



Correction Act

CORRECTION ACT REGULATION

B.C. Reg. 58/2005

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Consolidated Regulations of British Columbia

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PART 1 – DEFINITIONS

Definitions

1 In this regulation:

“**Act**” means the *Correction Act*;

“**assistant deputy minister**” means the assistant deputy minister of BC Corrections;

“**BC Corrections**” means the branch of government responsible for corrections;

“**health care professional**” means a person employed by the Provincial Health Services Authority who is

(a) a registrant as defined in the *Health Professions Act*, or

(b) a person designated by the Provincial Health Services Authority to provide health care services in a correctional centre;

“**intoxicant**” means a substance that, if taken into the body, has the potential to impair or alter judgment, behaviour or the capacity to recognize reality or to meet the ordinary demands of life, but does not include caffeine, nicotine or any authorized medication used in accordance with the directions given by a staff member or health care professional;

“**Ombudsperson**” means the Ombudsperson appointed under the *Ombudsperson Act* or a person to whom the Ombudsperson has delegated any of the Ombudsperson’s powers or duties under section 30 of that Act;

“**person in charge**” means the person appointed as the warden of a correctional centre;

“**provincial director**” means the director of correctional centres for British Columbia;

“**Provincial Health Services Authority**” means the Provincial Health Services Authority, a society under the *Societies Act*;

“**quarantine unit**” means an area designated by the person in charge to quarantine inmates;

“**segregation unit**” means an area designated by the person in charge to segregate inmates.

[am. B.C. Regs. 243/2015, Sch. 1, s. 1; 178/2017, s. 1; 320/2021, s. 1; 76/2022, s. 4; 34/2023, s. 1.]

**PART 2 – POWERS AND DUTIES OF PERSONS
EMPLOYED IN CORRECTIONAL CENTRES****Standards for confinement**

- 2** (1) Subject to subsection (2), the person in charge must ensure that an inmate is given
- (a) regular meals of the type ordinarily served to inmates,
 - (b) the opportunity for at least 2.5 hours per day out of the inmate's cell, including the opportunity for a daily exercise period of at least one hour that is in the open air if weather and security considerations allow,
 - (c) clothing, a mattress and bedding,
 - (d) access to reading materials,
 - (e) reasonable access to mail and to the telephone,
 - (f) postage for
 - (i) all privileged communication made by mail, and
 - (ii) up to 7 letters a week for other communication made by an inmate by mail,
 - (g) access to personal visits,
 - (h) access to health care,
 - (i) access to personal washing or shower facilities at least once a day, and
 - (j) access to toilet articles that are necessary for the inmate's health and cleanliness.
- (2) Subsection (1) does not apply if
- (a) the person in charge, or a staff member designated by the person in charge, believes on reasonable grounds that one or more of the items or services referred to in subsection (1) cannot be given to the inmate because it may endanger the inmate or another person, or
 - (b) the inmate is confined separately from other inmates under section 17, 18 or 19 or confined in a cell in the segregation unit under section 24 or 27 (1) (d) and one or more of the items or services referred to in subsection (1) cannot reasonably be given to the inmate, having regard to the limitations of the area in which the inmate is confined and the necessity for the safe and effective operation of that area.
- (3) The person in charge may pay an inmate for work done in a work program.
[am. B.C. Regs. 124/2020, s. 1; 320/2021, s. 2; 34/2023, s. 2.]

Inmates who are not sentenced

- 3** The person in charge must ensure that an inmate who is not sentenced to imprisonment as a result of a conviction for an offence under the *Criminal Code* or another federal enactment or an offence under a provincial enactment, or who is detained under the *Immigration Act* (Canada) or the *Immigration and Refugee Protection Act* (Canada),

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- (a) is, where circumstances allow, housed separately from inmates who are sentenced to imprisonment as a result of a conviction for an offence under the *Criminal Code* or another federal enactment or an offence under a provincial enactment, and
- (b) consents before being assigned to a work program.

[am. B.C. Reg. 76/2022, s. 11.]

Inmate concerns

- 4** A staff member must, if circumstances allow, make reasonable attempts to address a concern raised by an inmate.

Information to be provided to inmate

- 5** (1) The person in charge must ensure that an inmate is given reasonable access to the following:
 - (a) the Act;
 - (b) this regulation;
 - (c) information about the daily routine of the correctional centre;
 - (d) information about
 - (i) the rules governing conduct of inmates and breaches of the rules,
 - (ii) how to file a complaint with the person in charge and the director and how to ask for a review of a disciplinary hearing decision,
 - (ii.1) how to make submissions about why separate confinement under section 18 should not continue or should be for a shorter period of time, and
 - (iii) how to apply for temporary absence and parole.
- (2) The person in charge must make reasonable efforts to ensure that an inmate who is unable to adequately understand the material referred to in subsection (1) receives assistance to understand the material.

[am. B.C. Regs. 124/2020, s. 2; 34/2023, s. 3.]

Identification of staff member

- 6** A staff member must wear a name tag that identifies the staff member.

Travel warrant on discharge

- 7** On discharge of an inmate, the person in charge, or a staff member designated by the person in charge, must provide a travel warrant to enable the inmate to return to the place in the province where the inmate was convicted or to another place in the province that the person in charge, or the staff member designated by the person in charge, considers reasonable in the circumstances.

