

INFORMATION
GUIDE FOR
WOMEN
SERVING A
PROVINCIAL
SENTENCE

Canadian Association
of Elizabeth Fry
Societies

Société Elizabeth Fry
du Québec

**INFORMATION GUIDE
FOR WOMEN SERVING
A PROVINCIAL SENTENCE**

TABLE OF CONTENTS

| | |
|---|-----------|
| PREFACE | 4 |
| INTRODUCTION | 5 |
| 0.1. THE LAW IN CANADA | 5 |
| 0.2. CRIMINAL LAW AND PROCEDURE | 6 |
| 0.3. THE ESTABLISHMENTS, LAWS AND PRINCIPAL ACTORS IN DETENTION | 10 |
| PART 1: INFORMATION | 15 |
| 1.1 WHICH INFORMATION DO INMATES HAVE THE RIGHT TO RECEIVE? | 15 |
| PART 2: ARRIVAL IN DETENTION AND ASSESSMENT | 16 |
| 2.1. WHAT HAPPENS FOLLOWING THE JUDGE’S VERDICT AND THE DETERMINATION OF THE SENTENCE? .. | 16 |
| 2.2. WHAT IS AN ASSESSMENT AND WHAT ARE THE FACTORS THAT ARE TAKEN INTO CONSIDERATION? .. | 16 |
| 2.3. WHICH INFORMATION DOES THE INMATE HAVE TO PROVIDE DURING HER ASSESSMENT? | 18 |
| 2.4. WHAT IS A CORRECTIONAL PLAN? | 19 |
| PART 3: CLASSIFICATION | 20 |
| 3.1. WHAT IS CLASSIFICATION? | 20 |
| 3.2. HOW DOES THE QCS DETERMINE THE CLASSIFICATION OF AN INMATE? | 21 |
| 3.3. CAN AN INMATE APPEAL HER CLASSIFICATION OR MODIFY HER CORRECTIONAL PLAN? | 23 |
| PART 4: PROGRAMS | 24 |
| 4.1. WHO IS RESPONSIBLE FOR THE PROVINCIAL PROGRAMS? | 24 |
| 4.2. WHAT ARE THE ACTIVITY PROGRAMS OFFERED IN PRISONS IN QUÉBEC? | 25 |
| ANGER MANAGEMENT WORKSHOP | 25 |
| 4.3. HOW DO THE REMUNERATED EMPLOYMENT PROGRAMS WORK? | 27 |
| 4.4. MOTHERS SERVING PROVINCIAL SENTENCE | 29 |
| EVERY NIGHT, MOTHER READS TO ME | 29 |
| OTHER SERVICES OFFERED BY CFAD TO INCARCERATED MOTHERS | 30 |
| PART 5: HEALTH CARE | 31 |
| 5.1. HOW CAN SOMEONE IN DETENTION GET ACCESS HEALTH CARE? | 31 |
| 5.2. WHO PAYS FOR HEALTH CARE? | 31 |
| 5.3. HOW CAN SOMEONE IN DETENTION GET ACCESS TO SPECIALIZED HEALTH CARE SERVICES? | 32 |
| 5.4. CAN INMATES REFUSE MEDICAL TREATMENT? | 32 |
| 5.5. WHAT IS THE EXTENT OF THE RIGHT TO PRIVACY WITH REGARD TO HEALTH INFORMATION? | 33 |
| 5.6. HOW DOES ONE MAKE A COMPLAINT WITH RESPECT TO A MEDICAL DECISION OR ACT? | 33 |
| 5.7. HYGIENE AND EXERCISE | 34 |
| 5.8. CARE FOR PREGNANT WOMEN | 34 |
| PART 6: ACCESS TO INFORMATION AND CONFIDENTIALITY | 35 |
| 6.1. HOW CAN AN INMATE GET ACCESS TO THE INFORMATION HELD BY QCS ABOUT HER? | 35 |

Information Guide
Rights of Women Serving a Provincial Sentence

| | |
|--|-----------|
| 6.2. CAN AN INMATE BE REFUSED ACCESS TO CERTAIN INFORMATION? | 35 |
| 6.3. HOW CAN AN INMATE CORRECT ERRORS IN THE INFORMATION ABOUT HER? | 36 |
| 6.4. WHAT KIND OF INFORMATION ABOUT AN INMATE MAY BE DISCLOSED TO THE VICTIMS?..... | 36 |
| 6.5. WHICH INFORMATION MAY BE TRANSMITTED TO POLICE AUTHORITIES? | 37 |
| PART 7: THE RIGHT TO COUNSEL | 38 |
| 7.1. UNDER WHICH CIRCUMSTANCES DOES AN INMATE HAVE A RIGHT TO CONSULT A LAWYER? | 38 |
| 7.2. WHAT IS LEGAL AID? | 39 |
| 7.3. HOW CAN AN INMATE ACCESS A TELEPHONE TO COMMUNICATE WITH HER LAWYER? | 39 |
| PART 8: ISOLATION | 40 |
| 8.1. WHAT IS ISOLATION? | 40 |
| 8.2. WHAT KIND OF INFORMATION IS A PERSON IN ISOLATION ENTITLED TO RECEIVE? | 41 |
| 8.3. HOW CAN A DECISION REGARDING ISOLATION BE REVIEWED? | 42 |
| 8.4. DOES AN INMATE PLACED IN ISOLATION HAVE THE RIGHT TO CONSULT A LAWYER? | 43 |
| 8.5. WHAT RIGHTS DOES A PERSON IN ISOLATION HAVE WITH RESPECT TO HEALTH CARE, HYGIENE AND ACCESS TO PROGRAMS? | 43 |
| PART 9: TRANSFERS | 44 |
| 9.1. WHEN AND FOR WHAT REASONS MAY AN INMATE BE TRANSFERRED?..... | 44 |
| 9.2. MAY AN INMATE REQUEST TO BE TRANSFERRED?..... | 44 |
| 9.3. HOW CAN AN INMATE REQUEST A REVIEW OF A TRANSFER DECISION? | 44 |
| PART 10: DISCIPLINE..... | 45 |
| 10.1. WHAT ARE THE OBJECTIVES OF THE DISCIPLINARY SYSTEM IN DETENTION? | 45 |
| 10.2. WHAT IS A DISCIPLINARY INFRACTION? | 45 |
| 10.3. WHAT ARE THE CONSEQUENCES FOR COMMITTING A DISCIPLINARY INFRACTION? | 46 |
| 10.5. WHAT TYPE OF DEFENCE CAN THE INMATE PRESENT BEFORE THE DISCIPLINE COMMITTEE?..... | 48 |
| 10.6. WHAT ARE THE FACTORS TAKEN INTO ACCOUNT BY THE DISCIPLINE COMMITTEE? | 48 |
| 10.7. HOW CAN AN INMATE REQUEST FOR A REVIEW OF A DECISION OF THE DISCIPLINE COMMITTEE? ... | 49 |
| 10.8. WHO DECIDES WHEN AN INFRACTION MUST BE TURNED OVER TO THE POLICE FOR THE PURPOSES OF AN INQUIRY WHICH MAY LEAD TO CRIMINAL CHARGES? | 50 |
| PART 11: SEARCHES | 51 |
| 11.1. WHAT IS A BODY SEARCH? | 51 |
| 11.2. CELL SEARCHES AND SEIZURE OF UNAUTHORIZED OBJECTS..... | 52 |
| 11.3. WHEN MAY INMATES BE SEARCHED? | 53 |
| 11.4. WHAT IS THE PROCEDURE FOR THE BODY CAVITY SEARCH?..... | 54 |
| 11.5. WHAT IS THE PROCEDURE FOR THE SEARCH OF VISITORS?..... | 55 |
| 11.6. WHAT IS THE PROCEDURE FOR URINE TESTS? | 55 |
| PART 12: TEMPORARY ABSENCES..... | 56 |
| 12.1. WHAT IS A TEMPORARY ABSENCE? | 56 |
| 12.2. WHAT ARE THE ELIGIBILITY CRITERIA TO BE GRANTED A TEMPORARY ABSENCE? | 56 |
| 12.3. TEMPORARY ABSENCE EXAMINING BOARD..... | 63 |
| 12.4. SUSPENSION, REVOCATION AND REVIEW OF TEMPORARY ABSENCES | 64 |

PART 13: COMPLAINTS AND OTHER SOLUTIONS.....66

13.1. WHAT IS THE COMPLAINT SYSTEM?66

13.2. HOW DOES THE COMPLAINT PROCESS WORK?.....66

13.3. SPECIAL CASES.....67

PART 14: OTHER SOLUTIONS AND ORGANIZATIONS TO CONTACT69

14.1. ARE THERE OTHER OPTIONS ASIDE FROM THE INTERNAL COMPLAINTS SYSTEM?69

14.2. WHAT IS THE ROLE OF THE PUBLIC PROTECTOR OF QUÉBEC?69

14.3. WHAT IS THE ROLE OF THE COMMISSION DES DROITS DE LA PERSONNE ET DROITS DE LA JEUNESSE
(QUÉBEC HUMAN RIGHTS COMMISSION)?72

ANNEX I: ADRESSES AND WEBSITE74

LIST OF TABLES

TABLE 1 Organization of Canada’s and Québec’s Judicial System6

TABLE 2 Diagram of the Steps of Criminal Procedure.....7

TABLE 3 Administrative Structure of Québec Correctional Services13

TABLE 4 Functioning of the LS/CMI Actuarial Tool.....22

TABLE 5 Other Services Offered in women prisons.....26

TABLE 6 Employment Programs Offered in Women’s Prisons.....28

PREFACE

Most people facing justice find themselves before the unknown, and are not aware of their rights or the legal options and resources available to them. This Information Guide offers a look at the rights of prison inmates.

The Guide was designed as a tool dedicated to women serving time in a provincial prison. The objective of this guide is to provide basic information about the way in which the laws and regulations apply to women detained in Québec in provincial prisons.¹

The Guide is expected to evolve and improve in order to respond as adequately as possible to the needs of detained women. If you have suggestions or comments regarding the Guide, do not hesitate to contact the Elizabeth Fry Society of Québec at the following address:

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Warning to readers!

The information provided in this guide is of a general nature and is at your disposal without any guarantee, especially with regards to its accuracy as to the most recent developments. This information must not be interpreted as constituting legal advice or opinions. If you need advice or specific information, please consult a lawyer.

The information in this document was last updated on February 5th, 2009.

¹ Please note that the Canadian Association of Elizabeth Fry Societies is the author of a guide named "Human Rights in Action: Handbook for Women Serving Federal Sentences" available at: <www.elizabethfry.qch.ca>.

INTRODUCTION

0.1. The Law in Canada

The Canadian legal system is based on two traditions: the common law and the civil law. Québec has its own civil laws, but shares its public law- of which the criminal law is part- with the rest of the country.

The Canadian Constitution is considered to be “the supreme law of Canada.”² It includes many laws, conventions and constitutional customs, among which, since 1982, the *Canadian Charter of Rights and Freedoms*. The Constitution is at the summit of the legal hierarchy, which means that all the laws and regulations adopted by the government of Canada and the governments of the provinces must respect its principles. Court decisions must also be made in conformity with the principles of the *Charter*.

Laws are adopted by federal, provincial and municipal governments. However, only the federal parliament may adopt a law creating a “criminal” infraction.

The role of courts is to interpret and apply the law to the cases which are submitted to them. The Supreme Court of Canada is the highest court in the country and hears civil and criminal cases. When it renders a decision, this decision becomes an “authority” which lower courts are bound to follow.

Courts must apply the law without discrimination, i.e. independently of race, national or ethnic origin, colour, religion, gender, age or physical or mental deficiencies.

**Extracts from the
Canadian Charter of
Rights and Freedoms**

SECTION 7

“Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.”

SECTION 9

“Everyone has the right not to be arbitrarily detained or imprisoned.”

SECTION 10(b)

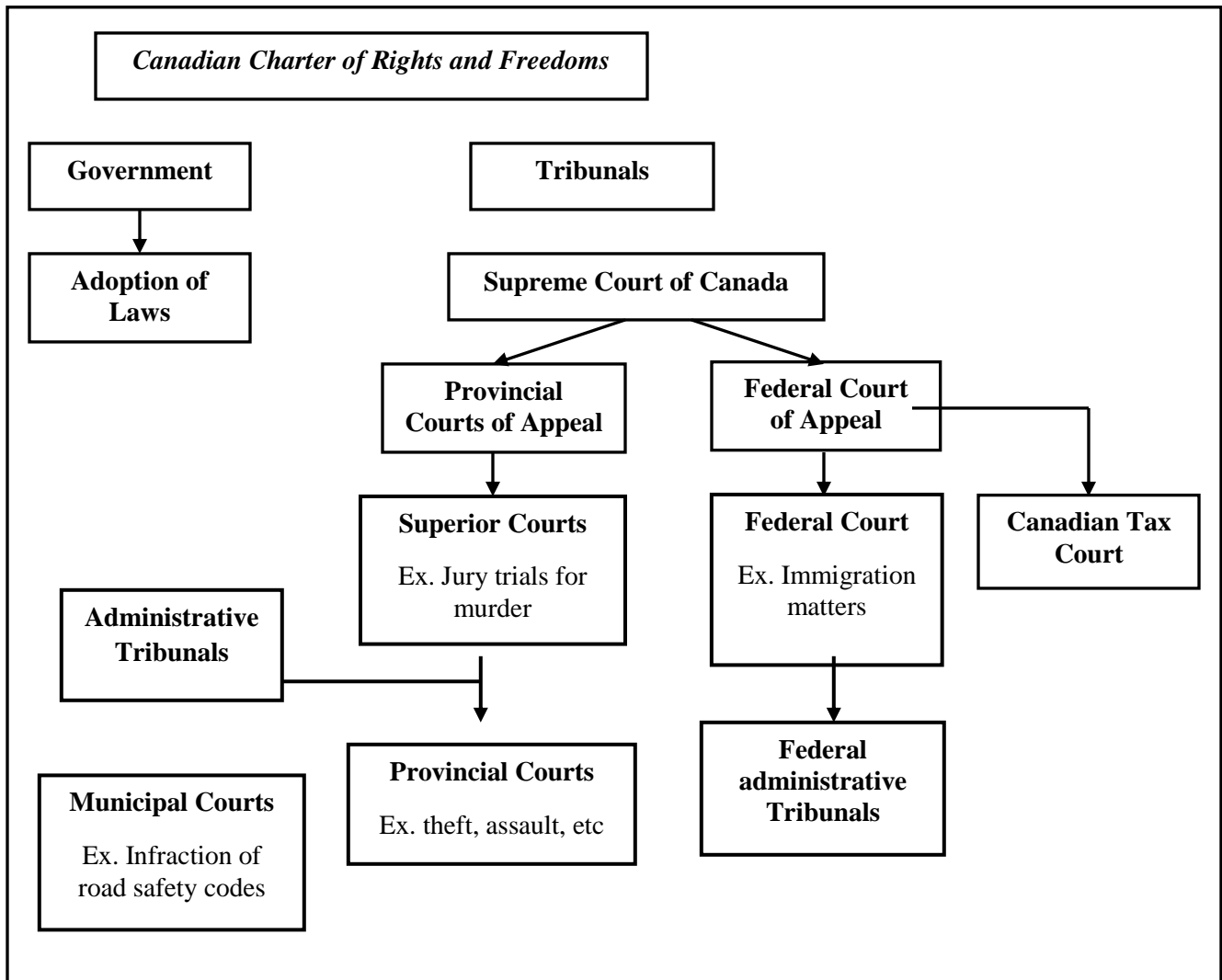
“Everyone has the right on arrest or detention (b) to retain and instruct counsel without delay and to be informed of that right.”

SECTION 12

“Everyone has the right not to be subjected to any cruel and unusual treatment or sanction.”

² S. 52 of the *Constitution Act, 1982*.

Table 1 – Organization of Canada’s and Québec’s Judicial System



0.2. Criminal Law and Procedure

Criminal law is mainly concerned with behaviours which are considered harmful to society. In contrast to civil law, where the victim sues the author of a fault, in criminal law, the State is responsible for the prosecution. The State is represented by lawyers called “criminal prosecutors” or “Crown prosecutors.”

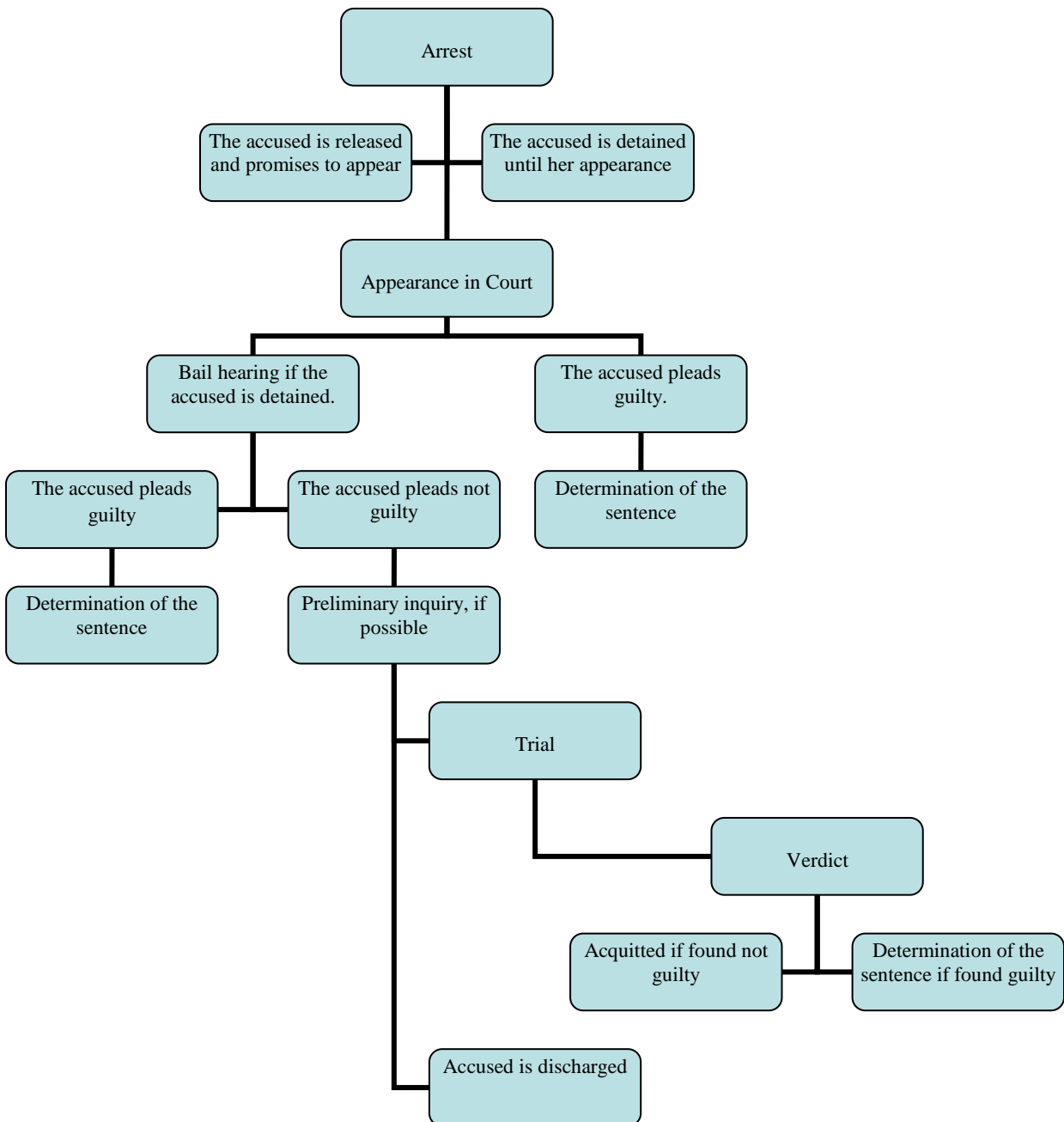
Information Guide

Rights of Women Serving a Provincial Sentence

Criminal law deals with the most serious behaviour, such as murder and sexual assault. All persons found guilty of a criminal offence will have a “criminal record.”

