

Swift, Sydney AG:EX

From: Swift, Sydney AG:EX
Sent: Monday, March 23, 2009 1:03 PM
To: Shalkowsky, Jim J AG:EX; Boswell, Lyall SG:EX; Chow, Larry AG:EX; Parkin, Joan M SG:EX; Pineau, Lynette L AG:EX; Wooding, Geoff SG:EX; Dobbie, Gabriele AG:EX; King, Dianne AG:EX; Thorpe, Michele AG:EX
Subject: FW: AC Policy Amendments - **Non Responsive** 1.22.6

FYI

From: Luknowsky, Myrna L SG:EX
Sent: March 23, 2009 12:55 PM
To: Anderson, Lisa R SG:EX; Bulmer, Colin SG:EX; Clark, Elenore SG:EX; Coulson, Peter SG:EX; Dicastri, Steve SG:EX; Dix, Steve SG:EX; Green, Dina I SG:EX; Gunnarson, Erin N SG:EX; Hawboldt, Debbie J SG:EX; Hawkins, Joanne SG:EX; Howard, Tedd SG:EX; Macpherson, Stephanie F SG:EX; Martin, Lisa C PSA:EX; Merchant, Brent SG:EX; Moody, Don SG:EX; Phillips, Eliza SG:EX; Tadla, Dana SG:EX; Vike, Evan SG:EX
Cc: Swift, Sydney AG:EX; Rothton, Diane A SG:EX; Olley, Maureen SG:EX; 'rchong@jibc.ca'; Tangedal, Derek SG:EX; Gunnarson, Jess SG:EX; Hoskins, Chad SG:EX; 'jmorris@CalibreHealth.ca'; Dadachanji, Jasmine SG:EX; Lutz, Paula J SG:EX; Morin, Brian SG:EX; Nygaard, Ken SG:EX; Ooms, Tracey L SG:EX; Porter, Tony SG:EX
Subject: AC Policy Amendments - **Non Responsive** 1.22.6

Following is information about three amendments to chapter 1 of Adult Custody policy:

Non Responsive

- Section **1.22.6 Limitation** of Adult Custody Policy provides direction regarding separate confinement inmate's access to specified cell effects and canteen items.

You may access these amendments via the ICON portal through the following link:

http://portal.ag.gov.bc.ca/portal/page/portal/COR_Home/Document_Repository/Tools/Policy/Custody/ACPolicy-1.22.6-2009.pdf

Please bring this information to the attention of your staff as necessary.

Thank you.

*Myrna Luknowsky
Policy and Program Analyst
Adult Custody Division
BC Corrections Branch
250-387-8672 Office
250-213-1102 Cell
250-952-6883 Fax*

Dix, Steve SG:EX

From: Dix, Steve SG:EX
Sent: Thursday, March 19, 2009 1:52 PM
To: Mcmechan, Colin J SG:EX
Cc: Merchant, Brent SG:EX; Macpherson, Stephanie F SG:EX; Mayhew, Marnie SG:EX; Lukowsky, Myrna L SG:EX; Dadachanji, Jasmine SG:EX
Subject: AC Policy Revisions - Assorted Sections

Follow Up Flag: Follow up
Due By: Tuesday, March 24, 2009 12:00 AM
Flag Status: Flagged

Collin, attached are additional AC policy revisions which we hope to have included in next week's release.

The areas of interest are:

Non Responsive

1.22.6. Limitation



Separate
infringement limitation

Non Responsive

Please advise me of any recommended amendments to these proposed revisions. I would also appreciate receiving a copy of the revised AC policy for review prior to posting. Notice will be sent to ACD staff by the responsible analyst once the new policy is in ICON. I shall ensure that the revised AC policy manual is filed for historical purposes.

Thank you, Collin.

Steve Dix

A/ Director, Policy and Programs
Adult Custody Division
BC Corrections Branch
Phone: 260 366-8733
Cell: 260 616-7361
Fax: 260 962-6883

Revised: Mar-09	B.C. Corrections Branch Adult Custody Policy
Page 1.22-2	<i>Chapter 1: Security and Control</i>

Non Responsive

1.22.6. Limitation

Inmates placed in separate confinement retain the rights and privileges of inmates in the general population identified in section 2(1) of the *Correction Act Regulation*. One or more privileges and access to specified cell effects and canteen items may be withdrawn due to limitations of the area where the inmate is kept, operational requirements of the centre or the protection of inmates or staff. Refer to section 2(2) of the *Correction Act Regulation*.

