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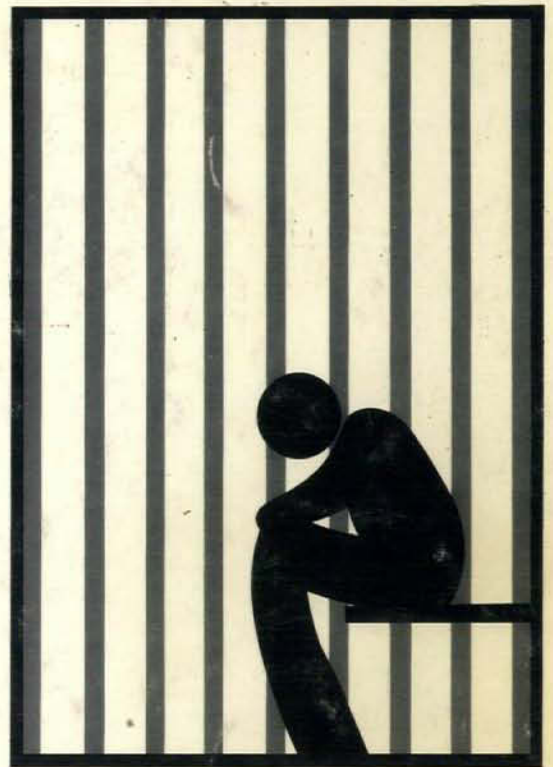
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Annual Report of the Correctional Investigator

1974-1975



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

Annual
Report
of the
Correctional
Investigator

1974 - 75

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1974-
1975



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

10 November, 1975

The Honourable Warren Allmand,
Solicitor General of Canada
House of Commons
Ottawa, Ontario

Dear Sir,

As Correctional Investigator, appointed to investigate and report upon complaints and problems of inmates in Canadian penitentiaries, I have the honour to submit, respectfully, the attached report. This report covers our second year of operation, namely the period from 1 June, 1974 to 31 May, 1975.

Sincerely yours,

A handwritten signature in black ink, reading "Inger Hansen". The signature is written in a cursive, flowing style.

Inger Hansen, Q.C.
Correctional Investigator

P.O. Box 950, Station B
Ottawa, Ontario
K1P 5R1

C.P. 950, Station B
Ottawa (Ontario)
K1P 5R1

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Inger Hansen, Q.C.
Correctional Investigator

Appointment and Terms of Reference

The Correctional Investigator has been in office since 1 June, 1973. This is our second annual report; it covers the period from 1 June, 1974 to 31 May, 1975.

The Correctional Investigator is appointed as a Commissioner under the Inquiries Act with authority to

...investigate, on her own initiative or on complaint from or on behalf of inmates as defined in the Penitentiary Act, and report upon problems of inmates that come within the responsibility of the Solicitor General, other than problems raised on complaint

(a) concerning any subject matter or condition that ceased to exist or to be the subject of complaint more than one year before the lodging of the complaint with the Commissioner, or

(b) where the person complaining has not, in the opinion of the Commissioner, taken all reasonable steps to exhaust available legal or administrative remedies,

and the Commissioner need not investigate if

(c) the subject matter of a complaint has previously been investigated or,

(d) in the opinion of the Commissioner, a person complaining has no valid interest in the matter.

A directive from the Commissioner of Penitentiaries dated 30 August, 1973 concerning the Correctional Investigator provides that

(a) The Federal Correctional Investigator has the right of access, without limitation, to inmates in all Canadian penitentiaries. The Correctional Investigator will make regular announced visits to all institutions. These visits shall be publicized to the inmates upon receipt of notice of an intended visit from the Federal Correctional Investigator, and private interviews shall be arranged with inmates who wish to meet with the Correctional Investigator, or when the Correctional Investigator wishes to interview them.

(b) The Federal Correctional Investigator shall also be permitted to visit penitentiaries unannounced, and at irregular times. The full cooperation of institutional directors and staff shall be provided to the Correctional Investigator in carrying out the investigations authorized under the Inquiries Act.

(c) Inmate correspondence addressed to and from the Federal Correctional Investigator shall be forwarded unopened from the institution and delivered to the inmates unopened.

Exchange of Inmates

The Federal Government and the governments of the provinces of Nova Scotia, New Brunswick, Quebec, Manitoba, Saskatchewan, Alberta, and British Columbia and of the Yukon Territory and the Northwest Territories have entered into agreements for the transfer of persons from custody in provincial institutions to penitentiaries, and from penitentiaries to provincial institutions. The agreements provide, *inter alia*, that:

"Canada and the Province mutually covenant and agree that any official appointed for purposes that include the investigation of complaints from or on behalf of inmates shall continue to have all existing rights of access to such inmates, notwithstanding that their custody has been transferred pursuant to clause 1 or clause 2 of this agreement, but only in respect of complaints pertaining.

(a) to matters for which the province is responsible, if the custody of the inmate has been transferred pursuant to clause 1 of this agreement, or

(b) to matters for which Canada is responsible, if the custody of the inmate has been transferred pursuant to clause 2 of this agreement."

The agreements enable the Correctional Investigator to receive complaints from "federal" inmates transferred to provincial institutions in accordance with an agreement.

Comments

The Correctional Investigator functions as an "ombudsman" for penitentiary inmates. The wide investigatory powers conferred on the office under the *Inquiries Act* are used to respond to inmate complaints which should be resolved because there has been a mistake, an oversight or abuse of power on the part of the bureaucracy. Representations are made by the Correctional Investigator on behalf of complainants who appear to have been treated unfairly by the system.

In cases of special hardship, it has also, from time to time, been possible to persuade administrators to alleviate the situation.

We believe that inmates become aware of our services by word of mouth, through our contact with inmate committees, from reports in the media, both inside and outside institutions, and by referrals from Members of Parliament, voluntary organizations and individuals.

An "ombudsman" should be considered a last resort, but where it is impossible, unreasonable or too costly for the individual to seek other remedies our office will assist in the first instance.

There is a tendency among some inmates to come to our office immediately. We receive requests such as: "Can you help me get a transfer?" When met with this or similar requests, we now often encourage inmates to make applications to the administration, to use the internal grievance procedure, or to compose letters of claims for compensation. We discovered that our letter (see page 18 of first annual report) explaining how to use the grievance procedure was often interpreted as just another bureaucratic "brush-off". Sometimes, the letter was even considered as an expression that we did not think there was any merit to the complaint. This, of course, was not the intention. We would have no knowledge that would enable us to reach that conclusion without first examining the complaint in some fashion; therefore, we changed our methods.

We still receive letters from inmates who are disappointed that we have no power to reverse administrative decisions and, needless to say, some of them do not believe us.

On the other hand, many others, in conversation and action, display a sophisticated appreciation of our exact role and how they can best use our services.

We have yet to perform our first miracle, but we are satisfied

to report that in most cases, administrators are receptive to our representations.

The majority of the complaints are still initiated by mail. We try to acknowledge every incoming letter immediately on arrival. If the matter is clearly outside our terms of reference, the individual is asked to use other avenues. In most instances, the individual is advised that a representative from our office will come to discuss the complaint.

A total of six hundred and thirty-three interviews of inmates were conducted during the second year.

During the first year of operation, the Correctional Investigator was able to visit institutions at intervals of approximately two and one-half months. With the addition of one Inquiries Officer, the intervals were reduced to between four and six weeks.

We have endeavoured not to give false hopes to inmates. We have also assured them that we would concentrate on drawing attention to administrative unfairness, error or oversight, and that we would seek change in policies that appear to be unreasonable.

It has become evident to us that a large part of our effectiveness stems from being able to "plug-in" at any level of the bureaucratic ladder. In other words, if we do not succeed at the immediate level, and we continue to believe in the fairness of our proposal, we take the problem up the bureaucratic ladder quickly, without having our arguments changed or diluted. While we normally proceed upwards, step by step, we have not hesitated in going to the top immediately, if appropriate.

It should be mentioned that by working in this manner we have often received the support of line people who themselves wished for the problem to be resolved.

A serious effort is made to keep contact with inmate committees and we are grateful for their keeping us informed and helping us keep our perspective. I should also like to compliment members of the committees for their efforts on behalf of their fellow inmates. It is apparent that their task is delicate and very demanding. They often draw to our attention complaints of individuals who might not otherwise use our services.

They sometimes express dissatisfaction that they themselves are not able to reach the policy makers concerning

matters that are important to inmates. We think one way in which this dissatisfaction might be diminished would be if inmate committees were encouraged to submit one brief per year to the Solicitor General, or if possible, some arrangement could be made for the assembly of one or more joint briefs annually from inmate committees for his consideration. A recommendation is hereby made to that effect. (1)

A number of complaints are received from members of the inmate's family, from friends, from interested organizations, and in some cases from employees of the Canadian Penitentiary Service and prospective employers of inmates. Members of Parliament have forwarded letters from complainants to this office with requests for action. We appreciate the assistance and the courtesies extended from these parties.

When someone other than an inmate complains, the letter is acknowledged and the correspondent is advised that a visit will be arranged with the inmate. Unless it would be inappropriate to do so, the letter is shown to the inmate. He is invariably asked whether he wishes to pursue the complaint.

In two instances, where a relative or friend had complained, we, at the inmate's request, mentioned to the administration that the inmate had not himself contacted us and that he had no complaints.

Finally, it should be mentioned that provincial government departments and agencies, when approached by our office, have been more than cooperative in providing information. This helped the complainants, and afforded us an opportunity to give explanations that would not otherwise have been available.

We still fall short of our goal of prompt, personal attention to all complaints. It is hoped that close attention to priorities and efficiency of office procedures will eventually resolve this.

We found some inmates wished to engage in continuous correspondence about the day-to-day frustrations of their lives. While this correspondence is both interesting and instructive, we are forced to limit it out of fairness to our staff and the other inmates and for financial reasons.

It goes without saying that inmate reaction to our services varies. Those we specifically help are pleased and many of them show it. Those we cannot help may not think very much of us.

It cost an inmate approximately one hour's earnings to mail the following letter to us:

"Just a few pleasant lines to say hello — and also thanks for the nice letter — all is great — there's always a tomorrow and I am still alive and well."

"It's spring and I feel happy — I hope the spring has entered your life too."

"Take care and keep smiling . . ."

It arrived simultaneously with one from another inmate who wrote:

"I just met (one of your Inquiries Officers) today. He thinks (certain administrative action) is O.K. If this is the best you can do 'quit'.

"Writing to you was a waste of \$.10".

Public reaction to our office has probably been mixed as well. We are grateful for the many opportunities given us by the media to outline and explain our work and we have enjoyed the invitations (inside and outside institutions) to address organizations and inmate groups and answer questions about our functions. These groups and organizations are knowledgeable and concerned, and it is a pleasure to appear before them.

However; we sometimes find articulated public opinion on the subject of crime puzzling. It must be difficult for conscientious administrators to keep their sense of direction in the face of swings in public attitude. Within a period of five years, it seems, public reaction has swung from an expression of approval for understanding, humane attitudes to a demand for repressive, punitive conditions.

There are no easy solutions, and I do not pretend to have the answers. In our work, we bear in mind that an individual remains a human being after conviction for a crime, and the nature of his crime has no bearing on how his complaint is dealt with by our office. We also bear in mind that inmates cannot be stereotyped anymore than can students, seamen or shopkeepers.

Provincial Ombudsmen

During the year, contact with provincial ombudsmen was maintained. Discussion of mutual problems was most helpful and from time to time referrals were made where a particular problem fell within the jurisdiction of another ombudsman.

A meeting scheduled for September, 1975, of the provincial ombudsmen, the Commissioner of Official Languages, and others, is being arranged by the Nova Scotia Ombudsman, Dr. Harry D. Smith.

Procedures

The procedures outlined in our first annual report were, generally speaking, followed during the second year of operation. The employment of an additional Inquiries Officer enabled us to deal with most problems in person, rather than by mail. I have the distinct impression that by handling complaints orally and informally a number of misunderstandings can be avoided.

Staff and Office

As of the 31st of May, 1975 the following persons were engaged in our office:

Mr. D. C. Turnbull, Executive Assistant
Mr. B. McNally, Inquiries Officer
Mr. J. Couillard, Inquiries Officer (Part-time)
Jane Longo, Executive Secretary
Mrs. L. Schneider, Typist
Miss F. Johnson, Stenographer
Maureen Labonté, Bilingual Assistant (Part-time)

I should like to express my sincerest appreciation to the staff for their lively interest in the work of our office and for their constant efforts directed toward their tasks.

On the personal level, I should like to thank them for their humanitarian attitudes, and for standing together when the going was rough.

Our offices in the capital are spacious and pleasant; we have experienced no difficulties in so far as supplies are concerned, but careful planning is required to stay within our allotment for travel purposes.

Grievance Procedure

The Canadian Penitentiary Service grievance procedure was established at approximately the same time as our office. The current directive covering this procedure is set out in Appendix A. The procedure was described in our first annual report on page 13.

We have found that inmates are gradually accepting the value of the grievance procedure within the Canadian Penitentiary Service and we have observed that some complaints are being resolved through this means. As of the 14th of April, 1975 a permanent position of Inmate Grievance Administrator was established to deal with inmate grievances at the third level.