Criminal law applies to all Canadians of 12 years of age and up. The *Criminal Code* contains rules of procedure regarding prosecutions and the applicable sentences where a person is found guilty. Procedure varies considerably depending on the type of infraction.

Table 2 – Diagram of the Steps of Criminal Procedure



Information Guide

Rights of Women Serving a Provincial Sentence

i) Arrest

The arrest of a person by police officers can be made with or without a warrant. The arrest warrant is a document signed by a judge who authorizes the police officers to arrest someone. Anyone who is arrested has the right to be informed promptly for the reasons of the arrest, to be provided without delay with the assistance of a lawyer and to be informed of this right, to remain silent and to be informed of this right.

ii) Release or Detention following Arrest

At the time of the arrest, police may decide to detain the accused until this person appears before a judge. This decision may not be reviewed and the judge may only terminate it at the appearance. This type of detention, called “preventive detention”, constitutes a justified exception only when there are reasonable grounds to believe that the person will not appear before the court or that she is a threat to the security of the public.

iii) The Appearance

At the time of the appearance, the accused appears for the first time before a judge. The accused must enter her “plea”: she decides if she will plead guilty or not guilty to the infractions she is charged with. If the accused decides to plead guilty at the appearance, the judge can pronounce a sentence during the said appearance or later on. The accused can also choose to plead not guilty, either because she is innocent of the crime or in order to benefit from a certain time to decide whether or not to hold a trial.

iv) The Bail Hearing or Interim Judicial Release Hearing

The objective of a bail hearing is to determine if the accused should be detained until the end of the proceedings. The law provides that the accused must be released unless the evidence demonstrates the necessity of her detention, subject to certain exceptions. When the accused is released by the judge, she is subject to the “conditions of release.” These conditions remain in force until the end of the proceedings and vary from one case to another. If the accused does not comply with the conditions, she commits an infraction.³

v) The Preliminary Inquiry

The preliminary inquiry is a hearing before a judge which takes place before the trial, at the request of the accused. It consists in evaluating the existence of the evidence and not the guilt of the accused. The preliminary inquiry makes it possible to avoid a trial in the

³ Note that at times an accused is required to provide certain guarantees to ensure respect of the conditions of release. For example, the person may be obliged to deposit an amount of money. This money is called “bail.”

absence of evidence on one or more essential material elements of the infraction. This step also allows the lawyer of the accused to measure the credibility of the prosecution's witnesses and to prepare the ground before the trial. After having heard the evidence, the judge may discharge the accused of the charges for which there is a total absence of evidence. Otherwise, the judge commits the accused to trial, that is to say he or she orders that a trial be held.

vi) The Trial

The trial is the hearing over the course of which the prosecution attempts to convince the judge or the jury of the guilt of the accused beyond reasonable doubt. The prosecution enters its evidence by calling witnesses and questioning them about what they know about the case. Once all the prosecution's witnesses have been cross-examined by the accused or his lawyer, the Crown prosecutor declares the Crown's evidence close. The accused then decides whether or not she will present a defence.⁴ After the presentation of the defence, each party presents a final pleading before the judge or the jury and the jury during which they draw their attention to the important facts of the case.

vii) The Verdict and the Determination of the Sentence

After the final pleadings by both parties, the judge decides if the accused is guilty or not of the infractions. The judge may render his or her decision immediately after the trial or take some time for reflection, which may last a few minutes or many months. The accused may be acquitted of one charge and be found guilty of another. The judge may also render a guilty verdict on a "lesser" infraction than the one originally charged. To choose the sentence, the judge must, in light of the particular circumstances of the case, pronounce a sentence proportional to the gravity of the infraction committed and to the degree of responsibility of the person convicted. This is the golden rule for the determination of the sentence.

⁴ Self-defence, provocation, incapacity due to mental illness, extreme intoxication, battered-woman syndrome, etc. are examples of defences that may be presented by an accused during her trial.

0.3. The Establishments, Laws and Principal Actors in Detention

i) Detention Establishments

The type of establishment where a person might be detained depends generally on the duration of her sentence. Penitentiaries under federal jurisdiction detain people sentenced to prison terms of two years or more, while prisons under provincial jurisdiction detain people sentenced to terms of imprisonment of less than two years. The provincial correctional system also deals with people who have been given non-custodial sentences such as probation, community service, suspended sentences, etc.

Moreover, some facilities can welcome you during your sentence or as an alternative to incarceration, such as community correctional centres or residential community centres.

Residential community establishments are also called “transition houses” or “half-way houses”, and are usually operated by not-for-profit organizations that have entered agreements with Québec Correctional Services. Maison Thérèse-Casgrain is an example of a “half-way house” for women.

In Québec, there are 18 prisons, of which two are prisons for women under provincial jurisdiction: **Maison Tanguay**, located in Montreal and the women’s section of the **Établissement de détention de Québec (EDQ)**. There are also two residential community establishments: Maison Thérèse-Casgrain in Montréal and Expansion-Femmes in Québec City. Unlike federal penitentiaries, provincial prisons are not divided according to security levels. They accept all persons serving provincial sentences. Note that most of the inmates sentenced to more than two years of prison, which must be served in a federal penitentiary, are first incarcerated in a provincial prison during the time that they are being assessed before they are transferred.

In Québec, the government may, in accordance with the law, enter agreements with First Nations communities in order to confer on them the administration of a community correction centre or allow them to ensure the monitoring of First Nations offenders in the community.⁵

La Maison Thérèse-Casgrain

Opened by the Elizabeth Fry Society of Québec, Maison Thérèse-Casgrain is a place of transition which houses approximately 100 women in the process of reintegration every year.

The residents are referred by Maison Tanguay, l’Établissement Joliette and by courts of justice as well as by community correctional workers.

*Source –
www.elizabethfry.qc.ca*

⁵ S.31, *An Act respecting the Québec correctional system*, R.S.Q., ch. S-40.1.

ii) The law regarding Detention

Although imprisonment deprives the inmates of their freedom, their other fundamental rights may not be violated with impunity. On the contrary, inmates are protected by the *Canadian Charter of Rights and Freedoms* and the *Québec Charter of Human Rights and Freedoms*⁶ in the same way as every other citizen is. Aside from these two charters, there are many other laws and regulations related specifically to the rights and obligations of persons incarcerated in provincial establishments in Québec.

An Act respecting the Québec correctional system⁷(AQCS) :

This act has been in force since February 5, 2007 and is probably the most important law, apart from the *Canadian Charter*, for persons incarcerated by the Province of Québec. It includes many sections which deal with discipline and the activities available in detention, as well as with the responsibilities of the inmate and the duties of correctional personnel. Chapter 4 is dedicated to the *Commission des libérations conditionnelles* [Québec parole board] which is responsible mainly with temporary absences. Understanding this law properly may allow an inmate to understand her obligations and to ensure that her rights are respected.

Regulation under the Act respecting the Québec correctional system⁸ (RAQCS):

This regulation includes specific and concrete directions regarding how the laws apply concretely. The RAQCS provides details on what property the inmate is authorized to have in detention, visits, hygiene measures, searches, healthcare, etc. This regulation also contains provisions which protect the rights of inmates as well as rules with respect to the ways in which Québec Corrections Services may restrain the freedom of inmates, including by means of disciplinary procedures, seizures or segregation.

Regulation on activity programs for offenders

SECTION 5

A fund may financially assist an inmate who does not benefit from any other exterior financial assistance.

The financial assistance may be given to support the search for employment in the community or to encourage participation in an activity program. It may also be given to help an indigent person.

The request for assistance must be presented by the director of the establishment. The financial assistance may be given in the form of a loan without interest or a gift.

D.6-2007, a.5.

⁶ R.S.Q. ch. C-12.

⁷R.S.Q., ch. S-40.1. This law replaces, as of February 2007, the *Loi favorisant la libération conditionnelle des détenus* and the *Loi sur les services correctionnels*. The entry into force of the AQCS modified many practices of Québec Correctional Services. A comparative table of the new and old law is available on the web site of the Ministry of Public Security of Québec : < <http://www.msp.gouv.qch.ca>>.

⁸ R.S.Q., ch. S-40.1, r.1.

Information Guide

Rights of Women Serving a Provincial Sentence

Regulation respecting programs of activities for offenders (RPAO)⁹: This regulation bears on the organization and financing of activities programming in detention. Each establishment confers the responsibility for setting up activity programs on corporations called “Reintegration Funds” whose role and composition are defined in the regulation in question.

Regulation respecting conditional release (RCR)¹⁰: This regulation deals with procedures surrounding requests for temporary absence whether they are conditional release purposes or for family visits. It indicates the delays and the type of information which the requests presented by an inmate to the *Commission des libérations conditionnelles* [Québec parole board] must contain.

Public Protector Act¹¹: The Public Protector can intervene anytime there are reasonable grounds to believe that an inmate has been wronged by the actions of a public body such as a provincial detention establishment. This law gives the Public Protector the power to inquire into complaints made by inmates regarding decisions, acts or omissions of correctional personnel.

Regulation Respecting the Handling of Complaints and the Procedure Applicable to the investigations of the Commission des droits de la personne et des droits de la jeunesse¹² [*human rights commission*]: This regulation applies to complaints made before the Human Rights and Youth Rights Commission. The Commission’s role is to ensure that the principles declared in Québec’s Charter of Human Rights and Freedoms are respected. The Commission may investigate when a complaint leads it to believe that there has been discrimination based on the gender or origin of the inmate.

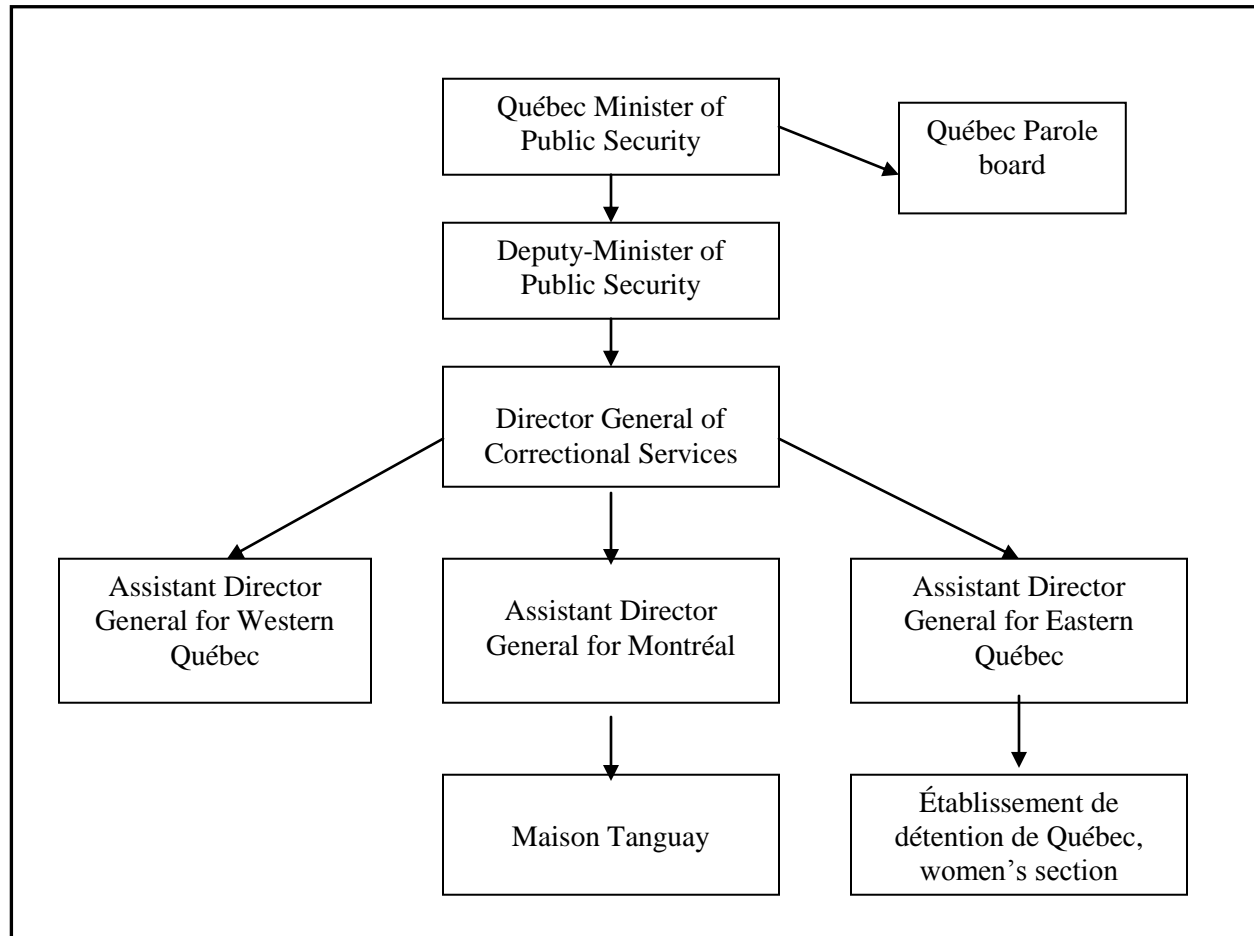
⁹ R.S.Q., ch. S-401, a.193. Note that since February 2007, this regulation replaces the *Règlement sur les programmes d’activités pour les personnes incarcérées* as well as the *Règlement sur les travaux communautaires*.

¹⁰ R.S.Q., ch. S-40, 1, r.2.

¹¹ R.S.Q., ch. P-32.

¹² R.S.Q., ch. C-12, r. 2. For more information on the Commission, see Part 14 of this Guide.

Tableau 3 – Administrative Structure of Québec Correctional Services



iii) The Actors in Detention

Over the course of their sentence, inmates encounter a number of resource persons able to influence their lives in detention. Here is a brief description of the principal actors in the prison environment:

The Minister of Public Security and the Deputy Minister: They are in charge of the Ministry of Public Security, under which fall seven autonomous organizations including the *Commission québécoise des libérations conditionnelles* [Québec parole board]. In administrative terms, the Ministry is under the responsibility of the Deputy Minister, who ensures the realisation of its mission and its orientation. He or she is assisted by associated Deputy Ministers in charge of Directors General, including the Director General of Correctional Services.

Information Guide

Rights of Women Serving a Provincial Sentence

The Joint Directors General: They are in charge of supporting the Director General of Correctional Services (DGCS). They are responsible of the correctional network in their respective territories.

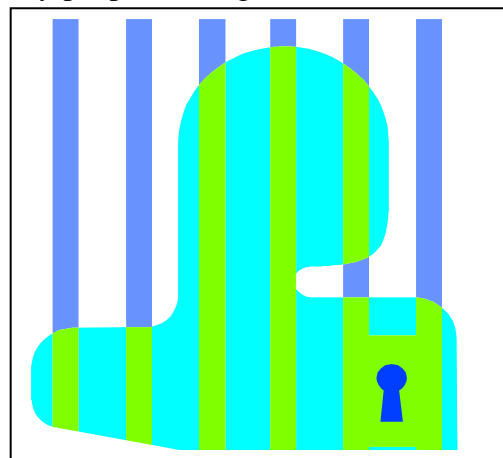
The Director of the prison: He or she is responsible of the detention of prisoners from their admission in detention until their final release or their transfer to another establishment.¹³ The Director of the prison possesses an important discretionary power and his or her decisions are often the subject of an appeal.

Correctional Services Officers: They accompany and supervise inmates on a daily basis. These officers are responsible of the security as well as the proper functioning of the different sectors of the prison. They are the front-line staff to whom inmates can normally ask for information or help.

Probation officers: They prepare, at the request of the tribunals, pre-sentence reports on people found guilty in order to assess the possibility of reintegration.¹⁴ It is also them who, in collaboration with case managers, undertake assessments upon an inmate's arrival in detention and prepare a correctional plan. These officers also provide assistance to inmates in cases of particular needs or crisis situations.

Case management officers: They are the main resource persons for inmates. They meet with the inmates when they are admitted and explain to them the detention process, the functioning of the housing sectors, the rules as well as the services and activities available in the prison. The case managers help the inmates to plan their progress while in prison and to plan their reintegration. In general, only people serving a sentence of more than six months of detention have a designated case manager.

Prison Counsellors: They offer specialized help notably in connection with employability, addiction or suicide¹⁵. These people ensure the design and implementation of programs and support services for reintegration, and they counsel inmates about available resources in the community.¹⁶



¹³ S.30, *An Act respecting the Québec correctional system*.

¹⁴ S.7, *An Act respecting the Québec correctional system*.

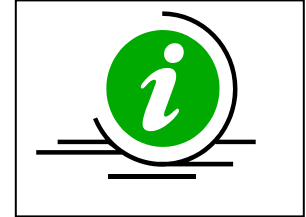
¹⁵ Please note that the detection of suicide is practiced at the ÉdQ and the Maison Tanguay.

¹⁶ S.8, *An Act respecting the Québec correctional system*. This description of tasks is general and might be modified by the detention establishment.

PART 1: INFORMATION

1.1 Which information do inmates have the right to receive?

Women who enter the provincial correctional system must be informed and have the chance to ask questions and receive advice about the details of the procedures relating to their detention. A new inmate must be given the chance to ask for information within 24 hours of her arrival at the detention centre. In addition, according to section 12 of the *Act respecting the Québec correctional system* (AQCS), corrections services must rapidly inform the new inmate “of the provisions respecting temporary absence and conditional release.”¹⁷



Over the course of the assessment process, which we will discuss later in Part II of this Guide, the Québec correctional system must provide information to the inmate, notably on the different types of establishments, the AQCS, the visits, the assessment process, the process of conditional release, the employment programs, the psychological care and programs, the correctional programs, the various services related to case management, health care and medical services.

New inmates receive, at their arrival in detention, a document entitled “Regime de vie” [Rules and Politics of the Establishment] which contains information regarding the rules of the establishment, the services offered as well as the programs and activities available. In addition to this document, inmates can ask to consult the brochure *Lois et règlements concernant les personnes prévenus et contrevenantes* [Laws and regulations concerning accused persons and offenders]. They can also ask to receive additional information about their classification.

¹⁷ S.12, *An Act respecting the Québec correctional system*,

PART 2: ARRIVAL IN DETENTION AND ASSESSMENT

2.1. What happens Following the Judge’s Verdict and the Determination of the Sentence?

After the imposition of the sentence of imprisonment, the person is sent to detention if she was not already in preventive detention. If her sentence is two years or more, she will stay a few days in a provincial prison before being transferred. The delay for the transfer may be longer, depending on the available spaces at the federal penitentiary for women in Joliette. If her sentence is two years less a day, she will be sent to a provincial prison. There are two women’s prisons in Québec: Maison Tanguay in Montréal and the women’s sector of the Établissement de détention de Québec (EDQ) in Québec City.

When admitted to the prison, the clothing and objects in possession of the new inmate are examined. The property that the inmate is not authorized to keep in her possession must be kept in a secure place and measures must be taken to maintain it in good condition.¹⁸

A correctional officer gathers some preliminary information from the person who has arrived, including her identity and state of mental and physical health, and inquires about her immediate needs. Following a strip search,¹⁹ the person is directed towards her cell. She is then met as soon as possible by a member of the staff who explains her how the institution functions.

2.2. What is an Assessment and what are the Factors that are taken into Consideration?

A new inmate must be assessed. According to Québec correctional services, this assessment must take place as soon as they take in charge the custody of the new inmate. Prison authorities must take, as soon as possible, all possible measures to obtain information which are necessary for taking in charge the new inmate, for the administration of the sentence or for decisions with respect to temporary absences or conditional release.²⁰

¹⁸ S.4, *Regulation under the Act respecting the Québec correctional system*

¹⁹ According to the “Régime de vie” [Rules and Politics] at Maison Tanguay, this search is done in order to ensure the safety of the new inmate and those surrounding her. For more information about searches see Part 11 of this Guide.

