

The Correctional Services Administration, Discipline and Security Regulations, 2003

Repealed

by [Chapter C-39.2 Reg 1](#) (effective June 28, 2013).

Formerly

[Chapter C-39.1 Reg 3](#) (effective June 1, 2003) as amended by the *Statutes of Saskatchewan, 2006, c.41*; and Saskatchewan Regulations [42/2011](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-39.1 REG 3
The Correctional Services Act

PART I
Preliminary Matters

Title

- 1** These regulations may be cited as *The Correctional Services Administration, Discipline and Security Regulations, 2003*.

Interpretation

- 2** In these regulations:

- (a) **“Act”** means *The Correctional Services Act*;
- (b) **“administrator”** means the administrator of a correctional facility other than a correctional centre and, if any person has been appointed pursuant to section 3 to perform or exercise any function, duty, responsibility or power, includes the appointed person with respect to the performance or exercise of that function, duty, responsibility or power;
- (c) **“charge”** means, unless otherwise specified, a disciplinary offence charge;
- (d) **“Class A disciplinary offence”** means the contravention of any provision of the following:
 - (i) the *Criminal Code*;
 - (ii) an Act of the Parliament of Canada for which a penalty is prescribed;
 - (iii) an Act of the Legislative Assembly for which a penalty is prescribed;
- (e) **“Class B disciplinary offence”** means the offences set out in section 13;
- (f) **“Class C disciplinary offence”** means the contravention of any disciplinary rule established pursuant to section 5;
- (g) **“designated person”** means any person designated pursuant to section 34;
- (h) **“director”** means the director of a correctional centre and, if any person has been appointed pursuant to section 3 to perform or exercise any function, duty, responsibility or power, includes the appointed person with respect to the performance or exercise of that function, duty, responsibility or power;
- (i) **“discipline charge report”** means the report prepared in accordance with section 12 or 14;

- (j) **“discipline panel”** means a discipline panel established pursuant to section 8 or 9;
- (k) **“employee”** means an employee of the department who is providing a correctional service;
- (l) **“Form A”** means Form A of the Appendix.

6 Jne 2003 cC-39.1 Reg 3 s2.

Appointment of alternate

3(1) The director or administrator may appoint any person to perform or exercise, in addition to or to the exclusion of the director or administrator, any function, duty, responsibility or power imposed or conferred on the director or administrator by these regulations.

(2) An appointment made pursuant to subsection (1) may be by name or office and may be limited with respect to time or area.

6 Jne 2003 cC-39.1 Reg 3 s3.

PART II
Discipline

Director responsible

4 The director or administrator is responsible for the overall management of the disciplinary system of a correctional facility.

6 Jne 2003 cC-39.1 Reg 3 s4.

Rules respecting correctional facility

5 The director or the administrator may establish:

- (a) disciplinary rules; and
- (b) disciplinary procedures for Class B and Class C disciplinary offences in addition to those set out in these regulations.

6 Jne 2003 cC-39.1 Reg 3 s5.

Purposes of discipline

6 Disciplinary rules are to be established only for the following purposes:

- (a) the maintenance of the law;
- (b) the protection of individual rights and personal safety and the security of offenders, employees and other persons providing a correctional service;
- (c) the maintenance of the security of a correctional facility;
- (d) the promotion of the orderly operation and effective delivery of programs and services;
- (e) the protection of personal property and correctional facility property.

6 Jne 2003 cC-39.1 Reg 3 s6.

Offenders to be advised of disciplinary rules

7(1) As soon as possible after an offender is admitted to or otherwise confined in a correctional facility, the offender is to be advised orally and in writing of the disciplinary rules and disciplinary procedures of the correctional facility.

(2) The director or administrator shall ensure that an appropriate number of copies of the disciplinary rules and disciplinary procedures are available at locations within the correctional facility accessible to all offenders.

6 Jne 2003 cC-39.1 Reg 3 s7.

Discipline panel for correctional centre

8(1) A director shall establish one or more discipline panels for the correctional centre for the purpose of hearing and determining Class B disciplinary offence charges against offenders.

(2) The director shall:

(a) appoint at least one employee but no more than three employees, either by name or office, as members of each discipline panel;

(b) if a discipline panel consists of more than one employee, appoint one employee to be the chairperson of the discipline panel and one employee to be the vice chairperson, to act in the absence or other inability to act of the chairperson; and

(c) appoint one or more employees as alternate members for each discipline panel, either by name or office, to act:

(i) in the absence of any member; or

(ii) in circumstances in which the director determines that a member should not sit on a discipline panel for a particular disciplinary offence charge.

(3) The director shall appoint one or more employees, either by name or office, to act individually as a discipline panel for the purpose of hearing and determining Class C disciplinary offence charges against offenders.

6 Jne 2003 cC-39.1 Reg 3 s8.

Discipline panel for correctional facility

9 The administrator and any other person appointed by the administrator, either by name or by office, shall act individually as a discipline panel for the correctional facility for the purpose of hearing and determining Class B and Class C disciplinary offence charges against offenders.