[am. B.C. Reg. 34/2023, s. 4.]

Deputy warden

- 7.1** A person appointed as a deputy warden of a correctional centre may exercise the powers of the person in charge whether or not the person in charge is present at the correctional centre.

[en. B.C. Reg. 34/2023, s. 5.]

PART 3 – CUSTODY OF INMATES**Division 1 – Security Measures****Identification of inmate**

- 8** (1) In this section, “**personal identification device**” includes a wrist band and magnetic access card.
- (2) On admission to a correctional centre, and at any other time on the direction of a staff member, an inmate must
- (a) submit to an identification process that may include a photograph, a digital or video image, or another form of identification approved by the assistant deputy minister, and
 - (b) provide the following information about the inmate:
 - (i) name;
 - (ii) date and place of birth;
 - (iii) height and weight;
 - (iv) distinguishing marks, including birthmarks, scars and tattoos;
 - (v) correctional service number.
- (3) An inmate must retain and wear a personal identification device as directed by the person in charge, or a staff member designated by the person in charge, and produce it when directed to do so by a staff member.

[am. B.C. Regs. 76/2022, s. 11; 34/2023, s. 2.]

Use of physical restraint devices

- 9** (1) An authorized person may use a type of physical restraint device that is approved by the provincial director if circumstances require use of the physical restraint device in order to
- (a) prevent injury or death to a person,
 - (b) prevent property damage,
 - (c) prevent an inmate from escaping, or
 - (d) maintain custody and control of an inmate.
- (2) A physical restraint device must not be used to restrain an inmate for more than 4 continuous hours unless
- (a) authorized by the person in charge under subsection (3), or

- (b) the inmate is on an escorted absence from the correctional centre.
- (3) The person in charge may authorize the use of a physical restraint device to restrain an inmate for more than 4 continuous hours but, unless subsection (4) applies, for no more than 16 continuous hours, if
 - (a) the person in charge believes on reasonable grounds that the use of the physical restraint device is necessary for the safety of the inmate or for the safety of another person, and
 - (b) other means of control of the inmate have been exhausted or are not reasonable in the circumstances.
- (4) The person in charge may authorize the use of a physical restraint device to restrain an inmate for more than 16 continuous hours with approval from the provincial director.
- (5) If the person in charge authorizes the use of a physical restraint device under subsection (4), the person in charge must review the condition of the inmate with the provincial director every 12 hours following the approval of the provincial director while the physical restraint device is being used.
- (6) The provincial director may at any time revoke the approval under subsection (4).
[am. B.C. Regs. 124/2020, s. 3; 76/2022, s. 4; 34/2023, s. 6.]

Searches

- 10** (1) In this section:
- “**frisk search**” means a hand search or a search by use of a hand-held screening device, conducted by an authorized person,
- (a) of a clothed person, from head to foot, down the front and rear of the body, around the legs, and inside clothing folds, pockets and footwear, and
 - (b) of any personal possessions, including clothing, that the person may be carrying or wearing;
- “**screening search**” means a search by an authorized person of a clothed person and any personal possessions, including clothing, that the person may be carrying or wearing, that is conducted visually or with the use of a screening device, including a drug detection dog, ion spectrometry device, CO₂ detector, walk-through or hand-held metal detector or other screening device that is approved by the person in charge or a staff member designated by the person in charge.
- (2) A search conducted in accordance with section 13 (1) to (3), 14 (1) or (4) (a), or 15 (1) (a) or (3) (a) of the Act may be conducted by a frisk search or a screening search.
[am. B.C. Reg. 34/2023, s. 7.]

Strip searches – general

- 11** (1) In the Act and in this section and section 12, “**strip search**” means a visual inspection by an authorized person of a nude person that includes

- (a) a visual inspection of the following:
 - (i) the person undressing completely;
 - (ii) the open mouth, hands or arms of the person;
 - (iii) the soles of the feet and the insides of the ears of the person;
 - (iv) the person running their fingers through their hair;
 - (v) the person bending over, and
 - (b) the person otherwise enabling the authorized person to perform the visual inspection.
- (2) If the circumstances allow, an authorized person must, before conducting a strip search,
- (a) inform the person to be strip searched of the reasons for the strip search, and
 - (b) explain how a strip search is conducted.
- (3) A strip search that is conducted by an authorized person must be
- (a) observed by one other authorized person,
 - (b) carried out in as private an area as the circumstances allow, and
 - (c) carried out as quickly as the circumstances allow.
- (4) The authorized person referred to in subsection (3) (a) must be the same gender as the person who is the subject of a strip search unless the person in charge, or a staff member designated by the person in charge, believes on reasonable grounds that the delay that would be necessary in order to comply with this requirement would result in danger to human life or safety.

[am. B.C. Regs. 76/2022, s. 11; 34/2023, s. 2.]

