

II CASE MANAGEMENT
Table of Contents

PART ONE: UN GUIDELINES.....	3	1. Fundamental Perspectives.....	17
A. GUIDING PRINCIPLES FOR THE		2. Adjudication and Disposition.....	19
MANAGEMENT OF PRISONERS.....	3	2.(a) <i>General</i>	19
1. Protection of Society, Rehabilitation and		2.(b) <i>Avoidance of Unnecessary Delay</i>	21
Reintegration of Offenders	3	3. Objectives of Institutional Treatment	23
2. Replication of Community Settings	4	4. Replication of Community Settings.....	23
B. CLASSIFICATION OF INMATES	4	5. Separation and Individualisation of	
1. Classification and Individualisation of		Treatment	24
Treatment.....	4	6. Classification and Placement	25
1.(a) <i>General</i>	4	7. Provision of Programs.....	26
1.(b) <i>Separation of Categories</i>	5	7.(a) <i>General</i>	26
1.(b)(i) <i>Convicted and Unconvicted</i>		7.(b) <i>Detention Pending Trial</i>	27
<i>Persons</i>	5	7.(c) <i>Assistance During Term of</i>	
1.(b)(ii) <i>Women and Men</i>	6	<i>Sentence</i>	27
1.(b)(iii) <i>Civil and Criminal Offenders</i>	6	7.(c)(i) <i>General</i>	27
1.(b)(iv) <i>Young Prisoners and Adults</i>	6	7.(c)(ii) <i>Education</i>	28
1.(c) <i>Placement or Classification in</i>		7.(c)(iii) <i>Work</i>	29
<i>Least Restrictive Environment</i>	7	7.(c)(iv) <i>Recreation</i>	30
C. SENTENCE PLANNING	7	7.(c)(v) <i>Religion</i>	30
D. CORRECTIONAL PROGRAMS AND		7.(c)(vi) <i>Medical Care</i>	31
TREATMENT OF OFFENDERS.....	7	see also V HEALTH	
1. Goals of Treatment.....	7	8. Contacts with the Wider Community –	
2. Kinds of Assistance	8	see also III INMATE RIGHTS AND	
2.(a) <i>General</i>	8	TREATMENT OF PRISONERS	
2.(b) <i>Provision of Correctional</i>		9. Reintegrative Programs	32
<i>Personnel/Specialists</i>	8	10. Semi-Institutional Arrangements	33
3. Education.....	8	11. Research, Planning, Policy Formation	
3.(a) <i>Educational Programs</i>	8	and Evaluation.....	34
3.(b) <i>Educational Materials</i>	9	F. FOREIGN PRISONERS	35
4. Recreation – see V HEALTH		G. NON-CUSTODIAL MEASURES	36
5. Work Programs.....	10	1. General Principles	36
5.(a) <i>Provision of Work Programs</i>	10	1.(a) <i>Fundamental Aims</i>	36
5.(b) <i>Objectives of Work Programs</i>	10	2. The Scope of Non-Custodial Measures	36
5.(c) <i>Work Conditions</i>	11	3. Legal Safeguards	37
5.(c)(i) <i>General</i>	11	4. Post-Sentencing Disposition.....	39
5.(c)(ii) <i>Remuneration</i>	12	5. Implementation of Non-Custodial	
5.(c)(iii) <i>Prison Administration and</i>		Measures	39
<i>Work Release</i>	12	5.(a) <i>Supervision</i>	39
5.(c)(iv) <i>Health and Safety</i>	12	5.(b) <i>Duration</i>	40
6. Provision of Religious Programs.....	13	5.(c) <i>Conditions</i>	40
see also III INMATE RIGHTS AND		5.(d) <i>Treatment Process</i>	41
TREATMENT OF PRISONERS		5.(e) <i>Discipline and Breach of</i>	
7. Social Relations	13	<i>Conditions</i>	41
7.(a) <i>Creating Favourable Conditions</i>		6. Staff	42
<i>for Reintegration</i>	13	6.(a) <i>Recruitment</i>	42
7.(b) <i>Maintaining/Establishing Social</i>		6.(b) <i>Staff Training</i>	43
<i>Relations</i>	14	7. Volunteers and Other Community	
7.(b)(i) <i>General</i>	14	Resources	43
7.(b)(ii) <i>Visits/ Correspondence</i>	14	7.(a) <i>Public Participation</i>	43
8. Privileges.....	15	7.(b) <i>Public Understanding and</i>	
9. Release and After-Care.....	15	<i>Cooperation</i>	44
9.(a) <i>Conditional Release</i>	15	7.(c) <i>Volunteers</i>	44
9.(b) <i>General Release</i>	15		
E. YOUTH PROGRAMS	17		

PART TWO: PROPOSED PRISON POLICY.....45

A. CASE MANAGEMENT POLICY 45

1. Definition 45

2. Responsibilities of Corrections Staff..... 45

B. CLASSIFICATION OF INMATES 45

1. Initial Classification 45

2. Classification Procedure 46

 2.(a) Time Limit 46

 2.(b) Sources 46

 2.(c) Interviews..... 46

 2.(c)(i) General..... 46

 2.(c)(ii) Informing the Offender..... 47

 2.(c)(iii) Nature of Interview..... 47

 2.(c)(iv) Relevant Information 47

 2.(c)(v) Result 48

 2.(d) Report..... 48

 2.(d)(i) Contents (Alternative 1)..... 48

 2.(d)(ii) Contents (Alternative 2)..... 48

 2.(e) Reviews of a Classification..... 49

3. Classification Officers’ Responsibilities 49

4. Program Analyst’s Responsibilities 50

5. Criteria for Assigning Inmates..... 50

 5.(a) Guiding Principles 50

 5.(b) Criteria for Assigning Inmates to Secure Centres..... 51

 5.(c) Criteria for Assigning Inmates Directly to Community Correctional Centres..... 53

6. Reclassification..... 53

 6.(a) Objective..... 53

 6.(b) Procedure..... 53

 6.(c) Criteria for Reassigning Inmates to a Community Correctional Centre 54

C. SENTENCE PLANNING 55

1. General Comments..... 55

2. Distribution of Information 55

3. Program Description..... 55

D. CORRECTIONAL PROGRAMS..... 56

1. Educational Programs 56

 1.(a) Library..... 56

 1.(a)(i) Policy Objectives..... 56

 1.(a)(ii) Librarian 56

 1.(a)(iii) Hours of Operation- Model..... 57

 1.(a)(iv) Rules 57

 1.(b) Arts and Crafts Program..... 58

 1.(b)(i) The Program 58

 1.(b)(ii) Hobby Permit..... 59

 1.(b)(iii) Working Area Restrictions 59

 1.(b)(iv) Hobby Shop Supervision 59

 1.(b)(v) Hours of Operation- Model 59

 1.(b)(vi) Disposal of Finished Products..... 60

 1.(b)(vii) Storage 60

 1.(b)(viii) Security Procedures 60

 1.(b)(ix) Safety Procedures..... 61

 1.(b)(x) Limitations..... 61

3. Recreational Activities..... 61

 3.(a) General 61

 3.(b) Operation of Program 62

 3.(c) Relationships with Other Departments..... 63

 3.(d) Emergency Procedures 63

4. Work Programs 63

 4.(a) Objective 63

 4.(b) Classification 64

 4.(c) Placement..... 64

 4.(d) Review of Placements..... 64

 4.(e) Work Remuneration 64

5. Religious Programs..... 65

 5.(a) Availability of Clergy/Spiritual Advisors 65

 5.(b) Chaplain 65

 5.(b)(i) Chaplain’s Responsibilities 65

 5.(b)(ii) Contacts..... 66

 5.(b)(iii) Presence 66

 5.(b)(iv) Worship and Sacramental Ministries 67

 5.(b)(v) Religious Education 67

 5.(b)(vi) Fostering Community Involvement 67

 5.(b)(vii) Integration of Chaplaincy..... 68

6. Community Volunteer Involvement 68

 6.(a) Policy Objective 68

 6.(b) Involvement of Volunteers..... 69

 6.(c) Proposals for Volunteer Groups 69

 6.(d) Contact Person 70

 6.(e) Security Screening..... 70

 6.(f) Orientation..... 70

E. SENTENCE ADMINISTRATION OF YOUNG OFFENDERS..... 71

1. Case Manager 71

2. Staff Involvement..... 71

 2.(a) Field Probation Officer..... 71

 2.(a)(i) Contact 72

3. Educational and Recreational Programs 72

 3.(a) Educational Programs 72

 3.(b) Equality of Access 72

 3.(c) Leisure and Recreational Activities 73

4. Visits 73

5. Rehabilitative Programs..... 74

6. Sentence Reviews..... 74

7. Juveniles Serving Sentences in Adult Correctional Facilities..... 75

 7.(a) Admission..... 75

 7.(b) Youth Information 75

 7.(c) Authority to Transfer 18 Year Olds to an Adult Facility 75

 7.(d) Case Management Responsibility 76

 7.(e) Return to Youth Custody 76

 7.(f) Transfer of Jurisdiction 77

 7.(g) General Policy 78

 7.(g)(i) Exceptions..... 78

8. Review of Progress File 78

II CASE MANAGEMENT

PART ONE: UN GUIDELINES

A. GUIDING PRINCIPLES FOR THE MANAGEMENT OF PRISONERS

1. Protection of Society, Rehabilitation and Reintegration of Offenders

*Basic Principles for the Treatment of Prisoners*¹

Article 4

The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a state's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.