Our involvement in the grievance procedure is often to urge inmates to accept that it is worthwhile. We argue that, if the procedure is not used, the Penitentiary Service authorities can legitimately say that inmates have few complaints or, that complaints are not clearly defined. We also state that while it may not get instant results, the use of the grievance procedure may cause a fresh review of the problem by at least three administrative levels. We suggest that it is one way in which the inmate can place his or her views on record. We also suggest to inmates that our operation might collapse if we had to deal with complaints in the first instance. Nonetheless, we have to turn down a large number of complaints, classifying them as premature when they are directed to us in the first instance. We try to decline complaints in person, partly to see if there are particular reasons why the inmate should not be asked to use ordinary channels to seek redress.

We are fully aware that it sometimes takes courage for inmates to launch a grievance and that some will not grieve for fear of repercussions or the fear of being labelled as constant complainers. If the matter is delicate or urgent, we do not insist that the complainant use the grievance procedure.

Many inmates complained about delays in obtaining grievance forms. At some institutions, we were told inmates have to make a written request for an appointment to see an official to discuss their complaint orally first. An appointment may not readily be made. It may be impossible to make an appointment for an inmate who is in dissociation. At other institutions, we are told forms are only available from an official to whom the inmate can only gain access if he can obtain a pass.

The procedure of having to put in a request for an

appointment also places the official in a position to decide whether he wishes to give out a grievance form. That was not the intention. Even if the inmate has failed to complain orally, he should not be denied the right to grieve or to obtain the form.

In October, 1974 I wrote the Commissioner that:

"Recently this office has received a number of complaints from inmates that they cannot obtain grievance forms. I have forwarded the forms to these inmates explaining how they are to be used.

Some time ago, I received a complaint from an institution over the fact that I supplied the forms to the inmate and after conversation with the director, I agreed to specifically point out in my letter to the inmate that he should first make an oral complaint. Recently another director told me that although he did not want to tell me what to do, he wished I would not forward the forms.

I am reasonably certain that some institutions require the inmates to see a staff member such as their classification officer, in order to obtain the forms. Inmates claim they have difficulties both in getting appointments and obtaining the forms if the person interviewing them thinks the grievance is not justified or legitimate. Inmates in dissociation do not usually have access to classification officers and would therefore be absolutely prevented from grieving.

May I suggest that to leave it to the authority against whom the complaint is made, to decide which grievances may go forward defeats the whole purpose of the grievance system. It makes it ineffective as an outlet for inmate frustration and useless as an indicator of what is bothering inmates. I do not believe this was the intention."

In reply I was informed that:

"We share your concern with the fact that inmates are finding difficulty in obtaining Inmate Grievance Forms at some institutions.

Many memos of instruction have been sent to Institutional and Regional Headquarters in regards to the absolute necessity of grievance forms being made easily accessible to inmates, twenty-four hours a day, seven days a week.

We know that this is being done in most institutions, therefore, we would request the names of the present

offending institutions so that this matter can be rectified once and for all.

Your cooperation in this matter is most appreciated."

The names were supplied. The following month the Canadian Penitentiary Service made a survey and reported

"that stores were depleted and complications arose because the forms lacked a number and were not being re-ordered."

The institutions were encouraged by Canadian Penitentiary Service Headquarters to xerox the forms.

Nevertheless, we continue to receive complaints that forms are difficult to get.

The grievance procedure may be abused. Many institutions deal regularly with a large number of complaints, some of which may be frivolous.

We would suggest that the administration must accept and deal with all grievances. A chronic complainer may have a legitimate complaint, and it is unfair to deny anyone the opportunity to voice his or her complaint.

We will continue to insist that the grievance procedure be available to every inmate, all the time.

Paper and time cost very little in comparison to other means of expressing dissatisfaction.

Special Investigations

The first annual report described several special investigations undertaken by the Correctional Investigator. Perhaps these projects were too ambitious considering our small staff and resources. I have to report that the inquiry into the alleged excessive use of dissociation at Prince Albert Penitentiary remains incomplete, as does the study of the comparative use of gas.

The question of the announcement of the death of an inmate to his family resulted in a special recommendation in this report and the chapter in this report on the Use of Force represents our present attitudes on complaints concerning violence at Millhaven and elsewhere.

National Parole Service

Late in 1974 the Correctional Investigator was asked by the Chairman of the National Parole Board to refer to him complaints alleging unfairness in administrative actions of the National Parole Service that in our view merited investigation. This arrangement was experimental to see whether the services of the Correctional Investigator could be useful to parolees and to the National Parole Service. We continue to advise inmates that we are not authorized to investigate decisions on parole and we suggest to them that they themselves may approach the National Parole Board.

We do not have the staff or facilities to investigate complaints concerning the process leading to the parole decision, but in some cases the facts alleged or ascertained were placed before the Chairman and, we are informed, that, where merited, corrective action was taken.

Complaints

The number of complainants who contacted our office this year exceeded last year's figure of 595 by 125.

The number of complaints received this year was 988 as compared with 782 during the first year.

The pattern of complaints was the same as the first year. Transfers, temporary absences, compensation questions, and discipline were outstanding because of their frequency.

The first report described the problems of inmates in dissociation. These problems have not ceased and I remain of the view that solitary confinement in some instances is cruel and inhumane. We are, however, encouraged by the establishment of a committee, chaired by Dr. J. Vantour, set up to study the question of dissociation. The Correctional Investigator has been invited to make representations to that committee and has supplied a summary of all complaints concerning dissociation.

The first report also expressed concern about the handling of inmate effects and we were pleased to see the appointment of an individual within the Canadian Penitentiary Service, Chief, Administrative and Legal Affairs, who is charged with handling requests for compensation concerning loss of personal property and personal injuries. Some of these complaints are now being handled more speedily and effectively by the Canadian Penitentiary Service and there appears to be greater recognition by the staff of the rights of inmates in this area.

A large number of complaints was received in respect of transfers. The chapter on transfers deals extensively with the nature of these complaints and contains some proposals for change.

Another matter, which causes continuing concern, is the procedures before the internal disciplinary courts. This is dealt with in the chapter on Disciplinary Proceedings.

It is hoped that the pattern and frequency of complaints will indicate to the administration, areas of prime concern to inmates. Some complaints cannot be resolved by recommendations from our office, but it would seem reasonable to suggest that subjects that are constantly mentioned by inmates deserve close scrutiny by the administrators.

It is apparent that those who have the most frequent contact with the inmates and those who decide on requests are most often the subjects of inmate complaints.

Some classification officers are singled out by inmates as being uninformed and uninterested in the welfare of the inmates. Inmates also complain that they are inadequately represented by their classification officers before various boards. We have substantiated complaints of unexplainable delays in the submission of reports for parole, temporary absences and assessments by professionals. Sometimes efforts at coordinating job offers and release dates are frustrated by administrative delays.

Inmates in medium institutions express their reactions to living unit staff in a slightly different way. "We are supposed to develop a meaningful social relationship with living unit officers, but you tell me, how can you rap with an officer in the morning, overhear him discuss your intimate problems with other inmates in the afternoon, and keep your cool when he charges you before he goes home?"

Complaints are also received from inmates that the staff gossip about them and release information to press and hot-line radio shows. Several such allegations were pursued but we were unable to prove any specific indiscretion because the information had either been available to numerous individuals or agencies who could not be identified, or the information was a matter of public record.

It appears to our office that some classification officers work under extremely difficult conditions both in terms of space and resources. Many misunderstandings arise because what was promised, or perceived as promised by staff, did not materialize for various reasons. There is often failure of communication between inmates and classification staff and between classification staff and custody staff. The result is that the inmates are puzzled and angered by inconsistencies. It sometimes puts me in mind of a family situation where parents cannot agree on granting of privileges and on discipline.

Staff also come in for criticism by inmates for playing "head games". For instance one inmate reported that he had been refused a temporary absence because he had an alcohol problem. He joined the Alcoholics Anonymous and later again applied for a temporary absence. The next time he was again refused but was told that his community assessment was bad because of a poor relationship with his wife. He then cut off his relationship with his wife. On the next application for temporary absence he was told that he had a bad police record. All these reasons given for the refusals may have been valid, but the basis for his frustration is obvious.

Another example of an inconsistency would be that an inmate may have received passes for temporary absence from time to time while in a medium institution. He is

subsequently transferred to a minimum institution and at that time it is discovered that the community investigation for purposes of his previous passes was incomplete in its final form. When it is completed and it is negative, the person is suddenly cut off from passes.

Inmates worry about information contained on their files. While they are not entitled to see their files it is our experience that most of the time they have a fair idea of what the reports contain.

Inmates say, "How can I improve my attitude if I don't know what's wrong with it". "How can I protect myself against false information on my file if I don't know what is there". We have given the advice that where the information involves a value judgment, that judgment is often the subject of review by other professionals and that the person making the report, it is hoped, would be challenged if his judgment is too inaccurate. Nonetheless, it is disturbing to see how information about an inmate that is years old is sometimes repeated without any apparent attention being paid to a possible change in behaviour. For instance, a transfer may be refused by a prospective receiving institution because the person previously, possibly many years ago, caused trouble at that institution.

Most of the complaints outside our terms of reference were referred to legal aid or provincial ombudsmen, and when appropriate, to other agencies, governments or departments.

For instance, an elderly inmate complained to our office that there was a discrepancy of two years in respect of his real date of birth and the one recorded for purposes of eligibility for old age assistance. He was assisted in making representations to the appropriate authorities and later wrote to tell us that about \$400.00 would be available to him on his release because a correction in the records had been made.

Finally, the handicapped, the old and the illiterate suffer special difficulties in institutions. With the help of inmates, inmate committees and staff we discovered cases of extraordinary hardships.

For instance, one deaf mute inmate was in danger of being shot when he went too near a fence and could not hear the shouts of the perimeter guards. A staff member mentioned the case to our investigator. It was brought to the attention of senior administrators and the man is now in an institution better suited to his needs.

In other cases, the provision of special rehabilitative aids for the handicapped was speeded up as a result of our efforts.

A particularly serious problem arises for the illiterate person who spends his time in administrative segregation or in protective custody. The education available to inmates in segregation is by way of correspondence courses, but we believe that there is no tuition available to the segregated, illiterate inmate. Thus he is generally left to his own resources, with nothing to do.

There is no doubt that persons who are especially disadvantaged suffer excessively during their incarceration. The penitentiary programmes must, of necessity, be geared to the average and there appears to be few resources available for the person with exceptional problems.

Prison architects of the past do not seem to have taken into consideration that some of the residents are in wheelchairs, use crutches or are blind.

It is hoped that small institutions, which we believe are being planned, will be better able to give needed attention to these persons.

Statistics

The statistics indicate the origin of complaints. However, this does not necessarily mean that the complaint is lodged against the institution where the inmate lives at the time of making the complaint. It is quite possible, for instance, that an inmate may be in a community correctional centre from where he may make a complaint about something that happened while he was in a more secure institution.

On receipt of a fresh complaint from an inmate who had complained during our first year and whose file had been closed, a new file number was given to the subsequent complaint. This procedure was also adopted when the complaint was previously rejected as "premature".

At the end of the first year of operation, 88 files were shown as pending. Separate statistics have been shown for those files. Pending complaints have been included in the calculation of "percentage rectified or resolved" as having been handled during the second year.

A complaint may touch several subjects. In such cases we have attempted to identify the most important one. For example, an inmate may complain that he cannot obtain a transfer because his classification officer is prejudiced against him and has placed false information on his file. Depending on the circumstances, the complaint may be listed either under transfer or under information on file. If the complainant lodges two or more separate, distinct complaints, they are reported separately. If the complaints are too numerous to catalogue, they are listed as one, under miscellaneous.