Strip searches under certain circumstances

- 12** (1) This section does not apply if a strip search is conducted in the following circumstances:
- (a) on admission, entry, transfer or return of an inmate to the correctional centre;
 - (b) on entry to or return from a cell in the segregation unit by an inmate;
 - (c) on return of an inmate from a visit, work or program area in the correctional centre if the inmate could have had access to an item that is contraband and that may be hidden on or in the inmate's body.
- (2) In order for an authorized person to conduct a strip search in circumstances other than those listed in subsection (1), the authorized person must
- (a) believe on reasonable grounds that the inmate may be in possession of contraband or evidence relating to an offence under section 17 of the Act,
 - (b) believe on reasonable grounds that a strip search is necessary in the circumstances, and

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- (c) obtain the authorization of the person in charge or a deputy or assistant deputy of the person in charge, unless the authorized person believes on reasonable grounds that the delay that would be necessary in order to comply with this requirement would result in danger to human life or safety or in loss or destruction of evidence.
- (3) The person referred to in subsection (2) (c) must, before giving the authorization referred to in that paragraph, be satisfied that a strip search is necessary in the circumstances.
- (4) An authorized person who conducts a strip search under this section must complete a written report of the strip search and submit the report to the person in charge as soon as practicable.

[am. B.C. Reg. 34/2023, s. 8.]

Privileged communication

13 Communication between an inmate and the following is a privileged communication:

- (a) the assistant deputy minister;
- (b) the provincial director;
- (c) the person in charge;
- (d) the director;
- (e) a member of Parliament or of the Legislative Assembly;
- (f) the Ombudsperson;
- (g) if the inmate is detained or subject to a warrant for arrest and detention under the *Immigration Act* (Canada), an immigration officer as defined in that Act, or, if the inmate is detained or subject to a warrant for arrest and detention under the *Immigration and Refugee Protection Act* (Canada), a person designated as an officer under that Act;
- (h) the inmate's lawyer, or a lawyer from a jurisdiction other than British Columbia who is able to satisfy the person in charge that the lawyer is qualified to practise law in that jurisdiction and is a lawyer representing the inmate in respect of a legal matter in that jurisdiction;
- (i) the B.C. Human Rights Clinic.

[am. B.C. Regs. 243/2015, Sch. 1, s. 2; 76/2022, s. 3.]

Inmate communication

14 (1) In the Act and this section, “**monitor**” means

- (a) to listen to an inmate communication that is made by electronic means or to an inmate communication that was made by electronic means and recorded, or
- (b) to read inmate communication delivered to the correctional centre or sent from within the correctional centre.

(2) Inmate communication by telephone or other electronic means may be recorded.

- (3) Inmate communication may be monitored or recorded by an authorized person if the authorized person has reasonable grounds to believe that
- (a) the inmate is
 - (i) involved in illegal activities,
 - (ii) harassing or causing harm to others, or
 - (iii) participating in an activity that may jeopardize the management, operation or security of the correctional centre, or
 - (b) the monitoring is necessary to maintain or repair the recording system and the monitoring is performed only for the length of time and to the extent that is necessary to effect the maintenance or repair.
- (4) Inmate communication by mail may be intercepted and examined by an authorized person to determine if the mail contains contraband.
- (5) Repealed. [B.C. Reg. 191/2007, s. 1 (b).]
[am. B.C. Reg. 191/2007, s. 1.]

Circumstances and manners of disclosure

14.1 An authorized person may do one or both of the following:

- (a) attach the name and address of the correctional centre to inmate communication or privileged communication, if the recipient is outside of the correctional centre;
- (b) at the beginning of an inmate communication or of a privileged communication by telephone to a place outside of the correctional centre, play a recorded announcement that the telephone call comes from the correctional centre.

[en. B.C. Reg. 191/2007, s. 2.]

Retention of inmate communication

- 15** (1) A recording of an inmate communication made under section 14 (2) or (3) may be retained for a period not longer than 30 days, 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 management, operation or security of the correctional centre.
- (2) A recording of an inmate communication under section 14 (2) or (3) must not, without lawful authority, be released or disclosed by a person employed in or about a correctional centre.

[am. B.C. Reg. 191/2007, s. 3.]

Urinalysis demand

- 16** (1) If an authorized person demands that an inmate submit to urinalysis, the authorized person must ensure that the following procedures are followed in taking the urine sample:
- (a) the authorized person must be the same gender as the inmate;
 - (b) the inmate must wash the inmate's hands before providing a sample;
 - (c) the authorized person must provide the inmate with a container for the sample and must be present as the inmate provides the sample;
 - (d) the authorized person must give the inmate up to 2 hours from the time of a demand to provide a sample;
 - (e) the authorized person must ensure that the inmate is kept separate from other people except the authorized person, and is not left alone during the period referred to in paragraph (d);
 - (f) once the sample has been provided, the authorized person must, in the presence of the inmate,
 - (i) seal the container,
 - (ii) affix a label to the container identifying the sample in a manner that does not disclose the identity of the inmate to the laboratory, and
 - (iii) certify on the label that the container contains the sample provided by the inmate;
 - (g) the authorized person must keep a written record that indicates the number on the container that corresponds to the name of the inmate.
- (2) If the demand to submit to urinalysis is made under section 20 (1) (a) of the Act, the authorized person must obtain the authorization of the person in charge before making the demand.
- (3) If an inmate fails to provide a urine sample and the requirements of subsection (1) have otherwise been met, the inmate is considered to have failed to comply with the demand to submit to urinalysis.

[am. B.C. Reg. 76/2022, s. 4.]