*International Covenant on Civil and Political Rights*²

Article 10

3. The penitentiary system shall comprise treatment of prisoners with the essential aim being reformation and social rehabilitation. Juvenile offenders shall be separated from adults and be accorded treatment appropriate to their age and legal status.

*Standard Minimum Rules for the Treatment of Prisoners*³

Article 58

The purpose and justification of a sentence of imprisonment or a similar deprivation of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon the offender's return to society, he/she is not only willing but able to lead a law-abiding and self-supporting life.

¹ General Assembly Resolution 45/111 of 14 December 1990.

² General Assembly Resolution 2200 A (XXI) of 16 December 1966.

³ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955.

2. Replication of Community Settings

*Standard Minimum Rules for the Treatment of Prisoners*⁴

Article 60

1. The regime of the institution should seek to minimise any difference between prison life and life at liberty which tends to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

B. CLASSIFICATION OF INMATES

1. Classification and Individualisation of Treatment

1.(a) General

*Standard Minimum Rules for the Treatment of Prisoners*⁵

Article 63

1. The fulfillment of these principles requires individualisation of treatment and a flexible system of classifying prisoners in groups. It is therefore desirable for such groups to be distributed in separate institutions suitable for the treatment of each group.

3. It is desirable for the number of prisoners in closed institutions to not be so large that the individualisation of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the populations should be as small as possible.

4. On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

Article 66

2. As soon after inmate admissions as possible, full reports on those serving suitable length sentences shall be received by the director. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

⁴ *Supra*, note

⁵ *Supra*, note

3. The reports and other relevant documents shall be placed in an individual file. This file shall be kept up-to-date and classified in such a way that the responsible personnel can consult it whenever the need arises.

Article 67

The purpose of classification shall be:

- (a) to separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence; and
- (b) to divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

1.(b) Separation of Categories

*Standard Minimum Rules for the Treatment of Prisoners*⁶

Article 68

So far as possible, separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

1.(b)(i) Convicted and Unconvicted Persons

*International Covenant on Civil and Political Rights*⁷

Article 10

2.(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment subject to their status as unconvicted persons.

*Standard Minimum Rules for the Treatment of Prisoners*⁸

Article 8

The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

- (b) untried prisoners shall be kept separate from convicted prisoners.

⁶ *Supra*, note

⁷ *Supra*, note

⁸ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955.

1.(b)(ii) Women and Men

*Standard Minimum Rules for the Treatment of Prisoners*⁹

Article 8

The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(a) men and women shall so far as possible be detained in separate institutions. In an institution which receives both men and women, the premises allocated to women shall be entirely separate.

1.(b)(iii) Civil and Criminal Offenders

*Standard Minimum Rules for the Treatment of Prisoners*¹⁰

Article 8

The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(c) persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence.

1.(b)(iv) Young Prisoners and Adults

*Standard Minimum Rules for the Treatment of Prisoners*¹¹

Article 8

The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(d) young prisoners shall be kept separate from adults.

⁹ *Supra*, note

¹⁰ *Ibid*

¹¹ *Ibid*

1.(c) Placement or Classification in Least Restrictive Environment

*Standard Minimum Rules for the Treatment of Prisoners*¹²

Rule 63

2. These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

C. SENTENCE PLANNING

*Standard Minimum Rules for the Treatment of Prisoners*¹³

Rule 69

As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a program of treatment shall be prepared for him/her in light of the knowledge obtained about his/her individual needs, capacities and dispositions.

D. CORRECTIONAL PROGRAMS AND TREATMENT OF OFFENDERS

1. Goals of Treatment

*Standard Minimum Rules for the Treatment of Prisoners*¹⁴

Rule 65

The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

¹² Ibid

¹³ *Supra*, note

¹⁴ Ibid

2. Kinds of Assistance

2.(a) *General*

*Standard Minimum Rules for the Treatment of Prisoners*¹⁵

Rule 59

To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoner.

Rule 66

1. To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his/her temperament, the length of sentence and prospects after release.

2.(b) *Provision of Correctional Personnel/Specialists*

*Standard Minimum Rules for the Treatment of Prisoners*¹⁶

Rule 49

1. So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

3. Education

3.(a) *Educational Programs*

*Universal Declaration of Human Rights*¹⁷

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

¹⁵ Ibid

¹⁶ Ibid

¹⁷ General Assembly Resolution 217 A (III) of 10 December 1948.

Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

*Basic Principles for the Treatment of Prisoners*¹⁸

Principle 6

All prisoners have the right to take part in cultural activities and education aimed at the full development of the human personality.

*Standard Minimum Rules for the Treatment of Prisoners*¹⁹

Rule 77

1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

3.(b) Educational Materials

*Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*²⁰

Principle 28

A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from private sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

¹⁸ *Supra* note

¹⁹ *Supra*, note

²⁰ General Assembly Resolution 43/173 of 9 December 1988.

*Standard Minimum Rules for the Treatment of Prisoners*²¹*Rule 40*

Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books. Prisoners shall be encouraged to make full use of it.

4. Recreation

see V HEALTH

5. Work Programs**5.(a) Provision of Work Programs***Standard Minimum Rules for the Treatment of Prisoners*²²*Rule 71*

2. All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

5. Vocational training in useful trades shall be provided especially for young prisoners and for prisoners able to profit thereby.

5.(b) Objectives of Work Programs*Basic Principles for the Treatment of Prisoners*²³*Principle 8*

Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.

²¹ *Supra*, note

²² *Supra*, note

²³ *Supra*, note

*Standard Minimum Rules for the Treatment of Prisoners*²⁴*Rule 71*

4. So far as possible, the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.

Rule 72

1. The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

2. The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

5.(c) Work Conditions**5.(c)(i) General***Standard Minimum Rules for the Treatment of Prisoners*²⁵*Rule 71*

1. Prison labour must not be of an afflictive nature.

3. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

6. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

Rule 75

1. The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or customs in regard to the employment of free workmen.

²⁴ *Supra*, note

²⁵ *Supra*, note

2. The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

5.(c)(ii) Remuneration

*Standard Minimum Rules for the Treatment of Prisoners*²⁶

Rule 76

1. There shall be a system of equitable remuneration of the work of prisoners.
2. Under the system, prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their families.
3. The system should also provide a part of the earnings to be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner upon release.

5.(c)(iii) Prison Administration and Work Release

*Standard Minimum Rules for the Treatment of Prisoners*²⁷

Rule 73

1. Institutional industries and farms should preferably be operated directly by the administration and not by private contractors.
2. Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government, the persons to whom the labour is supplied shall pay the full normal wages for such work to the administration. The output of the prisoners shall be taken into account.

5.(c)(iv) Health and Safety

Article 74

1. The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

²⁶ Ibid

²⁷ *Supra*, note

2. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

6. Provision of Religious Programs

see also III INMATE RIGHTS AND TREATMENT OF PRISONERS

*Standard Minimum Rules for the Treatment of Prisoners*²⁸

Rule 41

1. If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
2. A qualified representative appointed or approved under Paragraph 1 shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his/her religion at proper times.
3. Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his/her attitude shall be fully respected.

Rule 42

So far as practicable, every prisoner shall be allowed to satisfy the needs of his/her religious life by attending the services provided in the institution and having in his/her possession the books of religious observance and instruction of his/her denomination.

7. Social Relations

7.(a) Creating Favourable Conditions for Reintegration

*Basic Principles for the Treatment of Prisoners*²⁹

Principle 10

With the participation and help of the community and social institutions and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.

²⁸ Ibid

²⁹ *Supra*, note

7.(b) Maintaining/Establishing Social Relations

7.(b)(i) General

*Standard Minimum Rules for the Treatment of Prisoners*³⁰

Rule 61

The treatment of prisoners should emphasise not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution, social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his/her family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

Rule 79

Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his/her family as are desirable in the best interests of both.

Rule 80

From the beginning of a prisoner's sentence, consideration shall be given to his/her future after release. He/she shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his/her social rehabilitation and family.

7.(b)(ii) Visits/Correspondence

see III INMATE RIGHTS AND TREATMENT OF OFFENDERS

³⁰ *Supra*, note

8. Privileges

*Standard Minimum Rules for the Treatment of Prisoners*³¹

Rule 70

Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the prisoners in their treatment.

9. Release and After-Care

9.(a) *Conditional Release*

*Standard Minimum Rules for the Treatment of Prisoners*³²

Rule 60

2. Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure the prisoner's gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organised in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

9.(b) *General Release*

*Declaration on the Protection of All Persons from Enforced Disappearance*³³

Article 11

All persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and further, have been released in conditions in which their physical integrity and ability to fully exercise their rights are assured.

³¹ *Supra*, note 55

³² *Supra*, note

³³ Adopted by General Assembly Resolution 471133 of 18 December 1992.

*Standard Minimum Rules for the Treatment of Prisoners*³⁴*Rule 64*

The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient aftercare directed towards the lessening of prejudice against him/her and towards his/her social rehabilitation.

Rule 80

From the beginning of a prisoner's sentence, consideration shall be given to his/her future after release. He/she shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his/her social rehabilitation and family.

Rule 81

1. Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.
2. The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his/her sentence.
3. It is desirable that the activities of such agencies shall be centralised or coordinated as far as possible in order to secure the best use of their efforts.

