

Investigation Recommendations

ID:	1326	Recomm. #:	3	Status:	Outstanding
Category:	Health and Safety - Fire Protection				
Recommendation:	PGRCC management in consultation with Corrections Branch Headquarters should consider S13, s.15 in segregation unit cells.				
Action Planned:	Funding to S13, s.15 in segregation is not available at present. This will be re-visited when the provincial upgrade project occurs. October 20, 2011 Funding to S13, S15 in segregation is not available at present. A request for funding during fiscal year 2011/12 has been submitted.				
Responsible:	Warden			Due Date:	5/7/2012
Action Taken:					



Ministry of Attorney General
& Treaty Negotiations, and
Ministry of Public Safety and
Solicitor General

Investigation, Inspection
and Standards Office

MEMORANDUM

PO Box 9279 Stn Prov Govt, Victoria BC V8W 9J7

Telephone: (250) 387-5948 Fax: (250) 356-9875

Bert Phipps
A/Assistant Deputy Minister
Corrections Branch

March 1, 2004

350-25/CCRR

Re:

s.14

Attached please find a recent opinion from our legal counsel.

s.14

s.14

s.14

The opinion maintains that

S14

s.14

s.14 That is why I am forwarding the opinion to you both for your reaction as well as allowing
you the opportunity to provide direction to s.14 within this context.

I look forward to your reply.

Vaughan Dowie
Director
Investigation, Inspection
& Standards Office

Attachment (1)

Pc: Wayne Willows
Director
Programs & Strategic Services

Bruce Bannerman
Program Analyst
Adult Custody

Pages 3 through 5 redacted for the following reasons:

s.14



Ministry of Attorney
General
Ministry of Public Safety
and Solicitor General

Investigation
and
Standards Office

MEMORANDUM

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Mr. P. Coulson
Warden
North Fraser Pretrial Centre

July 4, 2006

46020-20

Re: Disciplinary Hearing Process

During a period of 11 weeks at NFPC I conducted disciplinary hearings on a daily basis. The following is a summary of my observations and conclusions.

Not Responsive

Pages 7 through 11 redacted for the following reasons:

Not Responsive

IV. CAR s. 24 – SEPARATE CONFINEMENT

It was evident to me that the use of CAR s. 24 to hold inmates in segregation was effectively automatic. I was only aware of two instances where CAR 24 was not applied and in both cases the inmate was on the ESP program and was locked in his cell for most the day anyway.

Staff have told me that when the CAR first came into force, s. 24 was applied with some discretion. However, staff on the living units apparently reported that charged inmates became unmanageable because they told staff that as they were facing a segregation sentence they had nothing to gain by behaving (or in the vernacular: “what are you going to do to me – send me to seg? I’m going anyway.”).

The practice of applying CAR s. 24 in this manner presents a double bind for the centre. Firstly, CAR s. 24 is clearly not intended to be a default process that places all charged inmates into segregation and the centre is clearly open to an accusation of abuse of process. Secondly, by application of CAR s.24 the centre finds itself automatically bound by the requirements of the 72 hour rule under CAR 26.1 and at present it is not clear that the system recognises this. (The 72 hour rule applies in any eventuality in respect of commencing a hearing, but a hearing that is opened and then adjourned to allow officers to attend when an inmate is not being held in separate custody or is otherwise being restricted may not be problematic.)

CAR s.24 also requires a daily review of this decision to place an inmate in separate custody prior to a hearing. It is not clear to me that this requirement is being complied with or, if it is, that it is being recorded anywhere.

Not Responsive

Not Responsive

- The centre must review its compliance with the requirements of CAR 24 (*Separate Confinement*).

Not Responsive

Finally, I would like to acknowledge the support and cooperation that I received from all staff at NFPC during my weeks there.

A handwritten signature in black ink, appearing to read 'Lyall Boswell', with a stylized, cursive script.

Lyall Boswell
Inspector
Investigation and Standards Office

/dk

- c. Brent Merchant, Provincial Director, Adult Custody