Non Responsive

1.22.6. Limitation

Inmates placed in separate confinement retain the rights and privileges of inmates in the general population identified in section 2(1) of the *Correction Act Regulation*. One or more privileges and access to specified cell effects and canteen items may be withdrawn due to limitations of the area where the inmate is kept, operational requirements of the centre or the protection of inmates or staff. Refer to section 2(2) of the *Correction Act Regulation*.

Deleted: because of special needs or circumstances

Deleted: P

Revised: Jan-07	B.C. Corrections Branch Adult Custody Policy
Page 1.22-2	Chapter 1: Security and Control

Non Responsive

1.22.6. Limitation

Inmates placed in separate confinement because of special needs or circumstances retain the rights and privileges of inmates in the general population identified in section 2(1) of the *Correction Act Regulation*. Privileges may be withdrawn due to limitations of the area where the inmate is kept, operational requirements of the centre or the protection of inmates or staff. Refer to section 2(2) of the *Correction Act Regulation*.

Non Responsive

Dix, Steve SG:EX

From: Luknowsky, Myrna L. SG:EX
Sent: Wednesday, February 25, 2009 9:51 AM
To: Dix, Steve SG:EX
Subject: Separate Confinement Limitations final.doc
Attachments: Separate Confinement Limitations final.doc

Steve, here is the final version of the separate confinement policy we spoke about on the call today. I believe it is ready to go to Collin now.

1.22.6. Limitation

Inmates placed in separate confinement retain the rights and privileges of inmates in the general population identified in section 2(1) of the *Correction Act Regulation*. One or more privileges and access to specified cell effects and canteen items may be withdrawn due to limitations of the area where the inmate is kept, operational requirements of the centre or the protection of inmates or staff. Refer to section 2(2) of the *Correction Act Regulation*.

~~Deleted: because of special needs or circumstances~~

~~Deleted: P~~

Luknowsky, Myrna L SG:EX

From: Boswell, Lyall SG:EX
Sent: Friday, February 20, 2009 3:51 PM
To: Luknowsky, Myrna L SG:EX
Cc: Swift, Sydney AG:EX
Subject: RE: Separate Confinement Limitations draft 1.doc

Great - many thanks again.

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 260-953-0418

From: Luknowsky, Myrna L SG:EX
Sent: Friday, February , 2009 3:48 PM
To: Boswell, Lyall SG:EX
Cc: Swift, Sydney AG:EX
Subject: RE: Separate Confinement Limitations draft 1.doc

I can live with these suggested changes. We will review the changes with Brent and then once it is finalized, we will advise you.

Myrna Luknowsky
Policy and Program Analyst
BC Corrections
Adult Custody Division
250-387-8672 - Phone
250-213-1102 - Cell
250-952-6883 - Fax
myrna.luknowsky@gov.bc.ca

From: Boswell, Lyall SG:EX
Sent: February 20, 2009 3:07 PM
To: Luknowsky, Myrna L SG:EX
Cc: Swift, Sydney AG:EX
Subject: Separate Confinement Limitations draft 1.doc

<< File: Separate Confinement Limitations draft 1.doc >>
Myrna,

Our suggestions, as shown in the attachment, are to shorten and simplify the first sentence by deleting "because of special needs or circumstances" and to change "certain" to "specified" in respect of cell effects and canteen items.

Many thanks

Lyall

Luknowsky, Myrna L SG:EX

From: Dix, Steve SG:EX
Sent: Friday, February 20, 2009 3:46 PM
To: Luknowsky, Myrna L SG:EX
Subject: FW: Emailing: Separate Confinement Limitations draft 1.doc
Attachments: Separate Confinement Limitations draft 1.doc

Myrna, attached is the final draft incorporating ISO changes.

Steve Dix
A/ Director, Policy and Programs
Adult Custody Division
BC Corrections Branch
Phone: 250 356-8733
Cell: 250 516-7381
Fax: 250 952-6883

-----Original Message-----
From: Dix, Steve SG:EX
Sent: February 20, 2009 11:33 AM
To: Luknowsky, Myrna L SG:EX
Subject: FW: Emailing: Separate Confinement Limitations draft 1.doc

Myrna, I have changed the wording slightly ("one or more privileges") to bring it in line with language used in CAR.