6 Jne 2003 cC-39.1 Reg 3 s9.

Discipline panel consisting of one person

10 If a discipline panel consists of only one person, that person is deemed to be the chairperson of the discipline panel for the purposes of these regulations.

6 Jne 2003 cC-39.1 Reg 3 s10.

Offences prohibited

11 An offender shall comply with all disciplinary rules of the correctional facility established pursuant to section 5.

6 Jne 2003 cC-39.1 Reg 3 s11.

Class A disciplinary offences

12(1) An employee or other person providing a correctional service who believes, on reasonable grounds, that an offender has committed a Class A disciplinary offence shall:

- (a) prepare a written discipline charge report that contains the following information:
 - (i) the time, place and nature of the alleged offence;
 - (ii) the names of any persons involved;
 - (iii) the names of any witnesses;
 - (iv) any other facts relevant to the alleged offence;
 - (b) sign the report; and
 - (c) provide a copy of the report to the offender and to the director or administrator.
- (2) The director or administrator, after conducting any further investigation he or she considers necessary, shall do one of the following:
- (a) refer the matter to the police;
 - (b) refer the matter to the police and order the charge to be dealt with as a Class B disciplinary offence;
 - (c) take no further proceedings.
- (3) Notwithstanding section 16, if a charge is to be dealt with as a Class B disciplinary offence pursuant to clause (2)(b) and a prosecution is subsequently commenced against the offender as a result of the referral of the matter to the police, the discipline panel may:
- (a) suspend the disciplinary proceedings until the disposition of the prosecution; and
 - (b) resume or discontinue the proceedings after the disposition of the prosecution.

6 Jne 2003 cC-39.1 Reg 3 s12.

Class B disciplinary offences

13(1) The following are Class B disciplinary offences if committed by an offender:

- (a) disobeying any lawful order given by an employee or other person providing a correctional service;
- (b) being impaired by alcohol, a drug, or any unauthorized substance;
- (c) being in an area prohibited to offenders;
- (d) fighting;
- (e) obstructing or interfering with any security measure or procedure;
- (f) destroying, defacing or tampering with property that does not belong to the offender;
- (g) contravening any condition of any authorized absence granted to the offender;
- (h) transferring any property to another offender without authorization, whether for personal gain or not;
- (i) possessing unauthorized or prohibited articles or substances or attempting or conspiring to bring those articles or substances into a correctional facility;
- (j) refusing or neglecting to perform assigned work or duties;
- (k) leaving a work area without the authorization of an employee;
- (l) providing false information to an employee respecting any matter;
- (m) counselling or aiding another person to do anything that is contrary to any statute, regulations or rules applicable to the correctional facility;
- (n) verbally or physically threatening another person;
- (o) manufacturing or attempting to manufacture alcohol, a drug or any unauthorized substance or material;
- (p) using medication except as authorized;
- (q) participating in any gambling activity that involves the exchange or expected exchange of money, property, canteen or other goods, personal possessions or services;
- (r) behaving indecently;
- (s) making unauthorized communications with another person;
- (t) refusing to provide a urine sample as required by section 40;
- (u) behaving in a manner disruptive to the good order and discipline of the correctional facility;

- (v) subject to clause (w), smoking any substance;
 - (w) using tobacco except as authorized;
 - (x) manufacturing or attempting to manufacture articles or substances that pose a safety or security risk to any individual or correctional facility.
- (2) For the purposes of disciplinary procedures, the commission of a Class A disciplinary offence constitutes a Class B disciplinary offence.

6 Jne 2003 cC-39.1 Reg 3 s13.

Procedure re Class B and Class C disciplinary offences

14(1) An employee or other person providing a correctional service who believes, on reasonable grounds, that an offender has committed a Class B or Class C disciplinary offence may prepare a written discipline charge report.

(2) An employee or other person providing a correctional service who prepares a written discipline charge report shall:

- (a) include the following information in the report:
 - (i) the time, place and nature of the alleged offence;
 - (ii) the names of any persons involved;
 - (iii) the names of any witnesses; and
 - (iv) any other facts relevant to the alleged offence;
- (b) sign the report; and
- (c) provide a copy of the report to the offender and to the chairperson of the discipline panel authorized to hear and determine the offence charged.

6 Jne 2003 cC-39.1 Reg 3 s14.

Restrictions on discipline panel representation

15 No person who has signed a discipline charge report shall sit on the discipline panel that deals with that charge.

6 Jne 2003 cC-39.1 Reg 3 s15.

Hearing to be within 48 hours

16(1) If an offender is charged with a Class B disciplinary offence, the discipline panel shall commence a hearing within 48 hours after the offender has been provided with a copy of the discipline charge report.

(2) The 48-hour period mentioned in subsection (1) does not include Saturdays, Sundays and holidays.