Table A

Category of Complaints

Sentence administration	110
Discipline (procedures and measures)	52
Dissociation (punitive and non-punitive)	18
Temporary absence	94
Transfers	189
Compensation (injuries and property)	34
Medical	68
Education	14
Visits and correspondence	35
Bilingualism	2
Discrimination	4
Financial matters (inmates')	7
Information on file	18
Grievance procedures	21
Miscellaneous	99
Outside Terms of Reference	
Civil matters	2
Court procedures	29
Matters within provincial jurisdiction	25
Parole Board decisions	95
Other	<u>72</u>
	988

Table B
Action Taken on Complaints

ACTION	NUMBER
Pending	108
Declined a) No jurisdiction	150
b) Premature	292
c) Not justified	109
Discontinued	79
Assistance, advice or referral	82
Unable to assist	23
No immediate action required	24
Rectified or resolved	106
General recommendations	<u>15</u>
	988

Action Taken on Complaints Pending End of First Year

ACTION	NUMBER
Pending	4
Declined a) No jurisdiction	1
b) Premature	23
c) Not justified	7
Discontinued	15
Assistance, advice or referral	6
Unable to assist	0
No immediate action required	3
Rectified or resolved	25
General recommendations	<u>4</u>
	88

Table C
Complaints Resolved or Rectified

Pending complaints — first year	88	
a) No jurisdiction	1	
b) Premature	23	
c) Pending	<u>4</u>	
	<u>28</u>	
		60
 Total complaints — second year	 988	
a) No jurisdiction	150	
b) Premature	292	
c) Pending	<u>108</u>	
	<u>550</u>	
		<u>438</u>
Total (complaints investigated)		<u>498</u>
 Total complaints resolved or rectified		131
Percentage resolved or rectified of above total		26.30%

Table D
Resolution or Rectification by Type of Complaint

TYPE	NUMBER
Sentence administration	13
Discipline	4
Dissociation	2
Temporary absence	9
Transfer	23
Compensation	9
Medical	11
Education	2
Visits and correspondence	8
Bilingualism	1
Financial matters (inmates)	1
Information on file	1
Miscellaneous	12
Parole	1
Other	<u>9</u>
	106

Table E

Complainants by Region and Institutional Classification

AVERAGE INMATE POPULATION BY REGION CALENDAR YEAR 1974	MARITIME REGION 905				QUEBEC REGION 2287				ONTARIO REGION 2614				WESTERN REGION 3142			
AVERAGE INMATE POPULATION BY CLASSIFICATION CALENDAR YEAR 1974	Max 407	Med 374	Min 124	Other	Max 786	Med 1249	Min 252	Other	Max 824	Med 1328	Min 462	Other	Max 1120	Med 1555	Min 467	Other
TOTAL NUMBER OF COMPLAINANTS																
1974																
June	2				7	8	1		17	5	2		8	1		1
July	8				10	7			12	10	3	1	10	11	1	
August	2	4		1	5	7	1	1	2	7			17	20	2	
September	4	2			7	6			6	6	5	3	7	15	3	1
October	11	2	2		2	4	1		5	7	2	1	16	10	1	
November		2			5	4	1		8	5			18	10	4	1
December	2	2			3	2		1	16	5			17	4		2
1975																
January	2	3		2	4	4			8	10	1	1	10	10	1	1
February	2	4			4	4			12	6			9	13		2
March	2		2		4	7	1		5	8	1	1	8	9		
April	4	3			2	1	3	1	4	5	1	1	8	4		
May	5	7	6		5	6	1		6	18	8	3	15	6		1
TOTAL COMPLAINANTS BY REGION	44	29	10	3	58	60	9	3	101	92	23	11	143	113	12	9
TOTAL 720																

Table F
Complainants — Monthly by Institution

AVERAGE INSTITUTION POPULATION	99	419	129	399	94	348	482	142	391	83	13	374	15	146	99	427	461	99	440	90	13	68
	REGIONAL PSYCHIATRIC CENTRE (QUE.)	COWANSVILLE	MONTÉE ST. FRANÇOIS	ARCHAMBAULT	STE ANNE DES PLAINES	FEDERAL TRAINING CENTRE	LECLERC	LAVAL MAXIMUM	DORCHESTER	WESTMORLAND	PARTOWN CENTRE	SPRINGHILL	CARLETON CENTRE	REGIONAL RECEPTION CENTRE (ONT.)	REGIONAL PSYCHIATRIC CENTRE (ONT.)	WARKWORTH	JOYCEVILLE	PITTSBURG	COLLINS BAY	FRONTENAC	PORTSMOUTH CENTRE	LANDRY CROSSING
1974																						
JUNE	1	2	1	3		2	5	2	2							2	1		2	1		
JULY	1			7		1	6	2	8			4		1	1	3	7			1		
AUGUST			1	1		2	5	4	2							4	1		2			
SEPTEMBER	1			2		4	2	4	4			2				4	2			1		
OCTOBER		2	1	1		2		1	11	1	1	2		2		3	3	1	1			1
NOVEMBER	1		1	2		3	1	2				2		2		3	3		2			
DECEMBER		2						3	2			2		2		2	1		2			
1975																						
JANUARY		2		1			2	3	2			3		1	1	5	5	1				
FEBRUARY		1		4			3		2			4				2	4					
MARCH				3	1	1	6	1	2	2				1		2	5		1			
APRIL	1		1		2		1	1	4			3				1	4				1	
MAY		1	1	3			5	2	5	5		7	1	1		9		2	9			
TOTAL																						
COMPLAINANTS	5	10	6	27	3	15	36	25	44	8	1	29	1	10	2	40	33	4	19	3	1	1

Table G
Visits to Institutions

INSTITUTION AND CLASSIFICATION	NUMBER OF VISITS	INSTITUTION AND CLASSIFICATION	NUMBER OF VISITS
MAXIMUM		REGIONAL HEADQUARTERS	
British Columbia	11	Western	6
Saskatchewan	10	Ontario	5
Regional Psychiatric Centre (Western)	5	Quebec	3
Dorchester	11		
Regional Reception Centre (Ontario)	5		
Regional Psychiatric Centre (Ontario)	7		
Millhaven	21		
Prison for Women	6		
Regional Psychiatric Centre (Quebec)	2		
Archambault	6		
Laval	5		
		Total	14
		Grand Total	216
Total	89		
MEDIUM			
Stony Mountain	4		
Drumheller	5		
William Head	5		
Mountain Prison	6		
Matsqui	7		
Bowden	1		
Springhill	6		
Warkworth	11		
Joyceville	14		
Collins Bay	10		
Cowansville	3		
Federal Training Centre	3		
Leclerc	7		
		Total	82
MINIMUM			
Parrtown Centre	1		
Stony Mountain Farm	1		
Agassiz Correctional Work Camp	1		
Burrard Centre	4		
Robson Centre	1		
Westmorland	2		
Carlton Centre	1		
Pittsburg	2		
Frontenac	3		
Portsmouth	1		
Beaver Creek	1		
Landry Crossing	2		
Bath	5		
Montée St-François	2		
Ste-Anne-des-Plaines	4		
		Total	31

Table H
Interviews Conducted
During Second Year

REGION	NO. OF INTERVIEWS	AVERAGE POPULATION
Atlantic	70	835
Quebec	127	2244
Ontario	194	2388
Pacific	<u>232</u>	<u>3121</u>
	633	8588

Case Reports

Because of their variety and interesting subject matter, complaints that have been resolved or rectified, have been reported in preference to those that have been declined.

Sentence Administration

There have been no legislative changes pertaining to sentence calculations since the first report. Cases such as **Marcotte v. Deputy Attorney General of Canada** (1975) 51 D.L.R. (3d) 259 while beneficial to those affected, have unfortunately often added confusion to an already confusing subject.

One hundred and ten complaints were received in this category. This represents an increase of fifty-five over the first year. Thirteen were rectified.

Inmates and administrators alike, often comment on the apparent unfairness of the law that provides for the automatic forfeiture of three-quarters statutory remission after conviction for escape or being unlawfully at large. The first annual report recommended that the automatic nature of the penalty be removed. (Recommendation number 3, page 43.)

The following are a few samples of complaints involving sentences.

Case No. 619

The inmate had requested the return of statutory remission, which he had lost because of a conviction for an escape. The Canadian Penitentiary Service Headquarters at Ottawa sent a reply to the inmate advising him that:

"Your application must be made through your Classification Officer as he is knowledgeable of all factors affecting your request. Your application will be reviewed by the Inmate Training Board at the institution, and submitted with the recommendations to the Director who at his discretion will take appropriate further action.

Much will depend upon your attitude and conduct over the past twelve months in reaching a final decision."

This was a standard letter. The problem arose in this particular case because the inmate had been paroled after an escape conviction and the parole had been forfeited.

When a parole is revoked or forfeited, an inmate's sentence is re-computed in accordance with the provisions of the Parole Act (sections 20 or 21) and the Canadian Penitentiary Service, referring to section 14 of the Parole Act, interprets the provisions as creating a new sentence on which the

inmate is credited with new statutory remission. Previously forfeited statutory remission that might otherwise be restored under the Penitentiary Act (section 23) is lost. The suggestion in the letter would not have helped the inmate.

The standard letter was changed after the problem was drawn to the attention of the Commissioner of Penitentiaries. The basic problem, however, lies with legislative provisions, which are too complicated.

Case No. 1093

The complainant had received the following sentences:

Two years less one day from which he escaped; then a six months sentence for an escape and two years less one day for another offence.

He complained that his total sentence had been calculated at three years, seven months and one day. The complaint was rectified and the sentence was recorded as two years, five months and twenty-nine days.

The diagram to explain the situation would be:

Legend:

1. _____ two years less 1 day
2. - - - - - escape
3. *-*-*-*-* escape sentence
4. ••••• two years less 1 day

The longer version:

_____ - - - - - *-*-*-*-*
•••••

Three years, seven months, 1 day

As rectified:

_____ - - - - - *-*-*-*-*
•••••

Total two and one half years

The Criminal Code provides that a sentence for an escape shall be served before the balance of the sentence from which the person escaped. Any other sentence, however, commences when it is imposed, unless for some specific reason it must be consecutive.

Disciplinary Proceedings

Fifty-two complaints were received as compared with thirty-eight during the first year. Four were rectified.

The directives of the Commissioner provide guidelines for the adherence to the rules of natural justice; in practice these rules are not always obeyed. This may be because the directives are not explicit enough, or, it may be because the individuals charged with responsibilities in this area see the rules as being obstructive to their primary goals. Further information and explanations to the field appear necessary. It is not fair that a person's period of incarceration may be effectively prolonged by an administrator without adherence to a minimum of safeguards against arbitrariness.

The current interpretation of the case law (**Regina v. Institutional Head of Beaver Creek Correctional Camp Ex parte McCaud**) (1969) 1 C.C.C. 371) is that an inmate who is sentenced to punitive dissociation by a disciplinary board cannot insist that the hearing be conducted in accordance with the rules of natural justice. Unless and until the **Ex Parte McCaud** case is distinguished or overruled, it may be that decisions as to "the manner and place of confinement" are administrative. This would mean that the disciplinary board need not adhere to the rules of natural justice when ordering punitive dissociation.

This is incongruous. Punitive dissociation may be the severest form of punishment that may be imposed by a disciplinary board. It involves a change in "manner and place of confinement", but it also involves severe, punitive deprivations.

The Commissioner's directives require a disciplinary board to act in accordance with the rules of natural justice both when imposing loss of statutory remission and when ordering punitive dissociation. The directives, however, confer no rights on inmates. A breach of the directives would only be a matter for discipline as between the individual administrator and his superiors.

Our work in dealing with inmate complaints in this area is often hampered because notes of proceedings are minimal and recollections are sometimes poor and contradictory. It is not uncommon to find no reference to plea and no comments as to what witnesses were called or refused. Rarely are there any notes of the evidence that lead to the findings of the board.

In view of the above, our recommendation for an independent president of disciplinary boards is hereby repeated

(see first annual report on page 56.)

If the disciplinary boards are to continue to have the power to award the loss of statutory remission and solitary confinement, it is imperative that they keep records. This could be done by taping, with a requirement that the tapes be preserved.

It is therefore recommended that:

- (2) All disciplinary hearings of charges of what are defined as flagrant or serious offences in the Commissioner's directive, be recorded on tape, and that the tapes be preserved for a minimum period of twelve months and be made available for the purposes of dealing with inmate grievances and complaints.

The following are examples of complaints in this category:

Case No. 857

The complainant had received a sentence of twelve days punitive dissociation. He accepted that; his complaint was that he also failed to earn six days remission. The Commissioner's divisional instruction provides that where an inmate spends more than five days in punitive dissociation, he is not entitled to his three days earned remission for the month. The particular sentence was served at the end of one month and the beginning of the second. Had the inmate served the whole sentence in one month, the loss would have been only three days. The complainant has a point. Instructions that in such and similar cases only one month's earned remission shall be lost might be a solution.

Case No. 904

The complainant stated that he had received a punishment of the loss of ninety days statutory remission. He asked us whether this was legal. We explained that, where an offence is defined as flagrant, that punishment is permitted, provided it is approved by the Regional Director. We ascertained that the approval had in fact been obtained and the complainant accepted the situation.

Case No. 1066

The complainant stated that he was being discriminated against because he was forever being charged in disciplinary court. We investigated and found that he had a large number of offence reports. However, we were unable to establish any improper motives in the laying of the charges.

Case No. 1069

The complainant stated that he had been forced to shave although he had received a doctor's permission to grow a

small beard for ninety days because of his skin condition. The inmate reported that he had been placed in the hole "until I get a haircut and a shave". A review of the inmate's file disclosed that he had been charged with two offences relating to his appearance. Neither, however, appeared to have been proceeded with and this was confirmed by the inmate in a subsequent interview.

On the basis of this and other complaints, representations were made to the Commissioner that it appeared to us that the directive concerning inmates' appearance was not being uniformly applied across the country and that some institutions were very relaxed about length of hair and beards, while others were not. We suggested that consideration be given to permitting inmates to grow beards and have their hair any length they wish, subject to a reasonable standard of cleanliness. On the assumption that the objective of the prohibition against wearing long hair and beards was to prevent inmates from disguising themselves, we also suggested that if there was a problem of identification, this could be resolved by asking the inmates to pay for the cost of having new photographs taken for their files.

We also drew to the attention of the administration that negroid inmates had trouble obtaining proper grooming aids.

In spite of many hours spent discussing the subject, institutional staff appear not to be able to agree on the subject of hair. The directive now provides that:

"An inmate shall be required to keep his or her person clean, and for this purpose shall be provided with toilet and grooming articles as approved by the Regional Director."

The question of length of hair is left to the discretion of the institutional directors, subject to safety standards.

In the same directive, administrators were requested to ensure that toilet and grooming articles that are especially required by negroid inmates are provided for and included in the list of approved canteen articles or in the list of approved purchases from the Inmate Trust Fund.