Separate confinement – short term

- 17** (1) The person in charge or a staff member designated by the person in charge may order that an inmate be confined separately from other inmates if
- (a) the person in charge or the staff member believes on reasonable grounds that the inmate
 - (i) is endangering themselves or is likely to endanger themselves,
 - (ii) is endangering another person or is likely to endanger another person,
 - (iii) is jeopardizing the management, operation or security of the correctional centre or is likely to jeopardize the management, operation or security of the correctional centre,

- (iv) would be at risk of serious harm or is likely to be at risk of serious harm if not confined separately, or
 - (v) must be confined separately for a medical reason, or
 - (vi) Repealed. [B.C. Reg. 243/2015, Sch. 1, s. 3 (a).]
 - (b) Repealed. [B.C. Reg. 243/2015, Sch. 1, s. 3 (b).]
 - (c) the person in charge or the staff member has reasonable grounds to believe that the inmate has contraband hidden in the inmate's body.
- (2) Subject to section 18 (1), an inmate who is confined separately under subsection (1) of this section must be released from separate confinement as follows:
- (a) within 72 hours of the start of the confinement, if the confinement was ordered by the person in charge or by a deputy or assistant deputy of the person in charge;
 - (b) within 7 hours of the start of the confinement in any other case.
- (3) Repealed. [B.C. Reg. 243/2015, Sch. 1, s. 3 (b).]
- (4) The person in charge, or a staff member designated by the person in charge, must, within 24 hours of making an order under subsection (1) to confine an inmate separately from other inmates, give the inmate the reason for the confinement under subsection (1) in writing.

[am. B.C. Regs. 243/2015, Sch. 1, s. 3; 124/2020, s. 4; 76/2022, s. 11; 34/2023, ss. 2 and 9.]

Separate confinement – longer term

- 18** (1) If an inmate is ordered to be confined separately under section 17 (1) (a), the person in charge, or a staff member designated by the person in charge, may decide to extend the order for one or more periods of not longer than 15 days each, provided that the person in charge or the staff member
- (a) reviews the circumstances of the separate confinement before
 - (i) the inmate must be released under section 17 (2), or
 - (ii) the expiry of an extension made under this subsection,
 - (b) determines that the circumstances that justified the order under section 17 (1) (a) still exist, and
 - (c) determines that the separate confinement should continue.
- (2) An extension under subsection (1) begins on the day after the person in charge or the staff member makes the decision to extend.
- (3) The person in charge, or a staff member designated by the person in charge, must, within 24 hours of making a decision to extend an order to confine an inmate separately from other inmates,
- (a) give the inmate, in writing,
 - (i) the reason for the confinement under subsection (1),

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- (ii) the period of time during which the inmate will be in separate confinement, and
 - (iii) the reason for the length of time of separate confinement, and
- (b) give the inmate a reasonable opportunity to make submissions about why the separate confinement should not continue or why the separate confinement should be for a shorter period of time.
- (4) After considering the submissions made by the inmate under subsection (3) (b), the person in charge or the staff member must, within a reasonable period of time,
- (a) confirm the decision,
 - (b) vary the decision, or
 - (c) rescind the decision.
- (5) When the person in charge or the staff member confirms, varies or rescinds a decision under subsection (4), the inmate must be notified and must be given written reasons.

[am. B.C. Regs. 243/2015, Sch. 1, s. 4; 76/2022, ss. 4 and 11; 34/2023, s. 10.]

Voluntary separate confinement

- 19** (1) If the person in charge, or a staff member designated by the person in charge, and an inmate agree that the inmate would be at risk of serious harm or is likely to be at risk of serious harm if not confined separately, the person in charge, or the staff member, and the inmate may agree that the inmate be confined separately from other inmates.
- (2) The person in charge or the staff member referred to in subsection (1) must confirm the agreement under that subsection to the inmate in writing.
- (3) If the person in charge, or the staff member referred to in subsection (1), and an inmate are in agreement in accordance with that subsection, the inmate may be confined separately from other inmates and may at any time request in writing that the person in charge review the separate confinement.

[am. B.C. Reg. 34/2023, s. 11.]

Termination of separate confinement

- 20** Despite anything in section 17 [*separate confinement – short term*], 18 [*separate confinement – longer term*] or 19 [*voluntary separate confinement*], the person in charge, or a staff member designated by the person in charge, may at any time terminate the separate confinement of an inmate.

[am. B.C. Reg. 34/2023, s. 2.]

Quarantine units

- 20.1** (1) The person in charge may order that an inmate be housed in the quarantine unit if the person in charge believes on reasonable grounds that
- (a) quarantine is necessary to mitigate the risk of transmitting a communicable disease, within the meaning of the *Public Health Act*, and

- (b) the communicable disease presents a significant risk of causing serious illness or death to a person.
- (2) The person in charge must review an order made under subsection (1)
 - (a) as soon as practicable if the circumstances that justified the order have changed or no longer exist, and
 - (b) at least every 30 days until the inmate is released from the quarantine unit.
- (3) If, on a review under subsection (2), the person in charge determines that the circumstances that justified the order no longer exist, the person in charge must release the inmate from the quarantine unit.

[en. B.C. Reg. 320/2021, s. 3.]

