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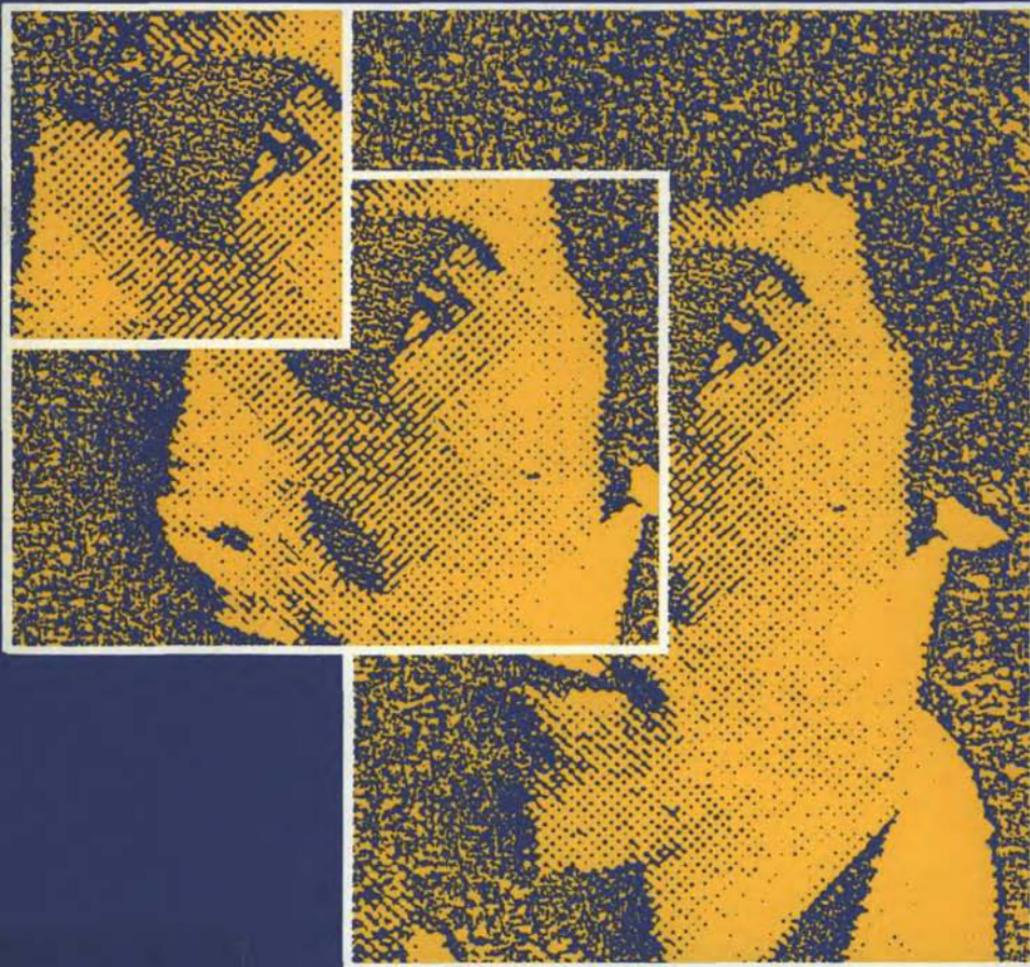
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Correctional Service  
Canada

Service correctionnel  
Canada

# Inmate Rights and Responsibilities



An information handbook  
for inmates of federal  
correctional institutions

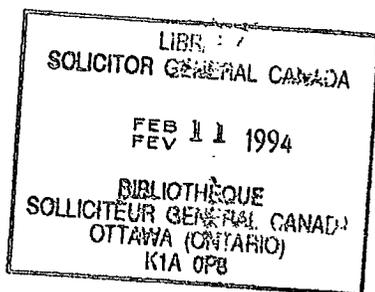
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# Inmate Rights and Responsibilities

An information handbook  
for inmates of federal  
correctional institutions



Published by the Communications Branch  
The Correctional Service of Canada  
Under authority of the Solicitor General of Canada

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## A Message from the Minister

The rights of incarcerated individuals is an issue that has evolved over the years. In the past, both society and inmates accepted that being imprisoned as a result of breaking the law resulted in the loss of many everyday rights and privileges. While this is still true, in recent years the judicial system and The Correctional Service of Canada have recognized basic rights of inmates confined in CSC facilities.

This new edition of *Inmates Rights and Responsibilities* reflects this evolving recognition. Your rights — as well as your responsibilities — are clearly set out. Take the time to read through them now. By working together, we can ensure that you can enjoy your rights to the fullest without interfering with the rights of others or the welfare of the community.

This handbook reflects the continuing aim of The Correctional Service of Canada to provide you with as normal an environment as the circumstances of security will allow, and to safeguard your rights and dignity as a human being and as a member of Canadian society.

However, the existence of basic rights does not place all responsibility on CSC staff. In turn, you are asked to accept the exercise of legitimate authority by The Correctional Service of Canada, take advantage of the programs offered by the Service, and assume responsibility for developing the behaviour that will allow for your speedy return to society and a productive life.

Elmer MacKay  
Solicitor General of Canada



## Introduction

The Inmate Rights and Responsibilities handbook is based on the following principles:

- an inmate retains all of the rights of an ordinary citizen, except those which have been removed by law or as a necessary result of incarceration;
- an inmate's only punishment should be the sentence which the court has imposed, unless a properly established administrative tribunal finds him or her guilty of a disciplinary offence while in custody.

The handbook is designed to provide information about rights that may be important to you as an inmate. Each section deals with a particular aspect of inmate life and sets out the applicable right(s), followed by a brief explanation and reference to the sources of these rights. The responsibilities you are expected to assume in order to enjoy your rights are also outlined in each section. All of the acts, regulations, commissioner's directives, and other publications mentioned in the handbook are available in your institution's library. If any of these sources should be revised, your library will obtain a copy of the new version so you can see if the change has affected your rights.

The section of the handbook entitled "Grievances and complaints" guides you on what to do if you believe a right has been denied you without just cause.

In addition to the remedies discussed in that section, there are special procedures for dealing with the denial of certain rights. For example, if you have reasonable grounds for believing you are being discriminated against on the basis of one of the prohibited grounds of discrimination under the *Canadian Human Rights Act*, you may file a complaint with the Canadian Human Rights Commission.

Mention has been made of these special procedures in relevant sections of the handbook. It is important to remember that this handbook has been written to make you aware of your rights, but is not, itself, a legal document. If you want to make a complaint about the way that you are being treated, you should refer to the actual source of the right in question, whether that be an act, regulation, commissioner's directive, etc.

There are three basic kinds of rights of interest to inmates:

- retained rights,
- existing rights in the Penitentiary Act and Regulations, and
- conferred rights.

Your retained rights come from judge-made law and from laws and regulations made by members of Parliament and by members of provincial legislatures. They are the rights you share with all citizens of Canada to the extent that they have not been specifically taken away by law or as a necessary result of your incarceration.

The most important source of retained rights is the *Canadian Charter of Rights and Freedoms*. The Charter is part of fundamental constitutional law of Canada, which means it is a standard by which other laws of Canada are measured. The basic rights of Canadian citizens are set out in the Charter. These rights are not absolute. However, they may not be taken lightly and, as the Charter says, are “subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

The second type of rights are existing rights in the Penitentiary Act and Regulations. These are rights granted to you by Parliament and by the government and, in most cases, are unique to inmates.

The third category of rights are conferred rights that have been specifically granted to you as an inmate by the commissioner of corrections, by virtue of the power given to the commissioner by Parliament [section 29(3) of the Penitentiary Act] to make rules known as commissioner’s directives.

It is important to remember that you alone can make sure your conduct entitles you to all of the rights set out in this manual. If you behave unreasonably — for example, if you are convicted of a disciplinary offence — restrictions and limitations will be placed on your rights.