Dissociation

Eighteen complaints were received in this category as compared with fifty-five during the first year. Two were rectified.

My attitudes on dissociation, as expressed in the first annual report, have been reinforced during the second year. Inmates appear fully informed concerning our recommendation and at one institution they reported considerable improvement in conditions. We were able to ascertain that the physical environment at that particular institution had been improved. It must, however, be reiterated that conditions in many of these "prisons within prisons" are appalling. No further comments are made at this time pending the findings of the report of the Vantour Commission, established by the Solicitor General as recommended in our first annual report, page 45.

Temporary Absence

Complaints about not receiving temporary absences are frequent. This year they numbered ninety-four as compared to seventy during the first year. We have explained to inmates that our terms of reference do not empower us to substitute our judgment for that of the administrators where the complaint is that the individual is dissatisfied with not having obtained a privilege and there is no wrong-doing on the part of the administrator.

Nine complaints in this category were rectified.

A few examples follow:

Several Cases

A few inmates complained that they had been refused temporary absences because they had been designated as being affiliated with organized crime.

The Commissioner's directive which deals with the granting of temporary absence contains special restrictions, applicable to various types of inmates. One restriction gave rise to a number of complaints during the year. It provides that:

"Any inmate who:

...

(3) has been identified by the police through a pre-sentence or community assessment report, as having been affiliated with organized crime, shall not be granted a temporary absence for rehabilitation reasons until a least three years after his admission to a penitentiary."

There are further restrictions on the manner in which subsequent absences are to be supervised and granted.

One problem involves the definition of "organized crime" and it has been suggested by some inmates that this definition might vary geographically across Canada and as between different police forces. A clearer definition in the Commissioner's directive would be helpful.

Each complaint relating to the above directive was investigated to ascertain whether the person complaining had, in fact, been identified as falling within its terms.

Two cases inspired the recommendation which follows. Both individuals had received sentences of less than three years.

The result was that those individuals could not partake in any rehabilitative pre-release program. Temporary absence is **inter alia** intended to assist an inmate in re-establishing himself, it is hoped, as a law-abiding citizen.

Temporary absence is not a right but a privilege granted by the administrator after careful consideration. It would seem more equitable if the directive were amended so that it does not **absolutely** prevent a release program for someone serving a relatively short sentence. In appropriate cases it should be possible to grant a temporary absence to a person serving a sentence of less than three years, even though he has been designated as being affiliated with organized crime.

It is recommended that:

(3) The Commissioner's directive be amended to provide that an individual who has been identified as having been affiliated with organized crime shall be eligible for a temporary absence for rehabilitative reasons after he has served three-quarters of his sentence or three years, whichever is the shorter.

Case No. 635 and 621

In two cases complaints were made to our office that homosexual inmates had been denied temporary absences because they wished to visit homosexual partners. In both instances the problem remained unresolved. In one, the homosexual union was discontinued. In the other case, the complainant was released.

I made representations to the Commissioner of Penitentiaries in the following way:

"A number of inmates have complained, alleging that they have been refused privileges such as telephone calls and temporary absences where the purpose of such calls or absences was contact with a homosexual partner.

I am wondering whether the denial of privileges in the cases is based on individual discretion or on express policy.

Before I deal with any complaint in this area, I should be pleased if I may be informed whether, as a matter of general policy, although all other indicia are favourable, privileges are denied exclusively on the grounds that they would further a homosexual rela-

tionship.

It is perhaps pertinent to mention that I have declined complaints concerning the censure of homosexual relationships within institutions."

The Commissioner of Penitentiaries replied stating:

"It is not the official policy of the Canadian Penitentiary Service to deny the privilege of telephone calls or temporary absences where the purpose of such calls, or absences, are to enter into contact with homosexual partners. However, I want to discuss this matter with the Legal Division with regards to the possibility of making our policy more clear and to inform all concerned. There are two major aspects to the problem:

a) the legality of the homosexual visits during temporary absences. It appears that contacts between consenting adults, in private, are quite legal and permissible;

b) the desirability of such contacts and visits with regards to the rehabilitation of inmates, which is the purpose of granting temporary absences.

Once I have received further advice in the matter, I may be in a position to be more specific in my instructions to institutions."

Eventually we were informed by the Commissioner that "no further policy decision has been made on this topic" and that he is "told that no requests are denied solely because of the sexual orientation".

Transfers

Complaints about transfers were numerous in the second year as in the first 189 as compared to 117. Some complainants alleged bitterly that they had been transferred arbitrarily from less secure institutions to maximum institutions. These transfers were described as sudden and without warning and they were made without the proposed transfer having been referred to the Regional Transfer Board. While these types of transfers, commonly known as "scoops", or, in the Quebec region as "phantom transfers", are not the normal practice, they were frequent enough to stand out in our minds as the most pressing problem in this category. Decisions as to transfers involve some of the most complex problems and difficult situations within institutions.

The Penitentiary Act, in section 13(1) to (4) provides that:

"(1) Where a person is sentenced or committed to imprisonment for life, for an indeterminate period or for any term that is required to be served in a penitentiary, it is sufficient compliance with the law, notwithstanding anything in the Criminal Code, if the warrant of committal states that the person was sentenced or committed to imprisonment in penitentiary for life, for an indeterminate period or for the term in question, as the case may be, without stating the name of any penitentiary to which the person is sentenced or committed.

(2) The Commissioner may make rules naming the penitentiaries in which, in the first instance, persons sentenced or committed in any part of Canada to penitentiary shall be received.

(3) Where a person has been sentenced or committed to penitentiary, the Commissioner or any officer directed by the Commissioner may, by warrant under his hand, direct that the person shall be committed or transferred to any penitentiary in Canada, whether or not that person has been received in the relevant penitentiary named in rules made under subsection (2).

(4) Where a person has been sentenced or committed to penitentiary, the officer in charge of the regional headquarters for the region in which the person is confined may, by warrant under his hand, direct the transfer of that person to any other penitentiary within the region."

The administration has therefore, generally speaking, total

authority to decide where a person shall serve his sentence.

It becomes apparent from the complaints received in our office that the transfer to a more secure institution is used as a disciplinary tool.

A transfer to greater security is likely to be interpreted by those involved in the treatment of the inmate as a mark against him. In addition to resulting in a limitation of his freedom, this "reverse" transfer may affect chances for parole, it affects eligibility to apply for the return of lost statutory remission, it may disrupt educational programs and group activities, and it may have an impact on visits. In a medium institution the inmate usually has open, relatively frequent visits with family and other persons. Temporary absences for any purpose may be restricted in maximum institutions. The sudden transfer may have an impact on families of the incarcerated inmate. They may arrive for a visit only to find that the inmate has been transferred, or if they have been informed, they do not fully understand why the transfer took place.

The sudden transfer is usually intra-regional and is effected as a result of representation by someone at the institutional level, either the director or the person in charge of security, directly to the regional office. The Regional Director is responsible for making the decision and signing the transfer warrant.

The possibility of a sudden transfer creates a sense of foreboding in inmates in less secure institutions. Inmates complain that they have been uprooted on a few moments notice, told "come on you are going" and then escorted to a waiting van. Sometimes they allege they have not been able to gather their personal belongings. In the past, inmates were not told the reasons for their transfers but for the last two years administrators have generally given some reasons when the inmate has grieved.

In some regions, a policy has now been established whereby inmates are called in and told why they are being transferred. Sometimes the most the administrators are able to say, however, is that the person has been "found not suitable for the type of security" in which he is at that time.

Our investigation has shown that administrators act on information from many sources, including police information, information supplied by visitors to the institution and information supplied by other inmates. In addition, reports of officers, of observation of inmates and reports that sub-

stances and articles are found in the institution may result in a decision to transfer an inmate. The information may be vague and occasionally an administrator will admit that he transferred an inmate on a "gut feeling". The main complaint of the inmates is that they have no knowledge of the actual facts alleged against them and therefore no opportunity to challenge them.

The question arises whether the procedure involved in sudden transfers can be justified. Parliament has given absolute discretion to the administration and in law the administrator is neither obligated to give reasons nor, it would appear, is he required to have a reason. If he does not act reasonably and in good faith or if he relies on irrelevant considerations when he decides to transfer, it is possible his decision might be subject to judicial review. No conclusive judicial decision has been found directly on point.

An administrator is faced with extremely difficult decisions in carrying out his responsibilities. If it is suspected that dangerous articles and substances are being brought into the institution by someone, if an escape attempt is suspected, if one inmate is believed to intend to injure or kill another inmate, then the administrator must take preventive steps for the safety of all. If he neglects to act on suspicion, he may endanger the lives and welfare of both inmates and staff which ultimately are his responsibility. The administrator also ignores such suspicion at his peril because he might either be disciplined or, in the case of harm to others because of his negligence, may have to face the possibility of a judgment for damages. Faced with such responsibilities it is only natural that caution becomes a predominant factor in his thinking.

The administrator is not, by law, required to have proof concerning any of the matters he suspects. He is making an administrative decision concerning a transfer and he must use his best judgment.

It is inevitable that some inmates conclude that they have been subjected to arbitrary treatment.

Most directors and others in top management receive a daily quota of information from inmates about inmates. Notes may be found that accuse other inmates of threats or of engaging in prohibited activities. Some of these notes are anonymous. Some inmates' wives and girlfriends make accusations against other inmates.

Institutional officials have stated that inmates who inform on a continuing basis against other inmates are often suspected of merely seeking to get rid of someone or to gain advantage for themselves at the expense of others. The trend is to ignore such evidence and some directors state

that they refuse to act on anonymous information.

The directors in maximum institutions explained the difficulties concerning the inmates who were returned. Some reported that, on being returned, inmates might attempt to slash their wrists or create a disturbance. It is also apparent that the receiving institutions would like to have more adequate information concerning the reasons for the transfer.

"Letters of justification" for sudden transfers have contained general remarks about threatened incidents and some have lacked any specific information. This causes problems for the receiving institution when there is no further material available on the inmate's file.

One director of security of a medium institution indicated that he, in a recent emergency, had arranged for a transfer even though he felt that the evidence he had collected would probably not have been sufficient to convince the Transfer Board.

A few cases have been found where inmates have been transferred to medium, presumably after careful consideration by the Transfer Board, and then within a week they were transferred back to maximum by the medium institution without reconsideration by the board.

It does not seem right that emergency transfers should be resorted to in order to circumvent the directives concerning the proper procedures to be followed in respect of transfers.

However, an equally important argument against the procedure arises from the fact that sudden transfers appear to be used as a tool for discipline. The disciplinary measures that are available to institutional authorities are set out in the Penitentiary Regulations and available punitive measures do not include transfers.

According to the Commissioner's directive, severe disciplinary sanctions may only be imposed where there is an allegation of a serious or flagrant offence. Notice to the inmate and an opportunity for him to be heard and call witnesses is also necessary. The effect of a transfer may in some instances be far more severe and have more long-range effect than any sentence that may be imposed by a disciplinary board.

By reason of the above, it is recommended that:

- (4) Only in an apparent emergency shall an inmate be transferred without prior consideration by the Transfer Board.

-
- (5) If a transfer of an inmate has taken place without consideration by a Transfer Board, then a Transfer Board shall automatically be convened within thirty days to assess the reasons for the transfer as well as the inmate's present behaviour, and to make appropriate recommendations for the future placement of the inmate.

The following are examples of other complaints involving transfers:

Case No. 669

This inmate, as well as several others in the same situation, complained that although the National Parole Board was prepared to grant him a day parole, he was unable to benefit from this because the Centre to which he was to be transferred did not have room for him.

Our investigation showed that in July he had been recommended as an excellent candidate for parole. The Canadian Penitentiary Service had received similar complaints from five other individuals and had contacted the Centre to find out why these individuals could not be accepted. The Centre explained that an evaluation of its methods was underway and that, until the study was completed and until a recommendation for an increase in staff was made, no more than between twenty and twenty-two residents could be accommodated. The prospective day parolees had been asked to be patient.

While we sympathized with the complainant, we had no choice but to repeat this advice. He obtained the transfer two months later.

There is little doubt that the delay is frustrating to the individual who has been approved. It may have a damaging effect on his attitude because the optimum moment for his transfer will have passed and positive attitudes may have disappeared when the transfer finally occurs.

The complaint presents a dilemma. If day parole were to be denied because there was no space in the community correctional centre, this might be interpreted as an unfair assessment of the inmates. Only an increase in the available number of places could solve this problem.

Case No. 1100

The complainant who had received treatment at a medical centre complained that he was going to be transferred to a maximum institution. It was clear that the non-medical staff thought him too dangerous for a medium institution although this had been recommended by the persons who had treated him. The medical facility resolved the dilemma, at

least temporarily, by allowing the man to stay.

Case No. 886

The complainant considered himself a protection case and that status had been reluctantly accepted by the administration. It was thought that his fears were exaggerated. The inmate was encouraged to apply for a transfer to his home province on the understanding that he be transferred directly into a psychiatric facility. The transfer was then made. However, after the complainant was examined by the experts in the receiving region, they refused to accept him and the complainant is now in protection in a maximum institution, not in the psychiatric facility as promised.