³⁴ *Supra*, note

E. YOUTH PROGRAMS

1. Fundamental Perspectives

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*³⁵

Rule 1

The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)

Rule 1

1. Member states shall seek, in conformity with their respective general interests, to further the well-being of the juvenile and her or his family.
2. Member states shall endeavour to develop conditions that will a meaningful life for the juvenile in the community, and which, during that period in life when she or he is most susceptible to deviant behaviour, will foster a process of personal development and education that is as free from crime and delinquency as possible.
3. Sufficient attention shall be given to positive measures which involve the full mobilisation of all possible resources. This shall include the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law.
4. Juvenile justice shall be conceived as an integral part of the national development process of each country, within a comprehensive framework of social justice for all juveniles, yet, at the same time, contributing to the protection of the young and the maintenance of a peaceful order in society.
5. These Rules shall be implemented in the context of economic, social and cultural conditions prevailing in each member state.
6. Juvenile justice services shall be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes.

³⁵ *General Assembly Resolution 451113 of 14 December 1990.*

Commentary

These broad fundamental perspectives refer to comprehensive social policy in general and aim at promoting juvenile welfare to the greatest possible extent, which will minimise the necessity of intervention by the juvenile justice system, and in turn, will reduce the harm that may be caused by any intervention. Such care measures for the young, before the consent of delinquency, are basic policy requisites designed to obviate the need for the application of the Rules.

Rules 1.1 to 1.3 point to the important role that a constructive social policy for juveniles will play, *inter alia*, in the prevention of juvenile crime and delinquency. Rule 1.4 defines juvenile justice as an integral part of social justice for juveniles. Rule 1.6 refers to the necessity of constantly improving juvenile justice, without falling behind the development of progressive social policy for juveniles in general and bearing in mind the need for consistent improvement of staff services.

Rule 1.5 seeks to take account of existing conditions in member states which would cause the manner of implementation of particular rules necessarily to be different from the manner adopted in other states.

Rule 2

3. Efforts shall be made to establish, in each national jurisdiction, a set of laws, rules and provisions specifically applicable to juvenile offenders as well as institutions and bodies entrusted with the functions of the juvenile justice administration. They shall be designed:

- (a) to meet the varying needs of juvenile offenders, while protecting their basic rights,
- (b) to meet the needs of society, and
- (c) to implement the following rules thoroughly and fairly.

Commentary

Rule 2.3 is addressed to the necessity of specific national legislation for the optimal implementation of these Standard Minimum Rules, both legally and practically.

Rule 5

1. The juvenile justice system shall emphasise the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances to both the offenders and the offence.

Commentary

Rule 5.1 refers to two of the most important objectives of juvenile justice. The first objective is the promotion of the juvenile's well-being. This is the main focus of those legal systems in which juvenile offenders are dealt with by family courts or administrative authorities. The well-being of the juvenile should also be emphasised in legal systems that follow the criminal court model, thus contributing to the avoidance of merely punitive sanctions.

2. Adjudication and Disposition

2.(a) General

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")*³⁶

Rule 17

1. The disposition of the competent authority shall be guided by the following principles:

- (i) The reaction taken shall always be in proportion not only to the circumstances and the gravity of the offence but also to the circumstances and the needs of the juvenile and to the needs of the society
- (ii) Restrictions on the personal liberty of the juvenile shall be imposed only after careful consideration and shall be limited to the possible minimum
- (iii) Deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response
- (iv) The well-being of the juvenile shall be the guiding factor in the consideration of her or his case

2. Capital punishment shall not be imposed for any crime committed by juveniles.

3. Juveniles shall not be subjected to corporal punishment.

³⁶ *Supra*, note

4. The competent authority shall have the power to discontinue the proceedings at any time.

Commentary

The main difficulty in formulating guidelines for the adjudication of young persons stems from the fact that there are unresolved conflicts of a philosophical nature, such as the following:

- (i) Rehabilitation versus just desert
- (ii) Assistance versus repression and punishment
- (iii) Reaction according to the singular merits of an individual case versus reaction according to the protection of society in general
- (iv) General deterrence versus individual incapacitation

The conflict between these approaches is more pronounced in juvenile cases than in adult cases. With the variety of causes and reactions characterising juvenile cases, these alternatives become intricately interwoven.

It is not the function of the Standard Minimum Rules for the Administration of Juvenile Justice to prescribe which approach is to be followed but rather to identify one that is most closely in consonance with internationally accepted principles. Therefore the essential elements as laid down in Rule 17.1, in particular in Subparagraphs (i) and (iii), are mainly to be understood as practical guidelines that should ensure a common starting point. If heeded by the concerned authorities, they could contribute considerably to ensuring that the fundamental rights of juvenile offenders are protected, especially the fundamental rights of personal development and education.

Rule 17.1(ii) implies that strictly punitive approaches are not appropriate. Whereas in adult cases, and possibly also in cases of severe offences by juveniles, just desert and retributive sanctions might be considered to have some merit, in juvenile cases such considerations should always be outweighed by the interest of safeguarding the well-being and the future of the young person.

In line with Resolution 8 of the Sixth United Nations Congress, Rule 17.1(ii) encourages the use of alternatives to institutionalisation to the maximum extent possible, bearing in mind the need to respond to the specific requirements of the young. Thus, full use should be made of the range of existing alternative sanctions and new alternative sanctions should be developed, bearing public safety in mind.

Probation should be granted to the Standard Minimum Rules for the administration of juvenile justice to the greatest possible extent via suspended sentences, conditional sentences, board orders and other dispositions.

Rule 17.1(iii) corresponds to one of the guiding principles in Resolution 4 of the Sixth Congress which aims at avoiding incarceration in the case of juveniles unless there is no other appropriate response that will protect the public safety.

The provision prohibiting capital punishment in Rule 17.2 is in accordance with Article 6, Paragraph 5, of the International Covenant on Civil and Political Rights.

The provision against corporal punishment is in line with Article 7 of the International Covenant on Civil and Political Rights and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the draft convention on the rights of the child.

The power to discontinue the proceedings at any time (Rule 17.4) is a characteristic inherent in the handling of juvenile offenders as opposed to adults. At any time, circumstances may become known to the competent authority which would make a complete cessation of the intervention appear to be the best disposition of the case.

2.(b) Avoidance of Unnecessary Delay

*International Covenant on Civil and Political Rights*³⁷

Article 10

2.(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*³⁸

Rule 20

1. From the outset, each case shall be handled expeditiously, without any unnecessary delay.

³⁷ General Assembly Resolution 2200 A (XXI) 16 December 1996.

³⁸ *Supra*, note

3. Objectives of Institutional Treatment

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*³⁹

Rule 26

1. The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society.
2. Juveniles in institutions shall receive care, protection and all necessary assistance- social, educational, vocational, psychological, medical and physical, they may require because of their age, sex, and personality and in the interest of their wholesome development.

Commentary

The objectives of institutional treatment as stipulated in Rules 26.1 and 26.2 would be acceptable to any system and culture. However, they have not yet been attained everywhere, and much more has to be done in this respect.

Medical and psychological assistance, in particular, are extremely important for institutionalised drug addicts, and violent and mentally ill young persons.

4. Replication of Community Settings

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁴⁰

Rule 87

All personnel should seek to minimise any differences between life inside and outside the detention facility which tend to lessen due respect for the dignity of juveniles as human beings.

³⁹ *Supra*, note

⁴⁰ *Supra*, note

5. Separation and Individualisation of Treatment

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*⁴¹

Rule 13

4. Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.

Commentary

Rule 13.4 does not prevent states from taking other measures against the negative influences of adult offenders which are at least as effective as the measures mentioned in the rule.

Rule 26

3. Juveniles in institutions shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution which also holds adults.

Commentary

The avoidance of negative influences through adult offences and the safeguarding of the well-being of juveniles in an institutional setting, as stipulated in Rule 26.3, are in line with one of the basic guiding principles of the Rules, as set out by the Sixth Congress in its Resolution 4. The Rule does not prevent states from taking other measures against the negative influences of adult offenders, which are at least as effective as the measures mentioned in the rule. (See also Rule 13.4)

4. Young female offenders placed in an institution deserve special attention for their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.

Commentary

Rule 26.4 addresses the fact that female offenders normally receive less attention than their male counterparts as pointed out by the Sixth

⁴¹ *Supra*, note

Congress. In particular, Resolution 9 of the Sixth Congress calls for the fair treatment of female offenders at every stage of criminal justice processes and for special attention to their particular problems and needs while in custody. Moreover, this Rule should also be considered in light of the Caracas Declaration of the Sixth Congress, which *inter alia*, calls for equal treatment in criminal justice administration, and against the background of the Declaration on the Elimination of Discrimination Against Women and the Convention on the Elimination of All Forms of Discrimination Against Women.

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁴²

Rule 29

In all detention facilities, juveniles should be separated from adults unless they are members of the same family. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special program that has been shown to be beneficial for the juveniles concerned.

6. Classification and Placement

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁴³

Rule 27

As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and program required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and program required to be pursued. When special rehabilitative treatment is required, and the length of stay in the facility permits, trained personnel of the facility should prepare a written, individual treatment plan specifying treatment objectives and time frames and the means, stages and delays with which the objectives should be approached.

Rule 28

The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to

⁴² *Supra*, note

⁴³ General Assembly Resolution 451113 of 14 December 1990.

their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

Rule 30

Open detention facilities for juveniles should be established. Open detention facilities are those with minimal or no security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualised treatment. Detention facilities for juveniles should be decentralised and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.

7. Provision of Programs

7.(a) General

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁴⁴

Rule 12

The deprivation of liberty should be effected in conditions and circumstances, which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programs which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*⁴⁵

Rule 26

6. Inter-ministerial and inter-departmental cooperation shall be fostered for the purpose of providing adequate academic or, as appropriate, vocational training to institutionalised juveniles, with a view to ensuring that they do not leave the institution at an educational disadvantage.