²⁰ S.18, *An Act respecting the Québec correctional system*.

Information Guide

Rights of Women Serving a Provincial Sentence

- **Objective** - The objective of the assessment is to establish the recidivism risk and the potential for reintegration into society that a person presents, determined by taking into account her needs connected to her delinquency and the resources she needs in terms of supervision and accompaniment.²¹
- **Use** – The assessment of the person provides a tool to establish the modalities of her supervision, her reintegration projects and to decide whether or not to grant a temporary absence or a conditional release.²²
- **Professional services** – Correctional services can request, when necessary, the service of psychologists, psychiatrists, social workers, criminologists, sexologists and other professionals in order to complete the assessment of new inmates.²³

Type of Assessment for Sentences of less than Six Months: A summary assessment is prepared by an agent of the Correctional Services. The delay to produce this kind of assessment is around 5 days before 1/6 of the sentence has been served.

Type of Assessment for Sentences of Six Months and More: This involves the use of what is called an “actuarial tool”²⁴, an instrument permitting the assessment of the risks and needs of an inmate and the preparation of a correctional intervention plan (or correctional plan) by a probation agent. The timeframe for producing this kind of assessment is 7 days before 1/6 of the sentence or, at the latest, 45 days after the imposition of the sentence.

The assessment is based, among other elements, on the observations of the staff, to which are added certain factors. According to the “*Régime de vie*” [Rules and Politics] at Maison Tanguay and the EDQ, women’s section, the determining criteria are:

- Behaviour in detention and the capacity of the inmate to respect the laws and regulations;
- The person’s correctional and judicial file;

Screening for suicide risks at the EDQ

The Établissement de détention de Québec (Women’s section) has put in place a systematic screening procedure for suicide risks for all inmates who are admitted, and the staff remains attentive to the appearance of signs of suicidal behaviour likely to occur during your period of incarceration.

In addition, a specialized intervention team (SIT) is in place and is able to help you. You also have access at all times to the help line 1-866-277-3553 (1-866-APPELLE) via the telephone system of your department. If you are experiencing something of this nature, do not hesitate to speak to an officer.

Source – Translation of Régime de vie de l’Établissement de détention de Québec, p.7.

²¹ S.13, *An Act respecting the Québec correctional system.*

²² S.14, *An Act respecting the Québec correctional system*

²³ S.15, *An Act respecting the Québec correctional system*

²⁴ However, for administrative reasons, the tool might be modified.

- Her motivation and will to use the available resources to sort out difficulties;
- Her security level if applicable.

The assessment is a management activity which falls under the duties of the director of the correctional establishment. Inmates must comply with the assessment in order not to break the rule provided in section 68 of the *Regulation under the Act respecting the Québec correctional system*. The inmate cannot be assisted by her lawyer during her assessment.

2.3. Which Information does the Inmate have to provide during her Assessment?

It is important to understand that it is not mandatory to answer the questions asked during the admission process.²⁵ However, a new inmate must be aware, on one hand, that her behaviour during the assessment could influence her classification, and that the refusal to answer certain questions may have a negative consequence on the assessment of her behaviour. On the other hand, it is important to keep in mind that people who conduct the interviews are not bound by a duty of confidentiality.

In fact, some information may even be used against the interrogated person. Therefore, it may be preferable sometimes not to cooperate if, for example, you are awaiting an appeal and your lawyer has advised you not to participate in additional assessments until the decision on appeal is rendered.

The new inmate who undergoes the assessment process must keep in mind that any information she discloses regarding her past actions may be used against her, even if she has not been found guilty of a crime for those past actions.

In some cases, these kinds of admissions have led to complementary investigations, charges and sometimes even to convictions and additional periods of imprisonment.

Access to information and digital files

- The QCS must take all possible measures to obtain the necessary information regarding the inmates whose custody is under their responsibility. The information comes mainly from police authorities, the Minister of Justice and Correctional Service Canada.
- The organisms or the people holding this information are bound to communicate it to the QCS, upon request.
- The creation of a unique digital file is reserved to the QCS. The QCS work to coordinate the creation of this file. It requires the collaboration of a number of judicial actors.

Source - www.msp.gouv.qc.ca

²⁵ *R. v. Starr*, [2001] M.J. No.174.

2.4. What is a Correctional Plan?

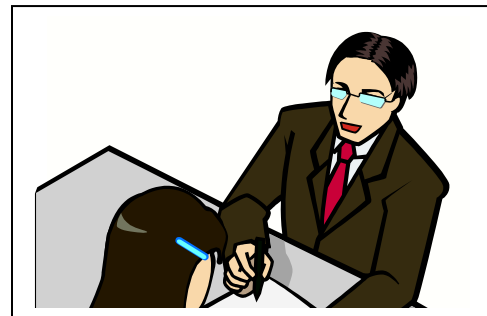
A correctional plan or “correctional intervention plan” is designed only for women sentenced to a term of six months or more. The plan defines the “preferred type of intervention and supervision for each person. It details in writing the precise, concrete objectives as well as the preferred means with which to attain them. This plan can be revised at any time.”²⁶

The application of the plan is under the responsibility of the case manager.²⁷ The correctional plan allows the QCS to determine which programs are suitable for the inmate. The inmate will then follow these programs in order to address problems susceptible of making her a risk for the community at the time she is released from prison. It is important for the inmate to review this plan in order to correct any errors before it is finalized.

Why is the correctional plan important?

- The correctional plan provides a look at the issues the inmate must address, the objectives that the QCS defined and the programs she must follow;
- The QCS bases itself in large part on the correctional plan and on the way it was filled out in order to measure the “institutional progress” ;
- The “*Commission québécoise des libérations conditionnelles*” [Québec parole board] also examines it carefully at the moment of rendering its decision to allow or to refuse an application for conditional release.

The use of the correctional plan stresses the importance for the inmate to ensure that the information contained in the correctional plan is justified and correct and to express her disagreement or concern as soon as possible in order that modifications, if necessary, be made to the plan.



²⁶ “Régime de vie de l’Établissement de détention Maison Tanguay”, p.35 [Rules and Politics] and “Régime de vie de l’Établissement de détention de Québec (Secteur féminin)” [Rules and Politics], p.39.

²⁷ An officer or a case manager is a member of Québec Correctional Services who acts as the principal resource person during incarceration. His or her role is to inform the inmate of the rules and how the establishment functions as well as to help her to plan her time in detention and her return into society.

PART 3: CLASSIFICATION

3.1. What is classification?

After having assessed a new inmate, Québec Correctional Services classifies her in function of her needs, her personal characteristics and the perceived risks for society. Once the classification has been established, the inmate is directed to the corresponding living sector. Only a person in preventive detention, meaning someone who is awaiting her sentence, may request to be detained separately from convicted inmates.²⁸

The classification affects the kind of supervision to which an inmate is subject. Thus, a person who is the object of a restrictive classification will be considered by the authorities as requiring maximum supervision. Note that an attributed classification may be modified over the course of the detention according to the evolution of the behaviour and the risk of the person.

At Maison Tanguay, there are three types of classification:

- **General classification:** This includes the preventive sector for inmates awaiting for an appearance or a sentence, the transition sector for those sentenced to a long period of imprisonment and who are waiting to be transferred to a federal penitentiary and the sector for those serving a short sentence but whose behaviour requires medium supervision.
- **Specific classification:** This includes the health sector for mental health problems or for inmates who need protective measures.
- **Restrictive classification:** this includes the sector for maximum supervision.

General description of the living sectors

At Maison Tanguay :

-Maison Tanguay has 163 cells, including 44 doubles, for a total of 207 spaces. These cells are divided into six living sectors, each of which has a different vocation.

At the women's sector of the ÉDQ :

- The Établissement de détention de Québec has four departments of 7 cells with two beds each. Two cells are equipped with cameras.

Source – Régimes de vie des deux établissements [Rules and Politics]

²⁸ According to section 27 of the *Québec Charter of Human Rights and Freedoms*, R.S.Q., ch. C-12 : “Every person confined to a correctional facility while awaiting the outcome of his trial has the right to be kept apart, until final judgment, from prisoners serving sentence”.

In the women’s sector of the Établissement de détention de Québec (ÉDQ), there are four types of classifications, each connected to a department/sector. Department 17 is the most restrictive:

- Department 17 : This is where are held new inmates awaiting for an assessment, or inmates having low motivation to follow programs, who present safety risks for staff or for other inmates, who have uncontrolled mental health problems, who present suicidal risks which require specific intervention or who are awaiting for a transfer to a federal penitentiary.
- Department 18 : This is where are held inmates who are awaiting for an assessment (if their past correctional and judicial records are not severe), who are demonstrating motivation to follow the various programs or who are presenting controlled mental health problems. This department is also intended to welcome inmates who present suicidal risks which require specific intervention.
- Department 19 : This is where are held inmates having already been assessed, who show motivation to work on their rehabilitation and who are not presenting a risk to other inmates or staff. This department welcomes inmates presenting controlled mental health problems.
- Department 20 : This is where are held inmates having already been assessed and who show motivation to work on their rehabilitation and who are not presenting a risk to other inmates or staff. This department welcomes inmates presenting controlled mental health problems.

3.2. How does the QCS Determine the Classification of an Inmate?

As discussed in the previous section, the type of assessment depends on the duration of the sentence that must be served (less than six months, six months and more.) It also depends on the type of infraction the person has committed:

- Those serving a sentence of six months or more or having committed an offence against a person will be assessed with the help of an “actuarial tool” called the Level of Service/Case Management Inventory (LS/CMI);

According to the Minister of Public Security of Québec

- The LS/CMI leaves more room for clinical expertise;
- This expertise allows to examine different spheres of life of the offenders, and to consider them as protective factors (strengths of the subject);
- It allows derogation with regard to the level of risk suggested by the instrument (the risk can be raised or lowered according to the judgment of the clinician);
- It allows the client’s receptivity to be taken into account;
- It invites nuance with the help of clinical commentary and description.

Source - www.msp.gouv.qc.ca

Information Guide

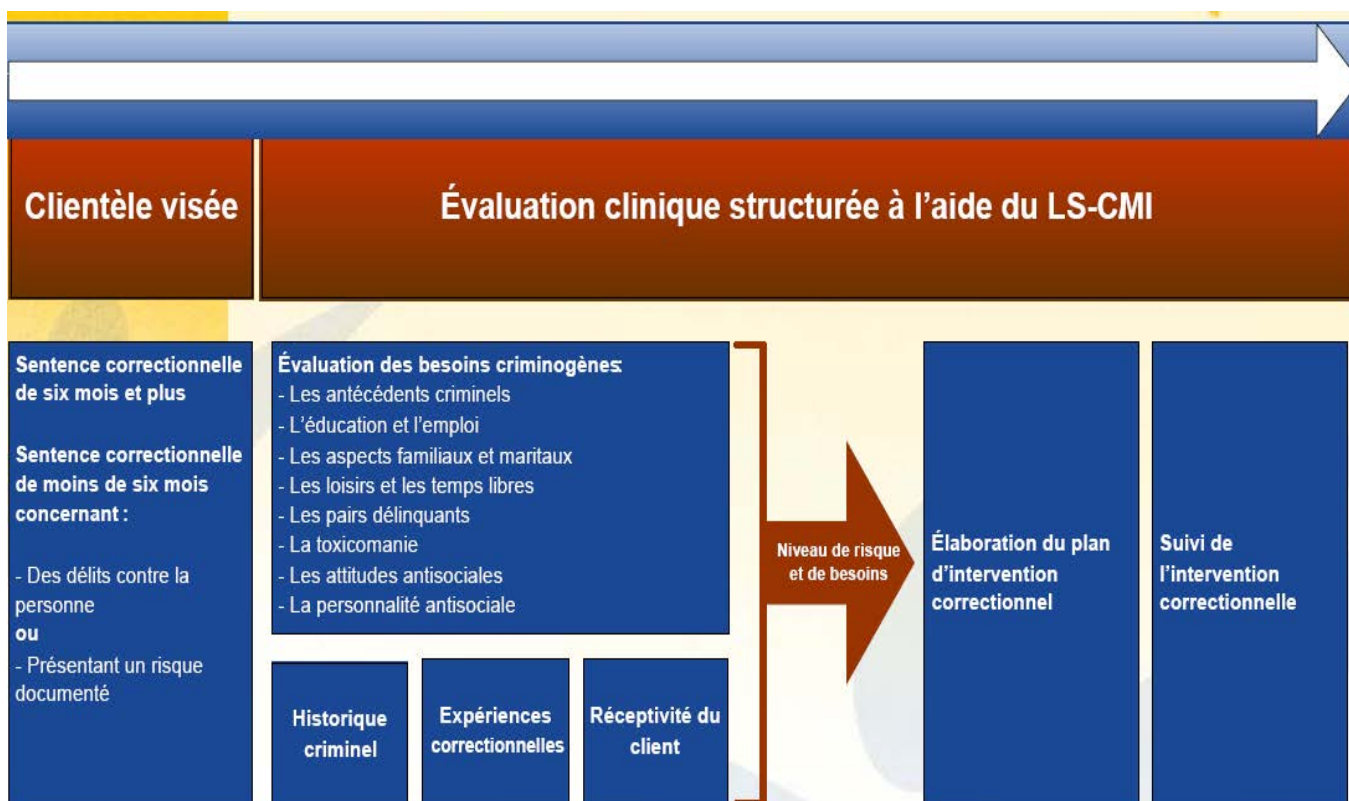
Rights of Women Serving a Provincial Sentence

- Others will undergo a summary assessment by a QCS agent during a meeting.

The main factors used to determine the classification are the following:

- The correctional and judicial record (prior criminal offences) ;
- The presence of a mental health problem whether controlled or not ;
- “Antisocial” attitudes ;
- The presence of an addiction ;
- The motivation and will to use the available resources, etc.

Table 4 – Functioning of the LS/CMI Actuarial Tool



Source - www.msp.gouv.qc.ca

This diagram, which is not published in English, allows a better visualisation of the assessment process which leads to the classification of a person who is detained and sentenced to six months or more. The diagram shows that once the QCS has assessed the level of risk and the needs of the inmate, they proceed to the preparation of a correctional intervention plan better known as a “correctional plan”, which is discussed in Part II of this Guide.

3.3. Can an Inmate Appeal her Classification or Modify her Correctional Plan?

If an inmate thinks her classification is inappropriate or that the programs that she has been asked to follow have no relation with her difficulties, she can request a review after having discussed it with her case manager or at the request of a member of the staff. The reasons for requesting the review of a classification must be sufficient and valid. In the “Regime at Maison Tanguay” (Rules) and the EDQ, it is also indicated that “any request for review of classification must be justified by new informational elements and may not be deposited until after a minimum of one month from the date of the last decision regarding classification or reclassification.”²⁹

The inmate who wishes to have her classification modified must do the request in writing by filling out the appropriate form and returning it to her case manager so that it may be sent to the reclassification committee. All requests for classification review must be accompanied by a detailed recommendation, positive or negative, from the case manager or from another member of the staff.

The rules and politics of the Maison Tanguay and the EDQ provide that, after having examined the request for review of classification, the committee must send to the inmate a written decision with reasons within the shortest delay in the case of a specific or restrictive classification, and within seven working days in the case of a general classification.³⁰

GENERAL PRINCIPLES OF THE LAW RESPECTING THE CORRECTIONAL SYSTEM OF QUÉBEC

Rehabilitation – The Correctional Services of the Ministry of Public Security, the *Commission québécoise des libérations conditionnelles* [Québec parole board] as well as their partner community organizations and all the stakeholders in society interested in the correctional system favour the rehabilitation of offenders.

While respecting the fundamental rights of these persons, they contribute to the protection of society by helping inmates to become citizens who respect the law, while exerting over them a reasonable, safe and humane control, recognizing their capacity to evolve positively and taking into account their motivation to get involved in the process of rehabilitation.

Predominant Criteria – The protection of society, ensured by measures that restrict freedom, but which are adapted to the person, and the respect of the decisions of the courts are the predominant criteria in the pursuit of reintegration of offenders.

Source – Section 1-2, An Act respecting the Québec correctional system

²⁹ “Régime de vie de l’Établissement de détention Maison Tanguay” [Rules and Politics], p.8 and “Régime de vie de l’Établissement de détention de Québec (Secteur féminin)” [Rules and Politics], p.13.

³⁰ *Ibid.*

PART 4: PROGRAMS

4.1. Who is Responsible for the Provincial Programs?

Québec Correctional Services are in charge of “the development and implementation of programs and services that contribute to the reintegration of offenders, and the facilitation of access to specialized programs and services offered by community-based resources”³¹. In addition, the *Act respecting the Québec correctional system* provides that the programs and services must take into account “the specific needs of women and Native people.”³²

The detention establishment is entrusted with the responsibility for setting up, organizing and financing activity programs through corporations called “Reintegration Support Funds.” Each establishment has its Support Fund³³ and each of these funds must contribute an annual amount to the “Central Fund.”³⁴

Two inmates chosen by the director of the prison are part of the administrative council of the support fund and can obtain authorization to leave the establishment for the purpose of participating in activities related to the fund. The director authorizes these activities in conformity with the protection of society.

In Québec, it is the *Regulation respecting programs of activities for offenders*³⁵ that governs these funds. The activity programs designed by the Funds must be approved by the Minister of Public Security. At times, the QCS also forms partnerships with community organizations that offer activities or services which complement its own. This is the case with organizations such as the Elizabeth Fry Society of Québec which offers different activities to incarcerated women at Maison Tanguay. The Ministry of Public Security supervises these partnership agreements.³⁶

**The Québec Charter of
Human Rights and
Freedoms**

SECTION 26

“Every person confined to a correctional facility has the right to separate treatment appropriate to his sex, his age and his physical or mental condition”

L.R.Q. ch. C-12

³¹ S.3(4), *An Act respecting the Québec correctional system*.

³² S.21, *An Act respecting the Québec correctional system*.

³³ S.74, *An Act respecting the Québec correctional system*.

³⁴ According to the Minister of Public Security, the Central Fund: “supports the establishment funds that require financial assistance to develop and organize their activities. It counsels the minister with regard to activity programming and submits recommendations for the adoption of activity programs established annually by the funds constituted in the detention establishments.”

³⁵ ch. S-40.1, r.3.

³⁶ See sections 110 to 115 of the *An Act respecting the Québec correctional system*.

4.2. What are the Activity Programs Offered in Prisons in Québec?

According to the *Act respecting the Québec correctional system*: “A program of activities for offenders must propose academic, vocational and personal development activities, work activities, whether remunerated or not, and sports, socio-cultural and recreational activities.”³⁷ The Elizabeth Fry Society of Québec offers at Maison Tanguay group programs aimed at those who wish to prepare themselves for their return to society. The following programs were in place at the time of writing of this Guide:

- A program to assist offenders in their preparation for conditional release;
- Sensitivity training on falling back into addictions, and ;
- An anger management program.

The Elizabeth Fry Society of Québec also offers women at Maison Tanguay, in association with the Congregation of the Sisters of Sainte-Anne, bible study workshops envisioned as “an opportunity for personal and spiritual growth.”³⁸ The community organization Expansion-Femmes de Québec offers women at the Établissement de Détention de Québec (EDQ) a program called « Pouvoir d’Agir » [“Power to Act.”] As described on the organization’s web site, the Power to Act program is conceived to help women to effect changes in their lives. The basic philosophy is based on the fact that each person has abilities and some are unused or inappropriately used. These strengths are used during this six week process.³⁹ There is no specific program for Native women but inmate with spiritual or religious needs can ask their pastoral staff to put them in contact with a Native representative from their community. The table below represents the additional activities and services offered at Maison Tanguay and the women’s sector at the Établissement de détention de Québec.

Anger Management Workshop

This program responds to an important need in the female prison population. The group approach remains the favoured therapeutic modality, but an individual meeting is added during the program in order to offer more individualized assistance. The specific objectives of the program are:

- To understand and manage anger;
- To learn to manage conflicts in a more constructive manner;
- To find valid alternatives in order to make responsible choices;
- To prevent and diminish the risks associated with aggressive behaviours.