Steve Dix
A/ Director, Policy and Programs
Adult Custody Division
BC Corrections Branch
Phone: 250 356-8733
Cell: 250 516-7381
Fax: 250 952-6883

-----Original Message-----
From: Luknowsky, Myrna L SG:EX
Sent: February 19, 2009 3:30 PM
To: Dix, Steve SG:EX
Subject: Emailing: Separate Confinement Limitations draft 1.doc

Steve, Lyall Boswell has reviewed my suggested changes and agrees to the new wording. Can you please have a look and let me know what you think. I didn't get a chance to bring it up on the ops call as we ran out of time. Once you have done your review, I will send it to the group with an explanation of the changes.
The message is ready to be sent with the following file or link attachments:

Separate Confinement Limitations draft 1.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

1.22.6. Limitation

Inmates placed in separate confinement because of special needs or circumstances retain the rights and privileges of inmates in the general population identified in section 2(1) of the *Correction Act Regulation*. One or more privileges and access to specified cell effects and canteen items may be withdrawn due to limitations of the area where the inmate is kept, operational requirements of the centre or the protection of inmates or staff. Refer to section 2(2) of the *Correction Act Regulation*.

Dix, Steve SG:EX

From: Luknowsky, Myrna L SG:EX
Sent: Friday, February 20, 2009 3:20 PM
To: Dix, Steve SG:EX
Subject: FW: Separate Confinement Limitations draft 1.doc

I can live with this version

Myrna Luknowsky
Policy and Program Analyst
BC Corrections
Adult Custody Division
250-387-8672 - Phone
250-213-1102 - Cell
250-952-6883 - Fax
myrna.luknowsky@gov.bc.ca

From: Boswell, Lyall SG:EX
Sent: February 20, 2009 3:07 PM
To: Luknowsky, Myrna L SG:EX
Cc: Swift, Sydney AG:EX
Subject: Separate Confinement Limitations draft 1.doc



Separate
Confinement Limitations

Myrna,

Our suggestions, as shown in the attachment, are to shorten and simplify the first sentence by deleting "because of special needs or circumstances" and to change "certain" to "specified" in respect of cell effects and canteen items.

Many thanks

Lyall

1.22.6. Limitation

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Deleted: P

Luknowsky, Myrna L SG:EX

From: Boswell, Lyall SG:EX
Sent: Friday, February 20, 2009 12:58 PM
To: Luknowsky, Myrna L SG:EX
Subject: RE: Separate Confinement Limitations draft 1.doc

Myrna

I see your point and am happy with this. I am having a quick canvas around the office for final comments on the second draft and will get it back to you ASAP.

many thanks

Lyall

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 250-953-0418

From: Luknowsky, Myrna L SG:EX
Sent: Friday, February , 2009 12:02 PM
To: Boswell, Lyall SG:EX
Subject: RE: Separate Confinement Limitations draft 1.doc

Lyall, I don't think that PGRCC will be able to rely on the limitations of the area. I am hesitant to be too prescriptive in policy and would rather deal with PGRCC directly to help them understand the risks associated with their current practice.

Myrna Luknowsky
Policy and Program Analyst
BC Corrections
Adult Custody Division
250-387-8672 - Phone
250-213-1102 - Cell
250-952-6883 - Fax
myrna.luknowsky@gov.bc.ca

From: Boswell, Lyall SG:EX
Sent: February 20, 2009 10:11 AM
To: Luknowsky, Myrna L SG:EX
Subject: Separate Confinement Limitations draft 1.doc

Myrna

a final comment (and I apologise for the typo in my last message: *rely* rather than *reply*). I has been suggested that the following section of policy (1.22.7 Notification) should also be amended to require written explanation as to why staff are withdrawing the privilege, access to cell effects or canteen items.

I feel this has merit - though whether the written explanation should be in the notification form itself or separate is a matter you would be better placed to decide. We would just be looking for a written explanation that has been provided to the inmate.

That's all - I promise (fingers crossed!)

Lyall

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 250-953-0418

From: Boswell, Lyall SG:EX
Sent: Thursday, February , 2009 4:02 PM
To: Luknowsky, Myrna L SG:EX
Subject: RE: Separate Confinement Limitations draft 1.doc

Myrna

I just had another think - will PGRC be able to reply on the limitations of the area as a defence for their segregation practice of denying access to effects etc? If so some clearer wording may be needed.