6 Jne 2003 cC-39.1 Reg 3 s16.

Full and fair hearing

17(1) In all disciplinary proceedings, the discipline panel shall:

- (a) provide the offender with a full and fair hearing;
 - (b) conduct a thorough and objective inquiry into all matters relating to the disciplinary offence charged;
 - (c) maintain control of the hearing;
 - (d) ensure the evidence presented is relevant to the disciplinary offence charged; and
 - (e) audiotape the hearing.
- (2) Failure of the audio taping device does not invalidate the disciplinary proceedings.
- (3) Subject to subsection (4), if an offender is transferred to another correctional facility after being charged with a disciplinary offence, the disciplinary proceeding may be conducted or continued before a discipline panel at either of the following locations, as determined by a discipline panel at the correctional facility where the charge was laid:
- (a) at the correctional facility where the charge was laid;
 - (b) at the correctional facility to which the offender has been transferred.
- (4) If a discipline panel at the correctional facility mentioned in clause (3)(a) commences a hearing of evidence with respect to a disciplinary offence before the offender who has been charged with the disciplinary offence is transferred to another correctional facility, the disciplinary proceeding is to continue before that discipline panel unless a discipline panel at the correctional facility mentioned in clause (3)(b) permits the hearing of evidence *de novo*.

6 Jne 2003 cC-39.1 Reg 3 s17.

Offender's rights

18(1) An offender charged with a Class B or Class C disciplinary offence has a right:

- (a) to be present at the hearing;
 - (b) to be advised as to the nature and factual basis of the disciplinary offence charged;
 - (c) to respond to the charge either orally or in writing; and
 - (d) to present information relevant to a defence of the disciplinary offence charged.
- (2) If an offender charged with a Class B disciplinary offence wishes to retain legal counsel, or, with the approval of the chairperson of the discipline panel, another person who can assist the offender to adequately present a defence, the offender shall be given a reasonable opportunity to do so.
- (3) An offender's legal counsel or other person approved pursuant to subsection (2) may participate in the proceedings to the same extent as the offender.

6 Jne 2003 cC-39.1 Reg 3 s18.

Interpreter to be provided

19 If an offender charged with a Class B disciplinary offence cannot understand English or is hearing impaired, the chairperson of the discipline panel shall appoint an interpreter or other person to assist the offender.

6 Jne 2003 cC-39.1 Reg 3 s19.

Adjournment

20(1) The discipline panel may adjourn a hearing:

- (a) if, in the opinion of the panel, further investigation is needed;
- (b) if the offender requests an adjournment; or
- (c) if an adjournment is necessary to:
 - (i) permit a witness, employee or other person providing a correctional service to attend; or
 - (ii) permit an interpreter appointed pursuant to section 19 to attend.

(2) The discipline panel may adjourn a hearing for a reason mentioned in subsection (1) whether or not the offender is present at the time of the adjournment.

(3) If a hearing is adjourned in accordance with subsection (1), the discipline panel shall advise the offender:

- (a) of the reason for the adjournment; and
- (b) of the date when the hearing will resume.

(4) Every adjournment of a hearing must be noted on the discipline charge report by the chairperson of the discipline panel.

6 Jne 2003 cC-39.1 Reg 3 s20.

Witnesses at hearing

21(1) An offender charged with a Class B or Class C disciplinary offence may request the chairperson of the discipline panel to allow a person having information relevant to the charge to attend a hearing and present the information to the discipline panel.

(2) The chairperson of the discipline panel may require the offender to reveal the nature of the information to be presented and to establish its relevance to the disciplinary offence charged.

(3) The chairperson of the discipline panel may deny a request made pursuant to this section if, in the chairperson's opinion, the nature of the information is irrelevant, frivolous or vexatious, or may jeopardize the safety of another offender.

(4) If a request made pursuant to this section is denied, the chairperson of the discipline panel shall inform the offender of the reasons for the denial and record the reasons on the discipline charge report.

6 Jne 2003 cC-39.1 Reg 3 s21.

Evidence

22 The discipline panel may accept any evidence that it considers appropriate and is not bound by the rules of law concerning evidence.

6 Jne 2003 cC-39.1 Reg 3 s22.

Attendance at hearing

23(1) If the person who prepared the discipline charge report is unavailable at the time of the hearing, the discipline panel shall adjourn the hearing to permit that person to attend unless the offender admits committing the offence or there is another witness called who can provide sufficient information about the offence.

(2) The discipline panel may accept the testimony of the person who prepared the discipline charge report or any other person giving evidence at a hearing over a speaker phone if that person is not present at the correctional facility at the time the hearing takes place.

6 Jne 2003 cC-39.1 Reg 3 s23.

Offender not disputing charge

24 The discipline panel may conduct the discipline proceedings:

- (a) without a hearing if the offender, in writing:
 - (i) admits that he or she committed the disciplinary offence charged; and
 - (ii) indicates that he or she does not want to appear to make representations with respect to the sanctions to be imposed; or
- (b) with a hearing in the absence of the offender if:
 - (i) the offender has been given a reasonable opportunity to attend at the hearing and he or she refuses or fails to do so without reasonable excuse; and
 - (ii) the offender has been advised that the hearing will proceed in his or her absence if he or she fails to attend.