## Accommodation

**The director of an institution must take all reasonable steps to ensure the safekeeping of every inmate committed to his or her care.**

Your institution will be kept reasonably clean and safe in accordance with federal, provincial and local health and safety codes. However, it is up to you not to knowingly risk your own safety and to keep your cell and other living areas clean.

You are entitled to adequate food and to clothing and bedding appropriate for the season and the type of work you do. In addition, you will receive toilet articles necessary for your health and cleanliness. You must take good care of all items provided to you. Also note that a nutritious diet is available to you. It is up to you to take advantage of it.

You will be housed alone in a cell unless there are not enough units available at your institution. Where this is the case, you may have to temporarily share a cell with another inmate. This arrangement is not supposed to be permanent, and therefore, you should be moved to a single cell as soon as practical. Placing you in a cell with another inmate may only be done when there is a lack of cell space, not as a means of punishment. If you are a female inmate, you will never be housed in a facility with male inmates unless you are under constant staff supervision or you are participating in the family visiting program.

You are entitled to exercise outside for at least one hour every day, weather permitting. If the weather is poor, a suitable indoor area should be provided. Recreational equipment will be available for use during the exercise period and should be treated with care.

If you are in administrative segregation, protective custody or punitive dissociation, this fact alone should not deprive you of the opportunity for recreation. Should you be denied an exercise period, the director of your institution must provide you with written reasons for the denial.

References: Canadian Charter of Rights and Freedoms 7

PSR 15(1) 37

CD 600-6-06.1

"Inmate Money"

CD 600-6-02

"Inmates' Conferred Rights"

CD 600-4-07.1

"Inmate Recreation and Exercise"

CD 600-2-02.3

"Shared Occupancy of Cells"

DI 600-2-02.1

"Shared Occupancy of Cells"

DI 200-3-04.1

"Provision of Materials and Services to Inmates"

DI 200-3-03.1

"Institutional Safety, Sanitation and Cleanliness"



## Administrative segregation

**A decision-maker has a duty to act fairly when deciding whether to place an inmate in administrative segregation.**

The only person who can order you placed in administrative segregation is the officer in charge of the institution at the time the decision is made. This officer must be satisfied it is necessary or desirable to dissociate you for the maintenance of good order and discipline in the institution, or in your best interests. The officer should consider whether there is any reasonable alternative before ordering dissociation.

If you are placed in administrative segregation, the following steps must be taken.

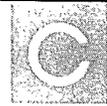
- Within 24 hours of entering administrative segregation, you must be notified, in writing, why you have been placed there.
- The director or acting director of the institution must confirm the reasons for your segregation (if neither one made the original decision) on the working day following dissociation.
- A hearing before the segregation review board must be held within three working days of your placement. This hearing must give you the opportunity to explain why you should be returned to general population. This board makes recommendations to the director, who will decide whether you are to remain in dissociation.

In order to ensure you will not be left in dissociation longer than necessary, your case will be reviewed by your case management team and the segregation review board once every seven days for the first two months, and continually afterwards as provided in commissioner's directives. In addition, you are entitled to be heard once every month by the segregation review board. If you wish to take advantage of this right to a hearing, you should apply in writing. Should you spend 30 consecutive days in administrative segregation, you may choose to undergo a psychological assessment.

Keep in mind that administrative segregation is not punishment. You are entitled to all privileges and amenities enjoyed by inmates in general population except those which entail association with other inmates or are not feasible because of the limitations and operation needs of the dissociation area.

It is your responsibility to help staff find solutions to the problems which led to your placement in administrative segregation.

If you require close supervision because you have been identified as particularly dangerous, you may be placed in a type of administrative segregation in an S7 institution (commonly referred to as a special handling unit). You are dissociated because you are considered a threat to the order of the institution. The decision to place you in the S7 institution is made at national headquarters and is based on the recommendations of the director of the institution, the regional transfer board and the deputy commissioner



of the region. While in the unit, inmates participate in a four-phase program, which normally takes a minimum of three years. The fourth phase of the program is a conditional transfer to an S6 or multi-level institution for a one-year probationary period.

References: PSR 40

CD 800-4-01  
"Administrative Segregation"

CD 800-4-04.1  
"Special Handling Units"

DI 800-4-04.1  
"Special Handling Units"

## Classification and placement in an institution

**Every inmate shall be confined in the institution which seems best able to provide the security necessary for public protection and the training most suitable for the inmate.**

The procedure for classifying you and placing you in a particular institution includes the following steps:

- Shortly after you have been sentenced to a penitentiary either as a result of a criminal offense or a parole revocation, you will be interviewed by a case management officer, who will ask you about your personal and family history.
- Members of your community are usually contacted to provide additional information and confirm what you have said.
- Your case management officer will carefully review all relevant information collected and decide

which programs and level of security you need. Your security classification is determined with the help of guidelines published by the commissioner of corrections. These guidelines take many factors into consideration, including your criminal record, history of violence and behaviour in custody during previous sentences.

- A penitentiary placement report is prepared. This report identifies the institution which is most appropriate for you in terms of security and program requirements.
- The proposed institution is contacted to make sure there is a bed available. Arrangements are then made to transfer you, usually within four weeks of sentencing.

You are responsible for providing staff with accurate information to determine your security level and place you in a suitable institution. If you think that you have been incorrectly classified, you should ask your case management officer to show you the guidelines for classifying inmates and explain how they apply to you. If you still disagree with your security classification, you can seek redress through the grievance procedure.

References: PSR 12, 13, 14

CD 600-2-02.1  
"Decentralized Reception and Placement"

CD 600-2-02.2  
"Centralized Reception and Placement"

Case Management Policy and Procedures Manual.



## Correspondence

### General correspondence

**Inmates will be encouraged to correspond with their families, friends and other persons who can contribute to their well-being and help them to become law-abiding citizens.**

**Censorship of correspondence shall be avoided. However, the commissioner of corrections or the director of the institution may order censorship of an inmate's correspondence to the extent considered necessary for the reformation and rehabilitation of an inmate or the security of the institution.**

You will usually be allowed uncensored correspondence with whom ever you choose. But your mail may be censored if the commissioner, or the director of your institution, believes it necessary for security and for your own safety as well as that of other persons. Your correspondence may only be censored by a designated staff member who has the written authorization of the director.

If the director is informed in writing that a person with whom you are corresponding does not wish to hear from you, you may be told to end the correspondence.

Incoming and outgoing mail, other than privileged correspondence, will be inspected for contraband. Each piece of mail is opened in the presence of two staff members and

checked for contraband without the contents being read. Should contraband be discovered in your correspondence, the item(s) in question will be seized and you will be notified. You may be charged with possessing contraband.

The person with whom you are corresponding could be charged with delivering or attempting to deliver contraband to an inmate, or receiving or attempting to receive contraband from an inmate. The person could be liable to imprisonment for six months or to a fine of \$500 dollars, or both.

Normally, there is no limit to the volume of correspondence which you may send or receive unless the director of your institution decides that you are overburdening the mail handling system. Incoming mail will be given to you and outgoing mail will be sent to the post office within 24 hours of receipt unless it is received on a holiday or weekend. Inmates in punitive dissociation and administrative segregation are entitled to the same correspondence privileges as inmates in general population.

References: PSR 27, 28

CD 600-4-04.1

"Inmate Mail and Telegraph Communication"



## Correspondence with counsel

**As a general rule, correspondence between inmates and lawyers will not be opened or read by institutional staff. Before delivering correspondence to an inmate, the staff may confirm that the name appearing on the envelope is that of a lawyer in good standing and may ask the inmate for satisfactory proof in doubtful cases.**

The director of your institution can make an exception and direct that an envelope that appears to have come from or to be addressed to your lawyer may be opened for inspection. This may be done when there is reason to believe that the unrestricted and unexamined passage of mail to and from you represents a danger to the safety and security of the institution. In this case the director may authorize an officer to open a particular piece of mail and read only as much as is necessary to decide whether it is a security risk. If the contents of the envelope do not breach security, the officer must keep confidential whatever he/she has read or seen, and forward the mail to you.