Sorry about this

Lyall

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 250-953-0418

From: Luknowsky, Myrna L SG:EX
Sent: Thursday, February , 2009 12:24 PM
To: Boswell, Lyall SG:EX
Subject: Separate Confinement Limitations draft 1.doc

Lyall, have a look at my first draft and let me know what you think.

Dix, Steve SG:EX

From: Dix, Steve SG:EX
Sent: Friday, February 20, 2009 11:33 AM
To: Luknowsky, Myrna L SG:EX
Subject: FW: Emailing: Separate Confinement Limitations draft 1.doc
Attachments: Separate Confinement Limitations draft 1.doc

Myrna, I have changed the wording slightly ("one or more privileges") to bring it in line with language used in CAR.

Steve Dix
A/ Director, Policy and Programs
Adult Custody Division
BC Corrections Branch
Phone: 250 356-8733
Cell: 250 516-7381
Fax: 250 952-6883

-----Original Message-----
From: Luknowsky, Myrna L SG:EX
Sent: February 19, 2009 3:30 PM
To: Dix, Steve SG:EX
Subject: Emailing: Separate Confinement Limitations draft 1.doc

Steve, Lyall Boswell has reviewed my suggested changes and agrees to the new wording. Can you please have a look and let me know what you think. I didn't get a chance to bring it up on the ops call as we ran out of time. Once you have done your review, I will send it to the group with an explanation of the changes.
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Separate Confinement Limitations draft 1.doc

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1.22.6. Limitation

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Deleted p

From: Luknowsky, Myrna L SG:EX
Sent: February 20, 2009 10:14 AM
To: Dix, Steve SG:EX
Subject: FW: Separate Confinement Limitations draft 1.doc
The written notification can be a workload issue.

Myrna Luknowsky
Policy and Program Analyst
BC Corrections
Adult Custody Division
250-387-8672 - Phone
250-213-1102 - Cell
250-952-6883 - Fax
myrna.luknowsky@gov.bc.ca

From: Boswell, Lyall SG:EX
Sent: February 20, 2009 10:11 AM
To: Luknowsky, Myrna L SG:EX
Subject: Separate Confinement Limitations draft 1.doc

Myrna

a final comment (and I apologise for the typo in my last message: *rely* rather than *reply*). I has been suggested that the following section of policy (1.22.7 Notification) should also be amended to require written explanation as to why staff are withdrawing the privilege, access to cell effects or canteen items.

I feel this has merit - though whether the written explanation should be in the notification form itself or separate is a matter you would be better placed to decide. We would just be looking for a written explanation that has been provided to the inmate.

That's all - I promise (fingers crossed!)

Lyall

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 250-953-0418

From: Boswell, Lyall SG:EX
Sent: Thursday, February , 2009 4:02 PM
To: Luknowsky, Myrna L SG:EX
Subject: RE: Separate Confinement Limitations draft 1.doc

Myrna

I just had another think - will PGRCC be able to reply on the limitations of the area as a defence for their segregation practice of denying access to effects etc? If so some clearer wording may be needed.

Sorry about this

Lyall

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 250-953-0418

From: Luknowsky, Myrna L SG:EX
Sent: Thursday, February , 2009 12:24 PM
To: Boswell, Lyall SG:EX
Subject: Separate Confinement Limitations draft 1.doc

Lyall, have a look at my first draft and let me know what you think.

Luknowsky, Myrna L SG:EX

From: Boswell, Lyall SG:EX
Sent: Thursday, February 19, 2009 3:26 PM
To: Luknowsky, Myrna L SG:EX
Subject: RE: Separate Confinement Limitations draft 1.doc

Myrna

It looks great to me. Many thanks.

Lyall

Lyall Boswell
Investigation and Standards Office
Tei: 604-660-1664
Fax: 250-963-0418

From: Luknowsky, Myrna L SG:EX
Sent: Thursday, February , 2009 12:24 PM
To: Boswell, Lyall SG:EX
Subject: Separate Confinement Limitations draft 1.doc

Lyall, have a look at my first draft and let me know what you think.

