facilities.

There are no statistics prior to 1972. Just a few years before that, howeever, there were very few inmates in protective custody. Such facilities were rare and inmates who today seek out protection had to fend for themselves. A 1972 Study Group on Protective Custody, composed of senior personnel in the Canadian Penitentiary Service, explained the increased numbers in protection units as follows:

(i) Inmates are no longer locked up as much as they once were. Their relative freedom within the institution makes them more accessible to those who seek to do them damage.

(ii) More opportunity now exists for inmates to offend against their own code - e.g. out on temporary absence and refusing to bring back drugs, out on temporary absence and taking up with the wife of another inmate, etc.

(iii) Inmates now have access to the news media and often publicize their case to their own detriment.

(iv) Newspapers, along with radio and television broadcasts, are uncensored and frequently provide information to prison populations which cause action to be taken against certain inmates. Along with this, is the fact that persons on the "outside" are taking more notice of what goes on "inside". Inmates are allowed to write uncensored letters to the press, to relatives, etc. and these letters often cause members of the public to demand action. Lawyers are coming into the picture more than ever before and action from that quarter forces the Service to take cognizance of the rights of persons seeking protective custody.[1]

We support these views and add that the mere existence of protective custody units is likely to result in a further increase in the number of protection cases. Because of the above factors, particularly the increased demands on penitentiary authorities by "outside" people to protect the inmate from harm, inmates have relatively easy access to protection and it provides them with an opportunity to escape the demands of population life should it become difficult for some reason.

About ninety percent of protective custody cases are confined as such at their own request. This may mean, however, that they provide the institutional authorities with evidence that such a request is warranted, so that they provide the institutional authorities with evidence that such a request is warranted, so that again it is a mutually arrived at decision.

The November 15, 1974 data indicates that of the 325 protection cases reported, excluding the 44 Laval inmates, 75 had been in protective custody 12 months or more. Twenty had been in at least 2 years and one for 5 years.

Physical Facilities

An inmate who requires protection for any length of time will be confined in a maximum security institution. About 280 of the approximately 368 presently confined in protective custody units are confined in maximum security institutions. Generally, minimum and medium security institutions do not have suitable facilities and institutional authorities have been reluctant to change that situation because protective custody units already exist in the maximum security institutions. Therefore, the practice is to transfer such cases to maximum security.

For that reason, the following description of existing physical facilities focuses on maximum security institutions, with one exception. We have chosen to discuss Mountain Prison, a medium security institution at Agassiz, British Columbia, since it is generally regarded as the "protection prison" in the Canadian Penitentiary Service.

Most protection cases are confined in cells identical to those occupied by population inmates; that is, those who enjoy normal association. Cells generally are about five to six feet wide and about ten feet long. Normally, they are furnished with a bed, desk, cabinet, sink, and toilet. All have bar doors. With the exception of three institutions - Millhaven, Dorchester and Archambault - there are no windows in the cells. Windows are in the wall opposite the cells. Cells have two lights - one a normal light that can be controlled by the inmate from inside his cell, the other a night light which cannot be turned off from inside the cell. All cells have radios. One or two shower stalls are available per range.

In addition to the usual cells for protective custody, the Saskatchewan Penitentiary has a dormitory (a converted shop) which houses about forty-two inmates. Beds are spaced approximately 2½ feet apart. Each inmate has a clothes closet, chair, table, and individual bed light. There are no dividers between "living quarters". There are two toilets and two showers in the dormitory.

Routine

All inmates in protective custody units have canteen and library privileges, and access to hobbies.* They can read, write, or work on hobbies all day. Beyond this, however, the routine varies considerably between institutions.

The inmates in Laval Institution and in the dormitory at the Saskatchewan Penitentiary had access to a full range of activities. In Saskatchewan, most of the forty-two inmates in the dormitory work in the canvas and uphostery shop during the day. This shop is used exclusively by protection cases. They have their own gymnasium which is also a converted shop. It is equipped for table tennis, billiards, cards, and weightlifting. Their outside recreation yard is approximately 300 feet by 500 feet. It includes one fastball diamond, one nine-hole miniature golf course, one outdoor skating rink equipped with lights, and two outdoor curling rinks. Dormitory inmates are allowed exercise between the hours of 6:00 p.m. and 10:00 p.m. every evening, and afternoon exercise on weekends. At exercise time, an inmate has the option of remaining in the dormitory, going outdoors or to the gymnasium. He also is permitted to change areas under escort, mid-way through the recreation period.

The situation for protective custody cases in Laval is similar. Most spend the day in the Industrial Building repairing mail bags. Others are responsible for cleaning the Administration Building and their cell block, and looking after the gymnasium, which is for the exclusive use of protection cases. Two others are barbers for other inmates in protection.

They have an optional recreation period from 7:00 p.m. to 10:30 p.m. They may use the gymnasium for watching television, playing billiards, table tennis or weightlifting, or use an L-shaped recreation yard, small but adequate for weightlifting or playing catch.

An escort is provided to and from the recreation facilities once per hour.

Protective custody cases in the British Columbia Penitentiary also have access to a recreation yard. It is equipped with a badminton or volleyball court, basketball court, track, and card tables. They are allowed afternoon recreation from 1:30 p.m. to 2:30 p.m. and evening recreation from 6:30 p.m. to 8:30 p.m. On weekends they are allowed recreation most of the day. If an inmate chooses not to go out for recreation, he is confined to his cell but is provided escort to go mid-way through the recreation period. Inmates also have certain hours for watching television and playing cards.

Inmates in protective custody in Millhaven, Archambault, the Prison for Women, and those in the cell block at Saskatchewan are confined to their cells for about 23½ hours per day. They receive approximately one-half hour exercise per day in a small cage-type outdoor yard adjacent to the cell block. They usually exercise two or three at a time and this exercise period is limited to walking, running or, in some cases, playing cards. Some of the inmates in the protection cell block in Saskatchewan do chores in the classification and visiting areas.

* We have excluded those "protection" inmates who may be confined in segregation or punitive dissociation facilities since we have suggested that they may not always receive the amenities to which they are entitled.

Inmates in protective custody in Dorchester Penitentiary are allowed some movement but it is restricted to a thirty-foot wide corridor between the cells. Their activity is limited to walking and playing cards.

Contact with programme staff is, in most cases, limited. In some institutions, one classification officer is assigned to the dissociation units; in others, inmates maintain contact with their own classification officer.

Security for Inmates in Protective Custody

The terms of reference required that we consider the extent to which inmates in protective custody were in fact protected. We saw little evidence that these inmates, once given protection, had actually been harmed by population inmates. Nevertheless, we did note certain problems regarding the security of protection facilities.

For example, inmates in protective custody in Millhaven are not allowed to clean the corridor in their range. This responsibility is given to an inmate from the population. Quite apart from the fact that the protection inmates would welcome the opportunity to leave their cell and work if only briefly, they expressed concern for their own safety in having a population inmate in the range.

In the Prison for Women, the protection cells are located between the segregation facilities and a population range. During the movement of inmates throughout the prison, the door between protection and the population is locked. However, in the evening when inmates are locked in their cells, the door is left open and there is no permanent security staff on duty in the protection-segregation range. They do include this range in their rounds.

We do not consider the dormitory in the Saskatchewan Penitentiary to be adequately protected. It is located across a hall from a dormitory for population inmates, and is guarded only by two unarmed officers. In fact, during our visit we observed an inmate from the population walk into the protective custody dormitory. Also, in the event of a disturbance in the institution, two unarmed officers would have little success in thwarting inmate attempts to reach the protective custody dormitory. In addition, it is located on the second floor and inmates could be burned out from below.

Many inmates in protective custody in various institutions expressed concern about their safety during escort to interviews with classification staff, hospital staff or to visits. In fact, in one institution inmates insisted that their choice was to go unescorted or not go at all. Many inmates complained that although they were escorted to waiting rooms they were often left unattended in the company of population inmates.

Another common complaint had to do with the manner in which the food was prepared and delivered to the protective custody units. Inmates fear that population inmates working in the kitchen do have access to their food and can tamper with it. Some institutions have attempted to solve this problem by staggering meal hours for protection cases or having the food prepared in the presence of staff. Nevertheless, we did interview inmates who, for good reason or simply paranoia, refused to eat and survived only on their canteen food.

Mountain Prison

Protection cases in western Canadian institutions regard Mountain Prison as an ideal protective custody facility. Perhaps the comment most often heard throughout the system by inmates and staff is that the system needs more institutions like Mountain Prison for protection cases. For this reason, we consider it in some detail.

At the time of our visit, the total population was 177 inmates including 23 officially listed as protection cases.

Inmates in protective custody live in a dormitory separated from the rest of the institution by a chain link fence. The dormitory consists of 28 cubicles, each about 5 feet by 8 feet. The gate to the Protective Custody Unit is always locked but the inmates leave to eat in the institution's only dining room one-half hour before population inmates.

Protection cases are occupied with work in the kitchen, on the grounds, (some outside the main prison fence) and as cleaners in the dormitory. They are allowed recreation from 4:00 p.m. until dark. They have their own hobby shop and weightlifting space.

Their facilities are average. What is exceptional is the fact that, for the most part, these inmates can and do leave the unit and participate with population inmates in recreational activities. At the time of our visit, there were only two inmates in the unit who would not leave. The others did not appear hesitant about mixing with population inmates during the day but were concerned about having to sleep in a population dormitory should they wish to leave protection.

Inmates in protective custody at Mountain Prison have been selected from various institutions. Essentially, however, there is very little to distinguish them from inmates in protection elsewhere. Most are sex offenders and there are a few informers. What is unique is the composition of the general inmate population. The average age is much higher than that of any other institution in Canada. Fifty-nine of the one hundred and seventy-seven inmates are serving life or indeterminate sentences. Even

more important is the fact that a large percentage of the population inmates were themselves protection cases and were transferred to Mountain Prison as such. Although there are no reliable figures, there are various estimates on the number of population inmates who had been in protection. These estimates ranged from thirty to seventy percent.

With this kind of population composition, it is possible for inmates in protection to move into the population permanently, provided that they request permission in writing. The matter is then considered by the administration. The average stay in the protective custody unit at Mountain Prison is apparently about three months.

This is an illustration of the fact that protection cases can be successfully reintegrated into a prison population. Mountain Prison is discussed further in this report.

The Consequences of Being "in Protection"

Most inmates in protective custody are not likely to be affected in the same way as inmates in segregation. There are considerable differences in the treatment accorded the groups. Indeed, there are sizeable differences in the treatment of protection cases even in the same institution.

There are fewer uncertainties for the protective custody case. His situation is very specific in that he knows why he is in protection, and how long he is likely to remain there. Indeed, in most cases he has asked for protective custody. Some of them, such as those in Laval and in the dormitory at Saskatchewan Penitentiary, have a fairly complete range of activities and are not seriously deprived of amenities by being in protection. Others, although confined in cells for as much as twenty-three and one-half hours per day do have some privileges. They have library, canteen, and hobby privileges so that they can keep relatively busy during the day, even though isolated from other inmates. In addition to being deprived of association, they are denied working and recreational privileges as well as the opportunity to attend church services.

Protective custody inmates interviewed by the Study Group were not overly critical of their situation. It is our impression that they felt that since they asked for protection they could not complain too much. Also, it appears that they are prepared to do without certain amenities if their safety can be guaranteed.