⁴⁴ *Supra*, note

⁴⁵ *Supra*, note

7.(b) Detention Pending Trial

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*⁴⁶

Rule 13

5. While in custody, juveniles shall receive care, protection and all necessary individual assistance- social, educational, vocational, psychological, medical and physical, that they may require in view of their age, sex and personality.

Commentary

Different forms of assistance that may become necessary have been enumerated to draw attention to the broad range of particular needs of young detainees to be addressed (for example females or males, drug addicts, alcoholics, mentally ill juveniles, young persons suffering from trauma, such as of arrest, etc.)

7.(c) Assistance During Term of Sentence

7.(c)(i) General

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁴⁷

Rule 81

Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This guideline should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual problems of detained juveniles.

⁴⁶ *Supra*, note

⁴⁷ *Supra*, note

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*⁴⁸

Rule 26

2. Juveniles in institutions shall receive care, protection and all necessary assistance- social, educational, vocational, psychological, medical and physical, that they may require because of their age, sex, and personality and in the interest of their wholesome development.

7.(c)(ii) Education

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁴⁹

Rule 38

Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programs integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

Rule 39

Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programs.

Rule 40

Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juveniles have been institutionalised.

Rule 41

Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for

⁴⁸ *Supra*, note

⁴⁹ *Supra*, note

the juveniles. Juveniles should be enabled and encouraged to make full use of the library.

7.(c)(iii) Work

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁵⁰

Rule 42

Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.

Rule 43

With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.

Rule 44

All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.

Rule 45

Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organisation and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community so as to prepare juveniles for the conditions of normal occupational life.

Rule 46

Every juvenile who performs work should have the right to equitable remuneration. The interests of the juvenile and of his/her vocational training should not be subordinated to the purpose of making a profit for the detention facility or a third party. Part of the earning of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to

⁵⁰ *Supra*, note

purchase articles for his or her own use or to indemnify the victim injured by his or her offence or to send it to his or her family or other persons outside the detention facilities.

7.(c)(iv) Recreation

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁵¹

Rule 47

Every juvenile should have the right to a suitable amount of time for daily free exercise in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so wishes, to arts and crafts skill development. The detention facility should ensure that each juvenile is physically able to participate in the available program of physical education. Remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it.

*Standard Minimum Rules for the Treatment of Prisoners*⁵²

Rule 2

Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end, installations and equipment should be provided.

7.(c)(v) Religion

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁵³

Rule 48

Every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination. If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be

⁵¹ *Supra*, note

⁵² *Supra*, note

⁵³ *Supra*, note

appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request. Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and to freely decline religious education, counselling or indoctrination.

7.(c)(vi) Medical Care

see also V HEALTH

Rule 49

Every juvenile shall receive adequate medical care, both preventive and remedial, including dental, ophthalmologic and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatisation of the juvenile and promote self-respect and integration into the community.

Rule 51

The medical services provided to juveniles should seek to detect and treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer.

Rule 52

Any medical officer who has reason to believe that the physical or mental health of a juvenile has been or will be injuriously affected by continued detention, a hunger strike or any condition of detention, should report this fact immediately to the director of the detention facility in question and to the independent authority responsible for safeguarding the well-being of the juvenile.

Rule 53

A juvenile who is suffering from mental illness should be treated in a specialised institution under independent medical management. Steps should be taken, by arrangement with appropriate agencies, to ensure any necessary continuation of mental health care after release.

Rule 54

Juvenile health facilities should adopt specialised drug abuse prevention and rehabilitation programs administered by qualified personnel. The programs should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug or alcohol dependent juveniles.

8. Contacts with the Wider Community

see III INMATE RIGHTS AND TREATMENT OF PRISONERS

9. Reintegrative Programs

*United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*⁵⁴

Rule 79

All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release and special courses, should be devised to this end.

Rule 80

Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)*⁵⁵

Rule 28

1. Conditional release from an institution shall be used by the appropriate authority to the greatest possible extent, and shall be granted at the earliest possible time.

⁵⁴ *Supra*, note

⁵⁵ *Supra*, note

2. Juveniles released conditionally from an institution shall be assisted and supervised by an appropriate authority and shall receive full support from the community.

Commentary

The power to order conditional release may rest with the competent authority, as mentioned in Rule 14.1 or with some other authority. In view of this, it is adequate to refer here to the “appropriate” rather than to the “competent” authority.

Circumstances permitting, conditional release shall be preferred to serving a full sentence. Upon evidence of satisfactory progress towards rehabilitation, even offenders who had been deemed dangerous at the time of their institutionalisation can be conditionally released whenever feasible. Like probation, such release may be conditional on the satisfactory fulfilment of the requirements specified by the relevant authorities for a period of time established in the decision (i.e. relating to “good behaviour” of the offender, attendance in community programs, residence in half-way house, etc.).

In the case of offenders conditionally released from an institution, assistance and supervision by a probation or other officer (particularly where probation has not yet been adopted) should be provided and community support should be encouraged.

10. Semi-Institutional Arrangements

Rule 29

1. Efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational homes, daytime training centres and other such appropriate arrangements that may assist juveniles in their proper reintegration into society.

Commentary

The importance of care following a period of institutionalisation should not be underestimated. This Rule emphasises the necessity of forming a net of semi-institutional arrangements.

This Rule also emphasises the need for a diverse range of facilities and services designed to meet the different needs of young offenders re-entering the community and to provide guidance and structural support as an important step towards successful reintegration into society.

11. Research, Planning, Policy Formation and Evaluation

Rule 30

1. Efforts shall be made to organize and promote necessary research as a basis for effective planning and policy formulation.
2. Efforts shall be made to periodically review and appraise the trends, problems and causes of juvenile delinquency and crime as well as the varying particular needs of juveniles in custody.
3. Efforts shall be made to establish a regular evaluative research mechanism built into the system of juvenile justice administration and to collect and analyse relevant data and information for appropriate assessment and future improvement and reform of the administration.
4. The delivery of services in juvenile justice administration shall be systematically planned and implemented as an integral part of national development efforts.

Commentary

The utilisation of research as a basis for an informed juvenile justice policy is widely acknowledged as an important mechanism for keeping practices abreast of advances in knowledge and the continuing development and improvement of the juvenile justice system. The mutual feedback between research and policy is especially important in the forms and dimensions of juvenile crime. The societal and justice responses to juvenile crime and delinquency quickly become outmoded and inadequate.

Rule 30 thus establishes standards for integrating research into the process of policy formulation and application in juvenile justice administration. The Rule draws particular attention to the need for regular review and evaluation of existing programs and measures and for planning within the broader context of overall development objectives.

A constant appraisal of the needs of juveniles, as well as the trends and problems of delinquency, is a prerequisite for improving the methods of formulating appropriate policies and establishing adequate interventions, at both formal and informal levels. In this context, research by independent persons and bodies should be facilitated by responsible agencies and it may be valuable to obtain and to take into

account the views of juveniles themselves, not only those who come into contact with the system.

The process of planning must particularly emphasise a more effective and equitable system for the delivery of necessary services. Towards that end, there should be a comprehensive and regular assessment of the wide-ranging, particular needs and problems of juveniles and an identification of clear-cut priorities. In that connection, there should also be a coordination in the use of existing resources, including alternatives and community support that would be suitable in setting up specific procedures designed to implement and monitor established programs.

F. FOREIGN PRISONERS

*Model Agreement on the Transfer of Foreign Prisoners*⁵⁶

Annex II Recommendations on the treatment of foreign prisoners

1. The allocation of a foreign prisoner to a prison establishment should not be effected on the grounds of his/her nationality alone.
2. Foreign prisoners should have the same access as national prisoners to education, work and vocational training.
3. Foreign prisoners should, in principle, be eligible for measures alternative to imprisonment, as well as for prison leave and other authorised exits from prison according to the same principles as nationals.
8. Contacts of foreign prisoners with families and community agencies should be facilitated, by providing all necessary opportunities for visits and correspondence, with the consent of the prisoner. Humanitarian international organisations, such as the International Committee of the Red Cross, should be given the opportunity to assist foreign prisoners.

⁵⁶ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

G. NON-CUSTODIAL MEASURES

1. General Principles

1.(a) *Fundamental Aims*

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁵⁷

Rule 1

1. The present Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.
2. The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.
3. All Rules shall be implemented taking into account the political, economic, social and cultural conditions of each country and the aims and objectives of its criminal justice system.
4. When implementing the Rules, member states shall endeavour to ensure a proper balance between the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention.
5. Member states shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment, and to rationalise criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender.

2. The Scope of Non-Custodial Measures

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁵⁸

Rule 2

1. The relevant provisions of the present Rules shall be applied to all persons subject to prosecution, trial, or the execution of a sentence at all stages of the administration of criminal justice. For the purposes of the Rules, these persons

⁵⁷ General Assembly Resolution 451110 of 14 December 1990.

⁵⁸ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

are referred to as “offenders”, irrespective of whether they are suspected, accused or sentenced.

2. The Rules shall be applied without any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions. The number and types of non-custodial measures available should be determined in a way that consistent sentencing remains possible.

4. All development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated.

5. Consideration shall be given to dealing with offenders in the community avoiding as far as possible resort to formal proceedings or trial by a court, in accordance with legal safeguards and the rule of law.

6. Non-custodial measures should be used in accordance with the principle of minimum intervention.

7. The use of non-custodial measures should be part of the movement towards depenalisation and decriminalisation instead of interfering with, or delaying efforts in, that direction.

