

1970 Bill 122'

Third Session, 16th Legislature, 19 Elizabeth II

~~CONFIDENTIAL~~

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 122

**An Act respecting
Probation, Correctional and Parole Services**

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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BILL 122

1970

An Act respecting
Probation, Correctional and Parole Services

(Assented to _____, 1970)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as *The Corrections Act*.

2. In this Act,

- (a) "Director" means the Director of Correction;
- (b) "chief executive officer" means the chief executive officer of a correctional institution;
- (c) "inmate" means a person serving a term of imprisonment;
- (d) "Minister" means the member of the Executive Council charged with the administration of this Act.

3. (1) There is established within the Department of the Minister a branch to be known as the "Alberta Corrections Service", to provide probation, correctional and parole services throughout the Province.

(2) The purpose of the Alberta Corrections Service is the correction and treatment of offenders against the law and the protection of the community by

- (a) providing, when requested by the court, information respecting the background of offenders prior to sentence,
- (b) offering probation and parole supervision and counselling services to offenders against the law,
- (c) safe custody and detention of inmates committed by the court to a correctional institution,
- (d) supervision, treatment and training of inmates with a view to their ultimate rehabilitation in society, and

Explanatory Notes

1. This Act relates to the treatment of persons convicted of offences and incorporates provisions formerly contained in The Gaols and Prisons Act.

2. Definitions.

3. The Alberta Corrections Service.

- (e) promoting and assisting programs designed to prevent and diminish crime within the community.

4. (1) There shall be appointed, pursuant to *The Public Service Act, 1968* a Director of Correction, probation officers and correction officers and such other persons as are required for the administration of this Act.

(2) The Director, under the supervision and control of the Minister, is charged with the administration of the Alberta Corrections Service.

4. Staff.

PART 1

PROBATION

5. (1) A probation officer under this Act

- (a) is a probation officer for the entire Province;
- (b) is an officer of every court in the Province;
- (c) shall prepare for the court such reports as may be ordered by the court;
- (d) may procure and report such information as the court requires respecting a person convicted by the courts;
- (e) where appointed a parole supervisor under the *Parole Act* (Canada) is, *ex officio*, a peace officer under the jurisdiction of the Province;
- (f) shall supervise parolees paroled under this Act;
- (g) where attached to the staff of a correctional institution, is subject to the directions of the warden, and shall assist in casework services and post-release planning for inmates.

(2) A probation officer is responsible for the supervision of any person placed on probation by any court.

(3) A probation officer is *ex officio* a peace officer while carrying out his duties under this Act.

6. A probation officer charged with the supervision of a person on whom the passing of sentence was suspended, or who is subject to a probation order, may report to the court if the person fails to carry out the terms on which the passing of sentence was suspended, or the terms of the probation order.

7. The Lieutenant Governor in Council may make regulations, which may be general or special in their application

- (a) respecting the qualifications, duties and powers of probation officers, and
- (b) generally for the better carrying out of the provisions of this Part.

5. Probation officers.

6. Report of probation officer.

7. Regulations.

PART 2

CORRECTIONAL INSTITUTIONS

8. (1) The Lieutenant Governor in Council may establish or discontinue correctional institutions.

(2) The institutions heretofore certified as jails by the Lieutenant Governor in Council continue as correctional institutions.

9. There shall be appointed a chief executive officer for each correctional institution and subject to the regulations and under the supervision of the Director he shall

- (a) direct and co-ordinate the program of the institution, and
- (b) control the operation, management and administration of the correctional institution including matters of discipline and the treatment of persons confined therein.

10. (1) The Director shall establish a classification committee at each correctional institution which may be composed of

- (a) a social worker,
- (b) a duly qualified medical practitioner,
- (c) a psychologist,
- (d) a psychiatrist,
- (e) a teacher holding a certificate of qualification under *The Department of Education Act*, and
- (f) such other persons as are necessary.

(2) Subject to the regulations and to any work training program established by the chief executive officer the classification committee shall

- (a) obtain and file complete information with regard to each inmate sentenced to more than 21 days' imprisonment,
- (b) determine and prescribe custodial and rehabilitation programs and the care required for each inmate,
- (c) determine which inmates shall work and shall assign inmates to jobs, studies and programs within the institution, and
- (d) recommend where required to the chief executive officer the transfer of inmates from one correctional institution to another for the purpose of treatment, training and rehabilitation.

8. Establishment and discontinuance of correctional institutions.

9. Appointment of a chief executive officer for each correctional institution.

10. Classification committee.

11. Subject to *The Ombudsman Act*, the chief executive officer of a correctional institution or person authorized by him may

- (a) open or examine any letter, parcel or mail matter received at the correctional institution through the mail or otherwise, addressed to or intended for an inmate,
- (b) open or examine any letter, parcel or mail matter an inmate desires to have sent out by mail or otherwise,
- (c) withhold from an inmate any letter, parcel or mail matter addressed to him or intended for him and otherwise deal with it as he directs and shall advise the inmate of the action taken, and
- (d) detain the objectional contents of or otherwise deal with any letter, parcel or mail matter that an inmate desires to have sent out from the correctional institution and shall advise the inmate of the action taken.