Source – www.elizabethfry.qc

³⁷ S.76, *An Act respecting the Québec correctional system*.

³⁸ For more information on this subject, please contact the Elizabeth Fry Society. For more information on the Congregation of the Sisters of Sainte-Anne, please go to their website : <<http://www.ssacong.org/fra/index.htm>>.

³⁹ You will find more information about this program as well as about this organization on their website: <<http://www.expansion-femmes.com/reinsertion-femmes-hommes-delinquants.htm>>. See also Annex I of this Guide for their contact information.

Information Guide

Rights of Women Serving a Provincial Sentence

Table 5 – Other Services Offered⁴⁰

| | Training programs | Community Activities | Sports & leisure |
|----------------|---|--|--|
| Maison Tanguay | <ul style="list-style-type: none"> • Academic training : <ul style="list-style-type: none"> - Literacy - French - Mathematics - English as a second language • Socio-professional Integration (OPEX) • Personal training • Program <i>Parcours</i>: <ul style="list-style-type: none"> - Preparation for release - Addiction relapse prevention - Anger management - Addiction information - Art therapy - Zootherapie • Program mère-enfant (mother-child) (CFAD) | <ul style="list-style-type: none"> • Sensitivity training and prevention regarding health matters: <ul style="list-style-type: none"> - Workshops in association with CLSC, Cactus, Stella, etc.⁴¹ - Vaccination against hepatitis • Theme nights organized by pastoral services • Bible study workshops • Legal services and advice | <ul style="list-style-type: none"> • Sporting activities • Outdoor Courtyard • Pastimes <ul style="list-style-type: none"> - Television - Board games - Cards, etc. • Socio-cultural activities • Library |
| ÉDQ | <ul style="list-style-type: none"> • Academic training : <ul style="list-style-type: none"> - Literacy - French / English - Mathematics - College and university studies • Specific courses in social integration (Conrad Barbeau) : <ul style="list-style-type: none"> - Grief and forgiveness - Parenting skills - Introduction to information technology - Portfolio, etc. | <ul style="list-style-type: none"> • Sensitivity training and prevention regarding health matters <ul style="list-style-type: none"> - Don't play with my life - Landmark, etc. • <i>Pouvoir d'agir [Power to Act] program</i> • Zootherapie • Narcotics anonymous • Creative workshops <ul style="list-style-type: none"> - Crafts - Music therapy, etc. | <ul style="list-style-type: none"> • Sporting activities • Outdoor courtyard • Pastimes <ul style="list-style-type: none"> - Television, DVD and Nintendo - Board games • Socio-cultural activities • Library |

⁴⁰ For a complete and up-to-date list of activity programs, please refer to the “Régime de vie” [Rules and Politics] document given to the inmate upon her arrival in detention.

⁴¹ See Annex I of this Guide for the contact information for Cactus Montreal, an organization working with drug users to prevent the spread of HIV; also see the Annex for contact information for Stella an organization working for the defence of the rights of sex workers.

4.3. How do the Remunerated Employment Programs Work?

Eligibility: At the ÉdQ, the opportunity to participate in an employment program depends on the classification and behaviour of the inmate. Only residents of departments 19 and 20⁴² are eligible for the employment programs. In addition, those who wish to work must have a secondary V diploma. It is nevertheless possible to be admitted to school and to participate in work programs on a temporary basis.



At Maison Tanguay certain employment programs require special skills or aptitudes. The rules at this establishment provide that information respecting the registration process for work as well as the conditions that must be met shall be communicated to the inmate upon her arrival.

Absences: Once someone has participated on a long-term basis in a work program, it is possible to benefit from occasional days off. To do so, the person must make a written request to the person in charge of training, work and leisure. Unexplained absences could affect access to other activities as well as classification.

Dismissal: A person who participates in a work program must not only respect the safety standards (e.g. wearing protective equipment) but also the other rules related to the activity or might otherwise be dismissed. According to the rules at Maison Tanguay, a person can be dismissed from her work for the following reasons:

- Lack of respect
- Inadequate behaviour
- Unsatisfactory productivity
- Unjustified tardiness
- Unjustified absences

A person who feels she has been wrongly dismissed must attempt to discuss it with the person or people concerned. If this does not work, she may file a complaint.⁴³ However, to do so, she must have “reasonable grounds” for claiming that her dismissal was unjustified and does not respect the standards in place in the establishment.

⁴² For more information on this subject, see Part 3 of this Guide.

⁴³ For more information on this subject, see Part 13 of this Guide which explains in detail the complaints process.

Information Guide

Rights of Women Serving a Provincial Sentence

The table below shows the work programs offered at Maison Tanguay and at the women's sector of the Établissement de détention de Québec:

Table 6 – Employment Programs Offered in Women's Prisons⁴⁴

| | Unpaid Work | Paid Work |
|----------------|---|---|
| Maison Tanguay | <ul style="list-style-type: none">• Daily cleaning of cells• Participation in the maintenance of the common areas• Cleaning and sweeping corridors• Collection of sanitary equipment• Cleaning of other areas as required | <ul style="list-style-type: none">• Workshops• Laundry• Library• Canteen• Garbage and recycling collection• Kitchen• Maintenance of the gym, household maintenance or landscaping• Laundry• Sacristy• Other specific contracts |
| ÉDQ | <ul style="list-style-type: none">• Daily cleaning of cells• Participation in the maintenance of the common areas• Cleaning and sweeping corridors• Collection of sanitary equipment | <ul style="list-style-type: none">• The <i>Elle</i> workshops allow participation in production tasks in order to acquire professional skills, working habits while receiving a salary.⁴⁵ |

⁴⁴ For a complete and up-to-date list of activity programs, please refer to the document containing the Rules of the establishment which is given to inmates upon their arrival in detention or consult a correctional officer.

⁴⁵ The possibility of participating in these workshops is determined in function of the classification and the behaviour of the inmate. At the EDQ, the inmate must be classified in department 19 or 20 and possess a secondary V diploma. Some flexibility is however possible.

4.4. Mothers serving Provincial Sentence

1) In the best interests of the child...

Many women in prison are mothers, sometimes even single mothers. Being far away from one's children is always difficult, but being in that situation because one is incarcerated is particularly difficult given the many potential obstacles to visits, custody rights, the responsibility for making important decisions that concern them, etc.

The best interests of the child is the main criterion used by the courts and the Direction de la protection de la jeunesse (DPJ) [Director of Youth Protection] to decide on all legal matters involving children including access rights or adoption. This principle ranks even above certain parental rights recognized in the *Charter*, including the right to freedom of expression and their right to freedom of movement. Because it is so broad, the criterion of the interests of the child is often difficult to interpret.

Some children regularly visit their incarcerated parent. As long as there is no court order providing that a woman detained at the provincial level may not have access to her child, the child is technically in a position to visit her. The number of visits often depends on the distance between the prison and the domicile of the child as well as the availability of someone who can accompany the child.

2) Programs dedicated to the maintenance of relationships between incarcerated women and their children

Since 2005, the Elizabeth Fry Society, in partnership with CFAD, runs a reading program called *Maman me raconte* [Mother reads to me].⁴⁶ This project allows the women to participate in a reading program with their children or any children with whom they have a significant relationship with the use of tape recorder.

Every night, Mother reads to me

“I would like to acknowledge with respect those mothers who must sometimes make an effort because they fear not being able to read “properly”; to those who know their children feel that they have disappointed them, and who accept their feelings but reiterate the permanence of their maternal love. To those who have fun with their child, young or old, through reading a story, or the book they will finish on their own; and to all the others who make the effort to maintain the maternal link with the use of that special thing, the imagination.

Every reading session is unique. It can be a moment repeated a thousand times for a child who needs to hear the voice of her mother (or of her grandmother) in his ear in order to imagine her close to his heart and his cares. The members of the **Maman me raconte** [Mother reads to me] team hope to lighten the burden of the mistakes of these parents on the innocent.”

Translation of an extract from a text written by France Lapointe, published in *Femmes et Justice*, the information bulletin of the Elizabeth Fry Society of Québec, summer 2008, p.7.

⁴⁶ This program was made possible in Québec thanks to the generosity of the Congregation of the Sisters of Sainte-Anne. It was originally created by the women of the Elizabeth Fry Society of New Brunswick.

Information Guide

Rights of Women Serving a Provincial Sentence

The child receives a book, a walkman, headphones, a tape and batteries, which allows him to listen to the story and to the voice of his mother, grandmother or sister. Children of all ages find comfort and sometimes develop a special interest in reading.⁴⁷

In addition, thanks notably to the organization *Continuité-famille auprès des détenues* (CFAD) [Family Continuity for Inmates],⁴⁸ mothers in prison can spend some time with their child during an outing in a mobile home. Outings are organized every weekend. Mothers interested must make a request to their case manager, which must be approved by the director of the establishment. If the request is approved, a member of the staff from CFAD will meet the mother beforehand in order to discuss the experience in confidentiality. Inmates who have a child of 12 years of age or under and who demonstrate real interest in the program are eligible.

Other services offered by CFAD to incarcerated mothers

The community organization Continuité-famille auprès des détenues [Family Continuity for Inmates] works towards the maintenance of ties between women detained at Maison Tanguay and their children. CFAD is also concerned with mother-child relationships at the moment of the mother's release. The CFAD team consists of many peer advocates, who are women and mothers who have themselves experienced the prison environment. Here are some examples of services offered by this independent organization:

- Accompaniment of the mother at the time of her release ;
- Moral support over the telephone;
- Meeting with the mother when she returns back home ;
- Encouragement and support for the mother with respect to her various obligations and tasks ;
- Food bank in collaboration with Moisson Montréal ;
- At home visits program for mothers of children under 12 years old ;
- Saturday activity for school-aged children ;
- Women's CFAD co-op ;

Inmates who would like additional information can communicate by telephone with CFAD every Monday at: (514) 989-9891. The organization accepts charges from Maison Tanguay.

⁴⁷ You will find more information about this program on the web site of the Elizabeth Fry Society of Québec: <www.elizabethfry.qc>. Mothers or grandmothers interested in this program may address their request for participation to Ms. Aline White at Maison Tanguay.

⁴⁸ See Annex 1 of this Guide for complete contact information for this organization.

PART 5: Health care



5.1. How can Someone in Detention get Access Health Care?

To get access to health care, the inmate must make a written request by filling out a form and writing a memo. The person must then meet with a member of the medical staff for an examination. Following this consultation, care will either be given inside the prison itself, or at a hospital outside, if this is deemed necessary by the doctor at the detention establishment.

The order of appointments is determined by the urgency of the situation. For security reasons, prison authorities inform the inmates when an appointment is made for them at a hospital outside the prison, but do not inform them of the date or time.

A health care professional must present a report to the director whenever he or she thinks that the physical or mental health of an inmate is or will be affected by the detention conditions that are imposed on her or by their continuation.⁴⁹ In addition, the *Regulation under the Act respecting the Québec correctional system* provides that an inmate must be transferred to a hospital centre if her health condition requires such an action.⁵⁰

5.2. Who pays for health care?

A health insurance card is obligatory in order to benefit from free health care. The inmate must therefore maintain it during her detention and present it whenever she receives care. If, when she is admitted, she does not have it, or if, during her detention, she loses it, she must take the necessary steps at the Régie de l'assurance-maladie du Québec (RAMQ) to obtain a new one.⁵¹ The prison medical service can help inmates to renew their health insurance card.

***Regulation under
the Act respecting
the Québec
correctional system:***

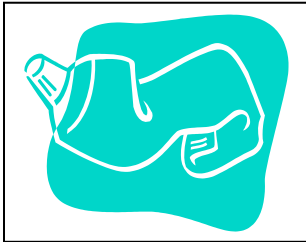
SECTION 12

An inmate may not be subjected to medical or scientific experiments that could affect the inmate's physical or mental integrity.

⁴⁹ S.13, *Regulation under the Act respecting the Québec correctional system*.

⁵⁰ S.11, *Regulation under the Act respecting the Québec correctional system*.

⁵¹ For information on this subject, see the web site of the RAMQ: <www.ramq.gouv.qch.ca>



5.3. How can someone in Detention get Access to Specialized Health Care Services?

The inmate has access to essential dental care and emergency treatment. As with health care, a person with dental problems must write a request for a consultation in the form of a memo and send it to health services for assessment. The person detained in a provincial prison must—unlike at federal penitentiaries—assume the costs associated with dental care which are not insured by RAMQ. The situation is the same with regard to optometry (eye care) and orthopaedic care (bodily malformations).

As such, when an inmate needs new glasses, orthopaedic equipment, prosthetics, or medical apparatus that is recommended by a specialist at the prison, she can get access but must assume the costs. However, in case of an emergency or absolute necessity or if the person does not have the means to pay for the costs associated with these services, the regimes at both women’s prison establishments allow for the possibility that glasses, prosthetics or orthotics be provided by the prison authorities.

5.4. Can Inmates Refuse Medical Treatment?

The “free and enlightened” consent of the inmate must be obtained before any exam, procedure or medical treatment. “Free and enlightened” consent means that the person has the capacity to understand the nature of the procedure, the risks and the probable result. If the patient is not in a state to give consent, the medical staff has the authority to take decisions in the interests of the inmate.

An inmate can refuse all medical treatment even if her refusal puts her life in danger. She can also ask that a procedure, exam or assessment be stopped at any time. Her refusal cannot result in a disciplinary measure. However, if the refusal of treatment poses risks for the people around her, for example in the case of sexually transmitted diseases, special measures may be taken by the authorities to avoid these risks.

Health care staff must not collect samples from inmates for non-medical purposes.

Mental or psychological difficulties

If you are having difficulties of a mental or psychological nature (depression, aggression, suicidal thoughts), do not hesitate to ask for help from the correctional services or health care officers. At the women’s sector of the ÉDQ, some members of the staff are part of a specialized suicide-prevention intervention team. You can also contact Suicide Action directly which offers telephone intervention service:

1-866-APPELLE ou
1-866-277-3553.

*Source – “Régime de vie”
(Rules and Politics) at the
ÉDQ, p.7.*

5.5. What is the Extent of the Right to Privacy with regard to Health Information?

Unless the inmate has given her authorization to do so, her medical file must be treated confidentially and its contents cannot be revealed to staff, family or others with close personal relations. However, information of a medical nature susceptible of having an impact on the safety and the risk created by the inmate are communicated to the case management team. In addition, when the inmate consents to treatment according to her correctional plan, the information in relation with this treatment is communicated to the case management team.

Note that all information related to an inmate's HIV or AIDS status must remain confidential.⁵² However, when the medical staff believes that an inmate represents a danger for others or for herself, they must inform the authorities.

5.6. How does one make a Complaint with respect to a Medical Decision or Act?

When an inmate wishes to contest a medical decision or act carried out by the staff members who provide care, she may use the complaints process described in Part 13 of this information Guide. She must complain directly to the provincial professional association to which belongs the person who committed the alleged fault. For example, if an inmate wishes to contest an act committed by the nurse who examined her, she would contact the "Ordre des infirmières et infirmiers du Québec" [nurses professional order].⁵³

Note that in order to make a complaint, it is necessary to provide certain information and details which permit a better assessment of the file, such as for example the grounds for the complaint, the name of the doctor or nurse implicated, etc.

Special health needs

Under the rules and politics at the Maison Tanguay and the EDQ:

"If you have a special need due, for example, to your ethnic origin, your language, your religion, your financial situation or your disability, speak to your case manager or to a member of the staff in order to obtain the help you need.

If you have financial difficulties, you can obtain indigent status."

Source – Translation of Régime de vie à l'ÉDQ, p.43, and Régime de vie à la Maison Tanguay, p.38.

⁵² To file a complaint or for more information on the rights of inmates infected with HIV or AIDS, consult Annex 1 of this Guide, which includes contact information for organizations working on these issues, such as the *Centre de services sida secours du Québec*.

⁵³ See Annex 1 of this Guide for contact information for the relevant professional associations.

5.7. Hygiene and Exercise

According to the *Regulation under the Act respecting the Québec correctional system*, an inmate who is not working outdoors or does not work outside of the prison must get at least one hour each day of physical exercise outdoors, unless she is subject to preventive isolation measures.⁵⁴

In addition, an inmate must have the opportunity to take a shower or bath a minimum of twice a week and must have toiletries available for this purpose.⁵⁵

5.8. Care for pregnant women

Pregnant women have access to medical follow up regularly inside prisons and can also start medical follow up outside with an obstetrician if needed. When prescribed by a doctor, they can have access to a special diet and additional lunches. If legal and in accordance with the sentence, doctors' recommendations are generally accepted and applied by prison staff.

Because the average time spend in provincial prison is less than a month, pregnant women have generally been released before they give birth. For those who have not yet and are about to give birth, they can be granted a temporary absence. If so, a pregnant woman can go to an outside hospital to come back to prison after she gave birth and when doctors gave her the authorization to leave.

Not a lot of women breast feed their new born; consequently it is rarely an issue inside provincial prison. Please note that cohabitation between mothers and new-born is made available at the transitional house *Thérèse Casgrain*.

**Extract from the Annual Report of
the Public Protector on Health in
Prisons**

“Following assessments done in 2006-2007, the Public Protector asked the Minister to put in place a health inspection mechanism. Two years later, the Public Protector notes that there are still no common health standards in place in detention establishments. Although the Minister recognizes the need to monitor the hygiene and health conditions in order to prevent the spread of illness and to manage risks of contamination, he has been slow to take significant action to correct this major gap. The Public Protector feels that the current negotiations regarding the eventual transfer of responsibility for health services in detention centres to the Ministry of Health and Social Services do not justify the inertia of the Minister of Public Security ».

*Annual Report 2008-2009,
Justice and Public Security p.20.
Online : <[http://www.protecteur
ducitoyen.qc.ca](http://www.protecteur
ducitoyen.qc.ca)>*

⁵⁴ S.10, *Regulation under the Act respecting the Québec correctional system*.

⁵⁵ S.6, *Regulation under the Act respecting the Québec correctional system*.

PART 6: ACCESS TO INFORMATION AND CONFIDENTIALITY

6.1. How can an Inmate get Access to the Information held by QCS about her?

An inmate who wishes to have access to the information contained in her correctional file must make a request to the coordinator of access to information or to the manager of administrative services at the prison. If, after having consulted her file, an inmate is unsatisfied with what she has been shown or if she believes the file is incomplete, she can appeal to the “Commission d'accès à l'information”⁵⁶ [Access to Information Commission] by describing the documents which she was permitted to consult. When making such a request, it is advised that she specifies the information she wishes to obtain.

The inmate may, upon demand, have certain documents transmitted to her, such as the *Québec Charter of Human Rights and Freedoms*, the *An Act respecting the Québec correctional system*, the *Regulation under the Act respecting the Québec correctional system* and the regulations and directives concerning inmates. Note also that the *Commission des québécoise des libérations conditionnelles* [Québec parole board] must provide inmates who are eligible for temporary absences with certain information, including the criteria taken into consideration to render a decision, the delays and the procedure.⁵⁷

6.2. Can an Inmate be Refused Access to Certain Information?

The QCS can refuse to provide certain information to an inmate when they find that its communication may endanger the safety of another individual or of the prison, or if they find that the communication of such information would hinder a lawful investigation.

Example of a request for access to information

(City), (date)

(Name of the person in charge of access)

Re : Request for access to personal information

(Madam, Sir)

By virtue of section 83 of the *Act respecting access to documents held by public bodies and the protection of personal information*, I would like to receive a copy of the documents containing information that concerns me.

Sincerely,

(Your address)

Source - <http://www.cai.gouv.qc.ca>

⁵⁶ See Annex 1 of this Guide for contact information for the Commission on Access to Information.

⁵⁷ S.2, *Regulation under the Act respecting the Québec correctional system*.