You should ensure that any letter you send to your lawyer is written for the sole purpose of obtaining legal advice.

### References:

CD 600-4-04.1  
"Inmate Mail and Telegraph Communication"

## Privileged correspondence

**Correspondence between inmates and designated officials, such as the solicitor general, commissioner of corrections and correctional investigator, will not be censored.**

Any letter that you write to or receive from a designated official will not be read by the staff of your institution. A list of the designated officials covered by this right is attached to the commissioner's directive on inmate mail. If an officer suspects you are using privileged correspondence to pass contraband, he/she may ask the director of your institution for written authorization to open the letter in your presence and inspect it. Should correspondence between you and a privileged correspondent be opened in error, you are entitled to an immediate oral explanation, which must be confirmed in writing within one working day.

When you have a complaint, you should, as a rule, use the grievance procedure in your institution rather than writing to privileged correspondents. You will save time by not having to wait for your letter to go through the mail. (See the "Grievances and complaints" section in this handbook.) If you want to keep privileged correspondence confidential once you have opened it, you must ask that it be put with your stored documents.

### References: PSR 27, 28

CD 600-4-04.1 and Annex "A"  
"Inmate Mail and Telegraph Communication"

## Court appearance

**An inmate who is required as a witness in judicial proceedings taking place anywhere in Canada may attend the proceedings at the expense of the party requesting the appearance.**

The total cost of your attendance must be paid to the director of your institution by the party requesting your evidence, unless that party is the Crown. In this case an undertaking to pay is sufficient. The cost includes the price of transportation, maintenance and custody while you are away from your institution. The cost of your court appearance may be reduced if you are unescorted and attending civil proceedings or appearing before an inquiry. The National Parole Board has the authority to allow eligible suitable inmates to attend these proceedings without an escort.

Your right to appear in court applies only when you are required as a witness. Normally, hearings of appeal to conviction or sentence are not covered by this right, especially if you are represented by a lawyer. If you are not represented, you may either submit written arguments to the court of appeal or appear in person to present your case.

If you wish to attend a civil hearing, either as plaintiff or defendant, your request to attend will be considered by the director of your institution.

References: Criminal Code of Canada  
615

PSR 26

CD 600-6-05

"Inmates' Legal Affairs"

## Death

**In the event that an inmate dies while in custody, their next of kin or closest known relative must be promptly notified.**

You must inform staff of any change in address of your next of kin or closest known relative so that they may locate your family if necessary. Your family has the right to claim your body, and if they do not want to do this, to be advised of the burial arrangements which will be made by the institution. If your body is unclaimed, a service in keeping with the rites of your religion will be held and your body will be buried in a public cemetery. If you have donated your body to science, it will be delivered to a recognized medical school or licensed hospital.

Unless there are any lawful claims against you, your personal property will be turned over to your next of kin, executor or the administrator of your estate after your death. Personal property includes any pay owned to you, your inmate trust fund and any belongings in your possession or held for you by the institution at the time of your death. Your spouse or dependent children may be compensated if you died as a result of an accident which occurred while taking part in the normal program of the penitentiary. For more information about compensation, see the "Injuries" section of this handbook.

You have the right to be told that a member of your family is dead or seriously ill. Should you wish to



attend a family funeral or visit a seriously ill member of your family, you may apply for a temporary absence. You are responsible for establishing a record of behaviour which makes granting such a privilege more likely.

References: *Penitentiary Act* 28.1, 28.3  
PSR 34

CD 600-6-02  
"Inmates' Conferred Rights"

DI 800-3-06.2  
"Death of Inmates and Day Parolees"

## Discharge

**On release from a penitentiary, each inmate shall be provided with a complete outfit of civilian clothing appropriate to the season, other necessities, travelling and living expenses to an approved destination and any money standing to his/her credit in institutional accounts.**

Correctional Service Canada will pay for travelling and living expenses if, after you are discharged, you return to the place where you were convicted or go to a location no further away than your place of conviction. You will also be paid travelling and living expenses if you are released on parole or mandatory supervision and travel to the place named on your release certificate. If you travel to any other location, your travelling and living expenses will not be provided, unless you obtain the special approval of the commissioner of corrections.

In all cases, you must use the cheapest method of travelling unless you can afford to pay the difference for more expensive transportation and give staff enough notice to allow them to make the necessary arrangements.

With your consent, you will be given a medical and dental examination before release. Any necessary follow-up treatment will be arranged. You should discuss your plans for release with your case management officer. Once you are discharged, you are responsible for abiding by the conditions of your release.

References: PSR 21

CD 600-2-08.2  
"Release of Inmates"

DI 600-2-11  
"Discharge of Inmates"

## Discipline

**An inmate who is charged with misconduct has the right to be treated in a fair and impartial manner.**

**Every inmate has the right not to be subjected to any cruel and unusual treatment or punishment.**

**No inmate shall be punished except by order of the director of the institution or a designated officer, or by order of a disciplinary court.**

**No inmate shall be employed in a disciplinary capacity over another inmate.**

Within a week of your arrival in a federal institution, you will be informed about the acts and omissions that constitute misconduct and the maximum punishment to which you are subject if found guilty of any of these acts or omissions. If a staff member sees you commit what appears to be misconduct, they will fill out a misconduct report. A copy of this report will be given to the director of your institution, or a designated officer, who will determine the category of the alleged misconduct. There are three categories:

- minor misconduct,
- serious or flagrant misconduct,
- misconduct constituting a serious offence under laws of general application.

Once the category of misconduct has been determined, you must be given notice of the exact charge against you and a summary of the evidence supporting the charge. You will be informed in writing of the date, time and place of your disciplinary hearing at least 24 hours before it is scheduled to take place. Your hearing should commence within seven working days of the date you were charged, unless there is a valid reason for delaying it. In any event, your hearing must take place within a reasonable time.

If you are charged with serious or flagrant misconduct, your hearing will be conducted by an independent chairperson or, in certain circumstances outlined in the commissioner's directive on "Discipline," by the director or acting director of your institution. Cases of minor misconduct are heard by an institutional official of a rank prescribed by the commissioner of corrections.

At your disciplinary hearing, you will be provided with an interpreter if you speak neither English nor French. The person presiding over your hearing may allow you legal representation if this is considered necessary for a fair hearing. For example, a lawyer may be allowed to present a case where difficult legal argument is required.

Otherwise, you will be permitted to speak on your own behalf. You may call witnesses if the presiding person agrees they are necessary and appropriate to support your evidence. And you may question any witness testifying against you — by addressing your questions through the presiding person. If the presiding person refuses to put any of your questions to a witness, a clear reason for the refusal must be recorded. Any incriminating evidence that you or any witness give at your hearing cannot be used as evidence in a later disciplinary hearing of another charge.

If you are found guilty of the alleged misconduct, you will be allowed to say anything you wish in your favor before punishment is imposed. The punishment for being convicted of minor misconduct is loss of privileges.

The punishment for being found guilty of a serious or flagrant misconduct is one or more of the following:

- forfeiture of statutory or earned remission, or both;
- dissociation for not more than 30 days; or
- loss of privileges. The approval of the deputy commissioner of the region is required for the forfeiture

of between 31 and 90 days of earned or statutory remission. Forfeiture of 91 days or more of earned or statutory remission requires the approval of the solicitor general.

If you were charged with minor misconduct and feel that you were treated unfairly at your disciplinary hearing, you may submit a grievance on the matter. You cannot use the grievance procedure to object to the way the independent chairperson conducted the disciplinary hearing. But you may appeal to the Federal Court of Canada. An independent chairperson has a duty to act fairly and, where the duty is breached, disciplinary proceedings may be reviewed under section 18 of the *Federal Court Act*\*. In addition, you may grieve any improper action by institution officials prior to your disciplinary hearing.