Division 2 – Discipline

Rules governing conduct of inmates

- 21** (1) An inmate must not
- (a) disobey a direction of a staff member or of the person in charge,
 - (b) enter an area of the correctional centre in which an inmate is not authorized to be without the permission of a staff member,
 - (c) enter a cell or living unit that is not assigned to the inmate without the permission of a staff member,
 - (d) willfully or recklessly damage or destroy property that is not property of the inmate,
 - (e) steal or possess stolen property,
 - (f) possess property or food that is not the property or food of the inmate without the permission of a staff member,
 - (g) unless unreasonably provoked by that person, behave in an insulting or abusive manner toward a person,
 - (h) behave in manner toward a person that shows hatred or contempt for the person based on the person's race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age,
 - (i) engage in an indecent act,
 - (j) engage in horseplay or roughhousing,
 - (k) physically fight with another person,
 - (l) take an intoxicant into the inmate's body,
 - (m) tattoo or pierce the inmate's body,
 - (n) fail to comply with a demand to submit to urinalysis,
 - (o) obstruct a staff member in the execution of the staff member's duties,
 - (p) provide a false or misleading statement to a staff member,

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- (q) offer, give or accept a bribe,
- (r) gamble,
- (s) give to or accept from another inmate money or other property, or food, without the permission of a staff member,
- (t) refuse to attend work or a program or leave work or a program without the permission of a staff member or a reasonable excuse,
- (u) conceal the inmate's face,
- (v) use a tobacco or vapour product within the meaning of the *Tobacco and Vapour Products Control Act* without the permission of a staff member,
- (w) assault or threaten another person,
- (x) be unlawfully at large or escape custody,
- (y) attempt to obtain, or possess contraband,
- (z) give or sell contraband to another inmate,
- (z.1) create or participate in a disturbance, or
- (z.2) engage in an activity that jeopardizes or is likely to jeopardize
 - (i) the safety of a person, or
 - (ii) the management, operation or security of the correctional centre.
- (2) An inmate must not assist or attempt to assist another inmate to do anything referred to in subsection (1).
- (3) An inmate who breaches a rule referred to in subsection (1) or (2) may be disciplined for the breach in accordance with this Division.
[am. B.C. Regs. 243/2015, Sch. 1, s. 5 and Sch. 2; 76/2022, s. 4.]

Breach of rule

- 22** (1) If a staff member believes on reasonable grounds that an inmate has breached or is breaching a rule referred to in section 21 (1) or (2), the staff member must, if the circumstances allow,
- (a) stop the breach from occurring, or
 - (b) give the inmate an opportunity to stop the breach from occurring or give the inmate an opportunity to correct the breach if the person aggrieved by the breach consents,
- and inform the inmate
- (c) of the rule under section 21 (1) or (2) that was breached, and
 - (d) what the breach consists of.
- (2) If, in the opinion of the staff member referred to in subsection (1), the breach has not been or cannot be satisfactorily resolved by the actions described in that subsection, the staff member must, as soon as practicable, file a written report with the person in charge, setting out
- (a) the rule that is alleged to have been breached,

- (b) the circumstances surrounding the alleged breach, and
 - (c) the action taken, if any, under subsection (1) (b).
- (3) On receipt of the report referred to in subsection (2), the person in charge, or a staff member designated by the person in charge, must determine whether to order that a disciplinary hearing be convened.

[am. B.C. Reg. 34/2023, s. 2.]

Notice of alleged breach

23 The person in charge, or a staff member designated by the person in charge, must, as soon as practicable, give written notice to an inmate who is the subject of a determination under section 22 (3) to convene a disciplinary hearing, setting out the

- (a) rule the inmate is alleged to have breached,
- (b) circumstances surrounding the alleged breach,
- (c) proposed date and time of the hearing, and
- (d) reason under section 24 (1) for any order made under that section.

[am. B.C. Reg. 34/2023, s. 2.]

Segregation pending disciplinary hearing

24 (1) The person in charge, or a staff member designated by the person in charge, may order that an inmate be confined in a cell in the segregation unit pending the conclusion of a disciplinary hearing if the person in charge or the staff member believes on reasonable grounds that

- (a) the inmate is likely to endanger themselves or another person if housed in a cell outside of the segregation unit,
- (b) the inmate is likely to jeopardize the management, operation or security of the correctional centre if housed in a cell outside of the segregation unit, or
- (c) it is necessary to preserve evidence for the disciplinary hearing.

(2) An order made under subsection (1) must be reviewed by the person in charge, or a staff member designated by the person in charge, within 24 hours of being made and at least every 24 hours until the inmate is released from confinement.

(3) If, on a review under subsection (2), the person who carried out the review determines that the circumstances referred to in subsection (1) no longer exist, the inmate must be released from confinement in a cell in the segregation unit.

[am. B.C. Regs. 76/2022, s. 11; 34/2023, ss. 2 and 12.]

Disciplinary hearing

25 (1) A disciplinary hearing must be presided over by a person appointed by the assistant deputy minister.

(2) Repealed. [B.C. Reg. 124/2020, s. 5 (b).]

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- (3) A person appointed under subsection (1) who is not an employee under the *Public Service Act* may be paid the amount set by Treasury Board Directive 3/04 for a Tribunal Group 1 member.

[am. B.C. Reg. 124/2020, s. 5.]