There are, however, certain negative consequences of being in protection:

1) A feeling of paranoia is commonplace in protective custody units. Many of those interviewed by the Study Group expressed concern about their own safety. They did not feel that they were adequately protected in the day-to-day operation of the institution and feared for their lives in the

event of a disturbance or riot similar to the Kingston Penitentiary riot of 1971.

It is possible, of course, that this paranoia existed for many inmates prior to their being placed in protective custody. It may also be that its expression is tied to the claims of both the inmates themselves and some staff that protection cases are being persecuted. Many of the inmates in protective custody, because of the offences they have committed, have entered the institution as undesirables in the eyes of their fellow inmates and consequently have assumed the lowest position in the inmate hierarchy. The mere existence of a protective custody unit can mean for its occupants that the wrongfulness of their behavious is easily repressed by them and is lost to the view of the administration and programme staff. They require protection - special facilities and staff. They are thought of as scapegoats - victims of the inmate code and therefore deserving of sympathy and support. There is tendency to forget that they are individual offenders who require treatment for the behaviour which resulted in their incarceration.

Many inmates in protection complained of harassment by some security staff. We have no doubt that this does occur and it may further reinforce the inmates opinions of themselves as victims. So too will the inevitable "shop-talk" among inmates in this situation.

All this means that

a) the inmate's feelings of guilt are relieved by virtue of his status as victim; and

b) interaction between these inmates and programme staff is likely to be clouded by the "protection" issue. The fact that the inmate is a protection case is a short-term problem which will cease to exist upon completion of his sentence. The more important issue, and the one to which the attention of programme staff should be directed, is the original problem which resulted in incarceration.

2) The second consequence is that of being labeled a "protection case". In addition to it possibly affecting the inmate's relationship with programme staff and subsequently his rehabilitation, it is quite evident that the label of "protection case" is irreversible.

With the exception of estimates on Mountain Prison, there is no reliable data on how many protection cases have been successfully reintegrated into the population either in the same institution or another through transfer. However, there are on record illustrations of attempts to reintegrate. For example, in one maximum security institution sixteen protection cases were forced back into the population against their will. Within weeks all had been returned to protective custody. They had either been burned out or

assaulted or had slashed themselves or deliberately committed offences which would result in dissociation.

Although there is no data to support their view, Penitentiary Service personnel agree that transfers have generally not been successful. This is, to a large extent, due to the mobility of the inmate population and its communication network. Therefore, the use of transfers does not remove the need for protective custody units. This means that the majority of protection cases can expect to serve their entire sentence in protection. In fact, it is likely that they will serve any future sentences in protection as well.

Both of these consequences are long-range. An inmate labeled as a "protection case" will, as long or as often as he is an inmate, be a special case requiring extra security and special facilities. This means that he will not have proper access to programmes under existing conditions.

The Need for Protective Custody Units

There is a need for protective custody units despite the possible consequences discussed above. If the director of the institution has reasonable grounds to believe that an inmate is likely to be harmed by remaining in the population, then he is obligated both morally and legally to provide that inmate with appropriate security. And it is a fact that certain inmates cannot function safely in the population.

However, we concur with the view of the 1972 Study Group on Protective Custody, and the opinion frequently expressed to us during our field trips, that many inmates presently confined in protective custody units need not be there.[2]

Given these considerations, proposals for change should be directed to the following:

1) A suitable screening and evaluation process which will first determine which inmates do not require protection, can function in the population and thus avoid the consequences discussed above; and secondly, alert the administration to situations in which protection need only be short-term and where reintegration into the population is possible.

2) Adequate facilities and programme which must be made available to inmates who do require protective custody in order that they are not unnecessarily punished by virtue of the offences they committed.*

Screening Protection Cases

We have indicated the increasing numbers of inmates seeking protection and some of the reasons for this. We have also suggested that many of them may not

* We acknowledge that some inmates regard "programmes" as punishment and therefore would rather be idle than engage in what is to them "meaningless" activities. To such inmates, a protective custody unit, devoid of programmes, is a desirable place to be and an easy way to serve time.

require protective custody. Nevertheless, at present the Penitentiary Service does not have a formal procedure whereby a decision to either grant or refuse protection is made and the review process for inmates already in protective custody appears to be rather cursory. Some institutions have developed their own screening procedure. For example, an inmate must ask for protection and, in some cases, must state his reasons in writing and identify the persons, if any, whom he fears. His request is then considered by the director or by a committee at a case conference. In either case, the final decision rests with the director.

The administration attempts to discourage inmates from entering protection since it puts additional burdens on the institutions's physical and human resources and because they are aware that protection is not always in the best interests of the inmate. However, it appears that they can ill afford to deny a serious or persistent request since it is possible that the inmate may be harmed or, because his request was denied, harm himself. The recent involvement of lawyers and civil libertarians is an additional factor with which the institutional administration must contend.

Decisions regarding protective custody, particularly those to refuse protection, are difficult. At present, the director of the institution must assume sole responsibility. Since judgment is difficult and mistakes can be costly, we believe that the responsibility for these decisions should be shared. In addition, all concerned are more likely to have greater confidence in a committee decision.

RECOMMENDATIONS

22. THE SEGREGATION REVIEW BOARD SHOULD BE CHARGED WITH THE RESPONSIBILITY OF GRANTING OR REFUSING PROTECTIVE CUSTODY.*

23. THE REGIONAL CLASSIFICATION BOARD SHOULD MONITOR THE PROCEEDINGS OF THE SEGREGATION REVIEW BOARD.

We have argued that it is presently a relatively simple matter for an inmate to request and be granted protection. The opposite may be the case for inmates just admitted to the institution. Some, because of the offences they have committed, may require protection immediately upon their admission. Often they are placed in the population. There are certain obvious signs that should at least alert the administration to the fact that a new inmate may require protection and the admissions officer should advise the Segregation Review Board of the situation in order that they may consider him a potential protection case.

RECOMMENDATION

24. BEFORE ANY NEW INMATE IS PLACED IN THE POPULATION, HIS RECORD SHOULD BE EXAMINED FOR EVIDENCE THAT HE MAY REQUIRE PROTECTION.

*The composition of the Segregation Review Board is discussed on page 60.

This means that a reception area is necessary where all new inmates can be held safely until any need for protection has been determined. At present, reception is used primarily for orientation. In many institutions, inmates in reception may associate with population inmates during recreation or even live in the same range while in the process of being oriented to the institution.

RECOMMENDATION

25. ALL NEW INMATES SHOULD INITIALLY BE PLACED IN RECEPTION FACILITIES WITH NO CONTACT WITH POPULATION INMATES.

At no time prior to a decision regarding protection being made should an inmate be placed in a protective custody unit since his mere presence there results in his being labeled a protection case.

We do not regard this as a solution to the problem since there will be in the reception unit other inmates who will eventually be in the population and perhaps be aware of any given inmate's situation. It does at least give the institutional administration some time to plan a strategy.

Inmates who are already in the population who request protection should not be placed in a protective custody unit pending a decision regarding their status, even if the situation is one of urgency. They would be much better off if they were confined in segregation facilities under the pretence of being a disciplinary problem.

RECOMMENDATION

26. POPULATION INMATES WHO REQUEST OR APPEAR TO REQUIRE PROTECTION SHOULD BE CONFINED IN SEGREGATION FACILITIES UNTIL THEIR CASE IS DECIDED.

There should be discussions with the inmate during the period in which his case is being considered in order that he be made aware of the possible consequences should he be placed in protective custody.

RECOMMENDATION

27. EVERY INMATE WHO IS CONSIDERED FOR PROTECTIVE CUSTODY SHOULD BE COUNSELLED AS TO THE POSSIBLE CONSEQUENCES OF BEING LABELED A A PROTECTION CASE.

If the above precautions are to have any meaning the administration must have alternatives to protective custody at its disposal. This involves some attempt at classifying inmates who request protection.

Assessing Inamtes "In Need Of" Protective Custody

It is difficult to create categories of inmates who should or should not be granted protection. Some requests for protection can quite obviously be refused on the grounds that they are frivolous. For example, one inmate advised us that he was in protection because his brother was there and had told him it was a quiet place to serve one's sentence. In another case, the minutes of the Segregation Review Board reported the following: "The inmate requested protective custody for some obscure reason about one year ago". In the former case, a simple refusal would have been in order. In the latter, it may be that the request for protection was frivolous or that an original legitimate request had become obscured with time. If the latter is the case, it is more indicative of cursory reviews than of a hasty decision to grant protection.

Some inmates after counselling, may determine for themselves that they do not require protection badly enough to suffer the possible consequences outlined by the administration.

On the other hand, the Study Group is aware of one instance which occurred during our field visists where a new inmate was beaten by other inmates three separate times within hours of his arrival at the institution. Given the offence for which he was convicted, it was probably inevitable that he would be assaulted. If an inmate is a crown witness or an ex-policeman, or if his victim was a child, then he is most likely going to require protection.

Between these two extremes, are a variety of reasons why an inmate may seek protection. We agree with the proposal of the 1972 Study Group that the most meaningful classification would be one in which cases are considered to be either transient or continuing.[3]

1) Transient Cases

Inmates who may be categorized as transient or short-term protection cases are those who require protection due to problems which are considered local. A conflict with a particular inmate, a gambling debt or some other minor violation of the inmate code are examples. They are local in the sense that the inmate has offended a particular inmate or group of inmates. He has not violated the more general inmate code in the same way that a crown witness or sex offender has. Many of these are the types of cases that can be resolved without resorting to protective custody. The following are two possible strategies:

* We acknowledge the opinion that transfers have not been successful but suggest that they have been used most frequently for long-term cases. At any rate, there is insufficient data available to evaluate the effectiveness of transfers and we suggest that any future transfers be documented in order that evaluation would be possible.

a) Transfers

In these situations where the problem is a minor or local one, it may be resblved simply through the separation of the inmate and his adversaries. Transfers may be:

- intra or intro-regional to either a maximum or medium security institution within the federal system; or

- to a provincial institution in cases where the inmate's sentence is relatively short and where maximum security may not be necessary.

b) Conciliation

Conciliation is a possibility where the problem can be identified as a local one and where the inmate's adversary is known. It may be most successful in those institutions which have strong inmate committees which are capable of exercising some influence over the population. There have been experiments in some institutions in this respect. Inmates seeking protection because they have incurred gambling debts agree to pay off their debts out of their canteen money and refrain from gambling until the debt is paid. The inmate committee has assumed responsibility for monitoring this arrangement. Acknowledging the possible role of inmate committees and the effect of peer pressure in these situations could prove a valuable aid to the administration.

RECOMMENDATION

28. INSTITUTIONAL ADMINISTRATIONS SHOULD ATTEMPT TO RESOLVE "TRANSIENT" PROTECTION PROBLEMS THROUGH TRANSFERS OR CONCILIATION PROCEDURES.

Transfers or conciliation may not always be practical and it may be necessary to grant protective custody. In rare cases, with transient kinds of situations, the problem may resolve itself through, for example, the expiry of the adversary's sentence. Although this may be an extreme example the point is that it would take an involved and alert review board, with meaningful written records, to keep abreast and take advantage of possible changes in the inmate's situation.