You may ask the independent chairperson to re-open your disciplinary case if new evidence that might alter the verdict is discovered after the hearing. A staff member appointed by the director as the coordinator of disciplinary court matters will make your request to the independent chairperson and, if it is refused, will tell you why.

References: Canadian Charter of Rights and Freedoms 11, 12, 13, 14  
Penitentiary Service Regulations 35(4), 38, 38.1, 39

CD 600-7-03.1  
"Inmate Discipline"

DI 600-7-.03.1  
"Inmate Discipline"

\**Robert Thomas Martineau V The Matsqi Institution Inmate Disciplinary Board.*

## Discrimination

**Every inmate has the right to be free from discrimination based on race\*, national or ethnic origin\*, official language, colour\*, religion\*, age\*, sex\*, marital or family status, mental or physical disability\* and conviction for which a pardon has been granted.**

If you believe that you are the target of discrimination and can base your belief on accurate information, you should submit a grievance. If, after using the grievance procedure, you have reasonable grounds for believing that you are still being discriminated against, you could write to the chief commissioner of the Canadian Human Rights Commission. Since the chief commissioner is privileged correspondent, any letter that you forward will not be censored. You could also file a complaint with the Canadian Human Rights Commission in accordance with its guidelines or seek relief against discrimination in a court of law.

You are expected not discriminate against others and to treat them in the way that you would expect them to treat you.

References: \*Canadian Charter of Rights and Freedoms 15 (s.15 1s in effect as of April 17, 1985)

Canadian Human Rights Act 3, 5, 13.1, 33



## Grievances and complaints

**All inmates have the right, in accordance with commissioner's directives,**

- **to access to the grievance procedure of their institution,**
- **to make complaints to the correctional investigator,**
- **to use privileged correspondence to communicate with designated officials,**
- **to an opportunity for confidential communication with a lawyer.**

Your institution must have a grievance procedure which provides you with a means of redress when you feel you are being treated unfairly. Any wrong or hardship which you grieve must have affected you personally within the last month. You will find copies of the "Inmates' Grievance Manual" providing detailed information in your institution's library. Here is a brief outline of the steps you may take if you have a problem.

First, explain the difficulty to a staff member who may be able to correct the situation right away. If this doesn't solve the problem, you may complain in writing to the supervisor of the area where you are having difficulty. Staff will give you the necessary form, or you may write your complaint on plain paper. You should receive a written reply, including reasons, within five working days of the date on which the supervisor received your complaint.

If your complaint is considered valid, you must be told what will be done to correct your situation and when this will happen. Any complaint which concerns

a threat of assault or other violence should be marked "Emergency" and will go straight to the director or the senior officer on duty.

If you are not satisfied with the response to your complaint, you may submit a grievance. You should fill out a grievance presentation form or, if this form is unavailable, write your grievance on plain paper and give it to a staff member, who will pass it on to your institution's grievance coordinator. You should write your grievance in clear and acceptable language, and make sure that any allegations you make are based on fact.

The inmate grievance committee will hear your case no more than five working days after your grievance has been received. You may explain your problem in person or have another inmate appear on your behalf. The committee will make recommendations to the director, who will either approve these recommendations or hold another inquiry. The director must let you know the decision within five working days of receiving the committee's report. Some institutions do not have an inmate grievance committee, in which case the grievance coordinator passes the grievance to the director as soon as it is submitted.

If your grievance is denied, but you have reasons for asking that it be looked at again, you may submit a request for review to the grievance coordinator. You may ask that your case be considered by either an outside review board or the regional deputy commissioner of Correctional Service Canada. Whichever option you choose, you must act within eight working days after you receive the director's response and give reasons why you think your grievance should be re-examined.

If you pick the first option, the outside review board will consider the director's decision and make recommendations to him/her. Then the director will look at your grievance again and notify you of the decision within 10 working days after your request has gone to the grievance coordinator. Should your grievance be denied again, you may still apply to the deputy commissioner of your region as long as you act within eight working days of hearing from the director.

You should write your request for review on your original grievance form and give it to the grievance coordinator, who will forward it to regional headquarters. A new investigation of your grievance will take place and you will have a reply from the deputy commissioner within 10 working days from the date your grievance arrives at regional headquarters.

If your grievance is again denied, you may ask the grievance coordinator to send it to the commissioner of corrections, Correctional Service Canada. But your grievance must now include reasons why you think the last decision turning it down was unacceptable. The commissioner, or an officer chosen by the commissioner, will let you know whether your grievance is upheld. If it is impossible to reply to your grievance within 10 working days, you will be informed of this in writing.

Some kinds of problems must be dealt with through special procedures, not through the grievance system. A list of non-grievable matters is found in the "Inmates' Grievance Manual" and commissioner's directives. If your difficulty falls within this category, don't submit a grievance; it will only be rejected.

If you are dissatisfied with the way your problem has been handled, you may write to the Correctional Investigator. Information about privileged correspondence with the correctional investigator and other designated officials is provided in the "Privileged Correspondence" section of this handbook. Confidential communication with your lawyer is discussed in the section entitled "Interviews."

You are responsible for making reasonable use of the remedies available to you.

References: Inmates' Grievance Manual

CD 600-6-03.2

"Inmate Grievances and Appeals Against the Denial of a Claim Against the Crown"

CD 600-6-02

"Inmates' Conferred Rights"

DI 600-6-03.2

"Handling and Processing of Inmate Grievances"

## Health care

**Every inmate has the right to essential medical, psychiatric and dental care while in custody or on day parole. As well, each inmate is entitled to refuse any medical, psychiatric or dental examination unless it is compulsory by law.**

If you believe that you need medical, psychiatric or dental care, you may ask to see a member of the health care staff. You will be asked to explain your complaint in general terms. Medical staff must be told of every request for medical treatment without reasonable delay. The health



unit will arrange for examination and treatment where necessary. In order that everyone may benefit from health care resources, you must be careful not to ask for unnecessary consultation, miss appointments or ignore prescribed treatment.

If you ask for medical, psychiatric or dental care considered non-essential by the institutional physician, it will not be provided as a basic right. Should you desire elective surgery or treatment, you may submit an application to the institutional physician.

If you wish to see a physician, psychiatrist or dentist who is not employed by Correctional Service Canada, you may do so provided you pay for the service. In such cases, the examination will be conducted in the institution unless special diagnostic equipment is required.

Should you refuse an examination or a prescribed treatment, it is your responsibility to discuss your condition with health staff and consider the consequences.

A body cavity search for security reasons is not a medical examination and is governed by the rules outlined in the section dealing with "Searches."

You will not be asked to take part in any medical or scientific experiment unless you freely consent after the experiment has been completely explained to you.

If you are to be transferred to another penitentiary, the director or a designated staff member is responsible for alerting the medical officer at the new institution concerning your known and immediate health care needs.

You may contact your next of kin or closest known relative if you become seriously ill while in custody. If you are too ill to contact your family yourself, staff will do so for you as long as they have your written consent.

If you are pregnant while in custody, you will be provided with counselling and help in planning for your unborn child. You will be told about community social service agencies that might arrange for the care of your child. You will be taken to an outside hospital to have your baby if it arrives while you are still in custody.

References: Penitentiary Service Regulations 24

CD 600-6-02

"Inmates' Conferred Rights"

DI 700-2-14.1

"Female Patients/Inmates"

PSR 16

CD 700-1-01.1

"Medical and Health Care Services"

CD 600-6-02

"Inmates' Conferred Rights"

DI 700-3-06.1

"Medical and Dental Examinations"

DI 700-2-12

"Elective Surgery and Treatment"

DI 700-2-07

"Referrals to Outside Medical Services"

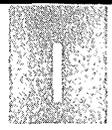
DI 700-2-02

"Consent — Medical, Psychiatric, Dental Treatment or Examination"



## Information available to inmates

**Every inmate is entitled to all necessary written information concerning the conditions under which the sentence is to be served. This information must be given orally when the inmate cannot read or write.**



Within three weeks of admission to a federal institution, you may see your warrant of committal. This document gives your institution the authority to hold you in custody. You will also receive a copy of your sentence computation sheet. It shows how your parole eligibility, mandatory supervision and warrant expiry dates are calculated. If you have questions about your sentence, you should speak to your case management officer or, if further help is needed, to the sentence administrator at your institution.