6 Jne 2003 cC-39.1 Reg 3 s24.

Panel to make decision

25 At the conclusion of the hearing, or after determining that a hearing is not required pursuant to section 24, the discipline panel shall either:

- (a) find that the offender committed the disciplinary offence charged; or
- (b) dismiss the charge.

6 Jne 2003 cC-39.1 Reg 3 s25.

Charge dismissed

26 If a charge is dismissed, the discipline panel shall restore any privileges suspended as a result of the charge.

6 Jne 2003 cC-39.1 Reg 3 s26.

Disciplinary offence committed

27(1) If the discipline panel finds that the offender has committed a Class B disciplinary offence, it shall:

- (a) inform the offender of the panel's decision, the reasons for the decision and the offender's right of appeal; and
- (b) impose one or more of the following sanctions, subject to any conditions that the discipline panel considers appropriate:
 - (i) reprimand;
 - (ii) loss of privileges as specified in the decision for a period not exceeding 30 days;
 - (iii) confinement to a cell, unit or security area for a period not exceeding 10 days;
 - (iv) restitution in an amount not exceeding \$200 respecting property damage;
 - (v) loss of up to 15 days remission in accordance with section 30 of the Act;
 - (vi) loss of pay earned pursuant to section 32 of the Act, not exceeding \$25; and
 - (vii) assignment of extra duties.

(2) The discipline panel may suspend any sanction imposed pursuant to clause (1)(b) for a period not exceeding 30 days.

(3) If a discipline panel finds that an offender has committed a Class C disciplinary offence, it shall:

- (a) inform the offender of the panel's decision, the reasons for the decision and the offender's right of appeal; and
- (b) impose one or more of the following sanctions, subject to any conditions that the discipline panel considers appropriate:
 - (i) reprimand;
 - (ii) loss of privileges as specified in the decision for a period not exceeding seven days;
 - (iii) restitution in an amount not exceeding \$25 respecting property damage;
 - (iv) loss of pay earned pursuant to section 32 of the Act, not exceeding \$10; and
 - (v) assignment of extra duties.

(4) The discipline panel may suspend any sanction imposed pursuant to clause (3)(b) for a period not exceeding 30 days.

Multiple charges

28 If there are multiple charges arising from one incident as a result of which the offender is found to have committed more than one disciplinary offence, the cumulative effect of the sanctions imposed is not to exceed the maximum sanctions that could be imposed for the single most serious disciplinary offence the offender committed.

6 Jne 2003 cC-39.1 Reg 3 s28.

Decision to be recorded

29 The discipline panel shall:

- (a) record its decision on the discipline charge report;
- (b) submit a copy of its decision and the reasons for the decision to the director or administrator; and
- (c) provide a copy of its decision and the reasons for the decision to the offender.

6 Jne 2003 cC-39.1 Reg 3 s29.

Appeal

30(1) Within seven days after a discipline panel's decision, an offender may appeal the decision to:

- (a) the director or administrator; or
 - (b) if the administrator was a member of the discipline panel or the director or administrator is disqualified from hearing the appeal pursuant to subsection (2), to the director or administrator's immediate supervisor.
- (2) No person shall hear the appeal of a discipline panel's decision if that person:
- (a) signed the discipline charge report;
 - (b) made the decision pursuant to subsection 12(2); or
 - (c) participated in the disciplinary hearing.
- (3) An offender may appeal the decision on the basis of:
- (a) the conduct of the disciplinary proceedings;
 - (b) the determination of the discipline panel that the offender committed the disciplinary offence; or
 - (c) the sanction imposed by the discipline panel.
- (4) If an appeal is made to the director's or administrator's immediate supervisor, all references to the director or administrator in subsection (5) and sections 31 and 32 are to be considered references to the supervisor.
- (5) The director or administrator may accept an appeal after the period mentioned in subsection (1) has expired if, in the opinion of the director or administrator, it is appropriate to do so in the circumstances.

6 Jne 2003 cC-39.1 Reg 3 s30.

Procedure on appeal

31(1) On receipt of an appeal, the director or administrator shall:

- (a) review the record relating to the disciplinary proceedings; and
 - (b) arrange a time for hearing the offender's appeal.
- (2) Sections 18 to 23 and clause 24(b) apply with any necessary modification to hearing an appeal.
- (3) In determining an appeal, the director or administrator shall consider the record of the hearing before the discipline panel, the decision of the discipline panel and the verbal or written submissions, if any, of the offender and may:
- (a) consider new evidence submitted during the hearing conducted pursuant to this section;
 - (b) confirm or reverse the decision of the discipline panel; or
 - (c) reduce any sanction imposed.
- (4) The director or administrator shall hear the appeal and decide the appeal:
- (a) within seven days after the date on which the director or administrator received the appeal or, if it is not reasonably practicable to hear the appeal and decide the matter within seven days, as soon as is reasonably practicable; or
 - (b) in the case of an offender who has been confined to a cell or special security area of a correctional facility as a result of the disciplinary offence being appealed, within 48 hours from the date on which the director or administrator received the appeal, excluding Saturday, Sunday and holidays.
- (5) If there is a delay beyond the seven day period mentioned in clause (4)(a), the director or administrator shall advise the offender, in writing, of the reason for the delay.
- (6) The offender shall be advised promptly of the decision of the director or administrator on the appeal and provided with a copy of the written reasons for the decision.