6.3. How can an Inmate Correct Errors in the information about her?

If, when reading the documents in her file, the inmate discovers incorrect information, she may advise the person who transmitted the documents to her. The necessary corrections will be made if they based on verifiable facts, for example a decision rendered by a committee or the courts, a name, a type of program followed, etc.

**AQCS
SECTION 174**

For the purposes of this Act, a victim is any natural person who suffers physical or psychological injury or incurs property loss as a result of the perpetration of an offence.

L.R.Q., chapter S-40.1

6.4. What kind of Information about an Inmate may be disclosed to the Victims?

The director of the detention centre must take the possible measures to communicate to the victims who made a request⁵⁸ :

- The date of eligibility of the inmate for release for the purposes of reintegration;
- The date of a temporary absence for reintegration purposes as well as the conditions attached to the release and the destination of the inmate upon her release;
- The date of release of the inmate at the end of her prison sentence;
- The fact that the person has escaped or is illegally at large.⁵⁹

The president of the *Commission québécoise des libérations conditionnelles* [Québec parole board] has the same obligation of communication to victims.⁶⁰ However, the information will not be communicated to a victim if there are “reasonable grounds to believe” that their disclosure could threaten the safety of the inmate.⁶¹

Note finally that the exchanges between the director of a prison or the *Commission québécoise des libérations conditionnelles* [Québec parole board] and a victim are confidential. The inmate will therefore not be informed of their content.⁶²

⁵⁸ Victims of crimes which are “subject to government policies, such as domestic violence and sexual assault...paedophilia” will receive information without making the request. See s. 175 de la AQCS.

⁵⁹ S. 175, *An Act respecting the Québec correctional system*.

⁶⁰ *Ibid.* Note that the president of the *Commission des libérations conditionnelles* [Québec parole board] must inform victims of decisions rendered as a function of sections 136, 140, 143, 160, 163, 167 et 171 de la AQCS.

⁶¹ *Supra*, note 23. Section 175, *An Act respecting the Québec correctional system*.

⁶² Section 175.1, *An Act respecting the Québec correctional system*.

6.5. Which Information may be transmitted to Police Authorities?

The QCS and police forces may exchange all information, including personal information regarding the inmate, without the consent of this person in the following cases:

- The information is necessary for taking charge of the person entrusted to the Québec Correctional Services or for the administration of her sentence;
- The information is necessary to prevent, detect or punish a crime;
- There are reasonable grounds to believe that the safety of people or places for which Correctional Services is responsible, or that of members of its staff, has been compromised;
- There are reasonable grounds to believe that this person is likely to re-offend, injure another person or damage property.⁶³

⁶³ S. 18.1, *An Act respecting the Québec correctional system*.

PART 7: THE RIGHT TO COUNSEL

Canadian Charter of Rights and Freedoms
SECTION 10(b)

« Everyone has the right on arrest or detention: ...
(b) to retain and instruct counsel without delay and to be informed of that right ... ».

7.1. Under which Circumstances does an Inmate have a Right to Consult a lawyer?

The Canadian and Québec *Charters* provide that an inmate has the right to legal assistance, meaning the right to consult a lawyer.⁶⁴ In certain circumstances, an inmate has the right to be informed of this right. Upon her request, she must be provided with information about legal aid services. There are numerous circumstances under which an inmate may exercise her right to counsel. For example, when:

- The person is placed in isolation. **She must then be informed** of her right to speak to a lawyer and to have a “reasonable opportunity” to obtain the assistance of a lawyer without delay, meaning immediately and at the latest within 24 hours;
- The inmate is about to be transferred involuntarily. **She must then be informed, in writing, of her right to consult a lawyer** except in the case of an emergency;
- After an emergency transfer. The law provides that an inmate must be allowed to call a lawyer “immediately” and at the latest within 24 hours following the transfer;
- The inmate has a date for a hearing to obtain a conditional release.

The Discipline committee and the Right to a Lawyer

According to the rules and politics at the Maison Tanguay and the EDQ: “You can make a request for legal representation before the discipline committee. However, the Committee may refuse your request to be represented. The Committee will accept your request, notably when the possible sanction, in the event that you are found guilty of the violation, would constitute a serious hindrance to your remaining freedom (e.g. removal of the possibility for reduction of sentence) and when without this assistance you could not adequately defend yourself and would suffer irreparable harm. If your request for representation is accepted, the hearing before the discipline committee may be delayed by a maximum of five days. You have the responsibility to ensure the presence of your lawyer at the time fixed for the hearing. If he or she is not present at the appointed time, the committee will proceed with the hearing regardless.”

Source – Translation of the Régime de vie at the ÉDQ (p.33) and Maison Tanguay (p.30).

⁶⁴ Section 10(b) of the *Canadian Charter of Rights and Freedoms*.

7.2. What is Legal Aid?

Legal aid is a system put in place by the Government of Québec which assumes the costs of lawyers' fees for people with low income. To benefit from legal aid, a person must be eligible and the services which she requests must be covered. Thus, the financial situation of the inmate who requires legal aid, or, if applicable, that of her family, is analyzed to determine their eligibility. Annual income, ownership of a residence and liquid assets are taken into account.

Legal aid is always available for youth protection issues, representation for young offenders or individuals being prosecuted for criminal acts. However, if a person is prosecuted by way of summary conviction, meaning a less serious offence, legal aid is only available if there are risks of imprisonment or an additional custodial sentence where the person is already detained.

Legal aid can cover preparation for obtaining a conditional release and representation before a discipline committee for a serious violation.⁶⁵ If legal aid is refused, it is possible to contest this decision by asking for a review within 30 days. This request must be made in writing and must explain the reasons invoked. It must be sent by registered mail to the Legal Aid Commission.⁶⁶



7.3. How can an Inmate Access a Telephone to Communicate with her Lawyer?

Telephone conversations between an inmate and her lawyer are confidential. Note however that there is no guarantee that the calls made on the telephone system in a detention centre are not recorded. Telephone conversations are made during business hours and according to the schedule in place in each sector of the prison. In detention the telephones work on a *Débitel* system, meaning that charges apply for each call and must be assumed by the inmate making the call.

⁶⁵ The inmate who wishes to obtain legal aid services in Montreal may call the following number collect : (514) 842-2233. For more information on legal aid, the eligibility criteria and the services covered, please consult the web site of Legal Aid Montreal : <www.cjgm.qch.ca>.

⁶⁶ See Annex 1 of this Guide for a list of relevant organizations and contact information.

PART 8: ISOLATION

8.1. What is Isolation?

Isolation is also called “segregation” and is a situation which is even more restrictive than ordinary detention. Inmates placed in isolation are separated from the rest of the prison population and do not have the right to leave their isolation cell or to access the programs offered by the detention centre. This kind of cell is usually located in a sector separated from the other cells. There are two types of isolation: preventive isolation and disciplinary isolation.

i) Preventive isolation

The goal of preventive isolation is to prevent an inmate from being in contact with the prison population for security reasons. This isolation may be **involuntary** or **voluntary**.

An inmate may be isolated if the QCS has “reasonable grounds” to believe that she is hiding prohibited items such as drugs, weapons, narcotics, or unprescribed medications.⁶⁷ In these cases, preventive isolation lasts 72 hours. If the person evacuates the items, the isolation is terminated. However, it may be extended to 24 hours if there are “reasonable grounds” to believe that the inmate has consumed medication which prevents the evacuation of the prohibited items.⁶⁸

The inmate who is subject to preventive isolation measures must be incarcerated in a cell where she remains alone. During this isolation, she does not have the right to the regular one hour per day of outdoors.⁶⁹

Apart from preventive involuntary isolation, an inmate may, for reasons of personal safety, request to be placed

**Extract from the 1999-2000
Annual Report of the Public
Protector on a violation of the
rules on preventive isolation**

“An inmate at the detention centre of Saint-Jerome was kept over nine days in preventive isolation. During this period, she was not given the right to shower, nor to her daily exercise, nor to visit members of her family. At the request of the Public Protector, the authorities of the establishment took the necessary measures to remedy the situation and prevented it from recurring; various actors met to assess their practices regarding preventive isolation and produced an action plan.”

Source – Translation of Rapport annuel 1999-2000, Le Protecteur du citoyen, p.99.

⁶⁷ S.31, Regulation under the Act respecting the Québec correctional system.

⁶⁸ S.36, Regulation under the Act respecting the Québec correctional system.

⁶⁹ S.35, Regulation under the Act respecting the Québec correctional system.

in isolation. However this is not a right. The person must justify with serious reasons how her safety will be compromised if she remains in the general prison population.

If the director of the prison refuses placement in isolation, the person may contest the decision via the complaints process discussed in Part 13 of this Information Guide. It is recommended to a person who wishes to be placed under protection to discuss it with her case manager who can assess the different options and recourses available.

ii) Disciplinary isolation

Disciplinary isolation is a sanction. It is a form of sanction that may be imposed upon an inmate if she is found guilty of an infraction. The sanction is imposed by the Discipline Committee. Disciplinary isolation may be accompanied by the loss of certain privileges as a form of sanction. The loss of privileges may affect, for example, participation in recreational activities such as watching television or listening to the radio. There are two types of disciplinary isolation:

- **Confinement** during which the person must stay in her cell in her sector for a maximum of 5 days ;
- **Reclusion** during which the person is placed in a different cell from the one she normally occupies, usually in another sector of the prison than her own. The maximum duration of this type of disciplinary isolation is 7 days.⁷⁰

Confinement and reclusion may also be used as temporary measures while the person accused of disciplinary violations waits to appear before the Discipline Committee. Isolation of this kind may not last more than 24 hours.

A woman incarcerated at the provincial level will not spend her entire sentence in segregation (whether it is voluntary or not). Confinement, reclusion and isolation are extraordinary measures only and the direction of the institution will end it as soon as the crisis is finished or that the disciplinary measure has ended.

8.2. What Kind of Information is a Person in Isolation entitled to Receive?

In the case of preventive isolation: The inmate must be informed in writing, as soon as possible, of the reasons justifying her placement in isolation.⁷¹

The effects of isolation

“The Public Protector of Québec has recognized that isolation may have serious physical and psychological effects on an inmate. In every case, isolation is an extreme measure and must not be used except as a last resort...”

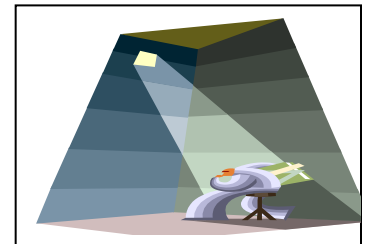
Source – Translation of Preventive Disciplinary Isolation : A Personal Guide. Elizabeth Fry Society of Québec, 2005.

⁷⁰ S.74, Regulation under the Act respecting the Québec correctional system.

⁷¹ S.32, Regulation under the Act respecting the Québec correctional system.

In the case of disciplinary isolation: When the inmate commits a disciplinary infraction and a simple warning does not suffice, the person is informed verbally that a report of a disciplinary violation will be produced and that she may be accused of an infraction. The report must indicate the name and the date of birth of the inmate, the information regarding the violation and the names of the witnesses. If the officer who writes the report has taken temporary measures, he or she must indicate them in the report and must sign and date it. A copy of the report is then given to the inmate. The name of the person who gives the report to the inmate must also be indicated in the report.⁷²

The Discipline Committee of the detention centre then studies the violation—expeditiously if the person is subject to temporary measures.⁷³ The person must also be informed as to the content of the violation report. Once the decision is made, the Committee must inform the inmate.⁷⁴ Sanction, whether it is isolation or something else, may be carried out from the moment determined by the Discipline Committee.⁷⁵



8.3. How can a Decision regarding Isolation be Reviewed?

In the case of preventive isolation: The inmate has the right to present her observations before preventive isolation measures are imposed.⁷⁶ If, notwithstanding these observations, the QCS still decides to proceed with preventive isolation, the inmate may request the review of this decision from the director of the prison. The director must give her the opportunity to present her observations again.⁷⁷

The director undertakes the review as soon as possible before the end of the isolation measures. If the director decides to cancel these measures, the preventive isolation ends immediately.⁷⁸

In the case of disciplinary isolation: The inmate placed in isolation may request a review of the decision or of the sanction of the Committee. To do so, she must write a request on the form provided for this purpose within 8 business hours following the reception of decision report of the Discipline Committee. Members of the Discipline Committee or

⁷² S.69, *Regulation under the Act respecting the Québec correctional system*. Note that the report may also be written by a correctional services officer or by the manager, the probation officer or the prison counsellor who observed the disciplinary problem.

⁷³ S.71(3), *Regulation under the Act respecting the Québec correctional system*.

⁷⁴ S.72, *Regulation under the Act respecting the Québec correctional system*.

⁷⁵ S.75, *Regulation under the Act respecting the Québec correctional system*.

⁷⁶ S.32, *Regulation under the Act respecting the Québec correctional system*.

⁷⁷ S.33, *Regulation under the Act respecting the Québec correctional system*.

⁷⁸ S.34, *Regulation under the Act respecting the Québec correctional system*.

other members of the staff can inform the person placed in isolation of the steps to follow to present her request. After review, the director of the prison or the assistant director general, as the case may be, must communicate the decision to the isolated inmate, in writing and within 8 business hours after receiving the request for review.

8.4. Does an Inmate Placed in Isolation have the Right to Consult a Lawyer?

After being placed in isolation, correctional agents must inform the inmate of her right to consult a lawyer. In every case of isolation, whether preventive or disciplinary, she must have access to a telephone to communicate with a lawyer. However, it is possible that the prison cannot give her immediate access to a telephone. In this case, agents have the obligation to give the person access to a telephone as soon as possible, and within 24 hours.

The inmate has the right to the assistance of a lawyer before the Discipline Committee when the hearing is for a serious disciplinary infraction. Even if she intends to plead guilty to the infraction, she may consult a lawyer to help make the appropriate representations for the determination of the sanction.⁷⁹

8.5. What Rights does a Person in Isolation have with respect to Health Care, Hygiene and Access to Programs?

The detention establishment must guarantee to inmates appropriate health and hygiene measures. The inmate must benefit from this guarantee during her isolation. The detention centre must also ensure that the isolation person is appropriately clothed and fed, that she receives appropriate bedding, toiletry sections and any other items necessary for her personal cleanliness and hygiene.

Note that the “*Régime de vie*” [rules and politics] at the ÉDQ provides that when a disciplinary measure is imposed on an inmate, including isolation, the visitation rights of the inmate are suspended.

Right to Religious and Spiritual Objects in Isolation

“Inmates have the right to practice freely their religion and to express their spirituality, even during isolation.”

Source – Translation from Preventive and Disciplinary Isolation : a Personal Guide. Elizabeth Fry Society of Québec, 2005, p.17.

However, religious rights and access to spiritual objects are limited by the conditions of isolation. Requests regarding spiritual objects are therefore assessed in relation to the limits of isolation as well as the security of the establishment and the people.

⁷⁹ In Québec, Legal Aid offers free consultation services to people placed in isolation, 24 hours a day, every day of the week at this toll free number : 1-800-842-2213.

PART 9: TRANSFERS

9.1. When and for what reasons may an inmate be transferred?

In provincial prisons, transfers are much more frequent than in federal penitentiaries. Inmates are transferred according to the needs of prisons and according to available spaces. In the case of overpopulation, it is not rare that spaces are freed in order to admit new inmates. Transfers also take place when an inmate shows behavioural problems or when her safety is compromised. Ordinarily, transfers are done near the end of the week. The usual reasons for this are:

- In order to serve a sentence while receiving the services required by women detainees;
- The appearance in court is in another judicial district;
- Safety requirements and/or health reasons;
- To bring the inmate closer to her place of origin;
- The availability of places in institutions.

When a transfer decision is made, the inmate is not necessarily informed in advance; she is sometimes informed only a few hours before departure for security reasons.

9.2. May an inmate request to be transferred?

There are three types of transfers: those that are voluntary, those that are involuntary and those done under emergency circumstances. It is therefore possible for an inmate to request a transfer to another detention establishment. However, the procedure varies from one prison to another and can take many weeks. It is not guaranteed that a transfer will be made by the detention establishment. The person who wishes to be transferred can make inquiries about the necessary steps to follow by speaking to her lawyer or to the staff at the detention centre.

9.3. How can an Inmate Request a Review of a Transfer Decision?

The inmate who is the subject of a transfer decision must wait until she arrives at the new establishment before making a complaint or asking to be transferred again.

Extract from the “Régime de vie” at the Maison Tanguay and the ÉDQ

“In order to limit the inconveniences associated with a transfer, actions must be taken by the establishment so that, for example, your prescriptions for medication or your health needs are transmitted rapidly to the receiving establishment, that the balances of your operations and savings accounts are transmitted and credited rapidly, that your personal belongings are transferred along with you, and that the realization of the objectives of your correctional intervention plan are as little affected as possible.”

Source – Translation of “Régime de vie” [rules and politics] de la Maison Tanguay, p.33 and of the ÉDQ, p.37.

PART 10: DISCIPLINE

10.1. What are the Objectives of the Disciplinary System in Detention?

According to section 37 of the *Act respecting the Québec correctional system*, “[a]n inmate must be respectful of the personnel and other inmates and of their property and the property of the correctional facility; an inmate must, in addition, comply with the other responsibilities determined by regulation.”⁸⁰ In the event of “misbehaviour,” members of the prison staff are authorized to take various disciplinary measures.

Under section 37, the AQCS further provides, however, that an inmate who conforms to the rules and directions during her detention and shows respect with regard to staff and other inmates can be rewarded with a reduction of her sentence. This reduction is conditional upon the inmate’s respect of the conditions of permission for temporary absences and upon her participation in programs and activities provided for her reintegration project.⁸¹ The disciplinary system is thus designed to promote order and security while encouraging participation and involvement of inmates in their rehabilitation. According to the Québec Correctional Services, the objective of the disciplinary system is not to punish so much as to give a sense of responsibility to the inmate.

10.2. What is a Disciplinary Infraction?

Québec Correctional Services considers disciplinary infractions those actions which contravene to the prescriptions of the AQCS, as well as those which contravene to the internal regulations of detention establishments. Section 69 of the *Regulation under the Act respecting the Québec correctional system* establishes that an inmate fails to fulfil her responsibilities when she:

The Three Objectives of the Disciplinary Process

1. To help the inmate become conscious of her responsibilities and to develop respect for the rules of conduct in place in a detention establishment.
2. To allow the inmate to make amends.
3. To apply disciplinary measures which encourage the creation of a healthy environment in which the inmate will conduct herself according to the standards of behaviour accepted in detention establishments.

Source – Translation of J.C. Bernheim & S. Brousseau, « Les droits des personnes incarcérées – Les règles, la réalité et les ressources », Ed. Cursus Universitaire, 2002, p.88.

⁸⁰ S. 37, *An Act respecting the Québec correctional system*.

⁸¹ S. 38, *An Act respecting the Québec correctional system*.

- Uses physical violence, injurious or threatening language or gestures towards another inmate, member of the staff or any other person;
- Alters or damages the property of the prison, of the Reintegration Support Fund,⁸² of another inmate, of a member of the staff or of any other person;
- Refuses to participate in mandatory activities;
- Obstructs the unfolding of activities, including activities of the Reintegration Support Fund, by intentionally failing to provide a satisfactory level of productivity, by creating conflicts with other inmates, members of the staff or persons in charge of activities by mocking, harassing, provoking or disturbing their work;
- Is in possession of, makes use of or traffics unauthorized or prohibited items, such as alcohol, drugs, narcotics, non-prescription medications, keys or any other object that could be considered as a weapon, such as a shard of glass, a piece of metal, wood or plastic;
- Makes a gift of or exchanges objects without authorization from the director of the detention establishment;
- Commits acts of an obscene nature, such as masturbating in public, soliciting or offering sexual intercourses to someone in public, or making a public display of sexual intercourse;
- Refuses to comply with the rules or directions of the detention establishment.⁸³

10.3. What are the Consequences for Committing a Disciplinary Infraction?

When an inmate commits a disciplinary infraction, the prison staff may:

1. Give her a warning;
2. Give her a written notice of infraction;
3. Write a disciplinary report and/or;
4. Take temporary measures.