We encouraged the complainant to seek a transfer back to the other region, where he had stated he felt safer. He did this and later we made representations on his behalf at various levels. We submitted that since an understanding, rightly or wrongly, was entered into with the complainant, and that understanding could not be realized, then in fairness the complainant should be allowed a transfer back to where he came from. This agreement appeared to be accepted by the administrators, but as of the writing of this report the complainant has waited for many months for the transfer. The complaint is still pending.

Compensation (For Injuries and Loss of Personal Property)

This year claims for compensation for loss of property or injuries totalled thirty-four; during the first year there were twenty-three. Nine were rectified.

As mentioned, we were pleased that the recommendation for the appointment of a special individual within the Canadian Penitentiary Service to handle these claims was accepted.

The first annual report recommended that authority to forfeit inmate property of any kind be stipulated by statute and that statutory provision be made for relief against forfeiture or, in the alternative, that the practice of forfeiture be discontinued. The report, on page 57, described one instance where a large sum of money was forfeited when found on the complainant. The Commissioner refused our request that the money be returned. The inmate was advised to exhaust his legal remedies. The complainant is now released, but, as far as we know, he has not pursued this matter other than by one letter from his solicitor.

The practice of seizure continues. Where inmates have been found with contraband such as cash, some institutions cause forfeiture to the Federal Government, while others place the money in the inmate's trust account. My attitude and recommendation remain the same.

On receiving complaints in the first instance about losses or injuries, we initially advised complainants to grieve. However, administrators report that where grievances concern loss of personal property or personal injury, they are unable to process them within the time limit of ten days set out in the directive. They report that an administrative inquiry must be held to satisfy Treasury Board Regulations, and legal advice is required in respect of the government's position on the question of liability in the case of larger claims.

As a consequence, we are now advising inmates to phrase their grievances in such a way that they express their understanding of these procedures. We suggest that the corrective action asked for should be that the lost articles be returned or, in the alternative, that an inquiry be held, and that the grievance be considered as a notice of claim for compensation.

A few examples of these types of complaints are:

Case No. 68 (pending from first year)

The complainant was seriously injured in November 1973 and in March 1974 he consented to our office assisting him

by examining the possibility of obtaining compensation.

Representations were made to the Commissioner in April and followed up in June, 1974, and we were advised that medical reports and legal opinions were still under preparation.

In February 1975 the complainant was informed that the claim was still under active consideration. In March 1975 we were told that the complainant had retained a solicitor and this office therefore withdrew from the matter.

In June 1975 a substantial amount was approved as an **ex gratia** payment to the complainant.

Case No. 125 (pending from first year)

This complainant eventually accepted a considerable amount of money for the injury.

The comment in the description of this case in our first annual report that "Legal Aid in the particular province is not available in personal injury cases because the lawyers are entitled to ask for contingency fees instead", came to the attention of a lawyer concerned with legal aid and eventually, it is understood, resulted in a review of the policies of granting Legal Aid in such cases in that province.

Case No. 1043

The complainant informed us that he was injured on the 10th of January, 1971, in circumstances which he thought warranted investigation and consideration of a claim for compensation. He had made several attempts to have the matter investigated by the Canadian Penitentiary Service.

It appeared that the injuries were originally considered minor, however, his eyes were later found to have been damaged.

He is now classified as legally blind as a result of the incident. In spite of the length of time which had passed since the accident, we decided to investigate in light of the complainant's insistence that he had been unable to have his complaint reviewed. No internal board of inquiry appeared to have been held concerning the incident, and the original medical records were not very helpful. We assisted the inmate in presenting his request for a board of inquiry at this time. The Commissioner ordered that an administrative inquiry be convened to examine the incident.

Case No. 648

The complainant, who was not an inmate, bought a petitpoint canvas made by an inmate. The inmate later wrote the complainant and told him the canvas had been left with a

hobbycraft officer and the inmate and the complainant were advised that the canvas had been stolen.

We asked for and got the inmate's consent to investigate and on July 10, 1974 we suggested that he should request an inquiry into the loss or seek compensation for the item.

The inmate filed a grievance the end of July, 1974. He was told that it had been delayed at the second level because certain persons were on vacation. After a further delay, we contacted the Regional Director to find out what had happened to the grievance. On October 15, 1974 we were promised a detailed report. On October 23, 1974 we requested that steps be taken to compensate the inmate since the loss was established. On November 5, 1974 we were told a board of inquiry was underway and that at its conclusion, a recommendation for compensation would be forwarded to Ottawa Headquarters of the Canadian Penitentiary Service. We were assured that the matter was being resolved and we therefore wrote to the inmate on December 16, 1974 telling him he should "hear fairly soon".

In interviews on February 14, 1975 and March 14, 1975 the inmate reported that nothing had happened. The inmate stated that at the board of inquiry, he had been told that he would get \$40.00 by way of restitution.

On April 30, 1975 we were informed that the report of the board of inquiry had not been received in Ottawa. It appeared that this inmate's loss was incorporated into an inquiry concerning the loss of articles by a number of inmates.

This complaint is still pending.

Sixty-eight complaints, seven more than the first year, were received in this category; eleven were rectified.

The general nature of medical complaints involves allegations of delays in seeing doctors and delays in being admitted to hospital.

In one region, a provincial hospital had six beds available for inmates but due to the behaviour of inmates, this was reduced to four as it was only under these circumstances that the nursing staff would agree to work in the hospital. In the particular region, the Canadian Penitentiary Service is dependent upon the willingness of the provincial hospitals to receive inmates. This has resulted in long delays for inmates awaiting operations.

Inmates also express dissatisfaction with penitentiary nurses refusing their complaints without referral to doctors. Some inmates object to not being permitted to be alone with the doctor. Another complaint, frequent at smaller institutions, is that there is no emergency aid for accidents or simply "We are only allowed to be sick Tuesdays and Thursdays.". In one case we found that the complaints against the doctor were repeated by the community, but qualified by the statement that "He treats everyone in an off-hand, brusque manner, but he is an excellent physician."

One matter that causes us particular concern is that we have observed inmates who are being returned from hospital, obviously in a weak condition, having to walk a considerable distance from where they were let out of a van. While I have no competence to determine the risk to health involved, it would seem more humane to provide a wheelchair, rather than to have such a patient carried or supported by others.

A complaint in the same category came from an inmate who, on release from hospital after a back operation, was transported to the penitentiary from the hospital in an ordinary penitentiary van with steel seats.

A few other cases are:

Case No. 709

The inmate who was a resident of a Regional Medical Centre, complained on behalf of himself and other inmates that they were given medication without their consent. While this was being investigated, the inmates in question became certified under the relevant provincial mental health legislation. They took legal action to appeal the certification, and

the Correctional Investigator withdrew from dealing with the complaint.

Case No. 1099

The complainant informed us that he had "received a needle" without his consent. He also expressed fears about a planned transfer to a medical centre. He expected that he would be subjected to compulsory treatment. The complainant was subsequently visited in the medical centre and he was no longer complaining. We intend to visit him again.

Education

Fourteen complaints were received in this category. Two were rectified. One which is still pending involves an inmate who has been successful in a number of courses in electronics. He complains that he is not able to complete his courses. Apparently there is no one available at the specific institution to supervise this type of course.

Case No. 986

The complainant was in segregation by administrative order. He had paid for a correspondence course and complained that he was not able to have it in segregation.

The Penitentiary Service Regulations provide that an inmate in administrative segregation is not to be considered under punishment "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 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."

The complainant was able to take his course after representations had been made on his behalf to the director.

Visits and Correspondence

Thirty-five complaints were received in this category as compared with forty-four during the first year; eight were rectified.

In addition to specific complaints we received general complaints of excessive surveillance in medium institutions and lack of open visits in maximum.

Our previous annual report expressed concern over xeroxing of mail and staff comments on inmate mail. The Commissioner's directive has now been amended so that "only authorized staff should be allowed to read inmate mail, when necessary, and no comments, other than those required for official duty, shall be made to other members of the staff on the contents of the correspondence." It is also directed that "there shall be no reproducing of inmate mail, unless such action can be justified from either a security or programme point of view, or both, and such action shall be approved by the director."

Our conversations with some staff tend to support the allegations that much mail is being read. We are told this is done in order to assist the inmates. It may be done with the best of intentions, but it is an invasion of privacy, which, in our opinion, should only take place when required for reasons of security.

The Commissioner's directive contains the following provision as to reading of mail:

"In so far as practicable the censorship of correspondence shall be avoided and the privacy of visits shall be maintained but nothing herein shall be deemed to limit the authority of the Commissioner to direct or the institutional head to order censorship of correspondence or supervision of visiting to the extent considered necessary or desirable for the reformation and rehabilitation of inmates or the security of the institution. Accordingly, while censorship of correspondence will not normally be performed, all incoming and outgoing correspondence, except privileged correspondence as defined in C.D. 219, paragraph seven, shall be inspected to prevent transmission of contraband."

Some inmates have no complaints in this category. **They receive no visits or mail.** But once, while on a regular visit to an institution, our investigator was approached by an inmate requesting an interview. Instead of being asked to help with a complaint, the investigator was told by the inmate

that he was well treated and had no complaint. He merely wished to chat with someone from the "outside".

In the first annual report we mentioned complaints by inmates that they were not informed when correspondence was returned to the sender. A directive issued by the Commissioner on the 27th of September, 1974 provides that "the inmate shall be informed if correspondence is returned to the sender, for any reason."

The decision on the subject of "pen-pal" correspondence reported last year as Case No. 289 was also incorporated in this directive. It states that "inmates may establish constructive and meaningful relationships via 'pen-pal' correspondence, providing that they disclose their identity and details of their prison records."

One case in which we were able to be persuasive involved the National Parole Service:

Case No. 1151

The complainant and his legal wife were both convicted of offences. He told us that his wife had been paroled from a provincial institution on condition that she not visit or write her husband. We thought this restriction somewhat harsh. The matter was referred to the Chairman of the National Parole Board and contact between the husband and wife was re-established.

Bilingualism

Two complaints were received on the subject of bilingualism, one was rectified.

It involved the language to be used at a disciplinary hearing. The complainant stated that he had been told he would have to accept a trial in his second language since he had some knowledge of it. A request to the director on our part was all that was necessary to change the situation.

The other complaint was not dealt with by our office because the issue is currently before the courts. It concerns unilingual inmates who find themselves in regions where their native language is not understood or spoken by the majority. A copy of a request form which we believe to be genuine, was given to us.

It reads:

"I would like to know how to go about, having a wrist-watch brought in."

The reply read:

"Veuillez prendre note que mon poste a été identifié comme poste 'unilingue français' par le département. En conséquence, auriez-vous l'obligeance de m'écrire une requête en français.

Bien à vous,"

This complaint could recur in another region, only the languages would be switched.

Discrimination

This category covers complaints that inmates are discriminated against on the grounds of race, racial origin or religion. We received four complaints in this category none of which were rectified. In our first annual report we noted an allegation that a black inmate was unable to work in the institutional kitchen because of an objection by white inmates. The inmate was subsequently employed as a cook because of action taken by the particular institutional director.

Prejudices are not left at the penitentiary gate. Whatever reactions a particular inmate or staff member has to what is strange, continues inside. The complaints in this category include complaints against other inmates.

Because a penitentiary is a closed, small society, problems of discrimination are enhanced. The individual who belongs to a minority group may try to convince himself or herself that a certain event is a coincidence, but after the fifth or sixth such coincidence his or her reactions may be disproportionate because of the cumulative effect. This is sometimes not understood by those who belong to the majority.

Financial Matters

There were seven complaints in this category. One was rectified.

The previous year we mentioned that inmates in dissociation complained about having to contribute to the Inmate Welfare Fund while they received few of the benefits. We have been informed that this policy has now been changed so that "inmates who are segregated for extended periods of time or in hospital, shall be exempted from contributing to the fund unless they can benefit from the programs provided by such funds."

The case which was rectified concerned inmate pay:

Case No. 797

The complainant, who was no longer an inmate, wrote our office telling us that he had been successful in his appeal against conviction, but unsuccessful in collecting the compulsory savings portion of his inmate pay, accrued while he was incarcerated before the appeal.

We contacted the institution involved and were told that they wanted to pay the complainant, but had not been able to find him. Both the institution and our office made several attempts to find the complainant at three different addresses. The last letter, which contained a cheque, has not been returned.

Multiple Cases

We received general complaints from inmates that their pay was not keeping up with the cost of living. The pay rates during the last four years have been as follows:

Inmate Pay Per Day

1971	55¢ to 85¢
1972	55¢ to 85¢
1973	60¢ to 90¢
1974	70¢ to \$1.00

The average spending portion of an inmate's pay amounts to \$12.00 per month. With this he or she buys such things as writing paper, stamped envelopes, cigarettes, coffee, shampoo, deodorant, toothpaste, shaving cream, razor blades, etc., as well as any extras such as soft drinks, potato chips, peanut butter, kleenex, mouth wash, after-shave lotion, etc.

Sample prices from the government run canteen are:

razor blades	\$.97
writing pads	.33
stamped envelopes	.09
cigarettes	.40
instant coffee	2.57
shampoo	.83
toothpaste	.65
deodorant	.91
shaving cream	.32
soft drinks	.16
potato chips	.09
peanut butter	1.88
kleenex	.52
mouthwash	.82
after shave lotion	.78

A comparison with the cost of similar items as published in the April, 1975 Food Prices Review Board, Quarterly Report, shows that the percentage increases in inmate pay over the last four years has more or less kept up with the increase in the cost of living over the same period of time.