Generally, when transient cases must be confined in protective custody, the threat to the inmate may exist for only a short period or in a particular institution. The Board must be alert to changes which may be necessary for the inmate to return to the population. This involves regular and in-depth contact with the inmate's case and the maintenance of up-to-date written records.

RECOMMENDATIONS

29. THE SEGREGATION REVIEW BOARD SHOULD BE RESPONSIBLE FOR CONSIDERING THE CASE OF EVERY INMATE IN PROTECTIVE CUSTODY AT LEAST ONCE PER MONTH.

30. THE SEGREGATION REVIEW BOARD SHOULD MAINTAIN WRITTEN RECORDS OF THE INMATE'S SITUATION AND POSSIBLE CHANGES WHICH MAY OCCUR.

2) Continuing Cases

Long-term or continuing protection cases are inevitable. Crown witnesses, ex-policemen, and many offenders who have committed sex crimes will, in all likelihood, require protection for the duration of their sentences. It must be noted, however, that some sex offenders, perhaps for no other reason than their size, may not be subjected to the same harassment as others who are less capable of defending themselves. In addition, there may be regional differences in inmate attitudes toward particular kinds of offenders. For example, the Study Group noted a much smaller proportion of sex offenders confined in protective custody units in Québec institutions and in the Dorchester Penitentiary compared with institutions in Ontario and the west.

Nevertheless, some inmates do require long-term protection. Transfers for these types of offenders are not likely to be successful due to the mobility of the inmate population and its communication network. The only circumstances in which transfers may be successful would be in cases where the offender is transferred immediately after sentence from a provincial institution to another region. In widely publicized cases, it would be in the inmate's best interests to change his identity prior to the transfer.

For most of these cases, however, a long stay in protective custody can be anticipated. If there are reasonable grounds for granting the inmate protection, then the Penitentiary Service is obligated to do so.

Facilities and Programmes for Protective Custody Units

Penitentiary Service Regulation 2.30 (2) states that "An inmate who has been dissociated is not considered under punishment unless he has been sentenced as such..." Nevertheless, with the exception of inmates in protective custody in Laval Institution and the dormitory at the Saskatchewan Penitentiary, inmates in protective custody are being punished.

They are, for example, deprived of occupational training opportunities and, related to this, the opportunity to earn any more than grade one pay. Even in those institutions where there are work programmes for inmates in protection (Laval and Saskatchewan) they are not receiving training which will have any market value upon their return to the free community. The benefit of working in the canvas shop is not in the training received but rather in the relief it provides from the boredom of being confined in a cell.

Similarly, their opportunities to further their education are limited. Correspondence courses are permitted but they do not have access to an instructor nor do they have the same library privileges as inmates in the population.

Again with the exception of those inmates in Laval and the Saskatchewan dormitory, they are deprived of exercise and recreational facilities similar to those available to the population inmates.

They do not have the same access to programme staff that population inmates have; they are deprived of the right to worship; and they do not enjoy the same visiting privileges as population inmates since their visits may be accompanied by harassment from other inmates thus causing embarrassment to both the inmate and his visitor.

In addition, they are sometimes subjected to harassment by staff and they generally experience less security than other inmates.

These inmates are, in effect, being punished twice for the same offence. Not only have they been dissociated from society for a criminal offence but they have been further dissociated within the institution because of the nature of that offence and not as a result of their institutional behaviour.

Although Regulation 2.30 (2) specified that these inmates shall not be considered under punishment, it further states that an inmate in protective custody

> shall not be deprived of any of his privileges and amenities by reason thereof, except those privileges and amenities that
>
> a) can only be enjoyed in association with other inmates, or
>
> b) cannot reasonably be granted having regard to the limitations of the dissociation area and the necessity for the effective operation thereof.

Section 2.30 (2) (a) implies that inmates in protective custody can be even further dissociated in that they may not even be allowed association with others in the same situation.

Many of the interviewees expressed the opinion that this is as it should be. It was argued that these inmates could not be allowed group activities because of the diversity of types in a protective custody unit. They , like the inmate population, stratify themselves and those relegated to the lower echelons would be subject to harassment and perhaps harm from other protective custody inmates. We suggest, however, that there is a greater variety of "types" in the population than in a protective custody unit and that the

programmes demonstrate that inmates in protection can get along with one another. We also believe that there may be considerable potential for self-government among protection cases if they are allowed to associate with one another since any negative incidents could result in them returning to their present situation.

There is no reason why inmates in protective custody should be dissociated from one another. This is evident from the apparent success of the Saskatchewan and Laval endeavors. The mere application of the term "dissociation" to their situation has apparently justified treatment that is different from that accorded population inmates, despite the fact that there is no evidence that their behaviour in the institution is any different. Inmates in protection need only be regarded as a special group just as there are already special groups in institutions. The Canadian Penitentiary Service is obligated at least morally to provide inmates who require protection with adequate living, working and recreational facilities.

RECOMMENDATION

31. INMATES WHO REQUIRE PROTECTIVE CUSTODY SHOULD NOT BE CONSIDERED DISSOCIATED BUT RATHER SHOULD BE CONSIDERED SIMPLY AS ONE OF MANY SPECIAL GROUPS IN INSTITUTIONS.

Section 2.30 (2) (b) which allows the institutional administration to deny these inmates privileges simply because of the limitations of the dissociation area does nothing to encourage imaginative programming. Again, it reflects an over-emphasis on the term "dissociation" and all its implications. The area must be designated as something other than a dissociation unit.

A Long-Range Plan

All institutions could be adapted to provide the kinds of facilities and programmes that Laval and Saskatchewan have provided. However, some institutions do not have sufficient numbers to warrant separate and complete facilities. Furthermore, a serious and determined effort to screen protection cases and eventually reduce the numbers will make this problem even more apparent. It is not economically feasible for an institution to provide two complete programmes - one for the population and one for a small group of protection cases.

We consider the most practical alternative to be the utilization of those institutions which will be left vacant upon completion of the new maximum security institutions. One such institution per region could adequately cope with the numbers of protection cases and would be consistent with the regionalization model adopted by the Canadian Penitentiary Service. However, it may be neither necessary nor feasible to have one such institution per region. For example, there are only forty inmates in protective custody in the Atlantic Region at present and this may not be sufficient to warrant the cost involved in providing complete services. We

suggest that if complete services cannot be provided in a particular region then inmates from that region who require protective custody should be transferred to a protection institution in another region. It is likely that this eventuality will only occur in the Atlantic Region since there appear to be sufficient numbers in each of the others to warrant complete facilities and programmes.

We are aware of the problems involved in creating a special institution. Some inmates would be far removed from their homes and families. We consider this factor to be offset, however, by the quality of life that is possible in a separate institution as opposed to the situations in which protective custody cases find themselves at present.

Transferring inmates to such a facility can become a convenient method of handling institutional problems. However, the screening process must be taken seriously having regard for the fact that inmates confined in these special institutions will still be labeled protection cases and, as a result, suffer the consequences discussed above. The transfer of inmates to the protective custody institutions should be monitored at the regional level. This means that considerable emphasis should be on screening - discouraging inmates, wherever reasonable, from seeking protection.

One of the major benefits of separate institutions for inmates requiring protective custody is that there will be, in the absence of the usual "population", less emphasis placed on the inmate's situation as a "protection case". The preoccupation with security will not be as necessary as it is at present and inmates will be less likely to think of themselves as "victims". "Protection" will no longer be the major concern of either staff or inmates and more effort can be devoted to the treatment of the inmates.

RECOMMENDATION

32. ONE EXISTING MAXIMUM SECURITY INSTITUTION IN EACH REGION SHOULD BE USED SOLELY FOR INMATES WHO REQUIRE PROTECTIVE CUSTODY.

Many of the interviewees argued that if protection facilities were somewhat uncomfortable, there may be a reduction in the numbers of inmates requesting protection. The Study Group believes that such facilities should be no less comfortable than those provided for population inmates. Given the principle that inmates in protective custody should not be considered dissociated and that they simply represent a special category of inmates, there should be no difference between the physical facilities and programmes provided in these institutions and those in other maximum security institutions. The screening process is the only reasonable mechanism through which inmates may be discouraged from "protection".

Given separate institutions for protection cases, there would be no barriers to granting inmates in protective custody the privileges to which they are entitled. The living situation should not differ from that of population inmates at present. (The Study Group is opposed to the use of dormitories in maximum security institutions. Each inmate should have the right to the privacy of his own cell. Dormitories can easily generate arguments and create additional security problems.)

Recreational facilities are available and the protection inmates should have the same access to them that population inmates presently have. Such facilities should have the same range of academic and vocational training opportunities as any other maximum security institution. Security problems related to such matters as attendance at church services, visiting, the preparing and serving of food would be no greater than those that exist in the population of any maximum security institution.

The rotation of security staff would be eliminated but both security and programme staff must be carefully selected for assignment to protective custody institutions. They must be individuals who are, first, motivated to work with this special group and, secondly, trained to appreciate the problems of the inmate in protective custody. The harassment of inmates by security staff is intolerable and is less likely to occur where staff have been hand-picked and suitably prepared for their responsibilities. The diversity of programme personnel available in such an institution should be similar to that of any other maximum security facility.

RECOMMENDATION

33. PROTECTIVE CUSTODY INSTITUTIONS SHOULD FUNCTION IN A MANNER SIMILAR TO THAT OF ANY OTHER MAXIMUM SECURITY INSTITUTION.

However, inmates in protective custody, like inmates in the population, should have access to medium security and its benefits such as temporary leaves, if their behaviour and progress in maximum security warrants a change in their classification. We see no need for the allocation of medium security institutions for inmates requiring protective custody. The maximum security institutions which can be used as protection units have sufficient space and facilities to allow for an area designated as medium security.

RECOMMENDATION

34. EACH PROTECTIVE CUSTODY INSTITUTION SHOULD HAVE A SECTION DESIGNATED AS MEDIUM SECURITY AND AS SUCH SHOULD OPERATE IN A MANNER SIMILAR TO ANY OTHER MEDIUM SECURITY INSTITUTION.

This raises the question of the role of Mountain Prison since it is regarded by many as a mecca for protection cases. We feel that it is an oversimplification to suggest that because Mountain Prison has been successful other institutions should be constructed on the same principle. Mountain Prison

has a unique history and an unusual population composition. A delicate balance appears to exist between the population and the protective custody unit. It is a harmony that has developed over a considerable period of time as protection inmates were phased into the population. Many of the population inmates, because of their own experiences in protection, are sympathetic to those presently confined in the protective custody unit. It is not likely that the wholesale movement of 150 inmates, some of whom require protection, to a new facility similar to Mountain Prison would have the same success. In fact, the transfer of just a few inmates from other institutions to the population of Mountain Prison could easily destroy the balance that exists. We are not opposed to Mountain Prison continuing to operate as it does at present but are opposed to the construction of similar institutions. We doubt that the Mountain Prison model could be replicated and feel that the maximum security institutions designated as protective custody facilities could easily accommodate a medium security unit.

RECOMMENDATION

35. THE CANADIAN PENITENTIARY SERVICE SHOULD MAINTAIN MOUNTAIN PRISON AS A MEDIUM SECURITY "PROTECTIVE CUSTODY" FACILITY.

It will be some time before the above can be implemented. In the meantime we propose the following steps to be taken in order that inmates in protective custody can make maximum use of their time and situation.