Dix, Steve SG:EX

From: Luknowsky, Myrna L SG:EX
Sent: Thursday, February 19, 2009 3:30 PM
To: Dix, Steve SG:EX
Subject: Separate Confinement Limitations draft 1.doc
Attachments: Separate Confinement Limitations draft 1.doc

Steve, Lyall Boswell has reviewed my suggested changes and agrees to the new wording. Can you please have a look and let me know what you think. I didn't get a chance to bring it up on the ops call as we ran out of time. Once you have done your review, I will send it to the group with an explanation of the changes.
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Separate Confinement Limitations draft 1.doc

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From: Luknowsky, Myrna L SG:EX
Sent: February 19, 2009 3:45 PM
To: Dix, Steve SG:EX
Subject: FW: Complaint - s.22

Attachments: s.22 , reply February 16.doc; s.22 , PGRC Memo February 17.doc
Steve, can we discuss tomorrow before I get back to Joanne?

Myrna Luknowsky
Policy and Program Analyst
BC Corrections
Adult Custody Division
250-387-8672 - Phone
250-213-1102 - Cell
250-952-6883 - Fax
myrna.luknowsky@gov.bc.ca

From: Hawkins, Joanne SG:EX
Sent: February 19, 2009 3:42 PM
To: Luknowsky, Myrna L SG:EX
Subject: FW: Complaint - s.22

I am hesitant about jumping to the conclusion (as per Mr Boswell) that we can have a Provincial Policy that covers all of our Segregation areas, as the physical structure and holding abilities of each centre are different. I would like to talk about this as I think would not want to sacrifice security for the sake of an inmate getting his individual needs met while on sec 18.

J

J. Hawkins
Warden
Pr. George Regional Correctional Centre
ph: 250-960-3001
email: Joanne.Hawkins@gov.bc.ca

From: King, Dianne AG:EX
Sent: Wednesday, February 18, 2009 2:29 PM
To: Hawkins, Joanne SG:EX; Duthie, Joanne SG:EX
Cc: Vanderlaan, Carin C SG:EX; Merchant, Brent SG:EX; Phillips, Eliza SG:EX; Luknowsky, Myrna L SG:EX
Subject: Complaint - s.22



s.22 reply
February 16.doc...



s.22 \GRCC
Memo February 1...

Dianne K. King 387-5901
Administrative Assistant
Investigation & Standards Office
PO Box 9279 Stn Prov Govt
Victoria, B.C. V8W 9J7
Ph: 250-387-5948 Fax: 356-9875

Swift, Sydney AG:EX

From: Boswell, Lyall SG:EX
Sent: Thursday, February 19, 2009 1:33 PM
To: Shalkowsky, Jim J AG:EX; Wooding, Geoff SG:EX; Chow, Larry AG:EX; Parkin, Joan M SG:EX; Pineau, Lynette L AG:EX
Cc: Swift, Sydney AG:EX
Subject: FW: Separate Confinement Limitations draft 1.doc
Attachments: Separate Confinement Limitations draft 1.doc

can I have any comments please. As soon as possible would be appreciated (there is an Ops meeting tomorrow).

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 250-953-0418

From: Luknowsky, Myrna L SG:EX
Sent: Thursday, February , 2009 12:24 PM
To: Boswell, Lyall SG:EX
Subject: Separate Confinement Limitations draft 1.doc

Lyall, have a look at my first draft and let me know what you think.

Luknowsky, Myrna L SG:EX

From: Boswell, Lyall SG:EX
Sent: Wednesday, February 18, 2009 11:44 AM
To: King, Dianne AG:EX
Cc: Luknowsky, Myrna L SG:EX
Subject: FW: Inmate access to cell effects and canteen items in segregation units

Dianne

Re - **s.22** Could you please send a copy of the PGRCC memo and the inmate's reply letter to Myrna.

Thanks

Lyall

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 250-953-0418

From: Luknowsky, Myrna L SG:EX
Sent: Wednesday, February , 2009 11:42 AM
To: Boswell, Lyall SG:EX
Subject: RE: Inmate access to cell effects and canteen items in segregation units

Do you have the letter you sent to the inmate at PGRCC?