6 Jne 2003 cC-39.1 Reg 3 s31.

Appeal to court

32(1) A person who is the subject of a decision of the director or administrator pursuant to section 31 may appeal the decision to a provincial court judge on a question of law or jurisdiction.

(2) An appeal must be made within 30 days after a decision of the director or administrator.

6 Jne 2003 cC-39.1 Reg 3 s32.

Record of decisions to be kept

33 A record of all decisions of the discipline panel respecting an offender, and all related decisions on appeal, are to be kept on the offender's file.

6 Jne 2003 cC-39.1 Reg 3 s33.

PART III
Searches

Designation of persons

34 The director or administrator may designate any employee or other person providing a correctional service to perform or exercise any function, duty, responsibility or power that is authorized to be performed or exercised by a designated person pursuant to a provision of this Part.

6 Jne 2003 cC-39.1 Reg 3 s34.

Non-intrusive search

35 A non-intrusive search may be conducted by a designated person with the use of a metal detector, an X-ray machine or any other device approved by the executive director.

6 Jne 2003 cC-39.1 Reg 3 s35.

Frisk search

36 A designated person may conduct a frisk search of a person's:

- (a) body;
- (b) clothing; and
- (c) personal possessions.

6 Jne 2003 cC-39.1 Reg 3 s36.

Strip search

37(1) For the purposes of a strip search, a designated person may require the person being strip searched to:

- (a) remove all clothing;
- (b) display his or her anus;
- (c) display her vagina;
- (d) open his or her mouth;
- (e) display the soles of his or her feet;
- (f) display open hands;
- (g) do anything else necessary for the purpose of the strip search.

(2) During the course of a strip search, a designated person may conduct a frisk search of the person's clothing and personal possessions.

6 Jne 2003 cC-39.1 Reg 3 s37.

Conduct of strip search

38(1) A designated person shall conduct a strip search, to the extent possible, in a manner and location that respects the dignity and privacy of the person being searched.

- (2) A designated person who is male shall not conduct a strip search of a female.
- (3) A designated person who is female may conduct a strip search of a male if:
 - (a) the search is immediately required; and
 - (b) there are reasonable grounds to believe that a designated person who is male is not available.

6 Jne 2003 cC-39.1 Reg 3 s38.

Segregation

39 If an offender refuses to submit to a frisk search, non-intrusive search or strip search, that offender may be placed in segregation until:

- (a) he or she submits to the search; or
- (b) there is no longer a need for the search to be conducted.

6 Jne 2003 cC-39.1 Reg 3 s39.

Urinalysis

40(1) If a designated person is of the opinion that a urinalysis should be conducted respecting an offender, that person shall:

- (a) advise the offender that he or she is required to provide a urine sample;
 - (b) advise the offender of the reason for the urinalysis;
 - (c) advise the offender of the consequences of not providing a urine sample for the urinalysis; and
 - (d) provide the offender with an opportunity to object.
- (2) If an offender objects to providing a urine sample:
- (a) the designated person shall report the objection to the director or the administrator; and
 - (b) the director or the administrator shall consider the reasons for the objection and determine whether or not a urine sample should be provided.
- (3) An offender is to provide the urine sample within two hours after the following occurs, and the offender may be placed in segregation for those two hours:
- (a) being advised that a urine sample is to be provided; or
 - (b) if the offender objected to providing the urine sample, being advised that the director or administrator has determined pursuant to subsection (2) that a urine sample is to be provided.

6 Jne 2003 cC-39.1 Reg 3 s40.

Visitors

41 If a visitor is requested to submit to a search pursuant to the Act or these regulations and refuses, a designated person may:

- (a) restrict the visitor to a non-contact visit with an offender; or
- (b) require the visitor to leave the correctional facility.

6 Jne 2003 cC-39.1 Reg 3 s41.

Reports

42(1) A person who seizes any property or evidence during a search shall prepare and submit to the director or administrator a report in Form A that contains the following information:

- (a) the name of the person searched;
- (b) the date, time and place of the search;
- (c) the reason for the search;
- (d) the name of the person who conducted the search;
- (e) the names of any witnesses to the search;
- (f) the type of search conducted and the manner in which it was conducted;
- (g) a description of any property seized;
- (h) a description of any property damaged in the search and how it was damaged.

(2) Any person who conducts a strip search in which no property or evidence is seized shall prepare and submit to the director or administrator, as soon as is practicable, an incident report that contains the following information:

- (a) the name of the person searched;
- (b) the date, time and place of the search;
- (c) the reason for the search;
- (d) the name of the person conducting the search;
- (e) the names of any witnesses to the search;
- (f) the manner in which the search was conducted.

(3) A person who supervises the taking of a urine sample shall prepare and submit to the director or administrator a report in Form A that contains the following information:

- (a) the name of the person from whom the urine sample was taken;
- (b) the date, time and place that the urine sample was obtained;
- (c) the reason the urine sample was requested;
- (d) the name of the person who supervised the taking of the urine sample;
- (e) the names of any witnesses to the taking of the urine sample.