Conduct of hearing

- 26** (1) A disciplinary hearing must be commenced as soon as practicable and no later than 72 hours from the time of the order to convene a disciplinary hearing under section 22 (3).
- (2) A disciplinary hearing may be commenced under subsection (1) without the inmate present
- (a) if the inmate is absent from the correctional centre because the inmate
 - (i) is in court,
 - (ii) is absent for a medical reason,
 - (iii) is authorized or required by an enactment of Canada or the Province to be somewhere else,
 - (iv) has escaped from custody, or
 - (v) is unlawfully at large,
 - (b) the inmate refuses or chooses not to attend the hearing, or
 - (c) if, in the reasonable opinion of the person in charge, or of a staff member designated by the person in charge, the inmate's behaviour prior to the hearing is so disruptive that the inmate cannot safely be escorted to the hearing.
- (3) A disciplinary hearing must be adjourned if the inmate is not present, unless
- (a) the inmate refuses or chooses not to attend the hearing, or
 - (b) if, in the opinion of the person presiding over the hearing, acting reasonably,
 - (i) the presence of the inmate at the hearing would jeopardize the safety of a person at the hearing, or
 - (ii) the inmate is causing serious disruption to the hearing.
- (4) A disciplinary hearing must be recorded.
- (5) The person presiding over the disciplinary hearing may conduct the hearing in person or by way of telephone, video conference or other communication medium.

[am. B.C. Regs. 124/2020, s. 6; 34/2023, s. 13.]

Penalties for breach of rule

- 27** (1) If an inmate is found to have breached a rule referred to in section 21 (1) or (2) [*rules governing conduct of inmates*], the person presiding over the disciplinary hearing may impose one or more of the following penalties:
- (a) a warning or reprimand;

- (b) a temporary or permanent restriction on activities or programs, other than a visit program, unless the breach is directly related to a visit program;
 - (c) intermittent confinement in a cell, other than a cell in the segregation unit, for a period not longer than 192 hours;
 - (d) subject to subsection (3), confinement in a cell in the segregation unit for a period not longer than 15 days;
 - (e) assignment of extra duties for a period not longer than 12 hours;
 - (f) forfeiture of earned remission, credited to the date of the breach, of not more than 60 days.
- (2) Repealed. [B.C. Reg. 124/2020, s. 7 (b).]
- (3) If an inmate is ordered to be confined in a cell in the segregation unit under subsection (1) (d),
- (a) while the inmate is confined to a cell in the segregation unit under subsection (1) (d) for one or more previous breaches, the penalties must be served concurrently with confinement ending on the latest end date of those penalties, or
 - (b) while the inmate is confined to a cell in the segregation unit under section 24, the number of days served by the inmate in the cell in the segregation unit under section 24 must be subtracted from the number of days the inmate is ordered to be confined in a cell in the segregation unit under subsection (1) (d).
- (4) On application or on the person's own motion, the person who presided over a disciplinary hearing may reduce or suspend all or part of a penalty imposed under subsection (1), with or without conditions, for a period not longer than 90 days.
- (5) If an inmate applies to the person who presided over a disciplinary hearing for a reduction or suspension of the penalty imposed, the person who presided over the disciplinary hearing or, if that person is not available, an employee under the *Public Service Act* who is either designated by the assistant deputy minister or in a class of persons designated by the assistant deputy minister, must make a decision within 5 days of receipt of the application and advise the inmate of the decision, the reasons and any conditions in writing.
- (6) If an inmate does not comply with a condition imposed under subsection (4) or (5),
- (a) the person in charge may order that a disciplinary hearing about the failure to comply with the condition be convened, and
 - (b) if the person presiding over the disciplinary hearing referred to in paragraph (a) determines at the conclusion of the hearing that the inmate did not comply with a condition, the person presiding over the hearing must reimpose the previously reduced or suspended penalty.

[am. B.C. Regs. 243/2015, Sch. 1, s. 6; 124/2020, s. 7; 76/2022, s. 4.]

Written reasons for decision

- 28** As soon as practicable after conclusion of the hearing, a person who presides over a disciplinary hearing must provide written reasons to the inmate for the decision and the penalty imposed.

Review of decision

- 29** (1) An inmate may, within 7 days of a decision being made under section 27, request in writing that the director review the decision and the penalty imposed.
- (2) On receipt of a request for a review under subsection (1), the person in charge must immediately provide the director with a record of the disciplinary hearing and information used in the hearing.
- (3) The director may suspend a penalty imposed under section 27 pending completion of the review.
- (4) The director may
- (a) confirm the decision made and the penalty imposed under section 27,
 - (b) confirm the decision made and substitute another penalty under section 27, or
 - (c) rescind the decision made and the penalty imposed under section 27, and
 - (i) direct that the person in charge change the inmate's record to reflect the rescission, or
 - (ii) direct that a new disciplinary hearing be convened.
- (5) If a new disciplinary hearing is directed to be convened under subsection (4) (c) (ii),
- (a) the assistant deputy minister, or an employee under the *Public Service Act* who is either designated by the assistant deputy minister or in a class of persons designated by the assistant deputy minister, must, as soon as practicable, appoint a person, who has had no previous involvement with the allegation against the inmate, to rehear the allegation,
 - (b) the person appointed under paragraph (a) must rehear the allegation as soon as practicable, and
 - (c) sections 26, [conduct of hearing], 27 [penalties for breach of rules] and 28 [written reasons for decision] apply to the new disciplinary hearing.