The warning: Personnel who have observed a disciplinary breach can give a warning indicating to the inmate that she has contravened to a rule or a directive and thereby demands that she stops this behaviour. This is generally what happens when the infraction committed is not serious, when it is an isolated act and when the person has ordinarily a good behaviour.

The notice of infraction: If the behaviour does not stop, staff may also give a written notice of infraction to the inmate. This notice informs the person that a disciplinary report will be written and may lead to a disciplinary accusation.

⁸² For more information on the Support Funds, see Part 4 of this Guide as well as the *Regulation respecting programs of activities for offenders*, sections 15 to 26.

⁸³ S.68, *Regulation under the Act respecting the Québec correctional system*.

The disciplinary report: When a warning is not enough to correct the situation, the staff may write a disciplinary report regarding the inmate. This report must indicate the name and the date of birth of the inmate, the information regarding the disciplinary infraction and the names of witnesses. It must be signed and dated. A copy must be given to the inmate as soon as possible.⁸⁴

Temporary measures : If necessary, in addition to a written infraction report, it is possible that temporary measures will be taken against the inmate who committed the infraction. The member of the prison staff who observed the infraction shall not take these measures without authorization from his or her immediate superior.⁸⁵ These temporary measures may consist in:

- The loss of privileges such as access to television or participation in recreational activities;
- Confinement, meaning obligating the person to remain in her cell, apart from the rest of the prison population, and;
- Reclusion, meaning isolation in a cell located in a separate sector of the establishment designated for this purpose.

The duration of temporary measures may not exceed 24 hours.⁸⁶ The Discipline Committee of the prison gives priority to the assessment of the file of a person subjected to temporary measures.⁸⁷

10.4. The Discipline Committee

When an inmate receives an infraction report, she must meet with the Discipline Committee, whose task is to determine whether or not she is guilty of the infraction for which she is accused. If she is found guilty, the Committee must decide on the sanction to impose. The director of the prison designates two people as members of the Committee. These two people may be chosen among the correctional service

The Discipline Committee must:

- ⇒ Summons you ;
- ⇒ Ensure that you have had access to all the documents relating to the disciplinary infraction for which the hearing before the discipline committee has been convened;
- ⇒ Obtain your consent to the presence of observers ;
- ⇒ Explain you the content of the report which concerns you;
- ⇒ Summon and hear witnesses, if applicable;
- ⇒ Allow you to ask questions to the witnesses, if applicable;
- ⇒ Communicate to you the decision rendered and the sanction as the case may be.

Source – Translation of Régime de vie at Maison Tanguay, p.30

⁸⁴ S.69, Regulation under the Act respecting the Québec correctional system.

⁸⁵ *Ibid.*

⁸⁶ S.70, Regulation under the Act respecting the Québec correctional system.

⁸⁷ S.71(3), Regulation under the Act respecting the Québec correctional system.

agents, probation officers, prison counsellors and managers working in detention establishments.⁸⁸ However, if a member of the personnel was involved in the event under examination, this person may not be part of the Discipline Committee.⁸⁹

The inmate receives a summons in order to participate in the hearing before the Committee. If she refuses to present herself, the Committee proceeds without her. However, the inmate may transmit to the Committee her written version of the facts. The decision of the Committee must be unanimous. Otherwise, a new hearing with two new members must take place. This new hearing must be held within a maximum of 16 hours after the director of the detention establishment has been informed of the impossibility of arriving to a consensus.⁹⁰

A copy of the hearing report must be given to the inmate accused of committing the infraction within 8 business hours following the day of the hearing.

10.5. What Type of Defence can the Inmate present before the Discipline Committee?

The person may say that she did not commit the disciplinary infraction for which she is appearing before the Committee, meaning she can claim that she is innocent. The inmate may also plead that she did not know that she was breaking a rule. Another defence could be to allege that a misunderstanding occurred between the inmate and the QCS staff. A procedural error could also be invoked as a defence by the person accused of a disciplinary infraction.

10.6. What are the factors taken into account by the Discipline Committee?

In its decision, the Discipline Committee must take into account the following factors:

- The seriousness of the infraction;
- The degree of premeditation;
- The consciousness of the inmate in committing the infraction;

The Discipline Committee and the Right to a Lawyer

You may ask to be represented by a lawyer before the Discipline Committee. However, the Committee may refuse this request to be represented. It will accept this request if the possible sanction would constitute a serious infringement on your remaining freedom (e.g. non-attribution or loss of days of reduction of sentence) and if, without this assistance, you would not be able to adequately defend yourself and would suffer irreparable harm.

Source – Translation of Régime de vie at the EDQ (p.33) and Maison Tanguay (p.30)

⁸⁸ S. 40, *An Act respecting the Québec correctional system*.

⁸⁹ S.71(3), *Regulation under the Act respecting the Québec correctional system*.

⁹⁰ S.71(5), *Regulation under the Act respecting the Québec correctional system*.

- The inmate's behaviour since the beginning of her incarceration;
- The circumstances surrounding the infraction, such as the fact that there was provocation;
- The repetitiveness of the offence ;
- The possible consequences of the sanction on the future conduct of the inmate;
- The temporary measures taken following the infraction.⁹¹

If, after considering the infraction report and the hearing, the members of the Discipline Committee conclude that an infraction was committed, they may impose sanctions among the following:

- Reprimand, meaning blame addressed to the inmate;
- Loss of privileges, meaning deprivation for a time up to a maximum of 15 days of an advantage such as access to television, radio, telephone or participation in socio-cultural or sports activities;
- Confinement, meaning obligating the inmate to remain in her cell for a period of up to a maximum of 5 days;
- Reclusion, meaning obligating the inmate to remain in a cell in a distinct sector of the prison for up to a maximum of 7 days;
- Non-attribution of days of reduction of sentence that the person serving would have merited for the month of imprisonment;
- The loss of days of reduction of sentence that the person has accumulated.⁹²

Section 74 of the *Regulation under the Act respecting the Québec correctional system* also provides that the Discipline Committee may “also impose any of those sanctions as a suspended sanction which consists in determining the nature of the sanction but making its execution conditional on the commission of any offence within 30 days following the decision.”

10.7. How can an Inmate Request for a Review of a decision of the Discipline Committee?

If an inmate is not satisfied with the decision or with the sanction imposed or she believes they are unjustified, she may ask the director of the prison to review her file. She must write a request on the form provided for that purpose within 8 working hours following the reception of the disciplinary hearing report.

In her request, the inmate must indicate her name, her date of birth, the date and the nature of the infraction, the date and the nature of the sanction and the reasons justifying

⁹¹ S.73, *Regulation under the Act respecting the Québec correctional system*.

⁹² S.74, *Regulation under the Act respecting the Québec correctional system*.

her request for review.⁹³ The person who requests a review must also enclose the decision of the Discipline Committee that she is contesting and the date at which it was rendered. If the decision of the Discipline Committee revokes more than 15 days of sentence reduction already attributed to the inmate, the review must be addressed to and examined by the assistant director.

Section 79 of the *Regulation under the Act respecting the Québec correctional system* provides that “[f]or the purposes of the decision, the facility director or the person designated by the Minister may hear the inmate, a member of the discipline committee or any other person.” After the review, which consists in an examination of the request, the director of the prison, or the assistant director, as the case may be, must inform the inmate of his decision within 8 business hours after the receipt of the request for review.

10.8. Who decides when an Infraction must be Turned over to the Police for the Purposes of an Inquiry which may lead to Criminal Charges?

In the case of serious infractions or events such as physical violence towards staff or another inmate, drug trafficking, sexual assault, escape, etc., it is possible that an inmate may be subject to a complaint filed with the police. Such a complaint may lead to criminal charges.

This decision is taken by the prison’s Director. It is important to note that the ultimate decision to continue further the charges is made by the Crown Prosecutor.

⁹³ Section 77, *Regulation under the Act respecting the Québec correctional system*.

PART 11: SEARCHES

11.1. What is a Body Search?

The purpose of a body search is to detect the presence of prohibited objects on the inmate, such as drugs, weapons, etc. In general, body searches are done in order to ensure the security of the detention establishment and the inmates. There are many types of body searches:

- *The non-intrusive (or discrete) search:* is carried out by technical means, including the use of metal detectors, portable detectors or dogs. It also includes searches done either by hand or by technical means of the objects in possession of the searched detainee, which she is asked to remove or to give up temporarily.⁹⁴ The person remains clothed;
- *The frisk search:* is carried out using hands. This search is done from head to toe, front and back, around the legs, the thighs and in the creases of clothing, the pockets and shoes. If necessary, it may be required that the searched person lift up, lower or open her underclothes in order to allow a visual inspection. It also includes a search of the jacket or coat of the person, who is asked to remove it, and of her other personal effects such as a briefcase, wallet or handbag. It may also include a visual inspection during which the searched person must open her mouth, show her nostrils and ears and run her fingers through her hair.⁹⁵
- *The strip search:* consists in a visual examination of the body completely undressed during which the searched person must open her mouth, show her nostrils and her ears. If necessary, she must remove prosthetic teeth, hair, etc., show the soles of her feet, run her fingers through her hair, open her hands, spread and lift up her arms, lift up her breasts, and bend over to allow a visual examination of the anal and vaginal cavities. The searched person must permit a visual examination of all the folds of her body. In addition, all the clothes and personal effects of the person must also be searched.⁹⁶

**Canadian
Charter of Rights
SECTION 8**

“Everyone has the right to be secure against unreasonable search and seizure.”

⁹⁴ S.19, Regulation under the Act respecting the Québec correctional system.

⁹⁵ S.20, Regulation under the Act respecting the Québec correctional system.

⁹⁶ S.21, Regulation under the Act respecting the Québec correctional system.

- *The body cavity search*: the examination of the body cavities is a search performed by a doctor and includes, for women, the examination of the rectum and the vagina.⁹⁷
- *X-ray photography*: an X-ray is a search consisting in taking one or many X-rays by a member of the Order of Radiology Technologists of Québec, of all or part of the body in order to detect an object.⁹⁸

11.2. Cell Searches and Seizure of Unauthorized Objects

In addition to body searches, inmates should be aware that their cells and personal effects will be searched on many occasions during their detention. Even religious objects such as aboriginal medicine bundles might be searched. The *Regulation under the Act respecting the Québec correctional system* provides that searches of cells or of different living sectors of the prison can be done at any time and as often as “necessary.” The presence of two members of the staff is however required during the search of a cell.⁹⁹

When a correctional services staff member has “reasonable grounds” to believe that prohibited items may be found in the cell of an inmate, she or he may, with the authorization of his or her superior, search the cell and all the objects within it.¹⁰⁰ However, if the staff member has “reasonable grounds” to believe that the delay necessary to obtain authorization may endanger someone’s life or security, he or she may search the cell without authorization.¹⁰¹ Cells may also be searched if an urgent situation arises at the detention establishment.¹⁰²

In addition, section 50 of the *Regulation under the Act respecting the Québec correctional system* provides that “[t]he facility director may also order a correctional officer to conduct a search of areas, workshops, recreational areas such as sports areas, training rooms and other areas inside the facility. The director may also order the search of any other location or item that could conceal contraband, such as exercise yards and the facility grounds, and vehicles

Unauthorized personal effects

- Money and documents of identification
- Magazines and books from outside the prison
- Alcohol and medication not prescribed by the establishment doctor
- Jewellery worth over \$100
- Lighters
- Pieces of metal (penknives, knives, belts, combs)
- Signs and posters
- Sunglasses (tinted)
- Any electronic devices including Ipods, MP3 players, etc.

Source – Translation of
Régime de vie de la Maison
Tanguay, p.55

⁹⁷ S.22, *Regulation under the Act respecting the Québec correctional system*.

⁹⁸ S.23, *Regulation under the Act respecting the Québec correctional system*.

⁹⁹ S.45, *Regulation under the Act respecting the Québec correctional system*.

¹⁰⁰ S.46, *Regulation under the Act respecting the Québec correctional system*.

¹⁰¹ S.47, *Regulation under the Act respecting the Québec correctional system*.

¹⁰² S.48, *Regulation under the Act respecting the Québec correctional system*.

inside the facility's security perimeter. The searches may be conducted at any time and as often as necessary¹⁰³

The objects seized during the body searches and cell searches are kept along with the personal effects of the inmate or are given back to their owner if this person is clearly identified. Thus, prison authorities may seize and retain the personal property that does not conform to the rules, that surpasses the authorized limits or that is not registered on the list of personal property of the inmate.

11.3. When may Inmates be Searched?

To carry out a search, prison personnel must respect precise rules that vary according to the type of search. However, any correctional agent may proceed with a search with the exception of body cavity examinations, and they may do this without authorization when the delay to obtain such an authorization may compromise the security of the detention establishment or of an individual, or when the delays may cause the disappearance or destruction of evidence.

Frisk searches: According to the *Regulation under the Act respecting the Québec correctional system*, a correctional services agent may submit an inmate to a frisk search in the following circumstances:

- When entering and exiting a detention establishment;
- When entering or exiting an institutional vehicle;
- When entering or exiting sectors, workshops, activity rooms and recreational areas of the establishment;
- When entering and exiting reclusion, preventative isolation and observation cells.¹⁰⁴

Strip searches: According to the *Regulation under the Act respecting the Québec correctional system*, a correctional services agent may submit an inmate to a strip search under the following circumstances:

- When entering and exiting a detention establishment;
- When entering or exiting an institutional vehicle;
- When entering or exiting a sector where visits other than those that are secure take place;

¹⁰³ Section 50, *Regulation under the Act respecting the Québec correctional system*.

¹⁰⁴ Section 26, *Regulation under the Act respecting the Québec correctional system*.

- When exiting sectors, workshops, activity rooms and recreational areas of the establishment where the inmate may have had access to a prohibited object which she may have hidden on herself;
- When entering and exiting reclusion, preventative isolation and observation cells.¹⁰⁵

Abusive searches

According to the Québec Public Protector, all strip searches carried out systematically, without suspicion or reasonable grounds, constitute an abusive practice which violates the rights of the inmate protected by section 24.1 of the *Québec Charter of Human Rights and Freedoms* and by section 8 of the *Canadian Charter of Rights and Freedoms*.

Source – Translation of *Annual Report 1999-2000 of the Québec Public Protector*, p.98.

In addition, if a member of the staff has “reasonable grounds” to believe that in circumstances other than those which have just been mentioned, the inmate is in possession of unauthorized or prohibited items, or of evidence related to a criminal infraction, he or she may proceed to a frisk search or a strip search. The *Regulation under the Act respecting the Québec correctional system* provides that “[t]he search must be authorized by the manager in charge, except in an emergency where the search must be the subject of a report by the correctional officer who conducted it justifying its necessity and the reason for the urgency ».¹⁰⁶

11.4. What is the Procedure for the Body Cavity Search?

The examination of body cavities or intimate parts of the body of an inmate may not be carried out without the authorization of the director of the prison. In addition, the examination must be necessary to retrieve hidden objects. The person being searched must consent in writing to the search of her body cavities.

The member of the staff who makes the request must be “satisfied that there are reasonable grounds to believe that an inmate is carrying contraband in a body cavity or has ingested contraband.”¹⁰⁷ This type of examination must be carried out by a doctor of the same gender as the inmate unless she consents to an examination by a doctor of the opposite gender. The law also requires that a witness of the same gender of the person be present during the examination.¹⁰⁸ The same procedure applies to a search by X-ray.¹⁰⁹

The *Canadian Charter of Rights and Freedoms* protects all citizens, including inmates, against abusive searches.¹¹⁰ This is a fundamental right. An abusive search is one which is done without any reason, is not permitted by law, or is done repetitively when the

¹⁰⁵ S. 27, *Regulation under the Act respecting the Québec correctional system*.

¹⁰⁶ S. 28, *Regulation under the Act respecting the Québec correctional system*.

¹⁰⁷ S. 29, *Regulation under the Act respecting the Québec correctional system*

¹⁰⁸ *Ibid.*

¹⁰⁹ S. 30, *Regulation under the Act respecting the Québec correctional system*.

¹¹⁰ S. 8, *Canadian Charter of Rights and Freedoms*.

circumstances in no way lead to a belief that the person being searched has broken the rules of the prison.

11.5. What is the Procedure for the Search of Visitors?

Visitors may be summarily searched when entering or exiting a detention establishment. They may also be required to pass through a metal detector.¹¹¹

The *Regulation under the Act respecting the Québec correctional system* provides that a member of the staff who has obtained an authorization from the director of the prison may submit a visitor to a strip search if he or she has “reasonable grounds” to believe that a visitor is in possession of prohibited or illicit objects.¹¹² Before proceeding to the strip search, the prison staff must permit the visitor who refuses to be searched to leave the establishment.¹¹³

The *Regulation under the Act respecting the Québec correctional system* provides that “[a] minor under 14 years of age may not be strip searched unless the person having parental authority has given written authorization. In the absence of that consent, the child will not have access to the facility unless the manager in charge authorizes a secure visit.”¹¹⁴

11.6. What is the Procedure for Urine Tests?

There are no urine tests in provincial detention establishments. However, undergoing certain tests may sometimes be a requirement to be eligible to a half-way house or to participate in certain programs.

¹¹¹ S.37, *Regulation under the Act respecting the Québec correctional system*.

¹¹² S.38, *Regulation under the Act respecting the Québec correctional system*.

¹¹³ S.39, *Regulation under the Act respecting the Québec correctional system*.

¹¹⁴ S.40, *Regulation under the Act respecting the Québec correctional system*.

PART 12: TEMPORARY ABSENCES

12.1. What is a Temporary Absence?

It is a measure authorized by the director of the prison and which permits the inmate to be absent temporarily, under certain conditions and for various reasons.

This is generally the first type of release that an inmate may obtain. The temporary absence may be granted with or without escort and can last a few hours up to a few days. A temporary absence with an escort indicates that an inmate will be accompanied by someone to monitor her during her absence.

12.2. What are the Eligibility Criteria to be granted a Temporary Absence?

Temporary absences may be authorized for medical or humanitarian reasons, for participation in activities with a Reintegration Support Fund or for spiritual activities. It may also be granted for reintegration purposes. The eligibility criteria depend on the type of temporary absence requested, and the duration of the absence varies according to the inmate's status – an accused awaiting trial or her sentence, an inmate sentenced to less than six months or an inmate sentenced to six months or more.

i) Medical temporary absence

This permission may be given at any time, with the recommendation of a doctor, by the director of the prison who determines the duration and the conditions.¹¹⁵ The inmate, whether accused or sentenced to more or less than six months, must meet the following conditions:

- She is terminally ill;
- Her state of health requires immediate hospitalization;
- She needs an assessment or examination in a specialized environment;
- She requires care or treatment which cannot be provided in the detention establishment.¹¹⁶

To obtain this temporary absence, the inmate must make a written request using the appropriate form. However, the *Act respecting the Québec correctional system* provides that where the life or the health of the inmate is in danger the director of the prison may

¹¹⁵ S. 43, *An Act respecting the Québec correctional system*.