Proposals for Immediate Implementation

Until new facilities are available for protective custody, those inmates who require protection should remain in their present location. A number of changes can be introduced, however, to provide these inmates with more facilities and programmes.

Screening

The screening process, and the use of transfers and conciliation for transient protection cases, can and should be implemented immediately. This should ensure that only those inmates who actually have reason to fear for their safety will be granted protective custody. This involves no changes in the physical facilities of protective custody units.

RECOMMENDATION

36. THE CANADIAN PENITENTIARY SERVICE SHOULD IMMEDIATELY INITIATE

- A SCREENING AND EVALUATION PROCESS IN AN EFFORT TO CONTROL THE NUMBER OF INMATES GRANTED PROTECTIVE CUSTODY: AND

- THE UTILIZATION OF TRANSFERS AND CONCILIATION PROCEDURES FOR TRANSIENT PROTECTION CASES.

Living Conditions and Programme in Protective Custody

We have recommended that inmates in protective custody should no longer be considered dissociated. They are entitled to association with one another and relatively minor renovations in protective custody units could provide for this. A multi-purpose common room should be provided for each range in protective custody facilities. If the structure of the institution prohibits this, then space should be provided elsewhere in the institution with appropriate security for the facility itself and the movement of inmates to and from the facility.

The following are some of the possible functions of a common room. It would

- most importantly, provide inmates in protective custody with the opportunity to associate with one another which is worthwhile in itself;
- allow them to assist one another with what are now cell activities, such as hobbycraft and correspondence courses;
- provide opportunity for recreational activities such as hobbycraft and playing cards;
- provide space for a library which would be for the use of, and operated by, inmates in protection;
- provide space for structured group activities such as life skills courses, perhaps group counselling, and church services.

RECOMMENDATION

37. ALL INMATES IN PROTECTIVE CUSTODY UNITS SHOULD HAVE ACCESS TO A MULTI-PURPOSE ROOM FOR GROUP ACTIVITIES.

In institutions which presently confine large numbers of protection cases more than one room should be provided. As a last resort, in the event that the numbers in protection are high, such a room could be used in shifts.

A shift system or "off-hours" approach can be implemented for the use of other facilities as well. That is, facilities presently serving only the population could be used during hours when the population is occupied elsewhere. For example, inmates in protection could use shops in the evening when the population has recreation. This would involve the reallocation of resources such as evening instructors and supervisors but would not entail major renovations in the institutions.

This "off-hours" approach could be utilized for recreation facilities as well. Inmates in protective custody should have access to recreation facilities presently used only by the population during times when the population is working or confined to their cells. This means that the exercise time allotted the protection inmates would more closely approximate that of the population.

In the absence of separate visiting facilities for inmates in protection, the same approach could be used. That is, their visiting hours should be scheduled separately from those of the population.

RECOMMENDATION

38. ALL INSTITUTIONS SHOULD EMPLOY AN "OFF-HOURS" APPROACH FOR INMATES IN PROTECTIVE CUSTODY IN WHICH THEY USE POPULATION FACILITIES WHEN THE MAIN POPULATION IS OCCUPIED ELSEWHERE.

We believe that there would be considerable merit in activities of a community service nature for inmates in protective custody. The shops could be used for such activities as repairing toys and building playground furniture. In fact some such activities could probably be undertaken in the common room. Others would require special facilities and some expense but because of their value to the community and to the inmates should be seriously considered. For example, some inmates in protection could contribute to the community by recording textbooks for the blind. These community service activities would provide a counteracting force to the common feeling of worthlessness that presently pervades protective custody units, by virtue of the inmate's lowly status in the institution.

RECOMMENDATION

39. INMATES IN PROTECTIVE CUSTODY SHOULD BE ENCOURAGED TO PARTICIPATE IN COMMUNITY SERVICE PROJECTS WITHIN THE INSTITUTION BOTH FOR THE VALUE TO THE COMMUNITY AND THE THERAPEUTIC VALUE TO THE INMATES.

Staffing Protective Custody Units

Our recommendations for the immediate staffing of protective custody units apply to all institutions.

We are opposed to the present system whereby security staff are rotated. Carefully selected security staff should serve the unit in a permanent capacity in order to establish consistency of procedures and rapport with the inmates. The staff members selected should receive in-service training designed specifically to prepare them for involvement with the kinds of inmates who typically require protective custody.

RECOMMENDATION

40. SECURITY STAFF SHOULD BE SELECTED FOR EXTENDED ASSIGNMENT TO PROTECTIVE CUSTODY UNITS AND PROVIDED WITH APPROPRIATE IN-SERVICE TRAINING

Classification officers, too, should be assigned on a permanent basis to the unit. Unlike the cases of inmates confined through administrative segregation provisions, it can be assumed that most inmates confined in protective custody will remain there for some time and would benefit from the presence of permanent programme staff.

RECOMMENDATION

41. CLASSIFICATION OFFICERS SHOULD BE ASSIGNED TO THE PROTECTIVE CUSTODY UNITS ON A FULL-TIME BASIS.

In institutions with few protection cases it may be that one classification officer devoting one-half of his time to the protective custody unit would be sufficient.

Adequate interviewing facilities are required in each protective custody unit.

RECOMMENDATION

42. EACH PROTECTIVE CUSTODY UNIT SHOULD HAVE APPROPRIATE OFFICE AND INTERVIEW SPACE FOR PROGRAMME STAFF.

Security

Protective custody units should never be left unattended by security staff. Nor should inmates be left unescorted at any time during their absence from the unit. On the other hand, at no time should an inmate from the population be allowed to enter the protective custody unit. (There is no rationale behind the fact that in some institutions inmates in protection sit idly while an inmate from the population cleans their range.)

Furthermore, the contingency plans of each institution should include plans for the security of inmates in protective custody in the event of a disturbance in the institution.

In general, we urge the administration of each institution to review its security procedures for the protective custody units.

RECOMMENDATION

43. THE ADMINISTRATION OF EACH INSTITUTION SHOULD UNDERTAKE A REVIEW OF THE SECURITY PROVISIONS PRESENTLY IN EXISTENCE FOR INMATES IN PROTECTIVE CUSTODY.

Summary

The Study Group regards protective custody as the most pressing dissociation problem facing the Penitentiary Service. The number of inmates in protection far exceeds the numbers in other types of dissociation. Yet, as we have pointed out, the majority of these inmates are deprived of privileges and amenities normally enjoyed by population inmates simply because of the offence which resulted in their incarceration in the first place and not as the result of misbehaviour in the institution. They are being punished where punishment is not warranted. We urge the Penitentiary Service to rectify this situation immediately by taking the action proposed above.

References

1. Canada. Canadian Penitentiary Service. Study Group on Protective Custody Ottawa. 1972. p. 3.

2. Ibid., p. 4.

3. Ibid., p. 5.

Chapter V

PUNITIVE DISSOCIATION

Definition

Punitive Dissociation is just one of the dispositions available to the institutional administration after an inmate has been found guilty of a serious or flagrant disciplinary offence. The matter of inmate discipline is covered in Penitentiary Service Regulations 2.28 and 2.29, and in Canadian Penitentiary Service Commissioner's Directive

No. 213 (May 1, 1974).*

Disciplinary Offences

Disciplinary offences are categorized as minor and serious or flagrant. The distinction between them, however, is not a rigid one and C.D. 213, Section 9, allows for some discretion on the part of the director or designated officer in determining into which category an offence falls. The directive states that each case shall be considered on its own merits depending on the circumstances surrounding the offence.

1) Serious or flagrant offences include the following, according to Section 7 (a) of C.D. 213.

(1) assaults or threatens to assault another person;

(2) damages government property or the property of another person;

(3) has contraband in his possession, i.e. any article not issued, furnished, or authorized by the institution;

(4) deals in contraband with any other person;

(5) does any act that is calculated to prejudice the discipline or good order of the institution;

(6) does any act with intent to escape or to assist another inmate to escape;

(7) refuses to work;

(8) gives or offers a bribe or reward to any person for any purpose;

(9) disobeys or fails to obey a lawful order of a penitentiary officer;

*Hereafter referred to as C.D. 213.

(10) wilfully wastes food;

(11) is indecent, disrespectful, or threatening in his actions, language, or writing, towards any other person;

(12) contravenes any rule, regulation, or directive made under the Act.

2) Minor offences are listed under C.D. 213, Section 8 (a), and include:

(1) leaves his work without permission;

(2) fails to work to the best of his ability;

(3) wilfully disobeys or fails to obey any regulation or rule governing the conduct of inmates.

When an institutional officer witnesses "an act of misconduct" on the part of an inmate, he shall, depending on the circumstances, take one or more of the following steps: order the inmate to desist, warn and counsel the inmate, advise the officer in charge of the institution if temporary dissociation or confinement of the inmate in his cell is warranted, place a written memorandum in the inmate's file for future reference, or write an offence report.

If an offence report is submitted, a designated officer decides whether or not any further investigation is required, and determines the category of the offence. If the offence is considered to be serious or flagrant, the Senior Security Officer is advised in order that immediate action may be taken if necessary to the security of the institution.

Disposition of Minor Offences

If the offence is considered a minor one, the officer designated to award punishment (not below the CX-5 level in medium security institutions or the CX-6 level in maximum security institutions or the CX-LUF-2 level in Living Unit institutions) shall, after consulting with the appropriate staff, award punishment by forfeiting one or more privileges for a specified period of time. C.D. 213 further indicates that the procedure used in minor offences shall be as informal as possible.

Disposition of Serious or Flagrant Offences

If the offence is considered serious or flagrant, a report is forwarded to the director of the institution. He or an officer designated by him (not below the level of assistant director) must hear all such cases and determine the appropriate punishment if the inmate is found guilty. Two staff members may assist in the hearing but only in an advisory capacity.

The hearing shall, as far as possible, take place within three working days of the offence. The inmate must receive written notice at least twenty-four hours before the hearing in order that he may prepare his defence. He must appear personally at the hearing and has the opportunity to make full answer to the charge and the right to question and cross-examine any witnesses called or may call witnesses on his own behalf.

C.D. 213, Section 13 (d) states that:

> The decision as to guilt or innocence shall be based solely on the evidence produced at the hearing and, if a conviction is to be registered, it can only be on the basis that, after a fair and impartial weighing of the evidence, there is no reasonable doubt as to the guilt of the accused.

The penalties for serious disciplinary offences are outlined in C.D. 213, Section 7 (b):

> If the inmate is found guilty of a serious or flagrant offence, punishments shall consist of one or more of the following (in accordance with P.S.R.):
>
> (1) forfeiture of statutory remission;
>
> (2) dissociation for a period not to exceed thirty days with the normal diet or with the dissociation diet (as per D.I. No. 667),* during all or part of the period;
>
> (3) loss of privileges.
>
> Where the punishment is one of loss of privileges.

C.D. 213, Section 14 (b) (i) specified that:

> Where an inmate is deprived of one or more privileges, it shall be for a stated period of time and the inmate shall be so informed. During a period in which an inmate is deprived of a privilege or privileges, the Director of the institution, or an officer designated by him, may, however, suspend the punishment, subject to the continuing good behaviour of the inmate. However, there shall be no suspension of punishment if the inmate is further convicted of a similar offence during the same month.