[am. B.C. Reg. 124/2020, s. 8.]

Division 3 – Visitors

Visitors – personal

- 30** (1) A visitor must not enter a correctional centre unless authorized by the person in charge, or a staff member designated by the person in charge.

- (2) If, in the reasonable opinion of the person in charge, or of a staff member designated by the person in charge, it is necessary for the management, operation or security of the correctional centre, the person in charge or the staff member may do one or more of the following:
- (a) Repealed. [B.C. Reg. 34/2023, s. 14 (b).]
 - (b) prohibit or restrict a person from visiting with an inmate;
 - (c) order that a visit with an inmate be supervised;
 - (d) place restrictions on or make allowances for the nature, timing, frequency, length or location of a visit with an inmate.
- (2.1) Any staff member may order the removal of a visitor from the correctional centre or from part of the correctional centre.
- (3) If, in the opinion of a staff member, acting reasonably, the conduct of a visitor or of an inmate who is being visited is jeopardizing the management, operation or security of the correctional centre, the staff member
- (a) may terminate the visit by the visitor with the inmate and must report the termination of the visit to the person in charge, and
 - (b) may order the removal of a visitor from the correctional centre or from a part of the correctional centre.
- [am. B.C. Reg. 34/2023, ss. 2, 13 and 14.]

Visitors – official

- 31** (1) Subject to subsections (3) and (4), the following may, while on official business, visit an inmate at any reasonable time:
- (a) the assistant deputy minister;
 - (b) the provincial director;
 - (c) a peace officer on duty;
 - (d) the inmate's lawyer in respect of
 - (i) a charge against the inmate under the *Criminal Code* or another federal enactment or under a provincial enactment,
 - (ii) a matter for which the inmate is detained or subject to detention under the *Immigration Act* (Canada) or the *Immigration and Refugee Protection Act* (Canada), or
 - (iii) a breach of a rule governing the conduct of inmates;
 - (e) a lawyer from a jurisdiction other than British Columbia who is able to satisfy the person in charge that the lawyer is qualified to practise law and is a lawyer representing the inmate in respect of a criminal charge against the inmate;
 - (f) a member of Parliament or of the Legislative Assembly;
 - (g) the Ombudsperson.

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- (2) The person in charge must ensure that a visit by a visitor referred to in subsection (1) can be held in private.
- (3) Section 30 does not apply to a visitor referred to in subsection (1) except as follows:
 - (a) section 30 (2) (a) and (c) applies to a visitor referred to in subsection (1);
 - (b) section 30 (2) (d) applies to a visitor referred to in subsection (1) (c), (d), (e) and (f).
- (4) The person in charge, or a staff member designated by the person in charge, may authorize the refusal, suspension or termination of a visit by a visitor referred to in subsection (1), but only if the person in charge or the staff member believes on reasonable grounds that
 - (a) the visit is jeopardizing or would jeopardize the management, operation or security of the correctional centre or the safety of a person, and
 - (b) in the case of a visitor referred to in subsection (1) (c), (d), (e) or (f), restrictions on the nature, timing, length and location of the visit would not be adequate to address the risk referred to in paragraph (a).

[am. B.C. Regs. 243/2015, Sch. 1, s. 7; 76/2022, s. 3; 34/2023, s. 15.]

Division 4 – Performance Appraisal and Earned Remission

Performance appraisal

- 32**
- (1) A staff member must appraise the performance of each sentenced inmate.
 - (2) An appraisal must include the evaluation of the inmate's
 - (a) compliance with the rules governing the conduct of inmates, and
 - (b) level of participation in programs established under section 38 [*programs for inmates*] that are not religious programs.

Remission awards assessor

- 33**
- (1) The person in charge, or a staff member designated by the person in charge, must appoint one or more staff members to be remission awards assessors for the correctional centre.
 - (2) A remission awards assessor or panel of remission awards assessors must determine the amount of earned remission to be credited to each inmate and must, in relation to each inmate,
 - (a) review the running record and appraisals of an inmate's performance since the inmate's last earned remission credit, and
 - (b) determine the number of days of earned remission to be credited to the inmate in accordance with this Division.

[am. B.C. Regs. 76/2022, s. 4; 34/2023, s. 2.]

Calculation of remission award

- 34** (1) A remission award assessor or panel of remission awards assessors must credit earned remission
- (a) for each inmate, within 5 days of the end of the previous month, or
 - (b) for an inmate about to be discharged, at the time of discharge for the days served since the inmate's last earned remission credit,
- whichever is applicable.
- (2) An earned remission credit for a portion of month must
- (a) be made on the basis of one day's earned remission credit for each full two days that are served,
 - (b) be based on an assessment of the matters referred to in section 32 (2) (a) and (b), and
 - (c) result in a monthly earned remission credit as follows:
 - (i) good performance, 15 days;
 - (ii) fair performance, 8 to 14 days;
 - (iii) poor performance, 0 to 7 days.
- (3) A disciplinary hearing that is ordered to be convened under section 22 (3) but is not yet concluded must not be considered in evaluating an inmate's compliance with the rules governing the conduct of inmates.