However, we have received complaints that serious financial problems exist for an inmate who is released without any resources other than the compulsory savings from his pay. For example, an inmate's compulsory savings after serving three years would amount to approximately \$165.00; after five years about \$276.00; after ten years about \$552.00.

The inmates with the best resources in the outside world are more likely to be released on parole. Generally, they must have specific plans for supporting themselves and their families, if any. But the individual who has never been able to qualify for parole and who has never been able to obtain a transfer out of a maximum institution may be released on mandatory supervision directly to the street. After five years, he may leave with approximately \$276.00 to his name; no job, no place to stay, and hardly enough money to pay rent, food and work clothes for a month.

Grievance Procedure

Twenty-one complaints were categorized separately the second year as referring to the internal grievance procedure. They were primarily complaints about not being able to obtain forms. We always supplied the forms on request. The introduction (page 9) sets out our thoughts on the subject, however, one complaint in this category was different, and worthy of a full report.

Case No. 1087

The complaint concerned certain statements given in reply to a grievance. The letters from the official at the second level of the grievance procedure, both to the inmate and to the institutional director are quoted in full, except for names which would identify the individuals. These letters speak for themselves:

To the director:

"1. Enclosed is a self explanatory letter addressed to inmate X of your institution. Attached to it is an amended copy of page 2 of the grievance referred to in my letter to inmate X. Please ensure he receives these documents.

2. I have taken the action of retyping the second page of the grievance after finding attempts to obliterate the objectionable wording with a felt pen ineffective. The original typing can be read through the markings of the pen.

3. In order to allay any suspicion on the part of inmate X, that we might be retaining the original, I suggest that it be either destroyed in his presence or given to him, as you see fit. I would further suggest that you take this action yourself or have it carried out by either your Assistant Director (Socialization) or your Assistant Director (Organization and Administration)."

To the inmate:

"This refers to a grievance submitted by you to the Director . . . Penitentiary on 22 Nov. 74. It was rejected on 25 Nov.

On 27 Nov. you submitted this grievance at the second level of the grievance procedure and I dealt with it at that level on 3 Dec. 74. The grievance was again rejected.

In rejecting your grievance I made the following statement, **inter alia**, 'These disciplinary reasons centered around your hostile attitudes **and the fact that you were found to be in possession of a potentially dangerous weapon.**'

The Correctional Investigator recently brought to my attention the fact that the words, 'found to be', to a lawyer and apparently to you as well, imply that you have been found by a tribunal to have committed an offence. Further to this matter Mr. Y. from the Correctional Investigator's office, had determined that you had not been charged with possession of a potentially dangerous weapon either by an institutional disciplinary court or in an outside court.

In view of the above, I had the words underlined in paragraph three of this letter stricken from the comments I made while dealing with this grievance by rewriting them to omit the part referred to, and have had the file copy at this Headquarters destroyed. I have done this to ensure that this statement, which was made in error, will not adversely affect your future while incarcerated or your chances of being granted parole. I have also instructed the Warden of . . . Penitentiary to ensure that similar action is taken with the institutional file copy of your grievance. A copy of the amended grievance form is attached for your own use.

In spite of the foregoing I am still of the opinion that there was sufficient evidence to justify rejection of your grievance and accordingly the rejection will stand."

Use of Force

Millhaven Incident, April, 1974

The special investigation into the allegations of mistreatment of inmates during April, 1974 at the Millhaven institution has been completed.

A small number of inmates were advised to consult with either legal aid or the Crown Prosecutor. In one case, we understand, a special inquiry was conducted by a member of the judiciary.

During our investigation, allegations were made over and over by inmates that they had either witnessed or been the subject of demeaning physical abuse. They stated that when an inmate and an officer had a confrontation, the inmate would be picked up from his cell later on, and the following would take place: Officers use a spray gun to spray tear gas into the cell of the inmate in question. The tear gas spreads and causes discomfort to other inmates as well. The inmate in question moves to the window to try to get fresh air. The officers enter the cell and if a struggle ensues, they handcuff and shackle the inmate, sometimes with his hands at his back, tied to his feet.

Later the inmate may be taken to the T.V. room, be ordered to undress in front of a number of officers, be pushed around while naked, made to bend over, to move his hands through his hair and officers may kick him on the buttocks. After that, the inmate may be ordered to run naked down the hall to the dissociation area, sometimes hurried by blows with riot sticks.

Some inmates admitted that inmates bait the officers, that they bang their own cell doors, inflict physical damage upon themselves and "flip out". Some of them expressed fear for what they would do and what would happen to them when they do this. Some remarked that it was impossible to remain restrained when locked up in a cell twenty-three and a half hours per day. Inmates also admitted that they call officers pigs. It is believed both inmates and officers make derogatory remarks about each other's families.

The inmates admit that many of the officers act properly and are helpful, however, they state that when the "crunch" comes, these officers feel compelled to follow the lead of a small group who insist on running the institution.

I was impressed with the number of incidents reported to me at that time, and with the similarity in the procedures alleged to have been employed in the various incidents. I also had

conversations with a few senior administrators who tend to believe that what the inmates alleged was not a fabrication.

There is no simple solution to the recurring waves of tension at the Millhaven institution. It has been suggested that the best solution might be to redesign it as a medium institution in order to remove the memory of the events which occurred when it was first opened.

Many other factors contribute to the tension; for instance, most correctional officers in Millhaven institution worked an excessive amount of overtime that winter. I do not think that a correctional officer's work is such that much overtime can be put in without having an impact on the quality of the work and on the steadiness of the individual's nerves and reactions. If this pressure of overtime were removed, officers would be less likely to react as if in a contest with inmates, vis-à-vis society and the administration. I think officers should be paid adequately so that they should not need to work overtime; perhaps they need sabbaticals to relieve tension. If more staff is required, they should be employed and trained.

There has been criticism of the high costs of penal institutions, but psychiatric hospital care costs approximately twice as much. There are inmates in penitentiaries with behaviour difficulties that are beyond the help of psychiatrists. Insight and tolerance are prerequisites for anyone who works in a penitentiary.

Subsequent Complaints

The complaints concerning excessive use of force were not numerous during the second year of operation. In some instances the complainants were interviewed by local police forces, in some cases inmates wanted to report to us, but did not want us to take specific action.

One investigation resulted in a request from an inmate that we describe what happens when gas is used. We obtained the consent of the complainant to publish the transcript of the interview he gave us to tell his side of the story. The only alterations in the transcript are those necessary to prevent identification of the individuals involved.

Interview with Complainant

Do you have any objection to me making a recording of this interview?

No I don't.

I see. Would you tell me the reason for your complaint please.

I was going to supper on . . . There was one fellow on the range that was on O.P., that is off privileges, and I went to the gate and he came out for his supper and walked in to get his cup for his tea and the door was locked up on him. I walked to the officer standing on the other side of the gate.

. . . and I said "Can this man get some coffee or tea", and the officer replied, "Go F . . . yourself, you're not running this place, I am.

O.K., now pardon my interruption, but how accurate, as far as you know, was this particular conversation?

How accurate? Very accurate.

Now could you have said anything else or put it another way to Mr. . . . ?

Not at this time.

I see, O.K. Go ahead please.

With that, he gave me a direct order to go to my cell.

O.K. Do you know what he said?

I am giving you a direct order . . . , go back to your cell.

Yes.

I told him, I said that man has got to have coffee just like the rest of us, and we started arguing at that point, and I told him what I thought of him.

All right, just tell me what the conversation was please.

I said to him, I want to see a keeper. He said I don't have to let you see a keeper. With that he gave me another direct order to go back to my cell. So, I said to him, who the F . . . do you think you are, and with that he told me a third time to go back to my cell.

What did he say to you?

I give you another direct order to go back to your cell. So I said to him, that is when I said to him you are a F asshole and everything else. With that I returned to my cell. . . . like he will tell you his part of it, he said come on get away from him he said, you are only going to get in trouble. We went back to our cells. Approximately fifteen minutes later they came, they said you are coming to the hole, and I said no I am not going to the hole. I didn't do nothing, all I did was want

to get the guy out for his tea or coffee.

All right now, where were you at that time?

In my cell — . . .

I see. Was the door shut or open?

The door was shut. They were talking through the door to me.

Yes.

Mr. . . . , I believe he is, I am not sure, and they went away. The next thing I knew, they were squirting gas in the bottom of my cell.

How much later was this?

The first time they came back was fifteen minutes.

This is the first time for the gassing?

Right.

All right, now going back. Before going any further, going back to when they asked you to come out do you remember the conversation at that time, or approximately please?

" . . . come out of your cell, you are going to ECA." I said "I didn't do nothing, all I want is to see a keeper." He said, "You are coming out of there", and I said, "No I am not."

Who said that?

. . .

Who was with Mr. . . . at the time?

Five or six other officers.

Do you know if Mr. . . . was there at the time?

I couldn't tell you.

O.K.

Because there was only a little panel in the door, and you could only see one guy when he is talking to you.

Was there any other conversation that you could remember at that time?

Nothing, that is all he said. Oh, you are not coming out, and they went away. And they came back and they started squirting gas in the bottom of the door.

O.K., when they said "you are not coming out", would the door still be open or closed?

Closed.

I see. Now at that time, why did you indicate to him that you were not coming out?

Because I didn't do anything. All I asked was to see a keeper.

If they had opened the door at that time with the guards there, what would you have done? What do you think you would have done.

Possibly nothing.

Now, can I ask what your own personal reason was, and I am not being critical when I say this, I am just trying to get some idea as to what the atmosphere was. What is your reasoning, your own personal reasoning, would be in saying that you wouldn't come, probably knowing that eventually you would have to come out one way or another?

Right, Sir, either that night or the next morning. I knew I was going to the hole.

Yes.

But I didn't do nothing in my own mind, and that is why I wasn't coming out of my cell.

I see. Even though you knew that sooner or later they would make you come, one way or the other.

Oh definitely.

O.K. Did you think about that or were you thinking?

Oh yes, I thought about it.

What was your mood at that time, I mean, how were you?

Very good.

Were you, how would you describe your attitude or your mental state at that time?

Very good. I have seen this for thirty-one months, Sir, that is what they do.

But were you shouting or what?

Oh I was mad, I was mad.

Yes, all right, and then. O.K. Just get back to the squirting of the gas. What happened then please?

They squirted gas in my cell, and I heard one say, "Give him a couple of minutes, he will come out now." They walked away, I put a towel around my face and maybe five minutes later, six minutes, I don't know what it was, they came back, squirted it again. And they said "Are you coming out now?"

After they left, after saying he will come out in a couple of minutes, was there any further conversation now until the second gassing?

Until the second gassing no, they gassed me a second time and they.

Was there any conversation then?

Yes, as soon as they finished gassing, they said "Are you coming out?" and I said, "Go F . . . yourself."

Yes.

They walked away. They came back a third time, and now there maybe four or five minutes and they were squirting it and they ran out of gas.

How do you know this?

Because they said the cylinder is empty. So they walked away, and they were gone, I don't know ten or fifteen minutes, I couldn't possibly say for sure. I was really in trouble in that cell, but I had my window open, and I had water on my face. And when they came back the next time they had a bigger extinguisher. They opened my door that much. They didn't go through the bottom of the door no more.

Yes.

They just opened it about that much. They just squirted at one end and locked the door.

Had your door been opened before that?

No, no time at all just the first time when he came.

Yes.

That was it.

Now when you say the first time when he came, the door was open?

Just that much.

Are you talking about the first gassing?

The first gassing.

I see. When you say you were near your window, your window leads to where?

To the yard.

I see.

Facing the ball field.

I see, in other words you have some access to fresh air?

Yes.

I am sorry, what after the third gassing, what happened?

That is when they came back after they run out of gas, they came back with an extinguisher. I was told, I don't know.

When you say extinguisher, do you mean a gas cylinder?

Yes, I guess so.

Right.

They opened the door, say an inch or two inches, stuck this thing in and squirted it in, closed the door, waited for a few minutes, and said, "Are you coming out now?", and I said, "Just go F . . . yourself, who needs your action." They opened the door again an inch or two and really blasted it.

Yes.

And that was the end of me, I had to come out then.

O.K., what is your reaction, what was your physical reaction, or condition, as a result of this gassing?

I was taken to ECA. As soon as I walked in, the officers on duty said "Holy F . . . , what happened here?"

Yes.

I was covered from head to toe with white dust. I was put in a shower and an officer came in from the hospital. Mr. . . . examined, my eyes were really F up, and put some eye drops in and then came back an hour later and put some more drops in them.

What, did you have any other symptoms other than your eyes at the time?

I wind up with, uh, I don't like, Dr. . . . will have to tell you this. I was burnt on the outside of my ear and inside of my ear.

You are indicating your left ear?

Yes, and he treated me for three weeks.

Did you have any other symptoms?

No, I wasn't sick or nothing else.

Fortunately, I have never been gassed, so what I am trying to get from you is just the way a person reacts when he has been gassed. In other words, what does it do to you?

I thought I was going to be sick when I was walking down the corridor, but I wasn't and when I got to the hole the cold water, the shower, it straightened me right out except for my ear.