The provisions for the forfeiture of statutory remission are outlined in C.D. 213, Section 14 (3):

*Refers to Divisional Instruction.

> Every inmate who, having been credited with statutory remission, is convicted in disciplinary court of a flagrant or serious offence, is liable to forfeit, in whole or in part, the statutory remission that remains to his credit, but no such forfeiture of more than thirty days shall be valid without the concurrence of the Regional Director; no more than ninety days shall be valid without the concurrence of the Minister. Where there is no Regional Director and the recommended forfeiture exceeds thirty days, institutions shall refer the case, with appropriate recommendation, to the Commissioner. Where the punishment of forfeiture of statutory remission is applied, the inmate shall be informed that, under Section 23 of the Penitentiary Act, all or part of the forfeited remission may be remitted, provided that it is in the interest of his rehabilitation.

Punitive dissociation is considered a severe penalty and is to be imposed only after other less severe penalties have been considered. Reasons for dissociation should be given to the inmate immediately following the decision.

In the case of an award of punitive dissociation, Section 14 (b) (2) provides for the director or the designated officer to:

> Suspend the punishment, pending future good behaviour, and to suspend a portion of such award where there is an indication of a change in attitude and a commitment by the inmate to cooperate in the programme."

The present Situation

Rate

The number of inmates in federal institutions who are dissociated under P.S.R. 2.29 at any one time is not great. On November 15, 1974, there were seventy-four which constitutes only about .85% of the total population. However, this figure is subject to the limitations discussed in Chapter II so that the actual number who were dissociated as a result of a serious or flagrant disciplinary offence was quite likely even lower. This is evident from the fact that in July, 1975, there were, according to the Study Group's data, thirty-nine inmates in punitive dissociation facilities in maximum security institutions (as compared with 36 on November 15, 1974) but only thirteen of the thirty-nine had been found guilty at a disciplinary hearing. The others were inmates who were awaiting their hearing, or appearance in outside court, detained following parole violation, or inmates dissociated under P.S.R. 2.30 (a) or (b) who could not be held in the appropriate facilities.

The Study Group compiled data on five maximum and two medium security institutions to determine a profile of punishment awarded to inmates charged with disciplinary offences. The data clearly indicate the use of a variety of dispositions in addition to punitive dissociation. Table 2 illustrates the frequency of various dispositions in each of the seven institutions over a three-month period.

TABLE 2

PUNISHMENTS AWARDED AT DISCIPLINARY HEARINGS
FOR A THREE-MONTH PERIOD IN SEVEN INSTITUTIONS

Disposition	Institution*							Total
	BCP	DP	LM	MI	SP	SI	LI	
Found Not Guilty			2	3	1			6
Dismissed	1			7				8
Warned	15	2	83	20	74	11	71	276
Time Spent	1	7	1	6				15
Loss of Privileges	4	1	42	9	26	22	87	191
Fined for Damages		4	6	2	5	18	5	40
Punitive Dissociation Suspended	32	3	12	4	32	19	32	134
Loss of Remission		2		27	14	2	6	51
Dissociation Only	21	7	26	1	15	20	32	122
Dissociation and Diet				26		3		29
Dissociation and Loss of Remission	1	6	1			3	4	15
Dissociation, Loss of Remission and Diet				1	4			5
Other			8	7	15		49	79
Total	75	32	181	113	186	98	286	971

* BCP-British Columbia Penitentiary; DP-Dorchester Penitentiary; LM-Laval Maximum Security Institution; MI-Millhaven Institution SP-Saskatchewan Penitentiary; SI-Springhill Institution; LI-Leclerc Institution.

Of 971 disciplinary hearings, only 171 (18 percent) resulted in an award of punitive dissociation. However, there was considerable variation between institutions. For example, in the Saskatchewan Penitentiary only 10 percent of the disciplinary hearings resulted in punitive dissociation, compared to 40 percent in Dorchester Penitentiary.

Generally, the institutional administrations appear to be using punitive dissociation discriminately. From a statistical point of view, it represents a minor aspect of institutional discipline.

Physical Facilities

Punitive dissociation facilities most closely approximate conditions of "solitary confinement". There is greater standardization of facilities here than in the other types of dissociation.

Cells are approximately the same size as population cells. Most have solid doors with a small window (about five inches square) which is opened or closed from outside the cell. Some institutions have some cells with bar doors in addition to those with solid doors. Furnishings vary slightly between and within institutions. The bed may be either a cement slab about five inches above the floor (sometimes covered with a sheet of plywood) or a metal bed fixed to the floor. Some cells do not have permanent beds but the inmate is provided with a foam slab which can be rolled up or removed during the day. Most cells have a toilet, sink and a cement block which serves as a chair. Most institutions have some "last resort" cells which are furnished only with a bed. Either a floor grate or buckets are provided for sanitary purposes. These cells are used only when an inmate has smashed up his cell or where there is concern that he may do so and is likely to harm himself in the process. Like all other dissociation cells, most cells used for punitive purposes are equipped with two lights, including a night light.

Exercise facilities usually consist of a small fenced yard adjacent to the punitive dissociation cells. In the Saskatchewan and British Columbia penitentiaries, the exercise yards are indoors and adjacent to the punitive dissociation cells.

Routine

The routine for inmates confined under PSR 2.29 is more consistent throughout federal institutions than the routines for inmates in segregation and protective custody.

An inmate in punitive dissociation is to be considered under punishment and thus is not entitled to privileges such as canteen and smoking. He is to be provided with a mattress, pillow and adequate bed clothing which are removed from the cell during non-sleeping hours. This means that they are usually provided about 4:30 p.m. after supper has been served. In the Saskatchewan Penitentiary, however, inmates confined under PSR 2.29 are given the same privileges as inmates in segregation (PSR 2.30 (a)) unless the director imposes a restricted diet on an inmate. In that institution, only "restricted diet" is interpreted to mean "no privileges". If the inmate is not on a

restricted diet, he is allowed to keep his mattress and permitted to smoke and read. In other instituions, the restricted diet is considered simply as an additional punishment except for Collins Bay Institution where it is used in the case of every inmate dissociated under PSR 2.29.

In most institutions, library privileges are permitted for inmates in punitive dissociation but are usually restricted to certain specified hours (those hours between supper and lights out).

Exercise consists of at least one-half hour in the winter and one hour in the summer when weather and other conditions permit. The inmate is allowed to shower at least twice per week.

C.D. 213, Section 15 (c) (9) states that every inmate in punitive dissociation shall be visited:

(a) at least once in every twenty-four hours either by the Director of the institution, the senior officer of the week or the officer in charge of the institution:

(b) at least once every hour by the officer on duty in that part of the institution; and

(c) once a day by the hospital officer.

C.D. 213 also outlines certain security precautions to be taken in the cases of inmates in punitive dissociation. Section 15 (c) (6) specified that

(6) Every inmate who is placed in punitive dissociation shall be examined as soon as possible by the institutional physician, and no inmate shall be kept in punitive dissociation where the physician is of the opinion that such dissociation is likely to affect the inmate's health. A decision shall be taken by the Director, or officer designated to award punishment, for the most appropriate alternative, depending on the circumstances in each individual case. The inmate is not to be returned to the population until such a decision has been taken.

Further, the case of each inmate is to be evaluated in terms of security precautions to be taken to prevent the inmate from harming himself or others. For example, belts and shoe laces may be removed if the staff believes that the inmate may harm himself.

Generally, C.D. 213, Section 15 (c) (10) states that

(10) Officers will, at all times, be on the alert for any evidence of abnormal behaviour and, in cases where this is noted, appropriate precautionary measures shall be taken, e.g., referral to medical staff, increased inspection visits.

The Consequences of Punitive Dissociation

Sentences of punitive dissociation do not normally exceed thirty days and, as a rule, are considerably less. In addition, it is common practice to suspend a portion of the sentence usually about the mid-way point.

We have suggested that short periods of dissociation are not likely to be damaging except in cases where the inmate may be mentally disturbed. Almost all inmates interviewed expressed the view that confinement in punitive dissociation was of little consequence and most seemed to adjust quite readily to the circumstances. Even the restricted diet did not appear to be a contentious issue with the inmates.

While dissociation for a limited period does not appear to be harmful to the inmates, there is no evidence, on the other hand, that it has any therapeutic value. Punitive dissociation only serves to isolate the inmate for a short period and represents a denunciation of his behaviour. However, the inmates interviewed were almost unanimous in their condemnation of the disciplinary process. They do not recognize it as a legitimate one and it is this that prompts the bitterness and disrespect. Therefore, we wish to concentrate on the broader issue of disciplinary proceedings rather than the issue of punitive dissociation per se.

There are a number of factors which contribute to their disrespect for the disciplinary process:

1) The rules governing the action to be taken in the event of a disciplinary offence are not always followed. For example, hearings are to be held within three working days of the date of the offence. The Study Group encountered numerous violations of this regulation. Often the hearing would not take place until six or seven days after the commission of the offence. In some cases the inmate would be dissociated for that period. Furthermore, as we indicated in Chapter II, it is likely that some dissociated inmates awaiting their hearing will be treated as if they had been found guilty of a disciplinary offence.

2) Inmates are rarely given the written notice to which they are entitled in order to prepare their defence to the charge. Michael Jackson, in an examination of the disciplinary process in Matsqui Institution, noted that written notice was never given during the period of his study and it was only at the hearing itself that the evidence was made available to the inmate.[1]

3) Concern has been expressed about the lack of specificity in recording the charges. It is not always clear what the inmate is alleged to have done. For example, an inmate may be charged with disobeying an order but the order and the circumstances surrounding his non-compliance are not spelled out.

Or, even more serious, he may be charged with a violation of C.D. 213, Section 7 (a) (9) which states that it is a serious offence to disobey or fail to obey a lawful order of a penitentiary officer. We suggest that there can be a crucial distinction between disobeying on the one hand and failing to obey on the other and if the inmate is to be permitted to defend himself he must know the specific nature of the charge.

4) The issues which seem to be of greatest concern to the inmates, however, are the composition of the disciplinary board and the actual proceedings of the hearing itself.

The chairman of the disciplinary board is viewed by the inmates as representing the institution and thus is the offended party. He is, in effect, the victim of the inmate's offence. Regardless of how conscientious the chairman is, and how just the proceedings may be, they will never be interpreted by the inmate as fair because of the mere presence of the director or assistant director as chairman of the disciplinary board. Most directors and assistant directors expressed concern about their role as chairman and candidly admitted that they occasionally felt pressured to find the inmate guilty. They may feel this need in order to promote and maintain the cooperation and respect of the staff since too many decisions against the staff could result in staff-management rifts. Officers may regard a decision in favor of the inmate as an attack on their integrity.

Jackson notes that

> The dominant features of the disciplinary proceedings in action... were that there was a general presumption of guilt as opposed to a presumption of innocence; a confusion of the issue of guilt or innocence and that of appropriate disposition; a reliance on informal discussion concerning these issues, much of it based on hearsay and rumor carried on out of the presence of the inmate accused...[2]

The data in Table 2 may reflect the general presumption of guilt. Only 14 of 971 cases recorded resulted in a finding of not guilty or in a dismissal.

The issue of guilt or innocence is confused with the issue of disposition because the board is composed of persons who have prior knowledge of the inmate and may be influenced by his past behaviour in determining guilt.