12. (1) The Lieutenant Governor in Council may make regulations

- (a) for the management and internal economy of correctional institutions,
- (b) concerning the security of correctional institutions and the discipline of inmates,
- (c) specifying the duties and conduct of persons employed in correctional institutions,
- (d) establishing standards for the maintenance and operation of correctional institutions and the inspection thereof,
- (e) prescribing the privileges which may be earned or forfeited by inmates in correctional institutions,
- (f) prescribing penalties for inmates who fail to comply with the regulations and rules of the correctional institution,
- (g) requiring an inmate upon entry to and during his imprisonment in a correctional institution to submit
 - (i) to searches, including a search of clothing and an internal and external body search, but any internal body search shall be conducted by a duly qualified medical practitioner
 - (A) in the case of a male inmate, in the presence of a male corrections officer, and
 - (B) in the case of a female inmate, in the presence of a female corrections officer, and
 - (ii) to medical, dental and mental examinations,

11. Examination of mail. Similar to section 19 of The Gaols and Prisons Act.

12. Regulations.

- (h) for the transfer of inmates from one correctional institution to another,
- (i) to provide an inmate upon his release with clothing, transport and money,
- (j) for the operation, management and control of the classification committee including provision for any matter mentioned in section 10,
- (k) specifying the matters upon which the chief executive officer may make rules for the correctional institution, and
- (l) concerning any other matter or thing necessary for the management, operation, maintenance and administration of the correctional institution.

(2) In this section “correctional institution” includes a common jail, lock up and other place in which persons who are charged or convicted of an offence are usually kept in custody.

13. Any person who, without the prior consent in writing of the chief executive officer

- (a) gives or in any way conveys to an inmate an article or thing prohibited by the rules of the correctional institution, or
- (b) leaves any article anywhere with intent that an inmate will get it, or
- (c) does any other act with intent that an inmate will receive the article, or
- (d) takes or receives or carries out from an inmate for any purpose, an article prohibited by the rules of the correctional institution to be taken, received or carried out, or
- (e) buys from or sells to or for an inmate any thing whatsoever, or
- (f) takes or receives for his own use or for that of any other person a reward from an inmate, or
- (g) employs an inmate within the correctional institution, or
- (h) endeavours to do or knowingly allows to be done any of the acts mentioned in this section,

is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and in default of payment to imprisonment for a term of not more than three months.

13. Self-explanatory.

PART 3

WORK TRAINING PROGRAMS

14. A chief executive officer may, subject to the regulations, establish either or both of the following:

- (a) a work training program within the correctional institution;
- (b) a work training program outside the correctional institution;

and either program may be for one or more inmates.

15. (1) With respect to a work training program established within a correctional institution

- (a) the program shall as far as possible approximate normal working conditions outside the correctional institution, and
- (b) the program is open to every inmate who wishes to enter the program and who the chief executive officer considers will benefit from the program.

(2) The products of the work training program within the correctional institution are the property of the Government and

- (a) may be used for the purposes of the correctional institution, or
- (b) with the prior consent in writing of the Director may be used for any other government purpose, or
- (c) may be sold to such persons as the Lieutenant Governor in Council may specify.

(3) Where services are provided under a work training program within the correctional institution

- (a) the services are available only to those persons approved in writing by the Director, and
- (b) the cost of the services shall be approved by the Director.

(4) Where an inmate is employed in a work training program within the correctional institution he may be paid an incentive allowance in accordance with the regulations under this Part.

16. (1) Where a work training program is established outside a correctional institution

- (a) every inmate of the correctional institution is eligible to apply to the chief executive officer for permission to enter the work training program, and

14. Work training program.

15. Work training programs within correctional institutions.

16. Earnings of an inmate.

- (b) an inmate who enters the work training program continues to be subject to the rules and regulations of the correctional institution, unless they are waived in writing by the Director.
- (2) The earnings of an inmate in the work training program shall be paid, less deductions required by law, to the chief executive officer of the correctional institution who shall
 - (a) place the earnings in a chartered bank or treasury branch account on behalf of the inmate,
 - (b) account to the inmate each time
 - (i) money is received for the inmate, or
 - (ii) money is paid out on behalf of the inmate, and
 - (c) pay any balance of money remaining to the inmate on his release from the correctional institution.
- (3) The earnings of inmates shall be placed in one chartered bank or treasury branch bank account by the chief executive officer upon trust for each inmate subject to the regulations and subsections (4) and (5).
- (4) The interest earned from the bank account shall be paid by the chief executive officer into an "inmates' comfort fund" controlled by the chief executive officer for the benefit of every inmate.
- (5) The earnings of an inmate are owned by him but the chief executive officer may pay on the inmate's behalf and without his consent any earnings of the inmate in accordance with the regulations.