6 Jne 2003 cC-39.1 Reg 3 s42.

Offender to be informed

43 The offender shall be informed if any property belonging to or in the possession of an offender is seized or damaged as a result of a search being conducted or property taken without the knowledge of the offender.

6 Jne 2003 cC-39.1 Reg 3 s43.

Return of property seized

44(1) Any property seized pursuant to these regulations must be returned as soon as is practicable to the person from whom it was seized unless:

- (a) it is an unauthorized or prohibited article or substance;
 - (b) it is required as evidence in a criminal or disciplinary proceeding; or
 - (c) it belongs to another person.
- (2) If any property is not the property of the person from whom it was seized, the property shall be returned to the owner:
- (a) if the owner may lawfully possess it; and
 - (b) if the property is not required as evidence in a criminal or disciplinary proceeding.
- (3) If the owner of the property does not claim the property within 90 days, the Crown may dispose of the property as the Crown sees fit.

6 Jne 2003 cC-39.1 Reg 3 s44.

PART IV
Administration in Correctional Centres

Application of Part

45 This Part applies only to correctional centres.

6 Jne 2003 cC-39.1 Reg 3 s45.

Admissions

46(1) Persons are to be admitted to a correctional centre as offenders from Monday to Friday between 8:00 a.m. and 6:00 p.m.

- (2) No person is to be admitted to a correctional centre as an offender on:
- (a.1) Family Day;
 - (a) New Year's Day;
 - (b) Good Friday;
 - (c) Victoria Day;
 - (d) Canada Day;

- (e) Labour Day;
 - (f) Remembrance Day;
 - (g) Christmas Day;
 - (h) Boxing Day;
 - (i) any day designated pursuant to an Act of the Parliament of Canada or an Act of the Legislative Assembly as a holiday; or
 - (j) any day designated as a holiday for the public service of Saskatchewan.
- (3) Notwithstanding subsections (1) and (2), a person may be admitted to a correctional centre as an offender on a Saturday during any hours designated by the executive director and on any day mentioned in subsection (2) designated by the executive director during any hours designated by the executive director.
- (4) Only the director shall admit an offender.

6 Jne 2003 cC-39.1 Reg 3 s46; 2006, c.41, s.8.

Release of body

- 47(1) Subject to *The Coroners Act, 1999* and *The Disease Control Regulations* a director shall arrange to release the body of a deceased offender to an appropriate person claiming the body.
- (2) If no claim is made pursuant to subsection (1), the director shall arrange to deal with the body in an appropriate manner.

6 Jne 2003 cC-39.1 Reg 3 s47.

Inmate communication

- 48(1) In this section and in sections 48.1 to 48.91:

- (a) **“inmate communication”** means a communication made or intended to be made by oral, written or electronic means between an inmate and any other person, including another inmate;
- (b) **“mail”** includes letters, packages, parcels, publications or any other form of written communication, including material stored on electronic or magnetic storage media;
- (c) **“monitor”** means:
 - (i) to listen to or read a communication that:
 - (A) is made by telephone or other electronic means; or
 - (B) was made by telephone or other electronic means and recorded;
 - (ii) to open or read mail, electronic mail or any other form of written communication that is delivered to a correctional centre or sent from within a correctional centre; or

- (iii) to listen to or watch an oral communication that:
 - (A) is made in the course of a visit; or
 - (B) was made in the course of a visit and recorded;and includes to intercept;
- (d) **“privileged communication”** means an inmate communication between an inmate and any of the following persons, officers or entities:
 - (i) the inmate’s legal counsel;
 - (ii) if the inmate is detained or subject to a warrant for arrest and detention pursuant to the *Immigration and Refugee Protection Act* (Canada), a person designated as an officer pursuant to that Act;
 - (iii) the Ombudsman appointed pursuant to *The Ombudsman and Children’s Advocate Act*;
 - (iv) the Children’s Advocate appointed pursuant to *The Ombudsman and Children’s Advocate Act*;
 - (v) the Information and Privacy Commissioner appointed pursuant to *The Freedom of Information and Protection of Privacy Act*;
 - (vi) the Saskatchewan Human Rights Commission.
- (2) Subject to subsection 48.3(1), an inmate communication may be recorded at any time by electronic or other means.
- (3) Subject to subsection 48.3(1), an inmate communication may be monitored, censored or restricted if:
 - (a) the executive director, a person appointed by the executive director or the director believes on reasonable grounds that the inmate communication contains or will contain evidence of:
 - (i) an act that would jeopardize the security of the correctional centre or the safety of inmates, employees or the public; or
 - (ii) a criminal offence or a plan to commit a criminal offence;
 - (b) the executive director, a person appointed by the executive director or the director believes on reasonable grounds that the monitoring, censoring or restricting of the inmate communication is otherwise necessary for the security of the correctional centre or the safety of inmates, employees or the public;
 - (c) the executive director or a person appointed by the executive director believes on reasonable grounds that the monitoring, censoring, or restricting of the inmate communication is necessary for the purposes of an investigation conducted pursuant to section 50 of the Act;
 - (d) a court order restricts or prohibits contact between the inmate and another person and the inmate communication is to that other person;
 - (e) another person has indicated to the director that he or she does not wish to communicate with the inmate and the inmate communication is to that other person; or