In addition, Jackson suggests that "there is the further danger that the information...may not be reliable".[3] The inmate is asked to leave the room and thus does not hear all the evidence against him and has no rebuttal.

The inmates regard the disciplinary process as farcical and, as a result, see little sense in pleading not guilty, We agree with Jackson that their guilty pleas may simply be "cynical responses". [4] The inmate does not recognize the legitimacy of the authority of the court and, therefore, the proceedings are unlikely to have any positive affect. It further enhances the inmate's disrespect for authority.

We turn then to a proposal designed to alleviate the problems discussed above.

A Proposal for the Disciplinary Process

Composition of the Disciplinary Board

The present composition of the disciplinary board prohibits the appearance of justice. This will continue to be the case as long as the director or assistant director or any other representative of the institution chairs the board. We suggest that the composition of the disciplinary board can be modified in such a way as to benefit both the institution and the inmates.

This can be done through the use of an independent chairperson. The presence of such a person would provide an appearance of justice in that the issue of guilt or innocence will not be confused with a consideration of the appropriate disposition since an independent chairperson would have no prior knowledge of the accused inmate.

The independent chairperson would also play a significant role in ensuring that other conditions of the disciplinary process are met. For example, he or she could ensure that the hearing is held within the specified time period, that written notice is provided, and that charges are accurately recorded.

Also, the existing inconsistencies in punishments awarded by the disciplinary award. For example, forty percent of the inmates who appeared before the disciplinary board in a three-month period at Dorchester Penitentiary were sentenced to punitive dissociation whereas only ten percent in Saskatchewan Penitentiary received punitive dissociation. There is also considerable variation within an institution since the board is, at various times, chaired by the director or one of the assistant directors and each may have a different philosophy regarding inmate discipline in general and perhaps the use of dissociation in particular.

We have concluded that the disciplinary board is more likely to command the respect of the inmate and is more likely to be viewed as legitimate and thus become a more meaningful and integral part of the institution if its chairman were someone removed from the day-to-day operation of the institution.

RECOMMENDATION

44. THE CANADIAN PENITENTIARY SERVICE SHOULD EMPLOY INDEPENDENT CHAIRPERSONS TO PRESIDE OVER DISCIPLINARY HEARINGS.

This constitutes a relatively drastic alternative to the present system and one can only speculate on its effects. For that reason, we suggest that the proposal should be adopted initially on an experimental basis in two of the five regions of the Penitentiary Service for a period of perhaps one year after which its effect can be assessed in part through a comparison of disciplinary hearings in those regions employing independent chairpersons and those in which the directors or assistant directors of the institutions maintain the responsibility of chairing the disciplinary board.

RECOMMENDATION

45. INDEPENDENT DISCIPLINARY BOARD CHAIRPERSONS SHOULD BE EMPLOYED ON A ONE-YEAR EXPERIMENTAL BASIS IN TWO OF THE FIVE REGIONS.

There was no consensus from the field on the proposal regarding independent chairpersons. Most directors supported the notion. Regional and headquarters personnel did not. They felt that inmate discipline was an internal matter and only persons intimately involved could or should handle it. We appreciate this concern but suggest that if inmate discipline is to have any meaning as a disciplinary strategy or therapeutic technique, it cannot be done internally. Those arguing aginst the proposal felt that an independent person would neither have sufficient familiarity with institutions nor be aware of the atmosphere in a given institution at any one time. That response is problematic. It depends on the background and training of the independent chairperson. We do not feel that a background in law is essential. More important is a background in corrections and perhaps some experience in institutional management.

RECOMMENDATION

46. THE INDEPENDENT CHAIRPERSON NEED NOT BE A MEMBER OF THE LEGAL PROFESSION UNLESS HIS/HER LEGAL TRAINING IS COMBINED WITH A BACKGROUND IN CORRECTIONS.

In the event that a one-year experiment with independent chairpersons proves successful and the plan is to be implemented in all regions, a number of positions would be necessary to meet the demand. Punishment must be swift and the Penitentiary Service must be able to ensure that hearings occur as soon after the commission of the offence as possible.

RECOMMENDATION

47. IN REGIONS WITH A NUMBER OF INSTITUTIONS THERE SHOULD BE AT LEAST ONE FULL-TIME CHAIRPERSON. IN REGIONS WITH SMALLER INMATE POPULATIONS; A PART-TIME CHAIRPERSON WOULD BE ADEQUATE.

This means that there would be a number of individuals responsible for presiding over disciplinary hearings and thus there will still be a problem of consistency between regions, and perhaps institutions, if more than one chairperson is required for a region. However, this problem would still not be as great as it is now since there are as many as three individuals per institution who could chair the board.

Responsibilities of an Independent Chairperson

Clearly, the independent chairperson should be responsible for the determination of guilt in disciplinary hearings. Many of the persons interviewed felt that this should be the extent of his responsibility, and that the determination of the disposition should remain with the director or assistant director of the institution. This, however, does nothing to resolve the present problem of inconsistency in dispositions between and even within institutions.

We have concluded that the independent chairperson should be responsible for both the determination of guilt and the disposition.

RECOMMENDATION

48. THE INDEPENDENT CHAIRPERSON SHOULD BE CHARGED WITH THE RESPONSIBILITY OF DETERMINING BOTH GUILT AND DISPOSITION.

This does not affect the nature of the punishments that may be awarded. In the case of an award of punitive dissociation (suspended) where the terms of the syspension are violated, the inmate would simply return to the disciplinary board for sentencing.

In addition to the above type of suspension, however, there is the additional practice of suspending a portion of a sentence to punitive dissociation at some point after the inmate has been placed in dissociation with the understanding that the unexpired portion of his sentence be held over his head, for a certain period of time not exceeding three months. We agree in principle with this practice and propose that the responsibility for this decision should remain with the director or the assistant director of the institution. It would be difficult for an independent chairperson to maintain sufficient contact with the institution and the dissociated inmate to know when it may be appropriate to suspend the remainder of the sentence.

The director, on the other hand, would have access to the dissociation log book as well as input from classification and security staff on a regular basis, and in consultation with these people is in the best position to make a decision to release or not to release an inmate prior to the completion of his sentence. In this respect, the director's role becomes somewhat similar to that of the National Parole Board.

RECOMMENDATION

49. THE DIRECTOR OR ASSISTANT DIRECTOR OF THE INSTITUTION SHOULD MAINTAIN THE RESPONSIBILITY OF SUSPENDING THE DISCIPLINARY COURT'S SENTENCE, IF IT IS ONE OF PUNITIVE DISSOCIATION, ANY TIME AFTER AN INMATE HAS SERVED ONE-HALF.

Responsibilities of Institutional Staff

Institutional staff who presently play an advisory role in the disciplinary hearing should continue in that capacity only insofar as it involves matters related to the disposition where the inmate has been found guilty. We would add, however, that on the basis of our observation disciplinary hearings are predominantly security-oriented with little input from classification staff. We suggest that if the disposition is to be seen as part of a treatment plan and not simply a punishment for the offence committed the classification staff should have a greater involvement. Their role should be similar to that of a probation officer in an outside court.

RECOMMENDATION

50. THE CANADIAN PENITENTIARY SERVICE SHOULD ENCOURAGE GREATER INVOLVEMENT OF CLASSIFICATION OFFICERS IN DETERMINING THE DISPOSITION WHERE THE INMATE HAS BEEN FOUND GUILTY OF A DISCIPLINARY OFFENCE.

We consider the guidelines set out in C.D. 213 regarding the process of charging an inmate with a serious or flagrant offence, time limitations prior to the disciplinary hearing, requirement for written notice in advance of his appearance at the hearing and the inmate's right to defend himself against charges as reasonable and fair. It is incumbent upon the institutional administration and the independent chairperson to ensure that all persons involved strictly adhere to these rules.

Punishments

The Need for Punitive Dissociation

The use of punitive dissociation as a disciplinary measure should be

maintained by the Canadian Penitentiary Service. There are situations in which no other measure would suffice and a period of dissociation is in order as in the case of an inmate who becomes aggressive or violent and must be dissociated temporarily in order to ensure the protection of others and perhaps himself. However, we have suggested that there appears to be very little therapeutic value to punitive dissociation and its effects appear to be negligible in terms of deterring unacceptable behaviour.

We suggest, therefore, that punitive dissociation simply fulfills the need for a "cooling-out" period and should be used as a last resort when all other measures have failed.

Alternatives to punitive dissociation - the loss of privileges and the loss of remission are more likely to result in behavioural change.

RECOMMENDATION

51. THE CANADIAN PENITENTIARY SERVICE SHOULD MAINTAIN PUNITIVE DISSOCIATION AS A DISCIPLINARY MEASURE TO BE USED ONLY IN THE EVENT THAT ALL OTHER MEASURES HAVE FAILED OR ARE IMPRACTICAL.

On the basis of our data, we have concluded that punitive dissociation is not being used indiscriminately at present.

We support and encourage the present practice of suspending a sentence of punitive dissociation before the expiration of the time set by the disciplinary board.

We suggest, however, that an inmate in punitive dissociation who is physically and mentally capable of working should, for the period during which he is dossociated, receive only Grade I pay regardless of his pay level prior to being dissociated.

RECOMMENDATION

52. AN INMATE SHALL RECEIVE ONLY GRADE ONE PAY DURING THE PERIOD IN WHICH HE IS DISSOCIATED.

The Restricted Diet

The use of the restricted diet for inmates in punitive dissociation appears to be of little value. The data in Table 2 indicates that it was used as a punishment in only 29 of the 971 dispositions. However, in some institutions it was used as a matter of routine for any dissociated inmate. We disagree with this practice. In addition, we are not convinced that it should be used only in cases of serious offences as it is in other institutions where only the director has the authority to impose it. While we do not consider it

likely that an inmate will be dissociated for "wilfully wasting food", we suggest that an inmate who commits that offence while already dissociated may justifiably be placed on a restricted diet.

Statutory Remission

Statutory remission was used as a punishment for a serious offence in 71 of the 971 punishments recorded in Table 2. Its value as a punishment is debatable. The forfeiture of statutory remission will have different meaning to different inmates depending on their situations. If he has a number of years remaining on his sentence, then the loss of fifteen or twenty days may be regarded as inconsequential. It violates the principle of swift justice. On the other hand, an inmate who is nearing his release date will place a higher value on the twenty days forfeited.

Also, a large proportion of forfeited remission is returned to inmates upon application following a period of good behaviour. With the knowledge that it is likely to be returned, the inmate may not regard it as a punishment in the first place. The longer he has to serve, the more likely he is to get it back.

However, if recent proposals for change in the remission provisions are implemented, this situation could be altered drastically. Statutory remission may be eliminated and replaced by a provision for earned remission adding up to one-third of a sentence. Earned remission could be forfeited for disciplinary offences but, once forfeited, should not be recredited. This then constitutes a real punishment, although there is still the distinction between the inmate who has a long sentence to serve and the one who is nearing his release date. Nevertheless, we suggest that the forfeiture of earned remission, with no possibility of it being returned, will constitute, in most cases, a deterrent to the commission of institutional offences.