The *Access to Information Act* permits you to apply for access to any record that concerns you personally and that is under the control of a government institution. If you want to see a particular record, you should send a written request. An index to federal government information banks is available in your institutional library. You may file a complaint with the information commissioner if you are denied access to your records.

No government department or agency holding your records may give out personal information about you without either your permission, or good and sufficient reasons. The privacy commissioner will investigate any complaint you make if you believe that your records have been improperly released.

If legal documents or documents released under the *Privacy Act* or the *Access to Information Act* are sent to you while you are in custody, they should be shown to you promptly. You must be allowed time and privacy to examine them.

Your institution will have a library adequately stocked with educational, cultural and recreational materials and must provide copies of the following:

- Statutes and regulations that may concern you as a penitentiary inmate;
- Commissioner's directives and divisional instructions dealing with the treatment and training of inmates;
- Index of federal information banks.

You have the right to use the library and are expected to treat library materials with care so they will continue to be available to everyone. Should you damage library materials, and if the damage is due to your carelessness, you will be required to pay for repair or replacement and you may be charged with misconduct. Remember that other inmates may want to use library materials; do not monopolize them.

You may buy or subscribe to newspapers, magazines and books as long as the reading material does not interfere with the good order or administration of your institution. Published material of an erotic nature will not usually be banned unless charges concerning the publication have been laid under the Criminal Code of Canada, or the courts have determined that the material is obscene, or importing it is prohibited by the Customs Tariff Act.

References: Canadian Charter of Rights and Freedoms 9

Access to Information Act

Privacy Act

CD 600-4-04.1

"Inmate Mail and Telegraph Communications"

CD 600-6-02

"Inmates' Conferred Rights"

CD 600-6-05

"Inmates' Legal Affairs"


## Injury and disability

### **Injured inmates are entitled to prompt medical attention.**

If you are injured while in custody, you should immediately seek assistance from health care staff. If you are unable to do so yourself, any inmate or staff member who witnesses your injury must promptly contact medical staff and provide accurate information on how the accident happened. The director of your institution will also be told since he or she must order an inquiry whenever an inmate suffers bodily harm. Afterwards, the director must report to the commissioner on the inquiry's findings and recommendations about ways to prevent similar injuries.

If you are disabled by an injury that occurred while you were participating in the institutional program, you could apply for compensation. This would be paid to you after your discharge. You must submit your claim for compensation before you are released on full parole, mandatory supervision or on expiry of sentence. Health care staff will help you fill out the appropriate form. If your injury results in death, your spouse or dependent children could apply for compensation within three months of your death.

You are responsible for taking proper care to minimize the risk of injury to yourself as well as to others.

References: *Penitentiary Act* 28.1

PSR 33

Penitentiary Inmates Accident Compensation Terms and Conditions

CD 600-6-02

"Inmates' Conferred Rights"

DI 700-3-06.1

"Medical and Dental Examinations"

DI 600-6-07.2

"Inmate Accident Compensation"


## International affairs

**Inmates who have foreign citizenship must be informed of their right to have their consular post notified that they are in custody. They have the right to communicate with and receive visits from consular officials. The same rights apply to inmates who are refugees or stateless persons with respect to the national or international authorities responsible for them.**

**Inmates who are foreign nationals may apply to serve their sentence in their home country if that country has entered into an agreement with Canada to transfer offenders.**

Upon admission to a penitentiary, if staff are aware that you are a foreign citizen, the sentence administrator of your institution must ask you whether you wish to contact your country's official representatives. Your wishes will be respected should you decide against this. If you do want your national consular post

contacted, your sentence administrator must immediately help you do so. External Affairs Canada will be asked to assist when a consular office cannot be notified or is hard to reach.

The sentence administrator must also advise you that you are entitled to communicate with consular officers and receive visits from them. Any letter you address to your consulate must be forwarded without delay by institutional staff. You may ask to have your correspondence with consular officers treated as privileged so that it will not be censored. The deputy commissioner of the region may grant such a request. This permission may be withdrawn if you abuse the privilege, or if such action is warranted by new developments affecting national security.

Should the consul or a duly accredited agent wish to interview you and you agree, the deputy commissioner of the region shall authorize the visit and notify the director of your institution. Consular officers are entitled to arrange for a lawyer to represent you. However, they must not take any action that you expressly oppose.

As of September 1, 1984, the United States of America, Mexico and Peru have entered into agreements with Canada to transfer offenders. If you are a national of one of these countries and would like to serve your sentence in your home country, you should ask your case management officer to provide you with information on how to apply for a transfer.

References: Vienna Convention on Consular Relations 36

Transfer of Offenders Act 9 and Schedule

CD 600-6-05

"Inmates' Legal Affairs"

CD 600-6-02

"Inmates' Conferred Rights"

CD 600-2-04.2

"Transfers Outside Canada"

CD 600-4-04.1

and Annex "A" "Inmate Mail and Telegraph Communication"

DI 600-6-04

"Consular Relations with Inmates"

## Interviews

**An inmate may submit a written request for an interview with a visiting official of Correctional Service Canada, or a representative of an organization involved in a program approved by the director. The inmate is entitled to a prompt answer, which must be in writing if the request is denied.**

**All inmates have the right to meet with their lawyers in private to the extent necessary for ensuring confidential communication and as long as the purpose of the interview is to obtain legal advice.**

Whenever the commissioner of corrections or an official of Correctional Service Canada or a representative of an approved group plans an official visit to your institution, the director will inform members of the inmate committee so that they, in turn,



can notify the rest of the inmate population. When a visit is scheduled and you have a valid reason for wishing to meet with the visitor(s), you may apply in writing for an interview. Your application must state specific reason(s) for the interview and should be submitted to your case management officer.

You must provide enough information to show the meeting is necessary or urgent. Your application may be turned down if it appears your problem could be handled without an interview. Once submitted, your request must be processed quickly and you will be notified in writing if the interview is refused.

This procedure for requesting an interview may be used when you wish to meet with the director of your institution. Interviews may be held in private if the director agrees. When you have an interview with legal counsel, the director is required to provide you an opportunity for private communication.

If you have a valid complaint that you think the correctional investigator's office should investigate, you may write to the office directly and arrange a meeting to be held the next time the staff or the correctional investigator visits your institution. Since the correctional investigator is a privileged correspondent, your letter will not be censored. Your meeting may be held in private if the correctional investigator feels your letter discloses a valid concern.

When you are being questioned by CSC staff concerning alleged criminal charges, you have the right to be verbally informed that information given may be used in further proceedings against you.

If you, in conversation with an officer, provide information concerning a danger to anyone or a threat to the security of the institution, the officer you inform must relay this information to the proper authorities.

References: Penitentiary Service Regulations 22

CD 600-7-01.2  
"Inmates' Requests for Interviews"

CD 600-6-03.1  
"The Correctional Investigator"

CD 600-6-02  
"Inmates' Conferred Rights"

CD 600-4-03.1  
"Inmate Visiting Program"

DI 600-7-01  
"Inmates' Requests for Interviews"

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## Language

**An inmate retains all language rights assured to the community at large by the *Official Languages Act* as long as this policy does not jeopardize the security of the general public, the inmate population or the employees of the Correctional Service Canada.**

**All inmates have the right to essential services in the official language of their choice.**

**All inmates are entitled to use their own language, whether or not it is an official language, in correspondence and when speaking to visitors or other inmates, unless security concerns dictate otherwise. An inmate who is unable to speak and understand either of Canada's official languages will be provided with an interpreter, especially during disciplinary hearings.**



You will receive essential services in the official language of your choice (either English or French). Essential services include classification, orientation, medical, dental and psychiatric care, disciplinary court, chaplaincy services and parole. Non-essential services may be available in your preferred official language if there are enough other inmates who want services in that language to make providing them practical.