Myrna Luknowsky
Policy and Program Analyst
BC Corrections
Adult Custody Division
250-387-8672 - Phone
250-213-1102 - Cell
250-952-6883 - Fax
myrna.luknowsky@gov.bc.ca

From: Boswell, Lyall SG:EX
Sent: February 18, 2009 11:37 AM
To: Luknowsky, Myrna L SG:EX
Subject: FW: Inmate access to cell effects and canteen items in segregation units

Myrna

Just a heads up that Sydney is sending a memo to Brent on this issue reiterating our request that we would like to see some policy around s.18 inmates in segregation. We had another inmate from PGRCC who was in seg on s.18 for a long time and was denied cell effects etc.

Lyall

Lyall Boswell
Investigation and Standards Office
Tel: 604-660-1564
Fax: 250-953-0418

From: Swift, Sydney AG:EX
Sent: Friday, November , 2008 10:11 AM

To: Muldrew, Shane AG:EX; Boswell, Lyall SG:EX; Chow, Larry AG:EX; Parkin, Joan M SG:EX; Pineau, Lynette L AG:EX;
Shakowsky, Jim J AG:EX; Wooding, Geoff SG:EX; Thorpe, Michele AG:EX
Subject: FW: Inmate access to cell effects and canteen items in segregation units

Further correspondence/update from Brent.

From: Phillis, Eliza SG:EX
Sent: November 6, 2008 4:37 PM
To: Swift, Sydney AG:EX
Subject: Inmate access to cell effects and canteen items in segregation units

Please find pdf document attached with respect to the above matter.

Eliza Phillis

A/Admin Assistant
BC Corrections - Adult Custody

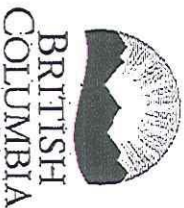
7th Fl. - 1001 Douglas St
Victoria BC V8W 8J7

Tel: 250.356.7368
Fax: 250.952.6883

<< File: Inmate Access to cell effects and canteen items in segregation units.pdf >>

1.22.6. Limitation

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Memorandum

Ministry of Attorney General
Ministry of Public Safety & Solicitor General
Investigation & Standards Office

P.O. Box 9279, Stn. Prov. Govt, Victoria, B.C. V8W 9J7 Phone: 250 387-5948 Fax: 250 356-9875

Mr. Brent Merchant
Provincial Director
Adult Custody, Corrections Branch

February 18, 2009
59320-20/08-037

Re: Inmate access to cell effects and canteen items

On August 18, 2008, I wrote to you concerning the issue of inmate access to cell effects and canteen items. This was in respect of inmate ^{s.22} and his separate confinement under section 18, Correction Act Regulation (CAR), in the segregation unit at Prince George Regional Correctional Centre (PGRCC).

You replied on September 5, 2008, stating that you supported my memorandum and that Myrna Lukowsky was working on clarifying Adult Custody Division policy. On November 6, 2008 you wrote again and informed me that "Adult Custody provincial policy . . . has been reviewed and section 1.21.6 provides direction on the limitation of privileges for inmates placed on separate confinement." You advised me that "[a] memorandum has been sent to the Deputy Wardens, Operations clarifying that "the limitation of privileges for separate confinement inmates needs to be justified and articulated."

However, section 1.12.6 of Adult Custody policy refers to privileges identified under section 2(1) and 2(2) of the CAR. Cell effects and canteen items (and televisions) are not included in that list of privileges. Therefore, while we took your memorandum to be supportive of our position, reliance upon section 1.12.6 of Adult Custody policy was, in our opinion, flawed. We remained of the opinion that new or amended policy was needed to address this issue and we advised Myrna Lukowsky of our position on this.

Another complaint has now been received which illustrates this.

^{s.22} has complained to this Office about being held for an excessive period of time in separate confinement at PGRCC. Although our investigation determined that PGRCC had reasonable grounds for this classification, it was revealed that the inmate had spent from ^{s.22} in the segregation unit at PGRCC as a section 18 inmate.

PGRCC has consistently operated a policy whereby any inmates in the segregation unit, regardless of their classification or reason for being there, are denied regular access to cell effects and canteen items. From reading the inmate's complaint forms, it is clear that the inmate did not object to his section 18 classification per se, rather he was unhappy with the restrictions he had to endure in segregation relating to canteen, cell effects and television.

Our office has consistently upheld the right of inmates to have access to canteen and cell effects unless there are reasonable, specific and individual reasons for denying them. We believe that this position is consistent with current Corrections Branch policy (Section 3.5.3, BC Corrections Branch Adult Custody Division Policy).