¹¹⁶ S. 42, *An Act respecting the Québec correctional system*.

permit a temporary absence under escort supervision without any further formality, that is without having submitted the written request.¹¹⁷

ii) Humanitarian temporary absence

The director of the prison may, at any time, allow an inmate—accused, detained for less or more than six months—to leave for humanitarian reasons. He or she determines the conditions which must apply to this temporary absence as well as the duration, which may not exceed 20 days.¹¹⁸ The AQCS provides 5 reasons for such a temporary absence:

- For the birth, baptism or wedding of her child;
- For a reason related to a serious illness, the death or the funeral of her partner, her child, her father or mother, her brother or sister or a person who took the place of her father or mother;
- When she must provide for health care for her partner, her child, her father or mother, her brother or sister, when no other relative can do so;
- When she must assist her partner, her child, her father or mother or a person who took the place of father or mother, when, without this assistance, serious harm would be caused to one of these persons;
- Due to a personal judicial or administrative obligation when this obligation by its nature cannot be fulfilled by a representative designated for that purpose or when the failure to fulfil this obligation may cause serious harm to a third party.¹¹⁹

During this kind of temporary absence, the AQCS provides that an inmate must be escorted and kept under constant surveillance by a correctional services officer.¹²⁰ To be granted such a temporary absence, the inmate must make a written request using the appropriate form. If the request is accepted, she will receive a Certificate for

The responsibilities of inmates during a leave according to the Minister of Public Security

“You are the most important actor in the success of your temporary absence. The respect of the conditions and the quality of your collaboration make it possible to allow this measure. Once you have signed your certificate for temporary absence, you have committed yourself to:

- Respecting all the conditions imposed by the *Commission des libérations conditionnelles* [Québec parole board] or by the Québec Correctional Services;
- Presenting yourself at the fixed appointments;
- Cooperating with your worker by answering his or her questions, providing the proof requested and following his or her instructions;
- Attaining the objectives provided by your correctional intervention plan and participating actively in your reintegration.

By adopting an open attitude with regard to your correctional worker and your community intervention worker, and by applying yourself to your program, you increase your chances of success.”

Source - www.msp.gouv.qc.ca

¹¹⁷ S. 44, *An Act respecting the Québec correctional system*.

¹¹⁸ S. 40, *An Act respecting the Québec correctional system*.

¹¹⁹ S. 49, *An Act respecting the Québec correctional system*.

¹²⁰ S. 51, *An Act respecting the Québec correctional system*.

Temporary absence which explains the conditions that she must respect during the temporary absence. If the request is refused, she receives a document containing the reasons for the decision. In order to grant a temporary absence for humanitarian reasons, the director of the prison must take into account:

- The protection of society considering the risk of re-offence by the inmate, which is determined according to her needs relating to her delinquency;
- The nature, seriousness and the consequences of the infraction committed by the inmate, and;
- The behaviour of the inmate and her capacity to respect the conditions imposed.¹²¹

iii) Temporary absence for the purpose of participation in the activities of a Reintegration support fund or for spiritual activities¹²²

This type of temporary absence may be granted at any time by the director of the prison who determines the conditions.¹²³ The person who benefits from this type of temporary absence must return to the detention establishment in the evening.¹²⁴ Inmates awaiting trial or their sentence are not eligible for this kind of temporary absence.

To be granted such a temporary absence, the inmate must make a written request using the appropriate form. If the request is accepted, she will receive a Certificate for Temporary absence which explains the conditions that she must respect during the temporary absence. If the request is refused, she receives a document containing the reasons for the decision.

The Responsibilities of Correctional Services with regard to temporary absences

“Correctional Services has the responsibility of your monitoring in the community. This means that they must:

- Support you in the realization of the goals of your projects while on leave;
- Provide you with the appropriate resources;
- Verify the respect of the conditions imposed and take the appropriate measures if the conditions are not respected.

Failure to respect one of your obligations or the commission of a new criminal offence may lead to the suspension of your temporary absence. You may lose the privileges which you have been given, and, consequently, spend part or all of your sentence in detention.”

Source - www.msp.gouv.qc.ca

¹²¹ S. 52, *An Act respecting the Québec correctional system*.

¹²² Spiritual activity is defined at section 45 of the AQCS as an activity which helps “offenders [to] find a meaning to their lives, improve their physical, psychological and social well-being and develop their potential as human beings, at the moral and religious levels”.

¹²³ S. 47, *An Act respecting the Québec correctional system*..

¹²⁴ S. 46, *An Act respecting the Québec correctional system*.

In order to grant a temporary absence for the purposes of participation in the activities of a Reintegration support fund or for spiritual activities, the director of the prison must take into account:

- The protection of society considering the risk of re-offence by the inmate and her potential for reintegration, which is determined in accordance with her needs relating to her delinquency;
- The nature, seriousness and the consequences of the infraction committed by the inmate, and;
- The behaviour of the inmate and her capacity to respect the conditions imposed.¹²⁵

iv) Temporary absence for the purposes of reintegration

According to the AQCS: “[t]emporary absence for reintegration purposes constitutes a stage in the offender's rehabilitation process, forms part of his or her preparation for release and takes place within the framework of a plan for his or her reintegration into the community”¹²⁶. An inmate is eligible for this kind of temporary absence once she has served one sixth of her sentence of less than six months. Inmates awaiting trial or their sentence and inmates sentenced to six months or more are not eligible for this kind of temporary absence.

The director of the prison determines the conditions and the duration of the temporary absence for reintegration. This type of temporary absence cannot exceed 60 days.¹²⁷ The director may give his or her authorization once an inmate makes a written request for the following reasons:

- To hold a remunerated employment;
- To actively seek for a remunerated employment;
- To undertake voluntary work in a community resource centre;
- To undertake or continue high-school, college or university education;
- To pass an academic assessment for the purposes of returning to school;
- To pass an assessment to determine her eligibility to a community living centre and, as the case may be, to stay there;
- To participate in a community help program or in therapy associated with her needs;
- To maintain or re-establish connections with her family or social network.¹²⁸

¹²⁵ S. 48, *An Act respecting the Québec correctional system*.

¹²⁶ S. 53, *An Act respecting the Québec correctional system*.

¹²⁷ S. 54, *An Act respecting the Québec correctional system*.

¹²⁸ S. 54, *An Act respecting the Québec correctional system*.

In order to grant a temporary absence for the purposes of reintegration, the director of the prison must take into account:

- The protection of society considering the risk of re-offence by the inmate and her potential for reintegration, which is determined according to her needs relating to her delinquency and the available resources;
- The nature, seriousness and the consequences of the infraction committed by the inmate;
- The degree of comprehension and sense of responsibility of the inmate with regard to her criminal behaviour and the consequences of the infraction on the victim and on society;
- The inmate's criminal record and correctional history;
- The personality and behaviour of the inmate, her progress since the imposition of her sentence, her motivation to get involved in the process of change and her capacity to fulfil her obligations;
- The conduct of the person during a previous prison sentence or during the previous application of a measure in the community, whether provincial or federal;
- The prior employment and work aptitudes of the inmate;
- Family and social resources;
- The relevance of the reintegration project given the risk of re-offence that the inmate presents, and her aptitude to reach her goals with the appropriate support.¹²⁹

This kind of temporary absence can be renewed by the director of the prison or the director responsible for monitoring in the community, when the person has “complied with the attached conditions and has behaved satisfactorily, and if no new fact prevents a renewal or warrants a refusal.”¹³⁰

v) Temporary absence in preparation for conditional release¹³¹

According to the AQCS: “[t]emporary absence in preparation for conditional release shall constitute a stage in the offender's rehabilitation process, forms part of his or her preparation for conditional release and takes place within the framework of a plan for his or her reintegration into the community”¹³². This type of temporary absence is available to inmates serving a sentence of six months or more. These inmates are eligible

¹²⁹ S. 56, *An Act respecting the Québec correctional system*.

¹³⁰ S. 55, *An Act respecting the Québec correctional system*.

¹³¹ Parole (or conditional release) is an application of the sentence of imprisonment. It permits the inmate to return to the community before the expiration of her sentence under precise conditions. Its purpose is to ensure public security while encouraging the reintegration of the inmate.

¹³² S. 135, *An Act respecting the Québec correctional system*.

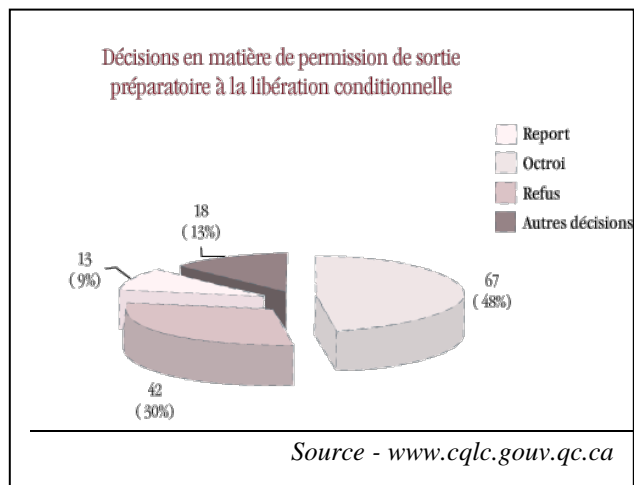
Information Guide

Rights of Women Serving a Provincial Sentence

after serving one sixth of their sentence and cease to be eligible on becoming eligible for conditional release. The members of the Commission des libérations conditionnelles (CQLC) ¹³³ [Québec parole board] are empowered to grant, suspend or revoke this “privilege.” Among other things, the CQLC may decide to renew the temporary absence if the inmate has respected the conditions that have been imposed.

The CQLC may grant this temporary absence for a duration not exceeding 60 days¹³⁴ to an inmate who has made a written request for the following reasons:

- To hold or to look for remunerated employment;
- To complete voluntary work in the community;
- To attend high-school, college or university studies;
- To participate in an academic assessment in a view of returning to school;
- To undertake an assessment to determine her admissibility to a community living centre, and as the case may be, to stay there;
- To participate in a help or support program or in a therapy relating to her needs;
- To maintain or re-establish connections with her family or social network.¹³⁵



If her request is accepted, the inmate will receive a Certificate of Temporary absence which will explain the conditions to be respected during the temporary absence. If the request is refused, she will receive a document containing the reasons for the decision.

vi) Temporary absence for family visits

This kind of temporary absence, which has been effective since June 4, 2007, permits an inmate serving a sentence of six months or more, who is not on parole or has not been the subject of a decision to revoke or terminate her parole, to visit close family members. The inmate must make a written request to the *Commission québécoise des libérations conditionnelles* [Québec parole board] (CQLC). The inmate has the right to present her observations before the CQLC and, if applicable, to produce documents to complete her file.

¹³³ La Commission québécoise des libérations conditionnelles is an administrative tribunal that has been created by *An Act respecting the Québec correctional system*. Its role is to decide independently and impartially, with the participation of the community, with respect to the parole of inmates in Québec.

¹³⁴ S. 137, *An Act respecting the Québec correctional system*.

¹³⁵ S. 136, *An Act respecting the Québec correctional system*.

Her request is assessed by one of the members of the CQLC. He or she determines the conditions applicable to the temporary absence as well as its duration, which cannot exceed 72 hours, once a month. The time necessary for travel is not counted in the 72 hours.¹³⁶ The member of the CQLC who examines the request for temporary absence for family visits must take into account the following criteria:

- The protection of society considering the risk of re-offence by the inmate and her potential for reintegration, which is determined in accordance to her needs relating to her delinquency;
- The nature, seriousness and the consequences of the infraction committed by the inmate;
- The behaviour of the inmate during her detention and, if applicable, during a prior temporary absence and her capacity to respect the conditions imposed;
- A member of the family has accepted to receive the inmate and the visit is likely to encourage the reintegration of the inmate and her capacity to respect the conditions imposed.¹³⁷

12.3. Who has Jurisdiction to Grant a Temporary Absence?

As previously mentioned, the director of the prison has jurisdiction to decide on all temporary absences for inmates serving a sentence of less than six months. This is a discretionary power; a temporary absence is not a right but a privilege. The inmate has only the right that her request be processed. The director of the detention establishment bases his or her decisions on the recommendations of a Committee for the study of temporary absences, except in the case of medical temporary absences.

Except in particular cases, the *Commission québécoise des libérations conditionnelles* [Québec parole board] decides whether or not to grant temporary absences to inmates serving sentences of six months to less than two years. The Commission is also in charge

Note that...

- Victims may also make representations before the Temporary Absence Examining Board;

- Section 64 of AQCS provides that:

“The facility director must inform the police forces of the temporary absence granted to an offender and of the attached conditions.”

- Section 65 of the AQCS provides however that the person concerned must be informed that her temporary absence and the associated conditions have been brought to the attention of the police force.

¹³⁶ S. 142, *An Act respecting the Québec correctional system*.

¹³⁷ S. 141, *An Act respecting the Québec correctional system*.

of determining the eligibility of inmates for parole. According to the AQCS, the mandate of the *Commission québécoise des libérations conditionnelles* [Québec parole board] is:

- To encourage the reintegration of inmates while respecting the decisions of the courts and contributing to the protection of society;
- To make decisions while taking into account all necessary and available information regarding inmates;
- To establish its orientation within the framework established by the minister, to communicate this orientation to the minister and to disseminate this information.¹³⁸

12.3. Temporary Absence Examining Board

Each detention establishment has a board that studies all the requests for temporary absence,¹³⁹ with the exception of those for medical reasons and those that fall under the responsibility of the *Commission québécoise des libérations conditionnelles* [Québec parole board]. This board consists of three people¹⁴⁰ designated by the director of the prison. They are chosen from correctional service agents, probation officers, counsellors in the prison environment and managers.¹⁴¹

The board makes a recommendation, positive or negative, to the director of the detention establishment whose final decision is to grant or not the request for temporary absence. The board must give reasons for its recommendation, mention to the director the observations presented by the inmate and suggest conditions to be imposed if applicable.¹⁴²

The director of the detention establishment is not obliged to follow the recommendation of the board.¹⁴³ She or he must render a written decision with reasons and inform the inmate as soon as possible.¹⁴⁴ The inmate who makes the request has the right to be represented or assisted by a person of her choice.¹⁴⁵ The inmate or her delegate may present observations or, if applicable, produce documents to complete her file.¹⁴⁶

¹³⁸ S. 119, *An Act respecting the Québec correctional system*.

¹³⁹ S. 57, *An Act respecting the Québec correctional system*.

¹⁴⁰ In the event of a request for temporary absence by a person sentenced to a term of 30 days or less or an intermittent sentence, or in the case of a request for temporary absence for the purposes of participation in the activities of a Reintegration support fund, the board consists of two persons rather than three.

¹⁴¹ S. 58, *An Act respecting the Québec correctional system*.

¹⁴² S. 61, *An Act respecting the Québec correctional system*.

¹⁴³ S. 62, *An Act respecting the Québec correctional system*.

¹⁴⁴ S. 63, *An Act respecting the Québec correctional system*.

¹⁴⁵ It could be a lawyer, a friend, or a family member. Only another inmate is ineligible to represent or assist an inmate before the board.

¹⁴⁶ S. 60, *An Act respecting the Québec correctional system*.

12.4. Suspension, Revocation and Review of Temporary Absences

i) Suspension or revocation

Any breach of conditions, re-offence or risk of re-offence may lead to suspension of the temporary absence. The inmate must then return to detention. She must be informed in writing as soon as possible of the reasons for the suspension. The temporary absence is suspended by the director of the detention establishment, by the director responsible for community supervision or by the *Commission québécoise des libérations conditionnelles* [Québec parole board] (CQLC) when:

- There are reasonable grounds to believe that the inmate has violated a condition of her temporary absence or it is necessary to intervene to prevent a violation;
- For any reasonable grounds invoked by the inmate;
- A new fact is discovered that, if it had been known at the time of granting the temporary absence, would have justified a different decision, or when an unforeseen event occurs that justifies the suspension.¹⁴⁷

After having decided to suspend a temporary absence, the director of the prison or the director responsible for community supervision must re-examine the facts and may: cancel the suspension, revoke the permission or order its termination as soon as possible.¹⁴⁸

The inmate who makes the request may be assisted by a person of her choice and may present observations or, if applicable, produce documents before the decision to revoke the temporary absence is rendered.¹⁴⁹

ii) Review of the revocation or refusal to grant a temporary absence

If a temporary absence is refused or revoked, the inmate may request a review of this decision to the assistant general director or the *Commission québécoise des libérations conditionnelles* [Québec parole board] — for the review of temporary absences in preparation of conditional release. The request must be made in writing within 7 days following the refusal and must be based on one of the following reasons:

- The prescriptions imposed by law were not respected;
- The decision rendered was based on incomplete or erroneous information.

¹⁴⁷ S. 68, *An Act respecting the Québec correctional system*.

¹⁴⁸ S. 69, *An Act respecting the Québec correctional system*.

¹⁴⁹ S. 69, *An Act respecting the Québec correctional system*. An inmate may not represent or assist another inmate during the process of suspension or revocation of a temporary absence.

Information Guide

Rights of Women Serving a Provincial Sentence

The decision concerning the request for review is transmitted to the inmate within seven days following the submission of her request. The inmate will have a chance to present in writing her comments before the decision on her file is rendered. To do so, she must use the appropriate form.

iii) New requests for temporary absence

Section 70 of the AQCS provides that “[a]n offender may not reapply for a temporary absence for reintegration purposes unless 30 days have elapsed since the date of a refusal or revocation or, even if the 30-day period has not elapsed, unless a favourable recommendation is made in that respect by the person in charge of the case.”¹⁵⁰

Note that section 139 of the AQCS provides that “[a] person may not reapply for a temporary absence in preparation for conditional release following a decision refusing, terminating or cancelling such an absence”.

¹⁵⁰ S. 70, *An Act respecting the Québec correctional system*.

PART 13: COMPLAINTS AND OTHER SOLUTIONS

13.1. What is the Complaint System?

The system for processing complaints and grievances at the provincial level was put in place by Québec Correctional Services in January 1992. This is an internal mechanism of prisons which permits inmates to present written complaints when they consider that they have reasonable grounds to believe that a decision made or an action taken with respect to them was unjustified or contrary to the norms effective in the detention establishment. Here are a few examples:

- Mistreatment by a member of the personnel;
- Incorrect information contained in the files or reports concerning the inmate;
- Refusal to allow the inmate a telephone call or time outdoors in the exterior areas of the prison, etc.

The complaints system consists of three levels of processing. These levels must be accessed progressively, meaning that an inmate must first make their complaint at the first level and then, if necessary, appeal to the second and finally third levels. An inmate must conserve all the documents connected with the processing of her complaint.

13.2. How does the Complaint Process Work?

When an inmate feels she has reasonable grounds to lodge a complaint, she must ask a member of the personnel of her living sector to give her the “complaint form”. In order to ensure that the complaint will be processed, it is suggested that the inmate respects the following conditions:

- Always start at the first level of complaints;
- Transmit the complaint without including offensive or insulting language;
- Describe a precise situation, since the prison authorities may refuse to process a complaint that they consider manifestly frivolous or vexatious.¹⁵¹

Objectives of the complaint system

“This service is designed, on the one hand, to responsabilize inmates with regard to the process which must be followed to adequately inform themselves as to their rights and, on the other hand, to responsabilize personnel as to the quality of services they must render to the prison population.”

Source – Translation of J.C. Bernheim & S. Brousseau, « Les droits des personnes incarcérées – Les règles, la réalité et les ressources », Ed. Cursus Universitaire, 2002, pp.68-69.

¹⁵¹ S.63, Regulation under the Act respecting the Québec correctional system.

At the first level, the complaint will be examined by the head of the living sector of the inmate concerned. At the second level, it will be examined by the director of the prison and, at the third level, by the assistant general director.

First level: The chief of unit of the person who made the complaint will provide her with a written reply within two business days. If the request is not accepted, the reply must include reasons.¹⁵²

Second level: If the inmate is unsatisfied with the reply of the chief of unit, she may send her complaint to the director of the prison. The director must then reply in writing within five business days.¹⁵³

Third level: If the inmate is still unsatisfied with the reply of the second level, she may demand the review of her complaint to the director or the assistant general director. He or she must reply within 7 business days.¹⁵⁴

The delays for processing a complaint may be extended with the agreement of the inmate. However, the *Regulation under the Act respecting the Québec correctional system* provides that “[i]f a complaint is related to an emergency in which the inmate's life is in danger, the person dealing with the complaint must reply as soon as possible.”¹⁵⁵

Note that the staff member concerned by the complaint will be advised directly or by his or her chief of staff. At the first level, the person has to offer solutions for his actions or give her or his version of the facts.