3. Legal Safeguards

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁵⁹

Rule 3

1. Law shall prescribe the introduction, definition and application of non-custodial measures.

2. The selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality and background of the offender, the purposes of sentencing and the rights of the victims.

⁵⁹ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

3. Discretion by the judicial or other competent independent authority shall be exercised at all stages of the proceedings by ensuring full accountability and only in accordance with the rule of law.
4. Non-custodial measures imposing an obligation on the offender, applied before or instead of formal proceedings or trial, shall require the offender's consent.
5. Decisions on the imposition of non-custodial measures shall be subject to review by a judicial or other competent independent authority, upon application by the offender.
6. The offender shall be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of non-custodial measures.
7. Appropriate machinery shall be provided for the recourse and, if possible, redress of any grievance related to non-compliance with internationally recognised human rights.
8. Non-custodial measures shall not involve medical or psychological experimentation on, or undue risk of physical or mental injury to, the offender.
9. The dignity of the offender subject to non-custodial measures shall be protected at all times.
10. In the implementation of non-custodial measures, the offender's rights shall not be restricted further than was authorised by the competent authority that rendered the original decision.
11. In the application of non-custodial measures, the offender's right to privacy shall be respected, as shall the right to privacy of the offender's family.
12. The offender's personal records shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the offender's case or to their duly authorised persons.

4. Post-Sentencing Disposition

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶⁰

Rule 9

1. The competent authority shall have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalisation and to assist offenders in their early reintegration into society.
2. Post sentencing dispositions may include:
 - (i) Furlough and half-way house
 - (ii) Work or education release
 - (iii) Various forms of parole
 - (iv) Remission
 - (v) Pardon

5. Implementation of Non-Custodial Measures

5.(a) Supervision

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶¹

Rule 10

1. The purpose of supervision is to reduce reoffending and to assist the offender’s integration into society in a way that minimises the likelihood of a return to crime.
2. If a non-custodial measure entails supervision, a competent authority under the specific conditions prescribed by law shall carry out the latter.
3. Within the framework of a given non-custodial measure, the most suitable form of supervision and treatment should be determined for each individual case aimed at assisting the offender to work on his or her offending. Supervision and treatment should be periodically reviewed and adjusted as necessary.
4. Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society.

⁶⁰ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

⁶¹ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

5.(b) Duration

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶²

Rule 11

1. The duration of a non-custodial measure shall not exceed the period established by the competent authority in accordance with the law.
2. Provision may be made for early termination of the measure if the offender has responded favourably to it.

5.(c) Conditions

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶³

Rule 12

1. If the competent authority shall determine the conditions to be observed by the offender, he/she should take into account both the needs of society and the needs and rights of the offender and victim.
2. The conditions to be observed shall be practical, precise and as few as possible, and be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and of increasing the offender’s chances of social integration while taking into account the needs of the victim.
3. At the beginning of the application of a non-custodial measure, the offender shall receive an explanation, orally and in writing, of the conditions governing the application of the measure, including the offender’s obligations and rights.
4. The conditions may be modified by the competent authority under the established statutory provisions, in accordance with the progress made by the offender.

⁶² The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

⁶³ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

5.(d) Treatment Process

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶⁴

Rule 13

1. Within the framework of a given non-custodial measure, in appropriate cases, various schemes, such as case-work, group therapy, residential programs and the specialised treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively.
2. Professionals who have suitable training and practical experience should conduct treatment.
3. When it is decided that treatment is necessary, efforts should be made to understand the offender’s background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the commission of the offence.
4. The competent authority may involve the community and social support systems in the application of non-custodial measures.
5. Case-load assignments shall be maintained as far as practicable at a manageable level to ensure the effective implementation of the treatment program.
6. For each offender, a case record shall be established and maintained by the competent authority.

5.(e) Discipline and Breach of Conditions

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶⁵

Rule 14

1. A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.
2. The competent authority shall make the modification or revocation of the non-custodial measure. This shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.

⁶⁴ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

⁶⁵ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

3. The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.
4. In the event of a modification or revocation of the non-custodial measure, the competent authority shall attempt to establish a suitable alternative non-custodial measure. A sentence of imprisonment may be imposed only in the absence of other suitable alternatives.
5. The power to arrest and detain the offender under supervision in cases where there is a breach of the conditions shall be prescribed by law.
6. Upon modification or revocation of the non-custodial measure, the offender shall have the right to appeal to a judicial or other competent independent authority.

6. Staff

6.(a) Recruitment

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶⁶

Rule 15

1. There shall be no discrimination in the recruitment of staff on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status. The policy regarding staff recruitment should take into consideration, national policy affirmative action and reflect the diversity of the offenders to be supervised.
2. Persons appointed to apply non-custodial measures should be personally suitable and, whenever possible, have appropriate professional training and practical experience. Such qualifications shall be clearly specified.
3. To secure and retain qualified professional staff, appropriate service status, adequate salary and benefits commensurate with the nature of the work should be ensured and ample opportunities should be provided for professional growth and career development.

⁶⁶ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

6.(b) Staff Training

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶⁷

Rule 16

1. The objective of training shall be to make staff clearly understand their responsibilities with regard to rehabilitating the offender, ensuring the offender’s rights and protecting society. Training should also give staff an understanding of the need to cooperate in and coordinate activities with the agencies concerned.
2. Before entering duty, staff shall be given training that includes instruction on the nature of non-custodial measures, the purposes of supervision and the various modalities of the application of non-custodial measures.
3. After entering duty, staff shall maintain and improve their knowledge and professional capacity by attending in-service training and refresher courses. Adequate facilities shall be made available for that purpose.

7. Volunteers and Other Community Resources

7.(a) Public Participation

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶⁸

Rule 17

1. Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. It should complement the efforts of the criminal justice administration.
2. Public participation should be regarded as an opportunity for members of the community to contribute to the protection of their society.

⁶⁷ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

⁶⁸ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

7.(b) Public Understanding and Cooperation

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁶⁹

Rule 18

1. Government agencies, the private sector and the general public should be encouraged to support voluntary organisations that promote non-custodial measures.
2. Conferences, seminars, symposia and other activities should be regularly organised to stimulate awareness of the need for public participation in the application of non-custodial measures.
3. All forms of the mass media should be utilised to help create a constructive public attitude, leading to activities conducive to a broader application of non-custodial treatment and the social integration of offenders.
4. Every effort should be made to inform the public of the importance of its role in the implementation of non-custodial measures.

7.(c) Volunteers

*United Nations Standard Minimum Rules for Non-Custodial Measures (“The Tokyo Rules”)*⁷⁰

Rule 19

1. Volunteers shall be carefully screened and recruited on the basis of their aptitude and interest in the work involved. They shall be properly trained for the specific responsibilities to be discharged by them and shall have access to support and counselling from, and the opportunity to consult with, the competent authority.
2. Volunteers should encourage offenders and their families to develop meaningful ties with the community and a broader sphere of contact by providing counselling and other appropriate forms of assistance according to their capacity and the offenders’ needs.
3. Volunteers shall be insured against accident, injury and public liability when carrying out their duties. They shall be reimbursed for authorised expenditures

⁶⁹ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

⁷⁰ The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

incurred in the course of their work. Public recognition should be extended to them for the services they render for the well-being of the community.

PART TWO: PROPOSED PRISON POLICY

A. CASE MANAGEMENT POLICY

1. Definition

Case management is an all encompassing term which refers to the initiatives that are taken to ensure that the period of time of a sentence is most effectively used by an inmate.

Case management includes:

- (i) Initial classification
- (ii) Unit program delivery
- (iii) Inmate counselling and sentence planning
- (iv) Reclassification or integration
- (v) Community re-entry
- (vi) File maintenance

2. Responsibilities of Corrections Staff

The warden of each institution shall assign one or more experienced correctional staff to coordinate and supervise the case management process in that unit.

While selected staff in a unit may have a primary responsibility for sentence planning with inmates, all correctional staff have a responsibility to participate in inmate counselling.

Day to day counselling involves:

- (a) giving advice on resources, activities, and programs,
- (b) giving advice on life skills and consequences of behaviour or decisions, and
- (c) acting as a resource to inmates in dealing with personal problems.

B. CLASSIFICATION OF INMATES

1. Initial Classification

Initial classification will occur as soon as possible after sentenced admission, and will result in a report that provides information about the inmate, indicates the initial classification, and provides suggestions to the centre for ongoing planning.

The purpose of initial classification is to determine the proper level of security, supervision, control, and programming for each inmate. This allows for:

- (i) The constructive use of the inmate's time
- (ii) The use of penalty and reparation where needed
- (iii) Community satisfaction in relation to the treatment of the inmate

2. Classification Procedure

see also V SECURITY

2.(a) Time Limit

Subsequent to sentencing, the initial classification of an offender shall be completed within forty-eight hours (two working days) of admission to a prison.

The classification process is considered to include interviewing the offender, gathering and considering relevant documentation, completing the classification report and advising the offender of the classification decision.

2.(b) Sources

The classification officer shall have access to an organised system to obtain, as available:

- (i) Pre-sentence reports
- (ii) Judicial reasons for sentence
- (iii) Police reports
- (iv) Psychiatric/psychological reports
- (v) Existing correctional documentation/information concerning an offender undergoing the classification process

The intent is to ensure that full and appropriate information is available to classification staff as a function of routine operation.

2.(c) Interviews

2.(c)(i) General

Every sentenced offender undergoing the classification process shall be interviewed in person by a classification officer prior to any classification decision being taken.

The purpose of the interview is to ensure appropriate initial classification of each inmate.

The interview conducted by the classification officer shall be held in private unless need is evidenced for other persons to be present to assist the offender in understanding the process.