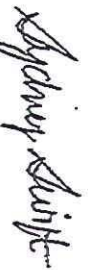
Separate confinement under section 18 of the CAR is a classification and not a punishment. I feel it is unreasonable, therefore, for an inmate held under section 18 to have to endure the same conditions as an inmate serving a disciplinary disposition. The fact that the period of separate confinement often greatly exceeds the maximum period of segregation allowed for a disciplinary disposition illustrates the unfairness of this practice.

This office respects the right of PGRCC to run its segregation unit as management sees fit. However, if it is determined that all inmates in segregation necessarily must be denied canteen items, cell effects and televisions then it would the position of this office that section 17 and 18 inmates should not be housed in segregation.

Our office is aware that some other centres, as a general practice, allow separate confinement inmates in segregation units access to canteen items and cell effects. This has given rise to some confusion among inmates and we believe that it leaves the Corrections Branch open to an accusation of inconsistent practices between centres.

I continue to believe that the wording of current policy does not provide sufficient guidance to correctional centre management and staff, and I would ask that the Branch review the policy with the aim of providing greater clarity and instruction.

I would be grateful if you would consider this matter again and advise this office of your conclusions.



Sydney Swift
Director
Investigation & Standards Office

/dlk



BRITISH
COLUMBIA

Ministry of
Public Safety and
Solicitor General

Corrections Branch
Adult Custody Division

MEMORANDUM

Mailing Address: P.O. Box 9278 Stn Prov Govt

7th floor, 1001 Douglas Street, Victoria, British Columbia V8W 9J7 Telephone: (250) 387-5098 Fax: (250) 952-0883

C366350

November 6, 2008

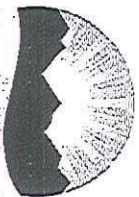
Ms. Sydney Swift
Director
Investigation & Standards Office

Re: Inmate access to cell effects and canteen items in segregation units

Further to my memorandum of September 9, 2008 concerning the referenced matter, I can advise you that Adult Custody provincial policy regarding separate confinement has been reviewed and section 1.21.6 provides direction on the limitations of privileges for inmates placed on separate confinement status. The current wording of provincial policy is clear and states that privileges "may" be withdrawn due to limitations of the area where the inmate is kept, operational requirements of the centre or the protection of inmates or staff. A memorandum has been sent to the Deputy Wardens, Operations clarifying that the limitation of privileges for separate confinement inmates needs to be justified and articulated.

Yours sincerely,

B. Merchant
Provincial Director
Adult Custody Division



BRITISH
COLUMBIA

February 18, 2009

50370.70/08.097

s.22

s.22

c/o Prince George Regional Correctional Centre
PO Box 4300
Prince George BC V2L 5J9

Dear s.22 :

I am writing in response to the letter of December 1, 2008, from Prisoners' Legal Services (PLS), in which dissatisfaction was expressed regarding your placement in separate confinement at Prince George Regional Correctional Centre (PGRCC).

PLS have made two complaints regarding your placement as follows:

- Firstly, the period of time you have spent in separate custody is unreasonable,
- Secondly, your s.22 notice of separate confinement contained no release plan.

s.22

s.22

was of great concern
and alarming to staff and management at PGRCC. As a result, you faced criminal and disciplinary charges. s.22 you were placed in separate confinement under section 17 and subsequently section 18 of the Correction Act Regulation (CAR).

You have remained in separate confinement under section 18 since then. The bulk of this time has been spent in the segregation unit where living conditions are considerably more restricted than on regular units. In particular, in segregation you have not had access to a television or been allowed possession of cell effects or canteen items.

Your client log on

s.22

CORNET indicates that you find the living conditions on this unit more pleasant.

The classification of inmates is a matter for centre management, Investigation and Standards Office (ISO) will not interfere in operational matters of this nature except to satisfy ourselves that any classification decisions are reasonable. In your case, I believe the decision to place and hold you in separate custody was reasonable given your behaviour and the concerns that it aroused for the safety of those around you. I am therefore classifying this complaint as unsubstantiated.