13.3. Special cases

It is recommended to inmates to try to settle their disputes with the individuals concerned in an amicable fashion before making a formal complaint. This may be done verbally or in writing via a memo. Note also that certain complaints cannot be processed by the internal prison system. This is the case of complaints regarding the following subject matters:

According to the Rules at the ÉDQ and Maison Tanguay

“Before formulating your complaint in writing, you must ensure that the reason is serious and justified. Life in detention is regulated by a set of rules that you must know. It is not sufficient that you are dissatisfied or discontented to make a complaint. You must have reasonable grounds to believe that the decision or action which is the origin of your complaint is unjustified and does not respect the norms applicable at our establishment.”

Source – Translation from the *Régime de vie at the ÉDQ* (p.53) and *Maison Tanguay* (p.48)

¹⁵² S.63, *Regulation under the Act respecting the Québec correctional system*.

¹⁵³ S.64, *Regulation under the Act respecting the Québec correctional system*.

¹⁵⁴ S.65, *Regulation under the Act respecting the Québec correctional system*.

¹⁵⁵ S.66, *Regulation under the Act respecting the Québec correctional system*.

- Temporary absences: complaints must be addressed to the director of the prison or to the *Commission des libérations conditionnelles* [Québec parole board] (CQLC) depending on the type of temporary absence;
- Health care: complaints must be addressed to the Health Services of the prison or a complaint must be made directly to the *Collège des médecins du Québec* (physician professional order) or the *Ordre des infirmières et infirmiers du Québec* (nursing professional order)¹⁵⁶;
- Review of a decision on preventive isolation: complaints must be addressed to the director of the detention establishment;
- Sentence management: if the inmate disagrees with the content of her correctional intervention plan, she must address this issue with her case manager;
- Discipline: requests for review of a decision or of a sanction imposed by the Discipline Committee must be made to the director of the establishment;
- Reclamations regarding personal property: the inmate must make a request for reclamation dedicated specifically to this subject.
- Review of classification: the inmate must make a request for review rather than lodge a complaint;
- Requests for access to information: the inmate who wishes to have access to personal information must send a request to the person at the establishment responsible for issues relating to the *Act respecting access to documents held by public bodies and the protection of personal information*¹⁵⁷

Shortcomings in the complaints-processing system

“Over the last year, the Public Protector has again examined the functioning of the system which processes the complaints of detainees. Apart from the recurrent problems of access to complaints forms and failure to respect delays for processing, the Public Protector has observed significant shortcomings in the keeping of the provincial register which must report the entirety of complaints submitted by inmates. In principle, the register is a tool which makes it possible to obtain information for each establishment concerning the source of complaints, their frequency, the reasons and the delay with which they are processed. Yet, the register itself provides only partial information which in turn provides little that is useful for the assessment of services. It paints an incorrect picture of the situation that prevails in the detention centres.”

Source – Translation of Annual Report 2008-2009, Justice and Public Security, p.24. On line: <<http://www.protecteurducitoyen.qc.ca>>

¹⁵⁶ See Annex 1 of this Guide for contact information for these professional associations.

¹⁵⁷ R.S.Q., chapitre A-2.1

PART 14: OTHER SOLUTIONS AND ORGANIZATIONS TO CONTACT

14.1. Are there Other Options aside from the Internal Complaints System?

Inmates are not always satisfied with the processing of their complaint, even if they have followed all the required steps. Sometimes, an inmate will contact an external organization independent from Québec Correctional Services to inform them of mistreatment, poor detention conditions or discriminatory behaviour. It is for these reasons that the Commission des droits de la personne et droits de la jeunesse [human rights Commission] and the office of the Public Protector were created.

14.2. What is the role of the Public Protector of Québec?

The Public Protector of Québec plays nearly the same role as the federal Correctional Investigator. His or her mandate and functions are described in the *Public Protector Act*.¹⁵⁸ The Public Protector may intervene whenever he or she has reasonable grounds to believe that a person has been harmed by the actions of a public body such as a provincial detention establishment.¹⁵⁹

Therefore, the Public Protector has jurisdiction to investigate — whether following a complaint, or on its own initiative — into all provincial prisons such as Maison Tanguay and the women’s sector of the Établissement de détention de Québec (ÉDQ). It can also investigate the actions of the *Commission québécoise des libérations conditionnelles* [Québec parole board] (CQLC).

Although the Public Protector cannot guarantee that its decisions and opinions will be followed, almost 99% of the recommendations made by the Public Protector following an investigation are accepted by the ministers, bodies and authorities concerned.

**Extract from the 2008-2009
Annual Report of the Public
Protector**

“In most situations in which inmates have a method of recourse or an adequate way to exercise their rights or present their point of view, the Public Protector generally directs them to these resources. On the other hand, when an administrative decision in a prison has immediate effect, such as when someone is placed in isolation without apparent justification or when a person’s request to speak to their lawyer is unreasonably refused, the Public Protector intervenes immediately.”

Source – Translation of Annual Report 2008-2009, La justice et la sécurité publique [Justice and Public Security], p.23. En ligne : <<http://www.protecteur.ducitoyen.qc.ca>>

¹⁵⁸ R.S.Q., ch. P-32. See the Introduction to this Guide, “The establishments, laws and principal actors in detention.”

¹⁵⁹ S.13, *Public Protector Act*.

Information Guide

Rights of Women Serving a Provincial Sentence

Before addressing the Public Protector, the inmate must first exhaust all other recourses at her disposal and attempt to resolve the conflict by regular means. For example, the inmate must ask the director of the prison where she is detained to review the decision by the Discipline Committee before filing a complaint before the Public Protector.

1) Requests for intervention by the Public Protector

The inmate who requests that the Public Protector intervene in her file must:

- Provide her name, contact information, file number, and the names, functions and contact information for each of the persons whose interests are affected by the request;
- Indicate which body or provincial service she wishes to make a complaint against and explain the facts which justify the request as well as the steps taken to resolve the problem;
- Provide any other information or document which the Public Protector deems necessary for a good understanding the facts.¹⁶⁰

Once the Public Protector decides to intervene following the complaint of an inmate, it must then invite the member of the Correctional services concerned or the author of the prejudicial action to be heard and, if applicable, to remedy the situation.¹⁶¹ Note that the Public Protector has the powers of a commissioner. It may thus require the Québec Correctional Services to provide access to relevant documents and answer questions.

If it finds that there has effectively been an error or injustice, the Public Protector transmits its recommendations in order that the Québec Correctional Services or the *Commission québécoise des libérations conditionnelles* [Québec parole board] or any other body concerned remedy the situation as rapidly as possible. The inmate is informed of the conclusions of the investigation of the Public Protector. The inmate is also informed of the reasons of the Public Protector should the latter decides not to go any further with the file.

Does your complaint fall under the responsibility of the Public Protector?

Example of a complaint which falls under the jurisdiction of the Public Protector:

-If an inmate in a provincial detention establishment does not have access to the health care she needs, she may make a complaint to the Public Protector.

Example of a situation where the complaint does not fall under the jurisdiction of the Public Protector:

-If the complaint concerns a minister, an organization or an agency of the federal government;

- If the complaint concerns legal aid;

- If the complaint concerns the *Commission des droits de la personne et droits de la jeunesse*, etc.

¹⁶⁰ S.20, *Public Protector Act*.

¹⁶¹ S.21, *Public Protector Act*.

2) Opinions, recommendations and reports

After having taken all the steps described in the *Public Protector Act*, including an investigation, the Public Protector may:

- Inform the parties that it is of the opinion that there is no prejudicial situation¹⁶²;
- Inform the director of the establishment that it considers the establishment in question or a person working there to have broken the law, acted in an unreasonable, unjust, abusive or discriminatory manner, failed in his or her duty or made proof of misconduct or negligence, committed an error of law or of fact¹⁶³;
- Make any recommendation it feels useful to those having caused the harm at the origin of the complaint and verify that adequate measures have subsequently been taken to remedy it¹⁶⁴;
- If no measure has been taken by the detention establishment or the persons concerned, the Public Protector may inform the government in writing or expose the case in a special report or in its annual report to the National Assembly¹⁶⁵

The services of the Public Protector are free and all complaints are confidential. The inmate who fears that following a complaint that she or one of her loved ones will be subject to retribution must inform the Public Protector of her concerns. The Public Protector will act accordingly.

A complaint form is available on the web site of the Public Protector. It is also possible to contact the members of the Public Protector at the following toll-free number: 1 800 463-5070, from Monday to Friday between 8:30 a.m. to 12 p.m. and from 1 p.m. to 4:30 p.m.¹⁶⁶

Extracts from the Report of the Public Protector

“Among the complaints processed as of March 31 2009, the Public Protector recommended and obtained from detention establishments concerned that they would take corrective measures in 90% of the cases; 81 % of these measures related to an individual and 19 % related to the collective, for which the repercussions benefited many inmates. The proportion of these collective interventions has increased from three years ago; they represented 9% in 2006-2007 and 11 % in 2007-2008 of the corrective measures requested and obtained. The complaints grounded in health care and loss of personal effects represented respectively 28 % and 19 % of complaints for which the interventions of the Public Protector ended by putting in place corrective measures of an individual or collective nature [...]”

Source – Translation of Annual Report 2008-2009, La justice et la sécurité publique [Justice and Public Security], p.23. En ligne : <<http://www.protecteurducitoyen.qc.ca>>

¹⁶² S.25, *Public Protector Act*.

¹⁶³ S.26.1, *Public Protector Act*.

¹⁶⁴ S.26.2, *Public Protector Act*.

¹⁶⁵ S.27, *Public Protector Act*.

¹⁶⁶ See Annex 1 of this Guide for the contact information to reach the Public Protector.

14.3. What is the Role of the Commission des droits de la personne et droits de la jeunesse (Québec Human Rights Commission)?

The *Commission des droits de la personne et droits de la jeunesse* (the “Commission”) is principally concerned with the promotion and respect of the rights and freedoms contained in the *Québec Charter of Human Rights and Freedoms*.¹⁶⁷ To properly exercise its functions, the Commission assumes the following responsibilities:

- Leading inquiries, under the Québec Charter, in cases of discrimination, harassment and exploitation of elderly or disabled persons;
- Leading inquiries, under the *Youth Protection Act*, on any situation where the Commission has reasons to believe that the rights of a child or a group of children have been harmed by persons, establishments or organizations;
- Developing and implementing information and education programming regarding human rights as well as youth;
- Addressing disposition of the laws of Québec that are contrary to the Québec Charter and making the appropriate recommendations to the government;
- Directing and encouraging research and publication on fundamental rights and freedoms and on youth rights;
- Accepting suggestions, recommendations and requests regarding human rights and freedoms by holding public hearings when necessary, and addressing the appropriate recommendations to the government;
- Observing the development and implementation of access to equality programs;
- Cooperating with any organization devoted to the promotion of human rights, in or outside Québec.¹⁶⁸

i) The power of investigation of the Commission

Upon request or on its own initiative, the Commission may investigate in the case of discrimination or harassment founded on race, colour, gender, pregnancy, sexual orientation, civil status, religion, political beliefs, language, ethnic or national origin, social condition or disability. It may also investigate in the case of employment discrimination due to a criminal record.

¹⁶⁷ The Québec Charter, which protects many fundamental rights, must be respected throughout Québec and, although there are some exceptions, no law or regulation may limit its application. Since it is a provincial law, it does not apply to detention establishments under federal jurisdiction.

¹⁶⁸ This list is taken from the web site of the *Commission des droits de la personne et de la jeunesse*: <<http://www.cdpcj.qch.ca>>.

ii) The Procedure for Filing a Complaint before the Commission

An inmate who believes she has been a victim of discrimination or harassment under the Québec Charter may file a complaint by telephone or by mail.¹⁶⁹ Note that in addition to the version of the inmate, it is possible that the Commission may contact other persons concerned by the case. The information that the inmate must provide at the moment of lodging a complaint is the following:

- The names, addresses and phone numbers of the persons or organizations against which she wishes to lodge the complaint;
- The facts, the places and the dates of the violation of her rights;
- A description of the words, actions and events which lead her to believe that she has been the victim of discrimination, discriminatory harassment or exploitation prohibited by the Charter.

If the complaint is founded, the Commission will propose to the parties that they resolve the conflict via negotiation or arbitration. If this attempt fails, the Commission may suggest certain measures of redress in order to correct the situation such as cessation of the discriminatory act, the writing of a letter of apology, etc. If these measures are not respected in a satisfactory manner, the Commission may decide to bring the case before the Human Rights Tribunal. At this time, it will defend, free of charge, the inmate who claims to be victim of discrimination.

Are there Emergency Measures?

“When it has reasons to believe that the life, health or security of a person who is the victim of discrimination, harassment or exploitation is at risk, or that evidence may be lost, the Commission may ask the court to order an emergency measure.”

Source -<http://www.cdpdj.qc.ca>

¹⁶⁹ See Annex 1 of this Guide for contact information to reach the *Commission québécoise des droits de la personne et des droits de la jeunesse* [human rights commission].

ANNEX I: ADRESSES AND WEBSITE

Governmental and Professional Organizations

Montreal Legal Aid

800, boul. De Maisonneuve est,
Suite 900
Montréal, (Québec)
H2L 4M7
Tel: (514) 842-2233
24hrs/24hrs: 1-800-842-2213
www.ccjm.qc.ca

To ask for a review of a refusal of legal aid

C/O the President
Commission des services juridiques
Review Committee
C.P. 123, Succ. Desjardins
Montréal, (Québec), H5B 1B3

Commission des libérations conditionnelles [Québec parole board] (Montréal)

1 rue Notre-Dame Est, suite 11.40
Montréal (Québec)
H2Y 1B6
Tel.: (514) 873-2230
www.cqlc.gouv.qc.ca

Commission d'accès à l'information (Access to information commission) (Montréal)

500, boul. René-Lévesque Ouest,
Suite 18.200
Montréal, (Québec)
H2Z 1W7
Tel.: (514) 873-4196
cai.communications@cai.gouv.qc.ca

Public Protector (Montréal)

1080, Côte du Beaver Hall, 10th floor
Suite 1000
Montréal, (Québec) H2Z 1S8
Tel.: (514) 873-2032
ATS line: 1 866 410-0901
protecteur@protecteurducitoyen.qc.ca

Commission québécoise des droits de la personne et des droits de la jeunesse [Human rights commission] (Montréal office)

360, rue Saint-Jacques, 2nd floor
Montréal, (Québec)
H2Y 1P5
Tel.: 1 800 361-6477

Commission des droits de la personne et droits de la jeunesse [Human Rights Commission] (Québec office)

575, rue Saint-Amable, suite 4.31
Québec, (Québec)
G1R 6A7
Tel.: (418) 643-1872

Collège des médecins du Québec (Québec College of Doctors)

Director of Investigations
2170, boulevard René-Lévesque Ouest
Montréal, (Québec) H3H 2T8
Tel.: (514) 933-4131
collegedesmedecins.qc.ca

Ordre des infirmières et infirmiers du Québec (Québec Order of Nurses), Office of the Syndic

4200, Dorchester Ouest
Westmount (Québec)
H3Z 1V4
Tel.: (514) 935-2501, extension 282

Information Guide

Rights of Women Serving a Provincial Sentence

syndic@oiiq.org

(450) 638-5647 ext. 227

nativecourtworker@paulcomm.ca

Organizations for the Defence of Inmates

Elizabeth Fry Society of Québec

5105, chemin de la Côte St-Antoine
Montréal, (Québec) H4A 1N0

Tel : (514) 498-2116

elizabethfry@qc.aira.com

Femmes Autochtones du Québec inc. [Native Women of Québec inc.]

Business Complex River Road
C.P. 1989

Kahnawake (Québec) J0L 1B0

Tel.: (450) 632-0088

info@faq-qnw.org

Group for the defence of the rights of inmates of Québec

570, rue du Roi

Québec, (Québec) G1K 2X2

Tel.: (418) 522-4343 or

(514) 954-9471

info@gdddq.org

Community Organizations, Rehabilitation Services and others

Maison Thérèse-Casgrain

5105, chemin de la Côte St-Antoine

Montréal, (Québec) H4A 1N0

Tel : (514) 498-2116, poste 227

Fax : 514-489-2598

Ligue des droits et libertés [League of Human Rights and Freedoms]

65, rue de Castelnau ouest, suite 301

Montréal (Québec) H2R 2W3

Tel.: (514) 849-7717 or

(418) 522-4506

info@liguedesdroits.ca

Elizabeth Fry Centre of Outaouais

365-367, boul. Saint-Joseph

Suite 102

Gatineau (Québec) H8Y 3Z6

Tel. : 819-777-3669

Coordinator : Mélanie Morneau

m.morneau0731@videotron.ca

Organizations for the defence of the rights of indigenous women

Indigenous Paralegal Services of Québec (SPAQ)

190, rue Chef Max Gros-Louis

Wendake (Québec) G0A 4V0

Tel.: (418) 847-2094

info@spaq.qc.ca

Elizabeth Fry Centre of the Mauricie

2223, boul. des Chenaux

Trois-Rivières (Québec) G9A 1B1

Tel. : 819-386-8761

Coordinator: France Veillette

franveillette@hotmail.com

**Conseillère parajudiciaire
autochtone/Native Court Worker
Ms. Patricia Eshkibok
S.P.A.Q.**

Continuité-famille auprès des détenues [Family Continuity for Inmates]

5128, rue Notre-Dame Ouest

Montréal, (Québec) H4C 1T3

Tél. (514) 989-9891 ou

Toll-Free : 1-877-229-9891

info@cfad.ca

Information Guide

Rights of Women Serving a Provincial Sentence

Association des services de réhabilitation sociale du Québec [Reintegration Services of Québec]

2000, boul. St-Joseph est
Montréal (Québec) H2H 1E4
Tel.: (514) 521-3733
info@asrsq.ca

Central Reintegration Support Fund

1020, route de l'Église, suite 310
Québec, (Québec) G1V 3V9
Tel.: (418) 528-1423
fonds.central@msp.gouv.qc.ca

Relais Famille

2564, rue Théodore
Montréal (Québec) H1V 3C6
Tel.: (514) 272-5737
relaisfamille@videotron.ca

Centre de services sida secours du Québec [AIDS Support Services Québec]

3702 Rue Sainte-Famille
Montréal, (Québec) H2X 2L4
Tel. (514) 842-4439

Cactus Montréal

1300 rue Sanguinet
Montréal (Québec) H2X 3E7
Tel.: (514) 847-0067
commentaires@cactusmontreal.org

Stella

2065, rue Parthenais, suite 404
Montréal (Québec) H2K 3T1
Tel.: (514) 285-8889
stellapp@videotron.ca

Narcotics Anonymous

6130 La Fontaine, suite 150
Montréal (Québec) H1N 2C1
Toll-free: 1-800-879-0333
naQuébec@naQuébec.org

Québec City

Programme d'encadrement clinique et d'hébergement (PECH) [Clinical Supervision and Housing Program]

210 boulevard Charest East
Québec (Québec) G1K 3H1
Tel.: (418) 523-2820
pech@qc.aira.com

Atelier de préparation à l'emploi (APE) [Employment Readiness Workshop]

710, rue Bouvier, suite 275
Québec (Québec) G2J 1C2
Tel.: (418) 628-6389
rivenord@ape.qc.ca

Expansion-Femmes de Québec

4785 5e avenue Est,
Charlesbourg (Québec) G1H 3R7
Tel.: (418) 623-3801
p.clicheefq@qc.aira.com

Centre femmes aux trois A [Three A Women's Centre]

270, 5e Rue
Québec (Québec) G1L 2R6
Tel.: (418) 529-2066
centre3a@globetrotter.net

Centre Ubald-Villeneuve

2525, chemin de la Canardière
Québec (Québec) G1J 2G3
Tel.: (418) 663-5008
communication@cruv.qc.ca

Others

Amnesty International

6250 boul. Monk
Montréal (Québec) H4E 3H7

Information Guide

Rights of Women Serving a Provincial Sentence

Tel.: (514) 766-9766

Toll-free: 1-800-565-9766

Congregation of Sisters of Ste-Anne

1950, rue Provost

Lachine (Québec) H8S 1P7

Tel.: (514) 637-3783

accueil@ssacong.org