- (f) the monitoring or restricting is necessary to maintain or repair the system used to record and monitor inmate communication and the monitoring or restricting is performed only for the length of time and to the extent that is necessary to effect the maintenance or repair.
- (4) The director may restrict or prohibit access by the inmate to any communication system if the director believes on reasonable grounds that:
 - (a) the system is being misused or abused by the inmate;
 - (b) the restriction or prohibition is necessary to maintain the security of the correctional centre or the safety of inmates, employees or the public; or
 - (c) the restriction or prohibition is necessary for the purpose of rehabilitation of an inmate.

17 Jne 2011 SR 42/2011 s2.

Interception and examination of mail

48.1 In addition to the powers set out in section 48, an inmate communication in the form of mail that is delivered to a correctional centre or sent from within a correctional centre may be intercepted, opened and examined at any time by the director to determine if the mail contains contraband.

17 Jne 2011 SR 42/2011 s2.

Three-way calls

48.2(1) In this section, “**three-way call**” means a telephone call where:

- (a) a third party is added to an already connected call; or
 - (b) a recipient number is used to transfer a telephone call to another telephone number.
- (2) Subject to subsection 48.3(1), the director may authorize that an inmate communication by telephone be monitored at any time if it is suspected on reasonable grounds that an inmate communication involves or will involve a three-way call.
- (3) The director may restrict or prohibit access by an inmate to any communication system if:
- (a) an inmate communication by the inmate is being monitored or has been monitored in accordance with subsection (2); and
 - (b) as a result of the monitoring mentioned in clause (a), it is determined that the inmate is involved or has been involved in a three-way call.

17 Jne 2011 SR 42/2011 s2.

Privileged communication

48.3(1) Notwithstanding sections 48 and 48.2, privileged communications must not be recorded or monitored.

(2) If a privileged communication is inadvertently recorded during repair and maintenance of a communication system or for any other reason:

- (a) the communication must not be monitored; and
- (b) the record of the communication must be destroyed as soon as is practicable after the director or any employee or agent of the correctional centre is notified or becomes aware that the communication was recorded.

17 Jne 2011 SR 42/2011 s2.

Identifiers of institution

48.4 The director may do one or both of the following:

- (a) attach the name of the correctional centre to an inmate communication that is directed to recipients outside of the correctional centre;
- (b) at the beginning of an inmate communication made by telephone or other electronic means to a place outside the correctional centre, play a recorded announcement identifying that the inmate communication comes from an inmate of the correctional centre.

17 Jne 2011 SR 42/2011 s2.

Notice of recording or monitoring

48.5(1) Before recording or monitoring an inmate communication that is made by telephone or other electronic means, the director must give reasonable notice to the inmate that the communication may be recorded or monitored.

(2) Notice may be given pursuant to subsection (1) by means of:

- (a) a recorded announcement played at the beginning of any inmate communication that is made by telephone or any other electronic means that includes audio transmission;
- (b) posting notices on all telephones used by inmates indicating that inmate communications may be recorded or monitored; or
- (c) any other method by which the notice of the recording or monitoring of the communication may reasonably be expected to come to the inmate's attention.

17 Jne 2011 SR 42/2011 s2.

Retention of inmate communication

48.6 A recording of an inmate communication that is made by telephone or other electronic means may be retained for a period not longer than 90 days after the date of the recording, unless there are reasonable grounds to believe that the inmate is:

- (a) involved in illegal activities;
- (b) harassing or causing harm to others; or
- (c) participating in an activity that may jeopardize the security of the correctional centre or the safety of inmates, employees or the public.

17 Jne 2011 SR 42/2011 s2.

Application of sections 48.5 and 48.6

48.7 Sections 48.5 and 48.6 do not apply to:

- (a) a video or surveillance recording that is made for the purpose of ensuring the security and good order of the correctional centre or the safety of inmates, employees or the public; or
- (b) data associated with the inmate communication, including information respecting:
 - (i) the date of the communication;
 - (ii) the inmate's name;
 - (iii) the telephone number to which the communication was made; and
 - (iv) the length of the communication.

17 Jne 2011 SR 42/2011 s2.

Notice of restriction, censorship or prohibition

48.8(1) Subject to subsections (2) and (3), if inmate communication has been restricted, censored or prohibited, the director must:

- (a) as soon as is practicable, inform the inmate, in writing, of the reasons for the restriction, censorship or prohibition; and
- (b) give the inmate an opportunity to make representations to the director.

(2) Subsection (1) does not apply if giving the inmate an opportunity to make representations would adversely affect an ongoing investigation.

(3) In the circumstances mentioned in subsection (2), the director must on the completion of the investigation:

- (a) inform the inmate, in writing, of the reasons for the restriction, censorship or prohibition; and
- (b) give the inmate an opportunity to make representations to the director.