All right now, when they said are you coming out on the previous occasions, and the door would be shut, what were they looking for from you as far as indications that you would come out or go along with them?

I couldn't say, I couldn't just tell you.

I realize that you were contradicting them by what you said, but if you got along with them, what would have been the difference as far as either what you said or what you did?

Probably nothing, if I went with them, they wouldn't have gassed me.

No, but what I am getting at is if you got along with them or said I want to leave, I would presume then,

without putting the words in your mouth, you would have just gone to the door and said, I am coming.

Yeah, right, but after the first time when they threw the gas in, I just said what the F . . . are you doing now, and I just wouldn't give up.

Do you know why they would use the gas as compared to just opening the door and sending people in to get you?

I couldn't tell you.

If they sent people in there as compared to gassing, what would you have done?

Well, I probably would have put a fight on. Yes, because they had baseball bats and face masks, I got nothing. Yes, and I have seen this so much around here.

O.K., so if they come in without using gas, with their equipment, if you had resisted what would have happened? If you had not resisted, I should say, what would have happened?

They would have just taken me right to the hole.

Did it occur to you that perhaps you should have done this?

Uh, well at this stage, I was so mad, because I didn't do nothing, I wasn't, uh, I didn't give a F . . . what they did.

I see. How long were you in the hole?

Thirty-two days. I did thirty days on reduced diet, and thirty days good time.

What were you charged with?

Refusing a direct order, hollering, screaming and threatening and being in possession of contraband. A . . . (inaudible) . . . heat water at nights.

The complainant described a couple of unrelated incidents and the inquiries officer continued:

O.K., now I believe that is all the questions I wanted to ask you. Is there anything else you would like to say yourself, particularly referring to this incident here?

Well, to be honest with you I couldn't believe that this

officer wouldn't let this man, Mr. . . . out for a coffee. That just blew my mind. Sure he is on OP but he has got the same privileges as we do. He has got to have his beverage, milk or coffee or tea.

Other inmates corroborated this description.

It is easy to say that this could have been avoided by the inmate having agreed to come out of his cell in the first place, but could the situation not have been prevented at an earlier stage?

This category is the one which during our first year was called "Conditions". It is still the category for complaints which cannot easily be grouped with others.

In the first report, one hundred and eighteen were left in the "Conditions" category; miscellaneous complaints this year amount to ninety-nine; twelve were rectified.

The following examples illustrate the variety:

Case No. 565

A widow of a deceased inmate complained to the media about the manner in which she had been informed of the death of her husband. The Right Honourable John Diefenbaker, P.C., Q.C., raised the question in the House of Commons and the Solicitor General requested the Correctional Investigator to investigate.

We found that because of a tragic combination of circumstances, not exclusively due to acts of the Canadian Penitentiary Service, the news had in fact been conveyed to the widow in an unacceptable manner.

As a consequence, the following recommendations were submitted to the Solicitor General.

That the Commissioner's directive concerning deceased inmates be amended to provide that:

- (i) No public announcement of the name of a deceased inmate shall be made until next-of-kin have been informed or until it has been confirmed that there are no next-of-kin;
- (ii) Announcement of the death of a deceased inmate shall be made in person, not by telephone, by a person nominated by the director of the institution where the inmate resided;
- (iii) The nominee shall make discreet inquiries to ascertain the family situation and the state of health of the next-of-kin;
- (iv) The assistance of local police or clergy to act as nominee or otherwise assist, shall be obtained whenever necessary; and
- (v) Arrangement for the attendance of a sympathetic person (e.g. neighbour or clergy) shall be made for a

period of time after the person conveying the news of the death has left.

Case No. 1050

The inmate complained that he was not allowed to arrange to take an airplane rather than a bus to his home on his discharge. If he had been given the amount of the bus fare, he would have had sufficient funds of his own for the air fare.

Our investigation showed, at this particular institution, requisitions are issued to inmates so that they may attend at the bus depot and receive a ticket to their destination after release. Requisitions are not redeemable for cash and therefore, the complainant was unable to make arrangements for exchange himself. It appeared that, in order to have achieved what this particular inmate wished to do, a Classification Officer would have had to attend with the inmate at the bus depot.

We found that at other institutions, alternate arrangements are readily made, provided the inmates are prepared to pay the difference in costs.

The problem was referred to the Commissioner. We asked him to consider an amendment to the directive to enable the inmates to make their choice in advance of their release date, and to supplement the minimum allowance in order that they may have a choice of transportation to their home.

About two weeks later we are told that a new directive would provide that:

"An inmate shall be permitted to make alternate travel arrangements to the approved destination provided he or she is prepared to pay the difference in cost. The choice of travel arrangements shall be made well in advance of the release date to enable the institutional authorities to make the necessary arrangements".

Case No. 1098

The inmate complained that a television news cast concerning an incident at a maximum institution contained pictures of him. The pictures had been taken without his consent. The complainant had himself written to the news-service and had been told that they had "no plans" to schedule it again. The complainant told us that he had been recognized by several people and although he realized that little could be done about the previous showing, he wanted to be assured that the footage would not be used again.

The Commissioner's directive prohibits the filming of inmates without their consent in writing.

We approached the producer on behalf of the inmate and received assurances that the particular film portion would be destroyed.

Case No. 956

The complainant alleged that delivery of the notice of trial of his divorce was delayed by penitentiary staff. The trial had been heard at the time he contacted us.

This complaint, as well as several other complaints of a similar nature, seemed to indicate that some members of the penitentiary staff were not aware of the implications of service of process, notarization of documents, attendance in court of inmates as parties or witnesses, etc. We brought this problem to the attention of the Commissioner. At the writing of this report we understand a new directive is under preparation.

Case No. 1202

An inmate, who was to appear in the Court of Appeal in respect of his sentence, complained that he had been told that he was to wear a suit of clothes which had to be provided by the institution. He had also been informed that there was no discretion to permit him to wear his own clothes. The Commissioner's instructions were checked, and the information given to the inmate was correct. We suggested to the Commissioner that the inmate might be more comfortable presenting his case in his own clothes. The result was that this inmate was allowed to appear in his own clothes.

General instructions to the institution were amended so that an inmate now has a choice between institutional "street" clothes or his own.

It is of historical interest that in 1934 the instructions were that if a "convict" were charged with escape from a penitentiary, or with rioting in a penitentiary, he would appear in court wearing his penitentiary uniform, "for his status in life would be known in consequence of the description of the offence with which he was charged."

In 1952 the instructions were changed so that an inmate charged with an offence while in a penitentiary would "as heretofore appear before the Court where he is initially tried in prison garb **without numbers**,". It also stated that in case of an appeal "and his production on the appeal is ordered, he will be permitted to appear before the appeal court in civilian clothing...".

Case No. 1213

The complainant stated that he had handed his parole application to his classification officer in December, 1974 and that he had heard nothing further until 15 April, 1975, when he was called to the officer's office and informed that the officer had lost the inmate's papers.

This was one of several cases at the same institution, and when we investigated we were assured by the director that corrective action had been taken.

The complainant was most understanding and agreed that he was now receiving special consideration in the matter of filing his papers.

Other inmates in other institutions have reported instances of applications being left at the bottom of the pile or of papers not following the inmate when he or she is transferred from one institution to another. In one instance, an inmate missed his hearing before the Parole Board, in another there was considerable delay in assessing him for a privilege because the person who should have prepared the report had left the Penitentiary Service. Such mistakes have serious consequences for inmates and cause unnecessary frustration and we have suggested to the Commissioner that proper control mechanisms be developed to ensure that applications and supporting reports are processed in the order in which they are received. We understand this is being implemented.

Resumé

The first annual report contained a resumé of types of complaints received and action taken. This was done to illustrate the scope and variety of the complaints referred to our office. It has not been thought necessary to print the resumé for the second year although a copy will be made available to interested parties on request.

All of which is respectfully submitted,

A handwritten signature in cursive script, reading "Inger Hansen". The signature is written in dark ink and is positioned above the typed name.

Correctional Investigator.

Recommendations

— Second Year

It is recommended that:

- (1) A formal arrangement be made whereby inmate committees be encouraged to submit one brief annually (or one combined brief) to the Solicitor General.
- (2) All disciplinary hearings of charges of what are defined as flagrant or serious offences in the Commissioner's directive, be recorded on tape, and that the tapes be preserved for a minimum period of twelve months and be made available for the purposes of dealing with inmate grievances and complaints.
- (3) The Commissioner's directive be amended to provide that an individual who has been identified as having been affiliated with organized crime shall be eligible for a temporary absence for rehabilitative reasons after he has served three-quarters of his sentence or three years, whichever is the shorter.
- (4) Only in an apparent emergency shall an inmate be transferred without prior consideration by a Transfer Board.
- (5) If a transfer of an inmate has taken place without consideration by a Transfer Board, then a Transfer Board shall automatically be convened within thirty days to assess the reasons for the transfer as well as the inmate's present behaviour, and to make appropriate recommendations for the future placement of the inmate.
- (6) The Commissioner's directive concerning deceased inmates be amended to provide that:
 - (i) No public announcement of the name of a deceased inmate shall be made until next-of-kin have been informed or until it has been confirmed that there are no next-of-kin.
 - (ii) Announcement of the death of a deceased inmate shall be made in person, not by telephone, by a person nominated by the director of the institution where the inmate resided.
 - (iii) The nominee shall make discreet inquiries to ascertain the family situation and the state of health of the next-of-kin.
 - (iv) The assistance of local police or clergy to act as nominee or otherwise assist, shall be obtained whenever necessary.
 - (v) Arrangements for the attendance of a sympathetic person (e.g. a neighbour or clergy) shall be made for a period of time after the person conveying the news of the death has left.

Recommendations — First Year

The first annual report contained ten recommendations. They are restated here with comments.

Recommendation (1)

That the relevant acts be amended to permit all persons under sentence equal opportunity to earn remission regardless of place of incarceration.

Comment

This has not been implemented. Implementation would require statutory amendment.

Recommendation (2)

That the Commissioner's Directive be amended to provide that time spent in custody after conviction regardless of place of incarceration be taken into consideration in respect of time required to be served before being eligible for temporary absence.

Comment

We have been informed this is under consideration.

Recommendation (3)

That the automatic loss of statutory remission on conviction for escape and related offences be abolished.

Comment

We have been informed that this is being considered for inclusion with legislative amendments under preparation.

Recommendation (4)

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 adequate security, but outside the main institutions.

Comment

This has been implemented.

A Task Force chaired by Professor J. Vantour has been appointed to study dissociation. It has not yet reported.

Recommendation (5)

That the requisite number of persons be appointed whose only duty would be to preside over disciplinary hearings to make findings of guilt or innocence of inmates who have been charged with a flagrant or serious offence as defined in the Commissioner's Directives. Decision on punishment might be left or shared with the institutional authorities.

Comment

We have been informed that this recommendation will be considered in conjunction with the report on Inmates' Rights to be submitted by Professor R. Price.

Recommendation (6)

That authority to forfeit inmate property of any kind be stipulated by statute and that statutory provisions be made for relief against forfeiture or, in the alternative, that the practice of forfeiture be discontinued.

Comment

There have been no statutory changes, but the practice of forfeiture has diminished.

Recommendation (7)

That consideration be given to an amendment to the Commissioner's Directive to provide that time spent in custody before conviction may be included in the calculation of the waiting period required before privileges such as temporary absence are granted.

Comment

We have been informed that this is under consideration.

Recommendation (8)

That a specific individual, preferably with legal training, be employed by the Canadian Penitentiary Service and be charged with examining, adjusting and making recommendations for disposition of

inmate claims for injuries and loss of personal property.

Comment

This has been implemented. The person appointed is not a lawyer, but legal advice is available.

Recommendation (9)

That instructions be given to all institutions to report on all injuries and all claims for loss of personal property to this specific individual and that such reports be given within a specific time.

Comment

It is believed a sincere effort is being made, nevertheless there are many delays between the time an accident happens and the time a claim is considered.

We are informed that in 1973 no inmates were compensated for loss of property and in 1974-75 24 inmates received compensation for property losses. In 1973 two inmates received compensation for injuries and in 1974-75 six inmates received compensation for injuries.

Recommendation (10)

That inmates be permitted to invest their funds and compulsory savings in specified securities or savings accounts in their own names.

Comment

We are informed that "Consideration is being given . . . to authorize all inmates to administer their own personal funds through a chargé d'affaires. The inmate canteen fund will still be administered by the CPS. It is proposed to have the CPS administer the inmate compulsory savings account to ensure that he has sufficient monies upon release to assist him during the transition period from incarceration to freedom."

"APPENDIX A"

CANADIAN PENITENTIARY SERVICE
SERVICE CANADIEN DES PÉNITENCIERS

September 24, 1974

le 24 septembre 1974

COMMISSIONER'S DIRECTIVE
No. 241

DIRECTIVE DU COMMISSAIRE
N° 241

Inmate Grievances

Griefs des détenus

1. AUTHORITY

This directive is issued pursuant to subsection 29(3) of the Penitentiary Act.

1. AUTORISATION

La présente directive est émise en vertu du sous paragraphe 29(3) de la Loi sur les pénitenciers.

2. REVOCATION

Commissioner's Directive No. 241, dated 10 December 1973, is hereby revoked.