If your native language is neither English nor French you will be allowed to continue using it in correspondence and in conversation with visitors and other inmates unless there are security reasons for prohibiting you. If an inmate cannot speak or understand either English or French, he or she will be provided with an interpreter when it is necessary to convey important information.

If you believe that your language rights are being denied, you may grieve the matter. (See the section on "Grievances and complaints.") You could also ask Canada's commissioner of official languages to investigate your complaint.

References: Canadian Charter of Rights and Freedoms 14, 16(1), 20(1)

Official Languages Act 2, 9, 11, 26

CD 600-6-10

"Official Languages Services to Inmates"

CD 600-6-02.1

"Inmates' Conferred Rights"

DI 600-6-10

"Procedures for Official Languages Services to Inmates"

## Offences by inmates

**Disciplinary action may not be taken against inmates while they are being prosecuted in a court of law for the alleged misconduct.**

**Inmates or parolees have a right, when being questioned by Correctional Service Canada staff concerning alleged criminal charges, to be verbally informed that information given may be used in further proceedings against them.**

**When an inmate or parolee, in conversation with an officer, provides information concerning a danger to anyone or concerning a threat to the security of an institution, the officer must relay this information to the proper authorities.**

In the event that the director of your institution suspects you have committed a serious offence, the local police will be asked to investigate. If you are charged and prosecuted in an outside court, no disciplinary action may be taken against you within the institution; you may not be tried twice for the same offence. Proceedings before the disciplinary court of your institution may be initiated only if the police determine there is insufficient evidence to uphold the charge against you in a court of law.

Once the case in outside court has been dropped, the director of your institution may consider whether you should be charged with an internal disciplinary offence. The director will bear in mind your right to be tried within a reasonable time.

Usually when staff suspect you have committed a serious offence, they will leave the investigation of the incident to the police. If they do decide to question you, they must first caution you that any information you give may be used against you in later proceedings. You are entitled to be told the reasons for your arrest and to be allowed a reasonable opportunity to call a lawyer before you are questioned. Any information you give a staff member concerning an offence will be passed to the police.

References: Canadian Charter of Rights and Freedoms 10,11

DI 800-3-06.13

"Violations of Criminal Code of Canada by Inmates of Penitentiaries"

## Pay

**Inmates who satisfactorily perform the duties of the positions assigned to them by the inmate employment board are entitled to receive pay and may use a portion of their earnings to make authorized purchases in accordance with commissioner's directives.**

**Any inmate who is unable to work or engage in training due to mental or physical disability, or for whom no position or training is available, shall receive a basic allowance.**

As discussed in the "Work and Education" section, you will be assigned a job by the inmate employment board. Every job in the institution has

been classified and assigned a pay level. These levels are the same for all institutions with identical security designations. For example, an inmate of an S4 institution who has been assigned a cleaning job will receive the same level of pay as a cleaner in any other S4 institution. If you do the work asked of you, you will be paid at the established rate. You will not receive pay if you refuse to work or are suspended from your position for doing a poor job.

Once you have completed seven consecutive pay periods at the same position, you are eligible for a pay level increase. Unless you are in an education or training program, the inmate employment board is responsible for deciding whether to raise your pay. The board will base its decision on your supervisor's reports of your work performance. If you are in an education or training program, your pay will be increased as you earn educational qualifications.

Your institution will open both a current and a savings account for you. A percentage of your earnings will be deposited in your savings account, in accordance with commissioner's directives, while the rest of your earnings, minus the forfeitures and deductions authorized by the Penitentiary Service Regulations, will go into your current account. These deductions and forfeitures include payment for any damage that you have caused to institutional property, contributions to the inmate welfare fund and repayment of any debts, including loans from the canteen and inmate welfare fund.

Inmates who are serving long sentences may be exempted from compulsory savings for part of the time they are in custody. If you have much time left to serve and would like to apply for this exemption, you should ask your case management officer whether you qualify.

If you are unable to work because of a disability or injury, or if no jobs are available at your institution, you will be paid a basic allowance. The amount of the allowance is set by the commissioner of corrections.

You may use money in your current account to buy items which commissioner's directives permit you to have for your personal use. Information concerning the procedure for making a request is found in the "Trust Fund" section.

References: PSR 15(3), 32(1.2), 36

CD 600-6-06.1  
"Inmate Money"

CD 600-6-02  
"Inmates' Conferred Rights"

CD 500-1-08.1  
"Inmate Pay"

DI 500-1-08.1  
"Inmate Pay"

## Personal Property

**The director of an institution shall take reasonable care to ensure that any property an inmate has been allowed to bring into and keep in the institution is protected from loss or damage.**

When you arrive at a penitentiary, the admission officer will tell you what articles of personal property are allowed in the institution and how much you may keep in your cell, in accordance with commissioner's directives. You will also be advised of the maximum amount of property that can be stored in containers provided by the institution. Valuables and important documents will be kept separately in a fire-proof cabinet or safe.

You must dispose of any belongings not allowed in your cell or that cannot be accommodated in a storage container. You may authorize Correctional Service Canada to dispose of these articles for you. If you refuse to dispose of unauthorized property, you may be charged with possession of contraband.

While in custody, you may not receive personal gifts. Any money sent to you will be deposited in the savings account opened for you by the institution. You may not sell, give or loan personal property to another inmate unless a family relationship exists and the director of your institution approves the transaction.

The officer who admits you to your institution will make a list of your cell property and stored belongings and give you a copy. You are responsible for all of the articles you are allowed to keep. You also must ensure that anything you receive through approved channels is added to the list of your belongings. If one of your possessions disappears, you will have difficulty proving loss unless the article was recorded on your list of personal belongings.



Staff must take reasonable care to protect your approved personal property from loss or damage. Usually, when you are transferred or released, you will be given the opportunity to pack your own belongings. However, if the packing is done in your absence, two officers must be present at all times.

If your belongings are lost or damaged and you have valid reasons for believing that staff did not take reasonable care of them, you may submit a claim for compensation to the director of your institution. Staff will provide you with the appropriate form. Complete it as soon as you discover the loss or damage. An inquiry will be conducted.

If your claim involves property valued at less than \$100, you will be informed in writing of the status of your claim within 30 days of the director receiving it. This time limit is extended to 60 days if you are claiming more than \$100.

Both you and the commissioner of corrections must be told the reasons for delay if your claim is not settled within 90 days of your submission to the director.

If your claim for loss or damage to personal property is denied, you cannot grieve the decision. A separate appeal procedure has been set up to deal with denial of claims against the Crown. This involves submitting a written appeal to the assistant director, Administration within 30 days of hearing that your claim has been turned down.

If your institution does not have an assistant director, Administration, your appeal should go to the director. An appeal involving \$100 or less will be forwarded to the deputy commissioner of your region. He or she will

send you the decision in writing within 15 working days of receiving your submission.

Should you not be satisfied with the regional decision, you may appeal to the commissioner of corrections within eight working days of hearing from regional authorities.

Any appeal involving more than \$100 is forwarded to the commissioner of corrections, who will inform you of his or her decision within 15 days of receiving it. If your claim is for more than \$1,000, the commissioner will reply within 30 days.