RECOMMENDATION

53. THE FORFEITURE OF REMISSION SHOULD BE RETAINED AS A PUNISHMENT FOR DISCIPLINARY OFFENCES.

The present provisions on the amount of remission that an inmate may forfeit are acceptable to the Study Group. However, when forfeiture of remission is used in combination with punitive dissociation, as it was in twenty of the dispositions recorded in Table 2, it must be remembered that the inmate is, in a sense, paying a double penalty. It is presumed that he will not be granted his earned remission for the period during which he is dissociated for thirty days. If his punishment also consists of a loss of thirty days remission, then in fact he has lost forty days. The institutional administration is simply cautioned to remind themselves of this possibility.

Since remission should automatically be withheld from an inmate during the period in which he is dissociated, it is not unreasonable to consider the combination of punitive dissociation and remission only for serious disciplinary offences.

Segregation Following Punitive Dissociation

The Study Group encountered some situations in which an inmate was transferred immediately upon completion of his sentence in punitive dissociation to segregation facilities. Many of the interviewees expressed concern about this. The rationale for this procedure is that segregation is required for a more general reason than that which resulted in his being placed in punitive dissociation. We are not opposed to this practice if there is a justifiable reason for taking such action. In order to ensure that this is the case, such instances should be handled in the same manner as any other segregation case. (See Chapter III)

The Use of Punitive Dissociation Facilities for Non-Punitive Reasons

We have indicated in Chapter II that there are a number of reasons other than punishment why an inmate may be confined in punitive dissociation facilities. Normally, however, inmates awaiting transfers, outside court, disciplinary court or in temporary detention following parole violation should not be confined in punitive dissociation unless they cannot reasonably be confined in segregation facilities.

RECOMMENDATION

54. NO INMATE SHALL BE CONFINED IN PUNITIVE DISSOCIATION FACILITIES IF HE HAS NOT BEEN SENTENCED BY THE DISCIPLINARY BOARD UNLESS, FOR REASONS OF SECURITY, HE CANNOT BE CONFINED IN SEGREGATION FACILITIES.

Living Conditions and Routine in Punitive Dissociation

The Study Group considers the routine for inmates in punitive dissociation, as outlined in C.D. 213, to be appropriate. Also, the physical facilities are adequate and no major changes are necessary here. This is the case for two reasons; first, the Penitentiary Service is using punitive dissociation discriminately, relying heavily on alternative punishments, and; secondly, because the period of confinement in punitive dissociation is quite short for most inmates. (If not due to the original sentence of the disciplinary board, then at least due to the practice of suspending a portion of the sentence.) The "last resort" cells - those without plumbing - should in fact be used only when it is absolutely necessary and we consider that to be the case at present.

We do wish to emphasize certain security precautions however. We have argued that punitive dissociation does not appear to be harmful to the majority of inmates. Nevertheless , it cannot be predicted how an inmate will respond. Therefore, close observation is necessary immediately after an inmate is confined to punitive dissociation and we simply re-emphasize C.D. 213,

Section 15 (c) (6) which provides for examination by a physician after confinement to punitive dissociation and the removal of the inmate where the physician is of the opinion that such dissociation is likely to be damaging. A hospital officer should visit the inmate once per day and security staff should visit at least once every hour and more often when necessary (for example, where there is some evidnece of abnormal behaviour).

There is a tendency for programme staff to ignore inmates confined in punitive dissociation until they are returned to the population. This should not be the case and classification officers should visit dissociated inmates regularly.

Minor Offences

The Study Group is satisfied that the procedure used in the cases of inmates committing minor offences is handled adequately at present and does not require any change.

References

1. Jackson, Michael, Justice Behind the Walls: A Study of the Disciplinary Process in a Canadian Penitentiary. 1973. p. 49.

2. Ibid., p. 45.

3. Ibid., p. 53

4. Ibid., p. 51

RECORD-KEEPING

In Chapter II we noted some of the problems arising from the present state of records on dissociated inmates. We indicated that the absence of thorough and accurate records not only affects data analysis for research and programme evaluation purposes but it may also affect the manner in which an inmate is treated while in dissociation.

RECOMMENDATION

55. THE CANADIAN PENITENTIARY SERVICE SHOULD INITIATE A REVIEW AND REVISION OF ITS RECORD-KEEPING PRACTICES FOR DISSOCIATED INMATES.

The Study Group wishes to direct the attention of the Penitentiary Service to certain considerations in this regard. Three levels of record-keeping are essential: the individual, institutional and regional or national levels.

At the individual level, record-keeping should provide various agencies (the National Parole Board and the Penitentiary Service itself) with information which will assist in evaluating individual inmates. If dissociation is to serve any meaningful purpose, records must be kept in an inmate's file. This information may be important for purposes of reclassification or parole. At the institutional level, accurate records will provide institutions with the data through which they may monitor and evaluate their own operation.

At this level, there is an over-increasing likelihood of intervention by outside courts. Incomplete and careless record-keeping will place the Penitentiary Service in a situation where it will have difficulty defending its practices in a court. An award of loss of remission by the disciplinary board is presently subject to review by outside courts since it affects the length of the incarceration period. This means that complete and accurate records of charges, proceedings and dispositions are required in all cases before the disciplinary board. Similarly, thorough logbook documentation is necessary in the cases of inmates in administrative segregation since there are presently cases before the courts where inmates in segregation are arguing that the procedure constitutes cruel and unusual punishment.

At the national level, the record-keeping system should provide headquarters with data which will alert them to the need for policy changes or further evaluations as, for example, in the case of a dramatic change in the number of dissociated inmates. Data should also be available for researching and evaluating the extent to which existing practices are meeting the intended goals and to aid in the development of profiles of dissociated inmates for purposes of future programming and planning.

If summary data that is made available to headquarters is to be of any value, the Penitentiary Service must ensure that record-keeping is standardized throughout the system beginning with standard definitions of the various categories of dissociation.

In summary, the present records do not provide the necessary information for the various levels and we urge the Canadian Penitentiary Service to examine and revise this situation as soon as possible.

Appendix A

PRISON FOR WOMEN

The Prison for Women in Kingston, Ontario is the only federal institution for female offenders in Canada. At present, there are approximately 116 inmates on register there. There are few dissociated at any one time. During our visit, there was one inmate in protective custody, four in segregation and none confined in punitive dissociation facilities. This means that the kinds of long-range proposals discussed in this report for male inmates are inappropriate for female inmates. In addition, the future of the institution has been the subject of considerable debate in recent years and is presently being considered further by the National Advisory Committee on the Female Offender.

Nevertheless, if the Prison for Women is to be maintained or until a suitable alternative is implemented, the Canadian Penitentiary Service must take the necessary steps to improve the institution's dissociation facilities. The Study Group considers these facilities and the programmes for the dissociated inmates in the Prison for Women to be inferior to those in any of the male institutions which we visited.

The principles established in this report regarding the confinement and treatment of inmates in both protective custody and segregation are applicable to the Prison for Women. We have also proposed a number of immediate changes which should occur in male institutions pending the completion of new facilities. These proposals for the immediate future can and should apply to the Prison for Women. So too should the disciplinary process outlined here.

Appendix B

INMATES REQUIRING PSYCHIATRIC CARE

Some inmates are placed in dissociation facilities because they are considered by institutional personnel to be mentally ill or emotionally disturbed. In many cases it is a difficult matter to have them certified as mentally ill and transferred to appropriate psychiatric facilities. Federal facilities are limited and are designed primarily for short-term treatment following which the inmate is returned to the penitentiary. They do not provide for the inmate who is a chronic patient and requires continuing psychiatric care. In addition, provincial authorities are relectant to accept them because they constitute security risks.

According to the Report of the Advisory Board of Psychiatric Consultants (Chalke Report), the chronic patients

> Cannot live a normal prison life as they create serious administrative problems; both the patients and the general population suffer from their inclusion in the normal population and they are basically a medical problem.[1]

The Report adds that

> It is considered that it is a valid objective of psychiatric centres to take responsibility for chronically ill patients. Even if some chronic psychotics may not respond to known treatment methods.[2]

Canadian Penitentiary Service Commissioner's Directive No. 105 (September 9, 1975) Section 7 (b) indicates that one of the functions of regional psychiatric centres, as proposed in the Chalke Report, is

> As a centre for the care of the chronically mentally ill inmate whose offence is embedded in his distorted mental processes. Such inmates may or may not have few chances for eventual release but must be afforded every opportunity for treatment, both on a humane and on a scientific basis.

This is not the case at the present time and we urge the Canadian Penitentiary Service to direct its attention to a consideration of ways in which the directive may be implemented.

The resolution of this problem is beyond the scope of this study. However, the Study Group does object to the fact that an inmate may be placed in dissociation because he is considered to be mentally ill. Facilities must be made available for these inmates including those for whom there is no known treatment.

RECOMMENDATION

56. NO INMATE SHALL BE DISSOCIATED BECAUSE HE IS CONSIDERED TO BE MENTALLY ILL OR EMOTIONALLY DISTURBED.

Given appropriate facilities, temporary care will be necessary while arrangements are completed to transfer the inmate from the penitentiary. We suggest that the penitentiary hospital would best serve this purpose and until psychiatric facilities are available, efforts should be made to provide hospital space in the institution to serve the needs of these inmates.

This problem is equally acute in the case of female inmates. Regional psychiatric facilities house only male inmates and again the provincial authorities are reluctant to accept federal inmates who may represent a security problem. This is particularly the case where provincial institutions function on an open-ward policy.

A new regional psychiatric centre is proposed for the Ontario Region. The problem of the custody and treatment of the mentally disturbed female offender, both short-term and chronic, can be partially resolved through the construction of appropriate facilities for them at the site of the new institution.

RECOMMENDATION

57. THE PROPOSED REGIONAL PSYCHIATRIC CENTRE IN THE ONTARIO REGION SHOULD INCLUDE FACILITIES FOR FEMALE INAMTES WHO REQUIRE PSYCHIATRIC TREATMENT.

References

1. Canada. Department of the Solicitor General. Report of the Advisory Board of Psychiatric Consultants.
The General Program for the Development of Psychiatric Services in Federal Correctional Services in Canada. Ottawa. 1973. p. 17.