Discussion:

The content of a classification interview is often of a sensitive nature. Discretion is required in conducting these interviews and a private environment, free of unnecessary interruption, shall aid in achieving the purpose of the interview.

2.(c)(ii) Informing the Offender

Each offender, at the time of the first interview for classification purposes, shall be advised of:

- (i) The scope and intent of the sentence management process
- (ii) The scope and intent of the classification and placement process
- (iii) The options available to the classification officer
- (iv) The criteria used for decision-making by the classification officer
- (v) The roles that the offender can play in the classification and placement decision-making process
- (vi) The right to appeal any classification and/or placement decision

The intent of the standard is to ensure that offenders understand the nature of the classification and placement process and are able to play a suitable role within that process.

2.(c)(iii) Nature of Interview

The interview will include:

- (i) A review of the inmate's file(s) and of the other written material available, including recommendations from judges and probation officers
- (ii) The inmate's verification of the written information and the addition of any other information he/she provides
- (iii) The development of a sentence plan that indicates the purpose of the inmate's placement
- (iv) An explanation to the inmate of the meaning and significance of classification

2.(c)(iv) Relevant Information

Relevant information gathered prior to a classification interview shall be discussed with the offender by the classification officer, except where disclosure:

- (a) would defeat the purpose or prejudice the use for which the information was collected,
- (b) would prove injurious to law enforcement or lawful investigations, or
- (c) could reasonably be expected to threaten the safety of individuals.

In the course of an effective classification interview, the interviewing officer should corroborate existing information with the offender rather than simply accepting all information at face value.

Determining which information should not be revealed to the offender is the responsibility of the classification officer.

2.(c)(v) Result

At the conclusion of the interview, the classification officer will tell the inmate where he/she has been assigned and the estimated time of the transfer, except where security conditions do not permit such disclosure.

2.(d) Report

The classification officer shall, in every case, be responsible for the preparation of a legible report over the officer's signature, specifically identified as a classification report.

2.(d)(i) Contents (Alternative 1)

The report shall consist of parts including, but not restricted to, the following:

- (i) Information relevant to sentence, court history, personal and family history, medical and psychiatric concerns, education and work background, offence or imprisonment problem areas, community resources, and post-release plans
- (ii) A sentence plan illustrating the classification decision, proposed reclassification processes, specific classification criteria considered, and case management recommendations and expectations

In formulating the report, the classification officer should consider any available relevant reports such as pre-sentence reports, police reports, institutional reports, judges' and/or probation officers' recommendations, and psychiatric/psychological and/or medical reports.

2.(d)(ii) Contents (Alternative 2)

The classification officer will prepare a classification report that covers as many of the following areas as are relevant:

1. Information:

- Sources of information
- Details of the sentence
- Previous contact with correctional institutions
- Personal and family information
- Medical and psychiatric concerns
- Educational background and work history
- Problem areas related to the offence or imprisonment
- Community resources and release plans

2. The sentence plan:

- The classification decision
- Proposed reclassification, including the specific date of review
- Specific classification criteria considered
- Recommendations for case management consideration
- Future sentence expectations (for those placed in secure custody)

The classification officer will advise the prison warden director or his/her delegate about any special concerns he/she may have about an inmate. The warden will advise the correctional centre's staff accordingly.

If a classification officer wants to make a placement that is an exception to this policy, he/she will discuss it with the director, the sending correctional centre, and then with the classification officer, or warden of the receiving prison. The warden of the receiving prison may grant the exception after consultation with the classification officer and the director of the sending prison.

2.(e) Reviews of a Classification

When an inmate disagrees with a classification decision, is transferred against his/her will or is denied a transfer, the classification officer shall:

- (a) ensure that the reasons have been thoroughly explained to the inmate;
- (b) where, on security or other grounds, it is not in the interest of the institution or the inmate to disclose the reasons to the inmate, they shall nevertheless be recorded and placed on the transfer log in the warrant file;
- (c) advise the inmate that a request may be made to the prison warden, or next appropriate level for the reasons to be stated in writing; and
- (d) advise the inmate of the grievance procedures.

3. Classification Officers' Responsibilities

Classification officers' responsibilities for classification and sentence planning include:

1. Assigning or reassigning inmates in any of the following ways:
 - (i) From court to any prison
 - (ii) From one secure prison to another
 - (iii) From a secure prison to an open one, or vice versa
 - (iv) From one open prison to another
 - (v) From an open or secure prison to a community correctional centre, or vice versa
 - (vi) From one region to another
2. Informing correctional centres about arriving inmates and providing sentence plans that include suggestions for case management and, where appropriate, for reclassification of inmates.
3. Making recommendations to the prison warden, with respect to inmate transfer applications under international, state, inter-state agreements for inmate transfers.

4. Program Analyst's Responsibilities

Besides maintaining and developing inmate classification and other sentence management policies and procedures, the program analyst's responsibilities also include:

- (i) Providing the prison service with a profile of the inmate population and recommending a suitable distribution of inmates among correctional centres
- (ii) Advising the prison service on classification criteria and on standards for judging inmates according to those criteria
- (iii) Recommending criteria for assigning inmates to specific correctional centres
- (iv) Keeping the prison service informed about the programs of each correctional centre
- (v) Negotiating and managing agreements for inmate transfers

5. Criteria for Assigning Inmates

5.(a) Guiding Principles

Prisons/correctional centres are classified as secure, open or community. An institution may be designed to receive inmates of specific classifications.

Inmates will be assigned to an open correctional centre unless they meet the criteria for assignment to a secure or community correctional centre.

Unless they are assigned to special programs that prevent it, inmates should be assigned to correctional centres as close to their homes as security levels and bed space permit.

Every offender shall be classified to and placed in a prison which:

- (a) affords no greater security than is demonstrably necessary to meet the needs and risks of the offender;
- (b) offers programs which are designed to meet the correctional needs of the offender; and
- (c) is the closest institution to the offender's home community which satisfies the elements stated above.

Unless a substantial reason exists for not doing so, a classification officer shall classify and place an offender in any program that has been recommended by the sentencing judge.

5.(b) Criteria for Assigning Inmates to Secure Centres

An inmate should normally be sent to a secure prison when:

1. He/she is judged to be dangerous to the community because:
 - (a) he/she has a pattern of convictions for violent offences;
 - (b) police information links him/her directly to violent and destructive behaviour;
 - (c) professional opinion indicates that he/she is unpredictable, likely to assault; or
 - (d) his/her violent or aggressive behaviour makes him/her a risk to staff or to other inmates.
2. He/she is judged as likely to attempt escape, because:
 - (a) he/she has attempted escape during his/her present sentence;
 - (b) he/she has attempted escape during previous sentences;
 - (c) he/she has committed further offences, and has been convicted for them while on escape; or
 - (d) his/her attitude and behaviour have not noticeably improved since previous escapes.
3. His/her behaviour makes him/her a serious management problem, because:
 - (a) he/she disrupts programs for other inmates;
 - (b) he/she intimidates other inmates;
 - (c) he/she continually violates rules and regulations; or
 - (d) he/she has not responded to discipline by changing his/her behaviour.
4. The information about his/her background is insufficient to determine the level of security he/she requires, because:

- (a) he/she was evasive during his/her interview;
- (b) the information he/she gave contradicts what is already known about him/her;
- (c) there is a need to verify finger print section information, previous involvement with drugs, or previous responses to correctional programs;
- or
- (d) his/her attitude toward other inmates needs clarification.

5. A medical or psychological assessment is needed to help classify him/her because:

- (a) he/she has a background of instability, suggesting that he/she may be violent;
- (b) he/she appears to have social or intellectual deficiencies that make placement difficult;
- (c) he/she shows evidence of being emotionally disturbed; or
- (d) he/she has a mental or physical condition that requires hospital care.

6. Where the inmate is awaiting trial on further criminal charges or has other legal matters pending that warrant his/her placement in a secure correctional centre, he/she should be assigned to a secure correctional centre if:

- (a) the outstanding prison court matters are more serious than the ones for which he/she is serving a sentence;
- (b) he/she has been remanded in custody on these matters;
- (c) he/she has a pattern of failing to appear at court, which shows disregard for court-imposed sanctions;
- (d) the details of the outstanding matters are not clear;
- (e) he/she is under investigation for a crime, but not yet charged;
- (f) police have placed a detain and hold on file, noting outstanding charges that have not been heard in court;
- (g) he/she needs to be readily available for legal counsel;
- (h) the crown is appealing his/her sentence;
- (i) his/her instability suggests that he/she cannot cope with the anxieties of his/her situation;
- (j) his/her deportation has been ordered, and he/she is considered an escape risk; or
- (k) he/she is serving a sentence for a serious offence and a decision about his/her deportation is still pending.

7. He/she meets the criteria for assignment to an open correctional centre, but has been assigned to a special program only available at a secure prison.

8. Inmates identified as suicidal or violent shall be classified to and remain in secure custody until such security alerts have been removed. Protective custody inmates may be classified from secure custody to lesser security while that security alert remains in effect.

5.(c) Criteria for Assigning Inmates Directly to Community Correctional Centres

An inmate may be assigned directly to a community correctional centre if he/she meets the following classification criteria:

1. His/her criminal behaviour is judged not to be a direct threat to the community, because:

- (a) the offences were non-violent;
- (b) the offences appear to be isolated, not part of a pattern; and
- (c) the judge recommends assignment to a community correctional centre.