#### References: PSR 18

CD 600-6-03.3

"Inmate Claims Against the Crown Appeal Process"

CD 600-1-08

"Inmate Personal Property"

CD 150-3-09

"Claims Against the Crown/Inmate Personal Effects"

DI 600-6-03.3

"Inmate Claims Against the Crown/ Appeal Process"

DI 600-1-08.1

"Handling of Inmate Personal Property"



## Programs

**Every institution must provide programs designed to help inmates become responsible and law-abiding citizens. All inmates are entitled to an individual program plan, which will ensure they have the opportunity to participate in activities designed to prepare them for release into society.**

When you are admitted to a federal institution, a case management officer will interview you to identify programs that may help you cope with the problems which contributed to your imprisonment. You will then meet your case management team. Within 60 days of your admission, the team must draw up a plan for your participation in the activities likely to meet your needs. You will be expected to discuss the programs with members of your team and to help develop your individual plan.

The type of programs the institution will make available, if facilities and funding permit, include academic courses, training in semi-skilled and skilled trades, work assignments, religious and recreational activities, counselling and life management skills instruction. A drug and alcohol abuse program will be provided for those inmates who need it.

You must take part in any program included in your individual program plan except for religious and recreational activities. After your plan is approved by a case management supervisor, your case management team will meet with you at least once every three months to discuss your performance and make any necessary changes to your program plan. If you want your performance reviewed at any other time, you may ask for further meetings with your case management team.

Subject to commissioner's directives, you are permitted a hobby as long as it does not create a nuisance, or threaten your safety or the security of the institution. If there are costs associated with this hobby, you must cover the expense with money from your trust fund.

References: Penitentiary Service Regulations 20, 29, 30

CD 600-2-03.1

"Individual Program Planning"

CD 600-4-01

"Social and Cultural Development"

CD 600-4-02

"Arts and Crafts"

CD 600-4-07.1

"Inmate Recreation and Exercise"

## Protective custody institutions

**Protective custody facilities will be provided for inmates who demonstrate they could be harmed in the general population of other penitentiaries.**

If you are in danger in the general population of an institution, you may be transferred to a protective custody facility. It is your responsibility to inform staff of any threats made against you so that appropriate steps can be taken to protect you.

Before a transfer to protective custody is authorized, your situation will be fully investigated and all alternatives considered. In addition, you should be told of the positive and negative consequences of being known as a protective custody inmate. Since protective custody is a form of segregation, the transfer steps outlined in the "Administrative Segregation" section must be taken when you are placed in a protective custody institution.

If you are transferred to a protective custody institution, the transfer alone should not affect your security classification. Wherever possible, given the limitations of each institution, you should have programs, privileges and amenities comparable to those available to the general inmate population in other institutions.

If in time, you could be returned safely to a non-protective custody institution, a reasonable effort must be made to transfer you.

Reference:

CD 800-4-02  
"Protective Custody Institutions"

## Reception

**When inmates are initially received in a federal institution, they shall be housed, where facilities permit, in a reception area separate from the general population. There they will undergo an orientation program to help them adjust to the penitentiary system.**

Normally you will not be received in a penitentiary until your appeal period, whether to conviction or sentence, has passed. But if you want to be admitted sooner, you must write to the court that sentenced or committed you to penitentiary stating that you will not appeal or that you've abandoned the appeal.

Within four weeks of being admitted to a federal institution, you must be provided with a complete orientation program including counselling and information about daily life in a penitentiary. This is an opportunity for you to become familiar with the policies and procedures of Correctional Service Canada.

If you consent, you will be given preliminary medical and dental examinations within 24 hours of arriving at a federal institution and later undergo more complete examinations.

References: Penitentiary Act 16(1)  
Penitentiary Service Regulations 11

CD 600-1-02.1  
"Admission"

CD 600-2-02.1  
"Decentralized Reception and Placement"

CD 600-2-02.2  
"Centralized Reception and Placement"

## Religion

**Every inmate has freedom of conscience and religion.**

You will be allowed to worship and observe your religion as long as this does not interfere with the good order and discipline of the institution. Your institution must provide religious programs directed by a qualified chaplain. But you have the choice of whether or not to participate in the programs.

Freedom of religion includes the following rights provided they do not threaten the security, discipline or good order of the institution:

- You may receive religious books and pamphlets and subscribe to religious publications as provided in commissioner's directives.
- If you are a member of a religion not represented by an institutional chaplain, you may be visited by a cleric or religious member of your faith. Religious visits are coordinated by the institutional chaplain.

- You are entitled to wear religious symbols associated with the faith you declared when you were admitted to the institution.
- You may follow a diet required by your religion. If you request a religious diet, you will be interviewed by the institutional chaplain, who is responsible for authorizing requests for special diets based on religious beliefs.

It is your responsibility to inform the administration of your religious beliefs and practices, and to respect other inmates' beliefs when they differ from your own.

References: Canadian Charter of Rights and Freedoms 2(a)

CD 600-5-01.1  
"Religious Program"

CD 600-4-04.1  
"Inmate Mail and Telegraph Communication"

CD 600-6-02  
"Inmates' Conferred Rights"

CD 200-2-04.1  
"Religious Diets"

DI 600-5-01.1  
"Religious Program"

## Searches

**Every inmate has the right to be secure against unreasonable search and seizure. Any inmate may be frisked or strip searched whenever a staff member considers such action reasonable to uncover contraband or to maintain the good order of the institution.**

**No female inmate shall be frisked or strip searched by a male staff member.**

**Every inmate has the right to refuse a body cavity search. Such a search cannot be carried out without written consent of the inmate and the written approval of the director.**

Three types of searches may be conducted:

- Frisk search is a hand search from head to foot with clothes on;
- Strip search is a procedure requiring you to undress and be searched visually. Your hair is searched by hand;
- Body cavity search is a procedure requiring you to undress. Your body, including body openings, is searched by a doctor.

A female inmate may be frisked or strip searched only by a female staff member. A male inmate may be frisked by staff of either sex and may be strip searched by female staff in emergencies if male staff are unavailable.

If staff believe that conducting a body cavity search is necessary to discover contraband or to maintain the good order of the institution, they will ask you to agree in writing. Once you consent, staff will seek the director's approval. Should you refuse a body cavity search, the responsibility is yours to ensure prohibited or contraband articles are not found in your possession. A list of the items you are allowed to have in your possession can be found in commissioner's directives. Any items not found on this list are considered contraband. In the event that you are found with contraband, you may be charged with misconduct. Police may be called in to investigate if possession of the contraband is illegal.



Your cell and the activity areas of your institution are not private and may be searched by staff members in order to maintain the security and good order of your institution. Any visitor who comes to see you while you are in custody will be required to leave personal possessions in storage containers at the entrance of the institution. They may be asked to submit to a search if a staff member has reason to believe that the visitor possesses contraband. A visitor who refuses to be searched shall not be allowed to enter the institution.

References: Canadian Charter of Rights and Freedoms 8  
PSR 41

CD 800-2-07.1  
"Searches"

CD 800-2-08  
"Contraband"

## Transfers

### Involuntary transfer to a federal institution

**An inmate who is involuntarily transferred must be told, subject to security considerations, of the reasons for transfer and be allowed 48 hours to give reasons why this decision should be reconsidered. The inmate shall be informed, in writing, of the reasons for the final decision.**

Reasons for transferring inmates are listed in the section of this handbook entitled "Voluntary transfer to another federal institution." Before

deciding to transfer you to another institution, staff must carefully review your file and give all possible consideration to family, cultural and language factors. Transfer decisions must be as humane as possible. You will be told about the transfer before it happens — unless the director of your institution has reasonable grounds to believe that informing you would create a security risk.

If you are considered for an involuntary transfer, you will be given an opportunity to respond. You should submit your reasons to the director of the institution, who will reply in writing. In the event that you are not forewarned of the intention to transfer you, you will be given written reasons for the transfer within 48 hours of your arrival at your new institution.

You will be given an opportunity to say why you think the transfer decision should be reconsidered. If the decision is not reviewed and you believe there were no valid grounds for the transfer, you may file a grievance as explained in the "Grievances and complaints" section of this handbook.