Ministry of Attorney General

Ministry of Public Safety and
Solicitor General

Investigation
&
Standards Office

Mailing Address:
PO Box 9279 Stn Prov Govt
Victoria BC V8W 9J7

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

However, I do not believe that a separate confinement inmate should face living conditions similar to those of inmates serving a disciplinary disposition, especially not for an extended period of time as was the case here. A section 18 placement is a classification decision and not a punishment. ISO believes that section 18 inmates should be allowed ready access to cell effects, canteen items and, where appropriate, television. In your case, you were denied access to these items due to your being held in the segregation unit. PGRCC operates a strict policy that prohibits canteen and cell effects in the segregation unit. Some other centres appear to be more flexible and allow inmates in segregation access to such items depending upon their classification.

ISO will be writing to the Corrections Branch asking for policy guidelines to be developed that would ensure the standardization of practices in this regard across all centres in the Province.

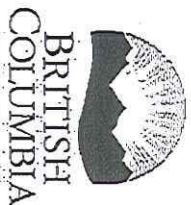
In respect of your separate confinement notification forms, I note that the forms dated s.22 do not contain any release planning. The forms are clearly deficient and I am therefore classifying this complaint as substantiated. I have raised my concerns about this with the Deputy Warden of Operations at PGRCC.

Yours sincerely,

L yall Boswell
Inspector
Investigation & Standards Office

/dlk

c: Mr. A. O. Phipps, Assistant Deputy Minister
Mr. B. Merchant, Provincial Director
Ms. M. Luknowsky, Program Analyst
Ms. J. Hawkins, Warden, PGRCC
Ms. S. Lemoine, Legal Advocate, PLS



Memorandum

Ministry of Attorney General
Ministry of Public Safety & Solicitor General
Investigation & Standards Office

PO Box 9279 Sun Prov Govt, Victoria, BC V8W 9J7 Phone: 250 387-5948 Fax: 250 356-9875

Ms. J. Hawkins
Warden
Prince George Regional Correctional Centre

February 18, 2009
59320-20/08-027

Re: Inmate access to cell effects and canteen items

I am writing to inform you of the result of a recent investigation into a complaint about separate confinement at Prince George Regional Correctional Centre (PGRCC).

Inmate ^{s.22}, has complained, via Prisoner Legal Services (PLS), about being held for an excessive period of time in separate confinement at PGRCC. Although our investigation determined that PGRCC had reasonable grounds for this classification, it was revealed that the inmate had spent from ^{s.22} in the segregation unit at PGRCC as a section 18 inmate.

PGRCC has consistently operated a policy whereby any inmates in the segregation unit, regardless of their classification or reason for being there, are denied regular access to cell effects and canteen items. From reading the inmate's complaint forms, it is clear that the inmate did not object to his section 18 classification per se. Rather, he was unhappy with the restrictions he had to endure in segregation relating to canteen, cell effects and television.

Investigation and Standards Office (ISO) has consistently upheld the right of inmates to have access to canteen and cell effects unless there are reasonable, specific and individual reasons for denying them. We believe that this position is consistent with current Corrections Branch policy (section 3.5.3. of BC Corrections Branch Adult Custody Division Policy).

Separate confinement under section 18 of the CAR is a classification and not a punishment. I feel it is unreasonable therefore for an inmate held under section 18 to have to endure the same conditions as an inmate serving a disciplinary disposition. The fact that the period of separate confinement often greatly exceeds the maximum period of segregation allowed for a disciplinary disposition illustrates the unfairness of this practice.

ISO respects the right of PGRCC to run its segregation unit as management sees fit. However, if it is determined that all inmates in segregation necessarily must be denied canteen items, cell effects and televisions, then it would be the position of this office that section 17 and 18 inmates should not be housed in segregation.

Our office is aware that some other centres, as a general practice, allow separate confinement inmates in segregation units access to canteen items and cell effects. This has given rise to some confusion among inmates and we believe that it leaves the Corrections Branch open to an accusation of inconsistent practices between centres.

To that end, this office will be writing to the Branch requesting that policy be amended to provide guidelines that would ensure consistency among all centres.

Finally, PLS also complained that some of this inmate's separate confinement notification forms did not contain any release plans. I have reviewed these forms and noted that those dated ^{s.22} do not contain any release planning. The forms are clearly deficient and I have therefore classified this complaint as substantiated. I have advised DW Chafe of this.

For your information.

Lyall Boswell
Inspector
Investigation & Standards Office

/dlk

c: Mr. A. O. Phipps, Assistant Deputy Minister
Mr. B. Merchant, Provincial Director
Ms. M. Lukowsky, Program Analyst