2. He/she is:

- (a) employed or seeking employment;
- (b) registered at school or seeking to be registered; or
- (c) is suitable for an in-house program because:
 - (i) his/her life pattern, including family relationships, is stable;
 - (ii) he/she manages finances responsibly;
 - (iii) he/she readily accepts authority and the limitation of his/her sentence of imprisonment.

3. A temporary absence can be expedited.

4. The court's intent in imposing the sentence of imprisonment would not be compromised.

6. Reclassification

6.(a) Objective

There are four objectives to reclassification:

- (i) To review the change in circumstances since the initial classification
- (ii) To amend the classification report
- (iii) To reclassify the inmate according to the new information
- (iv) To meet intent of original sentence management plan

6.(b) Procedure

A classification review or file review can be initiated by an inmate or prison staff.

Inmates who request reclassification must outline their reasons in writing, and submit the request through the warden. The warden will add his/her comments and forward the request to the classification officer within two working days from the time he/she receives it.

A prison warden who disagrees with a specific inmate's classification will respond with a reclassification request.

Reclassification requests initiated by the prison must be made in writing and be accompanied by a summary of the inmate's progress log.

Within two working days of receiving a request for reclassification, the classification officer will review the inmate's file and conduct an interview if necessary, except in the case of isolated centres. If, for any reason, the sentence management unit cannot respond within two working days, the classification officer will advise the warden by telephone of the delay.

The classification officer will advise the warden of the results of the reclassification review, and be available to discuss them. The warden will advise the appropriate members of the prison's staff of the outcome.

An offender may be temporarily reclassified to a higher level of security. When the higher security period is complete, he/she will, under normal circumstances, be returned to the institution from which he/she came.

Where an application for temporary absence is approved and the inmate is to reside in a community correctional centre for the purpose of the temporary absence, the inmate will be transferred to that centre in accordance with the transfer.

6.(c) Criteria for Reassigning Inmates to a Community Correctional Centre

An inmate may be reclassified for assignment to a community correctional centre if he/she meets the following classification criteria:

He/she is not considered a danger to the community because:

- (a) he/she has no violent offence on record, or has shown by behaviour in the correctional system that he/she is no longer likely to be violent; and
- (b) he/she is not considered likely to attempt escape.

He/she has shown that he/she can assume the responsibility needed to live in a community correctional centre because:

- (a) all aspects of his/her behaviour are acceptable; and
- (b) the staff at his/her present centre recommends him/her for that level of supervision.

He/she is considered suitable for the program operated by the community correctional centre.

C. SENTENCE PLANNING

1. General Comments

Sentence planning is a process that involves assisting inmates to make effective use of their sentence.

Each inmate shall be assigned to an individual staff member who will ensure that the sentence planning process is effectively carried out for that inmate. The staff member:

- (a) identifies programs, activities, and opportunities available to the inmate within the prison services and in the community,
- (b) helps the inmate to establish goals and objectives, and
- (c) gives advice regarding procedures required, forms required, and key dates for community re-entry.

Progress Files

see I ADMINISTRATION

Regular entries shall be made in the progress log and the officer in charge of the unit shall personally review all progress logs monthly.

2. Distribution of Information

The warden will ensure that each inmate is advised of activities, programs and opportunities that are available. The inmate is responsible for availing him/herself of those opportunities.

3. Program Description

Each prison warden director will provide the program analyst with a program description suitable for inmates who meet the classification criteria for secure prisons, open or community correctional centre facilities. The description will be updated annually, or when the criteria for inmates assigned to the program change, or when there is a change in the program.

The following format will be used for program description:

- (i) Location (identifying specific criteria related to the management of inmates)
- (ii) Living arrangements (type, number and resources such as medical facilities, isolation cells, etc.)
- (iii) Case management strategies and objectives

D. CORRECTIONAL PROGRAMS

1. Educational Programs

1.(a) *Library*

1.(a)(i) Policy Objectives

The primary objectives of the library service are to facilitate the self-improvement of the inmate through the provisions of reference material including legal information or recreational reading.

A secondary objective is to create a pleasant environment within the institution similar to libraries in the community.

1.(a)(ii) Librarian

The librarian will be responsible for the daily operation of the library, including the selection, ordering, cataloguing, maintenance, recording and control of all reading material.

The librarian shall be responsible for the purchase and distribution of all books, subscriptions, etc. for other institutional departments under instructions from the relevant department.

The librarian shall seek input from other institutional departments such as recreation, arts and crafts, vocational development and education when preparing orders for books and periodicals.

The librarian shall seek advice to establish procedures to be used in the event of such emergencies as riots, fires, injuries or drug incidents.

The librarian shall immediately notify the officer in charge of any behavior problems that are encountered in the library.

The librarian shall train an inmate as assistant librarian in the operation and procedures of the library as well as the maintenance and care of the library stocks.

1.(a)(iii) Hours of Operation- Model

The hours of the library, unless otherwise specified by administration, shall be:

Main Library
Monday to Friday
1300 - 1545 hours
1800 - 2100 hours

Saturday and Sunday
1800 - 2100 hours

Law Library
Monday to Friday
0830 - 1045 hours
1300 - 1545 hours
1800 - 2100 hours (only on request)

Only two inmates are to be in the law library at one time.

The library will be closed in the mornings to the general population. However, by appointment only the librarian will be available to assist inmates who encounter any problems relating to purchasing books, periodicals or any other problems that are under the library's jurisdiction.

All inmates shall require passes when visiting the library. The only exceptions when passes are not required are:

Monday to Friday
1800-2100 hours

Saturdays and Sundays

1.(a)(iv) Rules

The librarian shall process all inmate book purchases and periodical subscriptions and shall distribute them after recording on effect cards held in the library. Procedures to be followed are:

- (i) Inmate shall fill out the application form
- (ii) If all relevant personnel approve request, the librarian shall order materials
- (iii) If an inmate does not have sufficient funds, and requests family or friends pay for the books or periodicals, then similar procedures shall be followed whereby the effects form shall be approved first and then the item shall be sent in care of

the librarian directly from the publisher or bookstore only, with no personal enclosures

(iv) If this procedure has not been followed, any unauthorised packages, books, periodicals, and so on, received at the institution shall be returned to the sender at the sender's expense

(v) The above procedures shall be fully explained to the inmates at the time of reception into the institution as part of the orientation

No reference material shall be removed from the library without special permission from the librarian, and only if material required is related to an authorised program supported by the educational department.

Newspapers and magazines shall be read in the library. Back issues of magazines and newspapers shall be sent to dissociation.

Inmates with overdue material will be sent one overdue notice on a Thursday and if book(s) are not returned by the following Sunday evening, the individual will have his/her privileges withdrawn for a thirty day period and issued an activity record. Inmates shall be required to pay for lost or damaged material.

Inmates will normally have access to those publications and reading materials that are available to the general public, except for those publications:

- (a) registered on the regional list of banned publications; and
- (b) deemed by the warden to threaten the good order and security of the institution, or the successful rehabilitation of the inmate.

No reference material shall be removed from the legal section.

Only two inmates are to be in the legal section at one time.

A section will be established containing large type books for the individual inmates with varying degrees of visual impairment.

No card playing or board games are to be played in the library.

1.(b) Arts and Crafts Program

1.(b)(i) The Program

The arts and crafts program shall be comprised of a combination of formal instructional classes and informal ongoing individual involvement.

Formal classes may be instructed by the arts and crafts instructor, an inmate instructor, a volunteer from the community, or by a contracted instructor where funds permit.

For the informal part of the arts and crafts program, inmates must supply their own materials and supplies.

1.(b)(ii) Hobby Permit

Every inmate involved in an arts and crafts activity shall have a hobby permit issued by the arts and crafts instructor in consultation with the individual program plan team.

The arts and crafts instructor shall provide hobby permit statistics to the unit manager on a quarterly basis.

Each inmate shall be informed of rules and regulations affecting arts and crafts activities by the arts and crafts instructor prior to the issuing of a hobby permit.

A hobby permit may be cancelled if the hobby privilege is abused.

Hobby permits may be changed by request after a time judged to be reasonable by the arts and crafts instructor.

1.(b)(iii) Working Area Restrictions

All arts and crafts activities shall be restricted to the hobby shop and living unit as approved. Hobby items found outside of these areas shall be considered contraband except items for sale in visits and correspondence.

1.(b)(iv) Hobby Shop Supervision

Hobby shop supervision shall be done by the arts and crafts instructor or by a correctional officer if the arts and crafts instructor is off duty.

1.(b)(v) Hours of Operation- Model

All arts and crafts activities shall take place during leisure hours only. Hours of operation of the hobby shop shall be posted and are as follows:

Weekdays:
1400 hours - 2130 hours

Weekends and Holidays:
0830 hours - 1100 hours
1300 hours - 1600 hours
1800 hours - 2130 hours

When supervision permits.

1.(b)(vi) Disposal of Finished Products

Finished hobby work shall be disposed of in the following ways:

1. Products may be sold through approved channels to persons other than penitentiary inmates, with proceeds credited to the inmate's account. All items put up for sale are done so at the inmate's own risk, and must be ticketed by the arts and crafts instructor. Staff shall not profit from the sale of inmate hobbies.
2. Products bearing sales tags issued by the arts and crafts instructor may be given to approved visitors by the inmates.
3. Products may be given to, or mailed at the inmate's expense to approved visitors.
4. When an inmate completes hobby piece and wishes to sell or consign it, he/she may attach a price to it. The hobby officer is the staff member who is responsible for authenticating and verifying the asking price for any piece of hobbycraft based on cost of material, labour involved and aesthetic qualities.

If the inmate does not agree with the judgement of the hobby officer, the inmate can forward the article at his/her expense to his/her next of kin for no price.