2. Ibid., p. 17.

SUMMARY OF RECOMMENDATIONS

1. THE CANADIAN PENITENTIARY SERVICE SHOULD ENGAGE IN SCIENTIFIC EXPERIMENTS TO DETERMINE IF INMATES IN VARIOUS CONDITIONS OF DISSOCIATION DO EXPERIENCE SENSORY DEPRIVATION. p. 9

2. THE CANADIAN PENITENTIARY SERVICE SHOULD MAINTAIN ADMINISTRATIVE SEGREGATION AS A NECESSARY TOOL IN INSTITUTIONAL MANAGEMENT. p. 24

3. ALL INSTITUTIONS SHOULD MAINTAIN THEIR OWN SEGREGATION UNITS FOR INMATES WHOSE BEHAVIOUR IS CONSIDERED TEMPORARILY DISRUPTIVE AND WHO MUST BE SEGREGATED FOR SHORT PERIODS. p. 25

4. ONE NEW MAXIMUM SECURITY INSTITUTION PER REGION SHOULD BE USED IN PART FOR THE CUSTODY AND TREATMENT OF INMATES WHO MAY REQUIRE LONG-TERM SEGREGATION. p. 30

5. ALL INMATES PREVIOUSLY IN SEGREGATION IN OTHER INSTITUTIONS AND APPARENTLY REQUIRING LONG-TERM SEGREGATION SHOULD BE PHASED INTO THE POPULATION OF THE NEW FACILITY. p. 30

6. SECURITY STAFF SHOULD BE SELECTED FOR EXTENDED ASSIGNMENT IN SEGREGATION UNITS AND PROVIDED WITH IN-SERVICE TRAINING COVERING REGULATIONS, AND THEORY ON SOCIAL ISOLATION AND ITS EFFECTS. p. 31

7. AT LEAST ONE SECURITY STAFF PERSON MUST BE PRESENT IN THE SEGREGATION UNIT AT ALL TIMES. p. 32

8. ALL SEGREGATED INMATES SHOULD CONTINUE CONTACT WITH THEIR OWN CLASSIFICATION OFFICER THROUGHOUT THEIR PERIOD OF SEGREGATION. p. 32

9. A CLASSIFICATION OFFICER OR PSYCHOLOGIST SHOULD BE ASSIGNED TO EVERY SEGREGATION UNIT TO COORDINATE SECURITY AND PROGRAMME STAFF INVOLVEMENT AND MONITOR THE PARTICIPATION OF PROGRAMME STAFF. p. 32

10. EACH SEGREGATION UNIT SHOULD HAVE APPROPRIATE OFFICE AND INTERVIEW SPACE FOR PROGRAMME STAFF. p. 33

11. ALL INMATES IN SEGREGATION SHOULD BE ENTITLED TO THE SAME AMENITIES AS ALL OTHER INMATES, INSOFAR AS IS REASONABLE, EXCEPT FOR THE PRIVILEGE OF ASSOCIATION. p. 33

12. THE AUTHORITY TO SEGREGATE AN INMATE UNDER PSR 2.30 (1) (a) SHOULD REMAIN WITH THE DIRECTOR OF THE INSTITUTION. p. 35

13. NO INMATE SHALL BE SEGREGATED WITHOUT BEING ADVISED OF THE REASON IN WRITING WITHIN TWENTY-FOUR HOURS OF THE DIRECTOR'S DECISION TO SEGREGATE. p. 35

14. EACH INSTITUTION SHALL ESTABLISH A SEGREGATION REVIEW BOARD WHICH SHALL CONSIST OF

- A CHAIRMAN - THE DIRECTOR OF THE INSTITUTION;
- THE ASSISTANT DIRECTOR (SECURITY) OR ASSISTANT DIRECTOR (SOCIALIZATION);
- THE CLASSIFICATION OFFICER OR PSYCHOLOGIST IN CHARGE OF SEGREGATION:
- THE SECURITY OFFICER IN CHARGE OF SEGREGATION.

p. 35

15. THE SEGREGATION REVIEW BOARD MUST REVIEW THE CASE OF AN INMATE WITHIN FIVE WORKING DAYS OF THE DIRECTOR'S DECISION TO SEGREGATE HIM, AND AT LEAST ONCE EVERY TWO WEEKS IF THE DECISION TO SEGREGATE IS UPHELD. p. 36

16. THE INMATE SHALL NOT BE PRESENT AT THE REVIEW UNLESS REQUESTED BY THE BOARD. p. 36

17. THE INMATE SHALL BE ADVISED IN WRITING OF THE BOARD'S DECISION AFTER EACH REVIEW. p. 36

18. THE SEGREGATION REVIEW BOARD SHALL BE CHARGED WITH THE RESPONSIBILITY OF DETERMINING WHETHER IN FACT THERE IS JUST REASON FOR SEGREGATION,

AND HAVE THE FOLLOWING ALTERNATIVES AVAILABLE TO IT:

- RETURN THE INMATE TO THE POPULATION;
- CONTINUE SEGREGATION IN PRESENT FACILITIES;
- REFER THE CASE TO THE REGIONAL CLASSIFICATION BOARD WITH A RECOMMENDATION FOR TRANSFER TO THE REGIONAL SEGREGATION UNIT. p. 36

19. AFTER ASSESSING THE INMATE'S SITUATION' THE SEGREGATION REVIEW BOARD SHALL:
    - DEVELOP A PLAN TO REINTEGRATE HIM INTO THE POPULATION AS SOON AS POSSIBLE:
    - MONITOR THAT PLAN DURING SUBSEQUENT REVIEWS:
    - MAINTAIN WRITTEN RECORDS OF THE SUBSTANCE OF EACH REVIEW:
    - FORWARD SUCH REPORTS TO THE REGIONAL CLASSIFICATION BOARD.

    p. 37

20. TRANSFER TO A LONG-TERM SEGREGATION UNIT SHALL BE USED ONLY IN THE EVENT THAT ALL OTHER MEASURES HAVE FAILED AND NOT AS A MEANS OF SOLVING DAY TO DAY PROBLEMS OF INSTITUTIONAL MANAGEMENT.

    p. 37

21. EVERY INSTITUTION SHOULD HAVE "QUIET CELLS" AVAILABLE FOR INMATES WHO REQUIRE A RETREAT FROM POPULATION LIFE FOR A PERIOD NOT TO EXCEED THREE DAYS, UNLESS OTHERWISE DIRECTED BY MEDICAL STAFF.

p. 38

22. THE SEGREGATION REVIEW BOARD SHOULD BE CHARGED WITH THE RESPONSIBILITY OF GRANTING OR REFUSING PROTECTIVE CUSTODY.

p. 50

23. THE REGIONAL CLASSIFICATION BOARD SHOULD MONITOR THE PROCEEDINGS OF THE SEGREGATION REVIEW BOARD. p. 50

24. BEFORE ANY NEW INMATE IS PLACED IN THE POPULATION, HIS RECORD SHOULD BE EXAMINED FOR EVIDENCE THAT HE MAY REQUIRE PROTECTION.

p. 50

25. ALL NEW INMATES SHOULD INITIALLY BE PLACED IN RECEPTION FACILITIES WITH NO CONTACT WITH POPULATION INMATES.

p. 51

26. POPULATION INMATES WHO REQUEST OR APPEAR TO REQUIRE PROTECTION SHOULD BE CONFINED IN SEGREGATION FACILITIES UNTIL THEIR CASE IS DECIDED. p. 51

27. EVERY INMATE WHO IS CONSIDERED FOR PROTECTIVE CUSTODY SHOULD BE COUNSELLED AS TO THE POSSIBLE CONSEQUENCES OF BEING LABELED A PROTECTION CASE. p. 51

28. INSTITUTIONAL ADMINISTRATIONS SHOULD ATTEMPT TO RESOLVE "TRANSIENT" PROTECTION PROBLEMS THROUGH TRANSFERS OR CONCILIATION PROCEDURES. p. 53

29. THE SEGREGATION REVIEW BOARD SHOULD BE RESPONSIBLE FOR CONSIDERING THE CASE OF EVERY INMATE IN PROTECTIVE CUSTODY AT LEAST ONCE PER MONTH. p. 54

30. THE SEGREGATION REVIEW BOARD SHOULD MAINTAIN WRITTEN RECORDS OF THE INMATE'S SITUATION AND POSSIBLE CHANGES WHICH MAY OCCUR. p. 54

31. INMATES WHO REQUIRE PROTECTIVE CUSTODY SHOULD NOT BE CONSIDERED DISSOCIATED BUT RATHER SHOULD BE CONSIDERED SIMPLY AS ONE OF MANY SPECIAL GROUPS IN INSTITUTIONS. p. 56

37. ALL INMATES IN PROTECTIVE CUSTODY UNITS SHOULD HAVE ACCESS TO A MULTI-PURPOSE ROOM FOR GROUP ACTIVITIES. p. 60

38. ALL INSTITUTIONS SHOULD EMPLOY AN "OFF-HOURS" APPROACH FOR INMATES IN PROTECTIVE CUSTODY IN WHICH THEY USE POPULATION FACILITIES WHEN THE MAIN POPULATION IS OCCUPIED ELSEWHERE. p. 61

39. INMATES IN PROTECTIVE CUSTODY SHOULD BE ENCOURAGED TO PARTICIPATE IN COMMUNITY SERVICE PROJECTS WITHIN THE INSTITUTION BOTH FOR THE VALUE TO THE COMMUNITY AND THE THERAPEUTIC VALUE TO THE INMATES. p. 61

40. SECURITY STAFF SHOULD BE SELECTED FOR EXTENDED ASSIGNMENT TO PROTECTIVE CUSTODY UNITS AND PROVIDED WITH APPROPRIATE IN-SERVICE TRAINING. p. 62

41. CLASSIFICATION OFFICERS SHOULD BE ASSIGNED TO THE PROTECTIVE CUSTODY UNITS ON A FULL-TIME BASIS. p. 62

42. EACH PROTECTIVE CUSTODY UNIT SHOULD HAVE APPROPRIATE OFFICE AND INTERVIEW SPACE FOR PROGRAMME STAFF. p. 62

43. THE ADMINISTRATION OF EACH INSTITUTION SHOULD UNDERTAKE A REVIEW OF THE SECURITY PROVISIONS PRESENTLY IN EXISTENCE FOR INMATES IN PROTECTIVE CUSTODY. p. 62

44. THE CANADIAN PENITENTIARY SERVICE SHOULD EMPLOY INDEPENDENT CHAIRPERSONS TO PRESIDE OVER DISCIPLINARY HEARINGS. p. 74

45. INDEPENDENT DISCIPLINARY BOARD CHAIRPERSONS SHOULD BE EMPLOYED ON A ONE-YEAR EXPERIMENTAL BASIS IN TWO OF THE FIVE REGIONS. p. 74

46. THE INDEPENDENT CHAIRPERSON NEED NOT BE A MEMBER OF THE LEGAL PROFESSION UNLESS HIS/HER LEGAL TRAINING IS COMBINED WITH A BACKGROUND IN CORRECTIONS. p. 74

47. IN REGIONS WITH A NUMBER OF INSTITUTIONS THERE SHOULD BE AT LEAST ONE FULL-TIME CHAIRPERSON. IN REGIONS WITH SMALLER INMATE POPULATIONS, A PART-TIME CHAIRPERSON WOULD BE ADEQUATE. p. 75

48. THE INDEPENDENT CHAIRPERSON SHOULD BE CHARGED WITH THE RESPONSIBILITY OF DETERMINING BOTH GUILT AND DISPOSITION. p. 75

49. THE DIRECTOR OR ASSISTANT DIRECTOR OF THE INSTITUTION SHOULD MAINTAIN THE RESPONSIBILITY OF SUSPENDING THE DISCIPLINARY COURT'S SENTENCE, IF IT IS ONE OF PUNITIVE DISSOCIATION, ANY TIME AFTER AN INMATE HAS SERVED ONE-HALF. p. 76

50. THE CANADIAN PENITENTIARY SERVICE SHOULD ENCOURAGE GREATER INVOLVEMENT OF CLASSIFICATION OFFICERS IN DETERMINING THE DISPOSITION WHERE THE INMATE HAS BEEN FOUND GUILTY OF A DISCIPLINARY OFFENCE. p. 76

57. THE PROPOSED REGIONAL PSYCHIATRIC CENTRE IN THE ONTARIO REGION SHOULD INCLUDE FACILITIES FOR FEMALE INMATES WHO REQUIRE PSYCHIATRIC TREATMENT. p. 85