17. A person employing an inmate under a work training program is responsible for the safe custody of the inmate.

18. The Lieutenant Governor in Council may make regulations

- (a) concerning the establishment of work training programs and the organization, operation, management and administration thereof,
- (b) concerning the manner in which an inmate may apply for entry to a work training program and the conditions and restrictions attached to entry to the program,
- (c) concerning the criteria upon which the chief executive officer shall judge the advisability or otherwise of permitting an inmate to enter a work training program,
- (d) respecting the security of inmates and the duties and responsibilities upon an employer,

17. Employer responsible for inmates.

18. Work training program regulations.

- (e) concerning a schedule of incentive allowances to be paid to inmates engaged in a work training program,
- (f) respecting the terms and conditions attached to work training programs,
- (g) concerning the manner in which an employer pays the earnings of an inmate to the chief executive officer, and
- (h) concerning the disbursement by the chief executive officer of any earnings of the inmate.

PART 4

PAROLE

19. The Lieutenant Governor in Council may appoint a Provincial Parole Board of not less than three nor more than nine members.

20. (1) The chief executive officer may recommend to the Provincial Parole Board inmates who in his opinion will benefit from parole.

(2) Upon receiving a recommendation from a chief executive officer, the Provincial Parole Board shall examine the circumstances of the person recommended with a view to determining whether he should be released on parole.

(3) Notwithstanding anything contained in this section, the Provincial Parole Board may review the case of any person committed to a correctional institution and may place on parole any person who appears to the Provincial Parole Board to be suitable for parole.

21. (1) The Provincial Parole Board may, subject to the provisions of any Act of the Parliament of Canada and of this Act, direct the release on parole of a person sentenced to a correctional institution and the Chief executive officer shall upon receipt of the direction release the person on parole.

(2) The Provincial Parole Board shall prescribe the terms and conditions of parole to be observed and carried out by a person released under subsection (1).

22. The sentence of a person on parole continues in force until the expiration thereof according to law.

23. (1) The chairman of the Provincial Parole Board or any person designated by the Parole Board may, by a warrant in writing signed by him, suspend any parole and authorize the arrest of a paroled person whenever he is satisfied that the person has committed a breach of any term or condition of the parole.

(2) A warrant issued under subsection (1) constitutes the authority and direction to any and every peace officer in Alberta to forthwith arrest the paroled person named in the warrant and return him to a correctional institution.

(3) The Provincial Parole Board shall forthwith after the paroled person's return to a correctional institution review the case and shall either cancel the suspension or revoke the parole.

19. Continuation of Provincial Parole Board.

20. Deliberations of the Provincial Parole Board.

21. Release on parole.

22. Sentence continues during parole.

23. Arrest of person on parole.

24. The Provincial Parole Board may in its discretion change or vary the terms and conditions attached to a parole.

25. The Lieutenant Governor in Council may make regulations

- (a) establishing the type of parole and the particular terms and conditions attached to each type,
- (b) concerning the persons or classes of persons eligible to apply for parole,
- (c) respecting the terms and conditions attached to parole,
- (d) concerning the portion (if any) of the terms of imprisonment that inmates shall serve before parole may be granted, and
- (e) concerning any other matter or thing necessary for the purpose of administering or operating this Part or to meet cases that may arise and for which no provision is made by this Act.

24. Self-explanatory.

25. Regulations.

PART 5

GENERAL

26. Every street, highway or public thoroughfare of any kind along which or across which inmates (who are not on parole) pass in going to or returning from their work and every place where they are engaged in work is for the purposes of this Act a part of the correctional institution to which they are confined.

27. Every chief executive officer and employee of a correctional institution is hereby constituted a peace officer for the purpose of assisting in the enforcement of law and order within the correctional institution and is empowered to arrest summarily any person who commits an offence against the laws of Canada or Alberta within the correctional institution.

28. The National Parole Board is hereby authorized to exercise in Alberta the jurisdiction described in section 5a of the *Parole Act* (Canada).

29. *The Police Act* is amended as to section 18a by striking out the words "*The Gaols and Prisons Act*" and by substituting the words "*The Public Service Act, 1968*".

30. This Act repeals *The Gaols and Prisons Act* and *The Probation Officers Act*.

31. This Act comes into force on July 1, 1970.

26. Self-explanatory.

27. Enforcement of law within correctional institution.

28. Jurisdiction of National Parole Board.

29. Consequential amendment to R.S.A. 1955, c. 236.

30. Repeal of R.S.A. 1955, c. 127 and 1962, c. 66.