17 Jne 2011 SR 42/2011 s2.

Supervision of inmate's visits

48.9 An inmate's visit may be supervised if the director believes on reasonable grounds that the supervision is necessary or desirable:

- (a) for the purpose of rehabilitation of an inmate;
- (b) to ensure the security and good order of the correctional centre or the safety of inmates, employees or the public.

17 Jne 2011 SR 42/2011 s2.

Use and disclosure of information

48.91 Any information obtained from inmate communication, including information obtained as a result of the monitoring of inmate communication or the interception, opening or examination of mail, may be used or disclosed:

- (a) for the purposes of protecting the security of the correctional centre or the safety of inmates, employees or the public;
- (b) for the purposes of the investigation of or prevention of the commission of an offence;
- (c) for the purposes of any investigation being conducted pursuant to the Act; or
- (d) for any purpose for which personal information may be used or disclosed by a government institution pursuant to *The Freedom of Information and Protection of Privacy Act*.

17 Jne 2011 SR 42/2011 s2.

Access privileges

49 No unauthorized person shall enter the premises or be on the premises of a correctional centre.

6 Jne 2003 cC-39.1 Reg 3 s49.

Security review panel

50(1) The director shall establish a security review panel to determine the level of offender security required to ensure the security and good order of a correctional centre.

- (2) The security review panel is to consist of one or more persons.
- (3) The security review panel may order an increase or decrease in the level of security respecting an offender.
- (4) The security review panel may order that an offender be segregated from other offenders if it is satisfied that segregation is necessary:
 - (a) for the maintenance of good order and discipline in the correctional facility; or
 - (b) for the best interests of the offender.

- (5) The security review panel shall:
- (a) review the continued segregation of an offender at least every 21 days; and
 - (b) inform the director of its order.
- (6) The security review panel or, at the request of the security review panel, another person, shall inform an offender of every order to segregate or continue to segregate the offender.
- (7) An offender may appeal to the director any order of the security review panel to segregate or continue to segregate the offender.
- (8) On an appeal pursuant to subsection (7), the director shall give the offender an opportunity to make oral or written submissions.
- (9) If, on appeal, the director decides that the offender should be segregated or continue to be segregated from other offenders, the director shall provide the offender with oral or written reasons for the decision.

6 Jne 2003 cC-39.1 Reg 3 s50.

PART V General

Responsibilities of employees and other persons

- 51(1)** Every employee and every other person providing a correctional service is responsible to the director or administrator for any aspect of the management, operation, discipline, security and programs of the correctional facility that the director or administrator assigns to that employee or person.
- (2) In emergency situations, the director or administrator may direct an employee or other person providing a correctional service to perform duties in addition to his or her regular duties, and that employee or other person shall perform those duties.

6 Jne 2003 cC-39.1 Reg 3 s51.

Complaints by offenders

- 52(1)** Any offender may make a complaint about the administration of the correctional facility by writing directly to the director or administrator.
- (2) On receipt of a complaint, the director or administrator shall make a decision respecting the complaint.
- (3) In the course of making a decision, the director or administrator shall review any appropriate records and may conduct any investigation or hold any hearing that the director or administrator considers appropriate.
- (4) A decision is to be in writing and include written reasons.
- (5) A decision or a report respecting the status of the complaint is to be provided to the offender within seven days after the date on which the complaint is received.

6 Jne 2003 cC-39.1 Reg 3 s52.

Persons excluded from premises

53 No person, including an employee, is to be allowed on the premises of a correctional facility if, in the opinion of the director or administrator, the person is under the influence of alcohol or a drug or any other intoxicating substance.

6 Jne 2003 cC-39.1 Reg 3 s53.

PART VI**Repeal and Coming into Force****R.R.S. c.C-39.1 Reg 2 repealed**

54 *The Correctional Services Administration, Discipline and Security Regulations* are repealed.

6 Jne 2003 cC-39.1 Reg 3 s54.

Coming into force

55 These regulations come into force on June 1, 2003.

6 Jne 2003 cC-39.1 Reg 3 s55.

Appendix

FORM A
[Section 42]

- REPORT OF: ☐ A. Property seized
☐ B. Evidence seized
☐ C. Urinalysis

INFORMATION

1. Person from whom property or evidence was seized or urine sample obtained:

(name and status – offender, visitor, employee)
2. Information relating to the search or urinalysis:
 - (a) the name of the person who was searched or from whom a urine sample was taken:

 - (b) the name of the person who conducted the search or supervised the taking of the urine sample:

 - (c) the names of witnesses, if any:

 - (d) the date, time and place:
 - (i) of the search _____
 - OR
 - (ii) that the urine sample was obtained _____
 - (e) the reason for the search or the request for a urine sample:

 - (f) the type of search conducted and the manner in which it was conducted:

 - (g) a description of property seized:

 - (h) details of any property that was damaged in the search (what? and how?):

3. Comments of the designated person who conducted the search or obtained the urine sample:

Signature of designated person