[am. B.C. Reg. 76/2022, s. 4.]

Review of remission awards assessor decision

- 35** (1) If full earned remission is not credited, the remission awards assessor must notify the inmate and the person in charge and give the reason in writing.
- (2) An inmate who is not satisfied with the inmate's earned remission credit may, within 7 days of receipt of notification of the credit, apply in writing to the person in charge for a review of the decision of the remission awards assessor or panel of remission awards assessors.
- (3) Within 7 days of receiving the inmate's request for a review, the person in charge must review the assessor's or panel's decision and
- (a) confirm the earned remission credit,
 - (b) increase the number of earned remission days credited, or
 - (c) reduce the number of earned remission days credited.
- (4) The person in charge must notify the inmate and the remission awards assessor of that person's decision under subsection (3) as soon as practicable and give the reason in writing.

[am. B.C. Reg. 76/2022, s. 4.]

Division 5 – Property

Forfeiture of unclaimed property

- 36** Unclaimed property abandoned by an inmate at a correctional centre on the inmate's release, transfer or escape from the correctional centre and not claimed by the inmate within 30 days from the date of the release, transfer or escape is forfeited to the government.

[am. B.C. Regs. 219/2018; 76/2022, s. 4.]

Division 6 – Inmate Complaints

Complaint to person in charge

- 37**
- (1) An inmate may make a written complaint to a staff member who must forward it, as soon as practicable, to the person in charge.
 - (2) The person in charge must, within 7 days of the receipt of the complaint, investigate the complaint and advise the inmate, in writing, of the results of the investigation as soon as practicable.
 - (3) The person in charge must keep a record of
 - (a) written complaints,
 - (b) the manner in which the complaints are resolved, and
 - (c) the written advice given to an inmate under subsection (2) as a result of the investigation of a complaint.

Division 7 – Programs and Services for Inmates

Programs for inmates

- 38**
- (1) The person in charge, or a staff member designated by the person in charge, must establish programs for inmates, including religious and recreation programs.
 - (2) As far as practicable, a person who establishes programs under subsection (1) must establish programs designed to assist inmates to
 - (a) improve their education or training, and
 - (b) reduce the risk they present to the community.
 - (3) An inmate must participate in programs as directed by the person in charge, or a staff member designated by the person in charge, unless
 - (a) the inmate is excused in writing by a health care professional,
 - (b) the program is a religious program and the inmate does not choose to participate in it,
 - (c) the program conflicts with a recognized day of religious observance of the religious faith that the inmate practises, or

- (d) the program is a work program and the inmate has not consented under section 3 (b).

[am. B.C. Regs. 124/2020, s. 9; 76/2022, s. 11; 34/2023, ss. 2 and 16.]

Medical fitness of inmate

- 39** (1) For the purposes of this regulation, the person in charge, or a staff member designated by the person in charge, must review the following information any time it is provided by a health care professional:
- (a) information relating to an inmate’s state of health;
 - (b) information relating to an inmate’s suitability for a program established under section 38.
- (2) An inmate may be transferred to another correctional centre only if
- (a) the person in charge, or a staff member designated by the person in charge, first consults a health care professional about the inmate’s medical fitness for transfer, and
 - (b) the health care professional advises the person in charge or the staff member that the inmate is medically fit for transfer.
- (3) When an inmate is to be released from custody, the person in charge, or a staff member designated by the person in charge, must consult a health care professional about the inmate’s state of health.
- (4) If the health care professional consulted under subsection (3) advises the person in charge or the staff member that the inmate suffers from an acute or dangerous illness, the person in charge or the staff member must take reasonable steps to facilitate the inmate’s access to treatment, if any, available in the community at the time of release.

[en. B.C. Reg. 178/2017, s. 2; am. B.C. Reg. 34/2023, ss. 2 and 17.]

PART 4 – POWERS AND DUTIES OF PROBATION OFFICERS

Probation officer powers and duties

- 40** (1) In this section, “**supervision condition**” means a condition that requires a person to report to or be supervised by a person who has the status of peace officer under any enactment.
- (2) A probation officer is responsible for the supervision of the following persons:
- (a) a person who is subject to a release order, as defined in section 2 of the *Criminal Code*, if the order contains a supervision condition;
 - (b) a person who has given an undertaking, as defined in section 2 of the *Criminal Code*, to a peace officer, if the undertaking contains a supervision condition;
 - (c) a person who has entered into a recognizance, as defined in section 2 of the *Criminal Code*, if the recognizance contains a supervision condition;

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- (d) a person who is subject to a peace bond or similar order made by a court of criminal jurisdiction or a superior court of criminal jurisdiction, as those expressions are defined in section 2 of the *Criminal Code*, if the peace bond or order contains a supervision condition;
 - (e) a person who is subject to alternative measures, as defined in section 716 of the *Criminal Code*, if the alternative measures, as they relate to the person, require the involvement of a probation officer.
- (3) A probation officer may report to the court or to a prosecutor if a person who is subject to a supervision condition fails to comply with a term or condition to which the person is subject.
- (4) A probation officer may report to a prosecutor if a person who is subject to alternative measures fails to comply with one or more terms of the alternative measures.

[en. B.C. Reg. 34/2023, s. 18.]

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