2. ABROGATION

La directive du Commissaire n° 241, en date du 10 décembre 1973, est par la présente abrogée.

3. PURPOSE

To set forth the policy governing the submission of grievances by inmates seeking redress, and to delineate the administrative processes to be adhered to in dealing with such grievances.

3. OBJET

Exposer la ligne de conduite régissant la présentation de griefs par les détenus qui cherchent à faire redresser un tort, et énoncer les règles administratives à suivre dans le règlement de ces griefs.

4. DEFINITIONS

- a. "Complaint" - an oral expression of a wrong for which redress is being sought.
- b. "Grievance" - formal written presentation of a complaint.

4. DÉFINITIONS

- a. "Plainte" - l'expression orale d'un tort qu'on cherche à faire redresser.
- b. "Grief" - la présentation officielle d'une plainte par écrit.

5. DIRECTIVE

- a. An inmate who considers that he has been wronged in any matter relating to his incarceration which comes under the jurisdiction of the Commissioner of Penitentiaries, may seek redress:

5. DIRECTIVE

- a. Un détenu qui juge avoir subi un tort en ce qui touche une quelconque question ayant rapport à son incarcération et relevant du Commissaire des pénitenciers, peut chercher à obtenir un redressement:

- (1) first, by making a complaint, and
 - (2) secondly, if the result of action on the complaint is unsatisfactory, by presenting a grievance.
- b. An inmate who wishes to seek redress shall complain in the first instance to the officer who is his immediate supervisor in the matter in question. The officer shall discuss the matter with the inmate and, if the complaint is valid, he shall initiate action towards redress; if the complaint is not valid, he shall so inform the inmate, with necessary explanations.
- c. If the complaint relates to a matter that is beyond the competence or jurisdiction of the officer receiving the complaint in the first instance, or if a statement with explanations by that officer that the complaint is not valid is not accepted by the inmate, the matter shall be referred to the competent higher authority in the institution for consideration and action.
- d. If the inmate is not satisfied with the action taken on his complaint, he shall be informed of the
- (1) d'abord, en faisant une plainte, et
 - (2) en deuxième lieu, si les mesures prises à la suite de la plainte ne fournissent pas de résultats satisfaisants, en présentant un grief.
- b. Un détenu qui cherche à obtenir un redressement doit d'abord se plaindre à l'officier qui est son surveillant immédiat en ce qui concerne la question en cause. L'officier discutera avec le détenu et, si la plainte est fondée, il prendra l'initiative de mesures de redressement: si la plainte n'est pas justifiée, il en informera le détenu en lui fournissant les explications nécessaires.
- c. Si la plainte a rapport à une question qui ne relève pas de la compétence ou des attributions de l'officier à qui la plainte est faite en premier lieu, ou si le détenu n'accepte pas l'avis de l'officier, à savoir que la plainte n'est pas fondée, ni ses explications, la question sera soumise à l'autorité compétente supérieure de l'institution, qui l'étudiera et prendra les mesures qui s'imposent.
- d. Si le détenu est insatisfait des mesures prises à l'égard de sa plainte, il sera mis au courant de la procédure

grievance process and may present a grievance, using the approved Inmate Grievance form (PEN 1122).

- e. If positive results are to be obtained, it is essential that a grievance be submitted without delay when an inmate considers that he has been wronged. Delay may make it difficult, and even impossible, in some cases, to obtain reliable information, or to right a wrong retroactively. In any event, a grievance shall not be considered concerning any subject matter or condition that ceased to exist or to be the subject of a complaint more than one year before the lodging of the complaint.

6. PRESENTATION LEVELS

- a. The levels at which a grievance may be presented and a decision rendered, and the officers authorized to perform this function, are:

First level - Institutional Director

Second level - Regional Director

Third level - Commissioner.

- b. In the absence or inability to act of an Institutional Director, Regional Director,

de règlement des griefs et il pourra présenter un grief, à l'aide de la formule approuvée de grief des détenus (PEN 1122).

- e. Si on veut obtenir des résultats concrets, il est essentiel de présenter le grief sans délai lorsque le détenu juge avoir été lésé. Les retards peuvent rendre difficile, voire même impossible, dans certains cas, l'obtention de renseignements sûrs ou le redressement d'un tort avec effet rétroactif. Toutefois, un grief portant sur une question ou un état de choses qui a cessé d'exister ou d'être le sujet d'une plainte plus d'un an avant la déposition de la plainte, ne sera pas pris en considération.

6. PALIER DE PRÉSENTATION

- a. Voici les paliers auxquels un grief peut être présenté et où une décision peut être rendue, ainsi que les agents compétents:

Premier palier - Directeur de l'institution

Deuxième palier - Directeur régional

Troisième palier - Commissaire.

- b. Lorsque le directeur de l'institution, le directeur régional ou le Commissaire

. . .

or the Commissioner, the officer who has been officially designated in writing to act in his capacity is authorized to render decisions on grievances.

sont absents ou dans l'impossibilité d'agir, les officiers qui ont été officiellement désignés par écrit pour les remplacer sont autorisés à prendre les décisions relatives aux griefs.

- c. A decision must be rendered at each level, and the responsibility for rendering a decision may not, under any circumstances, be delegated to officers other than those designated in subsections a. and b. above.
- d. The first presentation of a grievance shall be at the first level; if the inmate is not satisfied with results, he may then present the grievance at the second level; if still not satisfied, the inmate may proceed to the third level.
- e. The decision taken at the first level, together with all relevant supporting information, must accompany the grievance if it goes to the second level. Similarly, the decisions taken at the first and second levels, together with all relevant supporting information, must accompany a grievance going to the third level.

- c. Une décision doit être rendue à chaque palier, et la responsabilité de la prise de décision ne peut, en aucune circonstance, être déléguée à des officiers autres que ceux qui sont désignés dans les paragraphes a. et b. ci-dessus.
- d. Un grief doit d'abord être présenté au premier palier: si le détenu est insatisfait des résultats obtenus, il peut alors présenter son grief au deuxième palier; si, une fois de plus, il n'obtient pas satisfaction, il peut le transmettre au troisième palier.
- e. La décision prise au premier palier, ainsi que tous les renseignements pertinents, doivent accompagner un grief si celui-ci est présenté au deuxième palier. De même, les décisions prises aux premier et deuxième paliers, ainsi que tous les renseignements pertinents, doivent accompagner un grief présenté au troisième palier.

7. TIME LIMITS

- a. At all levels, a grievance shall be investigated and the decision taken shall be

7. DÉLAIS

- a. À tous les paliers, un grief doit faire l'objet d'une enquête, et la décision prise

. . .

communicated to the inmate within ten (10) working days of the date of receipt of the grievance.

doit être communiquée au détenu dans les dix (10) jours ouvrables qui suivent la date de réception du grief.

- b. If it is evident that for just cause a decision cannot be rendered within ten (10) days, the inmate shall be so informed and shall be advised of the reason for and expected length of the delay.
- c. If, within ten (10) days of receipt of a grievance, an inmate has not received a decision and has not been advised of any delay, he may proceed to present the grievance at the next level.
- d. An inmate who receives a decision on a grievance from one level and is not satisfied with the decision and decides to proceed to the next level, must present the grievance at the next level within five (5) working days of receipt of the unsatisfactory decision.
- e. When an inmate receives a decision on a grievance and takes no further action within five (5) working days of receipt of the decision, the grievance shall be considered to have been abandoned.

- b. S'il est évident qu'une décision ne peut à juste titre être rendue dans les dix (10) jours, on devra en informer le détenu et lui exposer les motifs et la durée prévue du retard.
- c. Si, dans les dix (10) jours qui suivent la déposition de son grief, un détenu n'a pas reçu de décision et n'a pas été averti d'aucun retard, il peut soumettre le grief au palier suivant.
- d. Un détenu qu'on informe d'une décision prise à un palier et qui n'est pas satisfait de celle-ci et décide de soumettre son grief au palier suivant, doit le faire dans les cinq (5) jours ouvrables qui suivent celui où on l'a informé de la décision.
- e. Lorsqu'on informe un détenu d'une décision relative à son grief et que celui-ci ne prend aucune mesure dans les cinq (5) jours ouvrables qui suivent la réception de cette décision, le grief est considéré comme abandonné.

8. ADMINISTRATION

- a. A grievance at the first level shall be sent to the Assistant Director (O&A)

8. ADMINISTRATION

- a. Un grief présenté au premier palier sera adressé au directeur adjoint (O&A) dans

at large institutions, or to the designated officer at smaller institutions.

- b. A grievance at the second level shall be sent by the Assistant Director (O&A) or designated officer at the institution to the Chief (O&A), at Regional Headquarters or, in his absence, to the officer designated by the Regional Director.
- c. A grievance at the third level shall be sent by the Assistant Director (O&A) or designated officer at the institution to the Inmate Grievance Administrator, at National Headquarters.
- d. In each case, the officer to whom the grievance is sent shall:
 - (1) register the grievance;
 - (2) acknowledge receipt to the inmate;
 - (3) present the grievance, within forty-eight (48) hours, to the officer designated to render a decision;
 - (4) follow through on administrative action until the matter is closed.
- e. One copy of all material, including a record of each

les institutions importantes, ou à l'officier désigné, dans les institutions de moindre importance.

- b. Un grief présenté au deuxième palier doit être adressé, par le directeur adjoint (O&A) ou par l'officier désigné de l'institution, au chef (O&A), à l'Administration régionale, ou, en son absence, à l'officier désigné par le directeur régional.
- c. Un grief présenté au troisième palier sera adressé à l'administrateur des griefs des détenus, à l'Administration centrale, par le directeur adjoint (O&A) ou par l'officier désigné de l'institution.
- d. Dans chaque cas, l'officier à qui le grief est adressé devra:
 - (1) enregistrer le grief;
 - (2) en accuser réception au détenu;
 - (3) présenter le grief, dans les quarante-huit (48) heures, à l'officier habilité à rendre une décision;
 - (4) exercer un contrôle sur les mesures administratives prises jusqu'à ce que la question soit réglée de façon définitive.
- e. On doit verser au dossier du détenu une copie de

action relating to any grievance, shall be placed on the inmate's file.

chaque document, notamment un relevé de toutes les mesures prises concernant un grief quelconque.

9. REPORTS

Institutions and Regional Headquarters shall submit quarterly returns to the Inmate Grievance Administrator at National Headquarters indicating:

- a. the number of grievances to the first level;
- b. the number of grievances to the second level;
- c. subject matter of grievances;
- d. whether upheld or rejected in each case.

10. CONFIDENTIALITY

The contents of an inmate grievance, which includes all related reports, comments and decisions, are CONFIDENTIAL, and care shall be taken by all concerned at all levels to ensure that this confidentiality is preserved.

11. MATTERS EXCLUDED FROM GRIEVANCE PROCEDURE

Any matter which is, or may be, the subject of a claim against the Crown by an inmate is excluded from the Grievance Procedure.

9. RAPPORTS

Les institutions et l'Administration régionale devront soumettre des rapports trimestriels à l'administrateur des griefs des détenus à l'Administration centrale, indiquant:

- a. le nombre de griefs présentés au premier palier;
- b. le nombre de griefs présentés au deuxième palier;
- c. l'objet des griefs;
- d. dans chaque cas, si le grief a été maintenu ou rejeté.

10. CARACTÈRE CONFIDENTIEL DES GRIEFS

Le contenu d'un grief présenté par un détenu, à savoir tous les rapports, observations et décisions qui s'y rapportent, est CONFIDENTIEL, et tous les intéressés aux divers paliers doivent veiller à ce que ce caractère confidentiel soit préservé.

11. SUJETS EXCLUS DE LA PROCÉDURE DE GRIEF

Tout point qui est, ou peut être, le sujet d'une réclamation formulée contre la Couronne par un détenu doit être exclu de la procédure de grief.

(T.B. Minute No. 729748, dated 8 August 1974, and D.I. No. 503 apply in such matters).

(la C.T. n° 729748, en date du 8 août 1974, et l'I.D. n° 503 s'appliquent dans de tels cas).

12. ACTION AFTER INMATES' RELEASE

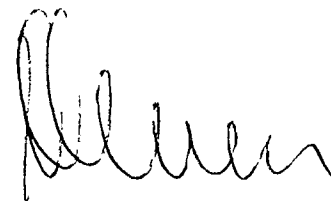
- a. Access to the Inmate Grievance Procedure is restricted to the period of incarceration only, and such access shall cease immediately at the time of release.
- b. An inmate grievance presentation which has not been resolved before his/her date of release, will, on the date of release, be forwarded to National Headquarters, attention Inmate Grievance Administrator, for consideration of further action on the part of the Canadian Penitentiary Service.

12. MESURES PRISES APRÈS LA LIBÉRATION DES DÉTENUS

- a. Le droit de présenter un grief n'est accordé au détenu que pendant sa période d'incarcération seulement, et tel droit doit cesser immédiatement au moment de la libération.
- b. Un grief d'un(e) détenu(e) qui n'a pas été réglé avant la date de libération, sera envoyé à l'Administration centrale le jour de la libération du (de la) détenu(e), à l'attention de l'administrateur des griefs des détenus qui avisera le Service canadien des pénitenciers de l'action à prendre.

Commissioner,

Le Commissaire,



A. Therrien