When you are transferred, your medical needs will be communicated to the health staff at the receiving institution. Any money in your trust fund will also be forwarded to the receiving institution.

References: Penitentiary Act 13(3), (4)  
PSR 14

CD 600-2-04.1  
"Transfers within Canada"

## Voluntary transfer to a federal institution

**Inmates who apply for a transfer to another federal institution are entitled to receive a prompt answer to their request and be given reasons for denial.**

- You may be transferred:
- To ensure your safety; or
  - To allow you to participate in a program not available at your present institution; or
  - To achieve a humanitarian goal, such as moving you closer to your family.

If you wish to be transferred to another penitentiary, you should submit your request in writing to your case management officer, who will forward it to the proper decision-maker. Note that you can be transferred only to institutions that can accommodate your security classification. For example, if you are classified as medium security, you could not be transferred to a penitentiary housing only minimum security inmates.

You are entitled to know whether your transfer application has been accepted or denied within 30 working days of the date your case management officer received it, unless your application is referred to national headquarters for decision. If national headquarters is consulted, 15 additional working days may pass before you receive an answer. If your transfer request is denied, written reasons for the decision will be sent to you.

Your application for transfer should include sound reasons for your request.

Reference:

CD 600-2-04.1  
"Transfers within Canada"

## Voluntary transfer to a provincial or territorial institution

**An inmate may request a transfer to a provincial or territorial institution if the federal government and provincial or territorial government involved have entered into an agreement permitting transfer of inmates from one jurisdiction to another.**

As of September 1, 1984, the federal government has entered into transfer agreements with every territory and province except for Ontario and Prince Edward Island. If you wish to be transferred to a territory or province with a transfer agreement, you may submit a written request to your case management officer, who will afford it to the appropriate decision-maker. Your request may be approved if there are humanitarian grounds for a transfer.

This type of transfer is of particular benefit if you are a female inmate, since it may allow you to be incarcerated closer to home than the Prison for Women in Kingston, Ontario (Canada's only federal penitentiary for women).

If you ask to be transferred to a provincial or territorial institution, you must agree to participate in its programs.

References:

CD 600-2-04.1  
"Transfers within Canada"

DI 600-2-04.1  
"Exchange of Services — Transfers of Federal Inmates to Provincial Institutions"

## Trust fund

**Each institution must have an inmate trust fund consisting of a current and savings account for every inmate.**

When you are admitted to a penitentiary, staff will open a current and savings account in your name and deposit any money that you have with you in the savings account. You will be allowed to see the balance of your savings and current accounts in accordance with procedures set up by your institution and will receive interest on the funds in these accounts.

If you want to buy items approved in commissioner's directive for personal use, you may ask that money in your current account be withdrawn for this purpose. You must submit a written request to the officer responsible for approving disbursement from the inmate trust fund.

Should you wish to withdraw money from your savings account, you must have permission of the director or a designated officer. They must keep the following in mind:

- The money cannot be spent buying items for your use while in custody;
- the director or designated officer must be convinced that the money will be used in a way that will help you become a responsible citizen;
- the balance of your savings account cannot drop below the level set by the commissioner of corrections unless special circumstances outlined in commissioner's directives exist.

Once a year, you may apply to transfer money from your savings

account to your current account if you meet conditions set out in commissioner's directives. You cannot transfer money from your trust fund to the credit of another inmate unless there is a family relationship.

References: PSR 32

CD 600-6-06.1

"Inmate Money"

CD 600-6-02.1

"Inmates' Conferred Rights"

## Visits and telephone communication

**All inmates may visit with family, friends and other community contacts who can contribute to their successful return to the community. However, the director has authority to refuse or suspend a visit if there are grounds for believing it would be detrimental to the security and good order of the institution.**

**Privacy of visits shall be maintained, but supervision of visits may be ordered by the commissioner or the director to the extent necessary for an inmate's well-being or the security of the institution.**

**All inmates, except those in punitive dissociation, shall be permitted reasonable and equitable access to telephones in order to communicate with family members and friends, unless the director has reason or cause to believe it represents a danger to the good order and security of the institution, or jeopardizes the inmate's well-being.**



The director of your institution will establish visiting hours when family and friends may come and see you. Every effort will be made to respect your privacy during visits — to the extent that security concerns permit. A sign, in both English and French, stating that conversations between you and your visitors may be monitored must be posted in the visiting area.

You should inform your visitors that they may be asked to submit to a personal search if a staff member has reason to believe that they possess contraband. Any visitor who refuses to be searched will not be allowed to enter the institution.

You should also tell your visitors that it is an offence to bring contraband into a penitentiary. If you are dissociated as punishment for misconduct, you will be allowed only a limited number of restricted visits.

When making a telephone call, you may speak in the language of your choice. You must pay for your long distance telephone calls unless exceptional circumstances exist.

Telephones will be located in an area permitting a reasonable degree of privacy from other inmates. A sign stating, in both official languages, that telephone conversations may be monitored must be posted beside every telephone. If the director denies you access to the telephone, you are entitled to a written explanation for the decision.

References: Penitentiary Service Regulations 27, 28

CD 600-4-04.2

"Telephone Communications by Inmates"

CD 600-4-03.1

"Inmate Visiting Program"

DI 600-4-03.1

"Inmate Visiting Program"

## Work and education

**Every effort shall be made to take into account inmates' preferences and needs for self-improvement when assigning them to a job.**

**The commissioner shall, if possible, make available academic and vocational training to every inmate who is capable of benefiting from it.**

As part of your individual program, you are required to work at a job or activity designed to assist you improve your education, acquire new skills and work habits or earn money for your eventual release. Your work will be assigned to you by the institution's inmate employment board.

Before placing you in a particular job or activity, the inmate employment board must study your individual program plan to make sure the choice is based as much as possible on your needs and wishes. Your name may be placed on a waiting list if positions in your preferred job placement are unavailable.

If you are not satisfied with your assigned work and have completed at least three pay periods at the job, you may request another position. You should submit your request in writing to the inmate employment board.

You are required to work at your assigned job or activity for a full institutional day, as defined in commis-



sioner's directives. As a general rule, Sundays and statutory holidays are not working days unless you are performing necessary administrative tasks or your help is requested to meet an emergency. You will never be employed in a disciplinary capacity over another inmate, nor will you be forced to work for the personal benefit of any staff member.

Should you believe that you are physically unable to do the work you have been assigned, you will be examined by the institutional physician. If the physician agrees you are physically incapable of doing the job, you will be given alternate work or provided with medical or remedial programs.

If you refuse to work without cause, fail to work to the best of your ability, or leave your work without permission, you may be suspended from your position for up to six weeks or charged with misconduct.

Your work performance will be assessed regularly by the supervisor of your work area. Your supervisor will fill out a performance notice only if your work is considered very good or very poor. A performance notice indicating that you are doing excellent work could help you when you are applying for early release, for a transfer to another institution, for a new work assignment or for a higher level of pay.

On the other hand, a notice of poor performance will be brought to the attention of members of the inmate employment board, who may change your work assignment or

reduce your level of pay. A poor performance notice may also be shown to the earned remission board, which could reduce your award of earned remission for that month.

When you are admitted to a federal institution, you will be given a standardized test to evaluate your educational level. A special effort will be made to provide you with basic education if you need it. Some institutions have a general education development program for inmates at the high school level. This program is designed to prepare you for a grade 12 equivalency examination.

This will help show you are qualified for jobs that require grade 12 education when you are released from penitentiary. It is your responsibility to take advantage of the available opportunities for learning new skills and upgrading your education.

References: Penitentiary Service  
Regulations 35, 39(c), (d)

CD 500-1-01.1

"Education, Training and  
Employment"

CD 500-1-01.2

"Vocational Skills Development and  
Employment"

CD 500-2-01.1

"Vocational and Academic Education"

DI 500-1-08.2

"Inmate Employment Boards"

DI 500-2-03

"Formal Trade-School Courses"