Only the listed price will be returned to the inmate upon sale at the institution or after consignment.

Any funds coming to an inmate for hobby sales where no merchandise has been forwarded will be returned to the sender.

Hobby works will be sent as gifts or consigned to family members on approved visitors lists only. Consignments are also allowed to reputable dealers.

1.(b)(vii) Storage

Finished hobby work products shall not be stored in the inmate's personal effects or kept in the living unit cells.

1.(b)(viii) Security Procedures

All institutional hobby tools must be marked, color coded and accounted for daily. This shall be done by using a shadow board for all small hand tools. All missing tools must be reported to security immediately.

The hobby officer controls all poisonous, toxic and hallucinogenic materials.

Possession of such materials outside of the hobby shop is contraband.

Efforts are made to substitute dangerous materials with water based products.

At the end of each day of program, the hobby shop shall be secured by locking all tool cabinets, the office door and all access doors. At least one light shall be left on for the benefit of the security patrol.

The institutional hobby tools must not be removed from the hobby shop.

1.(b)(ix) Safety Procedures

The arts and crafts instructor shall ensure that all tools and equipment are properly maintained and in safe working order. All tools requiring repair shall be taken out of use until repairs are made.

The arts and crafts instructor shall ensure that inmates using power equipment are properly trained for its use.

The arts and crafts instructor shall ensure that the hobby shop is maintained in a clean and tidy condition to eliminate fire and accident hazards.

1.(b)(x) Limitations

The arts and crafts instructor shall ensure that no inmate accumulates a large supply of raw materials or partially finished projects. Any inmate who is in possession of what is deemed by the arts and crafts instructor as too large a quantity of hobby materials shall not be allowed to purchase more materials until existing materials have been disposed of. The arts and crafts instructor may set specific limits on certain hobby projects such as lamps, furniture, and so on, to enforce this regulation.

3. Recreational Activities

3.(a) General

Every correctional centre shall provide and/or ensure inmate access to:

- (i) An indoor recreational area specifically designed for a variety of sports and recreational activities
- (ii) An indoor recreational area suitable for organised sports activities of both group and individual nature
- (iii) A library (see above)
- (iv) An area designed and equipped for arts and crafts (see above)

The four facilities listed above should be arranged in the community if they are not available on the grounds of the institution.

Every correctional centre shall designate an officer to plan, implement and coordinate recreational programs utilising the recreational areas.

The director of a correctional centre shall, to the extent that is practicable in the prevailing circumstances, utilise available community personnel and facilities of the provision of recreational programs.

Participation in recreational programs shall be voluntary on the part of inmates.

Participation in recreation should be encouraged, rather than compulsory.

All correctional centres shall provide programs and facilities to ensure opportunities of the exercise and recreation of inmates whose access to regular programs may be limited for security or other appropriate reasons.

The standard refers to those inmates who may be segregated from the main population for assignment to specialised living units or disciplinary segregation.

3.(b) Operation of Program

Whenever possible, activities shall be run by inmates who are under supervision of recreation staff.

Weekly recreational activities shall be indicated on the weekly recreation schedule including regular and special activities published by the recreation department.

With the help of inmates assigned to the recreation crew, recreation staff shall see that all facilities and equipment are in good condition. An inventory of all major equipment shall be kept up-to-date.

At the end of an afternoon or evening of recreation programs, all equipment shall be put away, all recreation areas shall be checked, all doors shall be locked and lights turned out (except for security lighting), radio and other electrical equipment shall be turned off.

For community groups or individuals coming into the institution to take part in recreation programs, the institutional preventive security officer shall be notified two weeks in advance. A list of names, addresses and birth dates of all such visitors shall be submitted to the institutional preventive security officer for clearance.

3.(c) Relationships with Other Departments

The recreation department shall be in continuous cooperation with the correctional operations and offender management teams, as they are concerned with the interests, welfare and behaviour of each inmate.

The recreation department shall relate to the health care services staff for anything that involves the physical or mental welfare of inmates. Health care officers shall be advised of any injuries or other physical conditions suffered by inmates that are observed by the recreation staff. They shall be consulted with regards to programs of fitness testing that are administered to inmates by recreation staff.

The recreation department shall cooperate with the education department in running formal physical education classes or other credit and non-credit recreation courses.

The recreation department shall, whenever necessary, consult any other department concerned with such matters as purchasing, finance, maintenance, or institutional services, by following the proper procedures set down by each respective department.

3.(d) Emergency Procedures

The recreation department shall be aware of all established procedures used in the event of such emergencies as escapes, riots, fires, injuries, or drug incidents, etc.

4. Work Programs

4.(a) Objective

The prison shall provide sufficient institutional work program opportunities for all sentenced inmates.

An inmate work program may include industrial, agricultural maintenance and service jobs, and shall ensure full-time employment for all eligible sentenced inmates. Sufficient jobs should be provided to ensure that no idleness is created through lack of programs.

A traditional concern around the employment of inmates is that of the value of the work provided. These standards assume that work sold is constructive and of real value, comparable to work that is both necessary and available outside of the institution.

In order to approximate a non-institutional working environment, no more inmates than necessary should be assigned to a given work area. Job opportunities available in the institution should provide opportunities to learn job skills and develop acceptable non-institutional work habits.

The inmate working day shall be structured as to approximate the working day in the community. The intent is to familiarize inmates with work habit expectations in the community. To the extent possible, scheduling of counts and other institutional activities should not interfere with the working day of inmates.

4.(b) Classification

Notwithstanding other classification decisions, every inmate shall be classified to one of the following classifications prior to any decisions regarding work, education and recreation being taken:

- (i) Inmate is fit for full work, competitive sports and physical training
- (ii) Inmate is fit for full work, but not rigorous work, and full physical training, but no competitive sports
- (iii) Inmate has a medical condition and is fit for light work only and the level of physical training shall be modified by medical classification
- (iv) Inmate requires medical supervision and is fit for very light duties and minimal activity in the form of hobbies only
- (v) Inmate is not fit for work of any kind or physical training of any kind

The above classification decisions are the responsibility of a qualified health care professional at the time of intake into a prison.

4.(c) Placement

Initial placement will be made according to requirements of the operations at the time.

Factors taken into consideration for initial placement will be:

- (i) Age
- (ii) Physical condition
- (iii) Past work history and experience
- (iv) Recommendations from previous work supervisors

4.(d) Review of Placements

Each individual's work/placement shall be reviewed at the first work board after his/her arrival and at subsequent work boards thereafter, to ensure that placements are in line with CMS needs identified in the front end assessment.

The work board shall make every effort to place inmates in programs in as timely a manner as possible.

4.(e) Work Remuneration

There shall be a system of equitable remuneration of the work of prisoners.

Under the system, prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their families.

The system should also provide a part of the earnings to be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his/her release.

5. Religious Programs

5.(a) Availability of Clergy/Spiritual Advisors

All persons in custody shall have the right of access to clergy and/or spiritual advisors of any group which meets the following criteria:

- (i) Either there is:
 - (a) an informal association of persons who share common ethical, moral or intellectual views supporting a particular practice, or
 - (b) there is a formal, organised worship of shared belief by a recognised and cohesive group supporting the practice.
- (ii) There is substantial literature supporting the practice as related to religious principle
- (iii) The offender deeply and sincerely holds a particular belief
- (iv) The belief fosters positive spiritual attitudes towards the individual, society and creation

Further, the following criteria should not be considered as indicative of a lack of religious support for the practice in question:

- (i) The belief is held by a small number of individuals
- (ii) The belief is of recent origin
- (iii) The belief is not based on the concept of a supreme being or the equivalent
- (iv) The belief is unpopular or controversial

5.(b) Chaplain

5.(b)(i) Chaplain's Responsibilities

The chaplain:

- (a) provides pastoral counselling and assistance to inmates and their families;
- (b) originates, coordinates and develops spiritual and religious programs of a rehabilitative nature;
- (c) serves as an ad-hoc member of the inmate program planning team;

- (d) communicates to the community both the needs of the offender in the institution and the public goal in helping to re-enter the community;
- (e) is responsible for the supervision of part time chaplains; and performs other duties.

A flexible work schedule shall be necessary to carry out some of the above duties.

5.(b)(ii) Contacts

The institutional chaplain shall maintain contacts with his/her own respective bishop, his/her specific religious order, other designated authorities of the various religious denominations represented in the institution, special agencies, hospitals (mental and physical), local movements and any other agency that is deemed advantageous and necessary toward the rehabilitation of the inmate or helpful towards the inmate's family.

5.(b)(iii) Presence

The chaplain shall provide a visible presence in and about the institution and through this presence provide pastoral counselling and spiritual support to inmates, families and staff as appropriate by the following means:

- (i) Through being an actual living experience of the faith dimensions of life
- (ii) Through presenting a theological interpretation of human existence and experience
- (iii) Through expressing the prophetic dimension of ministry and priesthood
- (iv) Through dealing with issues of faith and relationship with God
- (v) Through being seen and present throughout the institution, representing the spiritual dimension of life, while maintaining a holistic understanding of life
- (vi) Through visiting around the institution, particularly where inmates do not have free movement such as dissociation, hospital, protective custody unit, special handling unit and segregation unit as well as the shops, schools, gyms, living units, cell ranges and visits and correspondence areas
- (vii) Through pastoral counselling both on an individual and group basis
- (viii) Through pastoral encounter dealing with life's meaning, forgiveness, guilt, anger, hostility, pain, aloneness, loneliness, power, grace, self-worth, acceptance, death, trust, health, grief and other significant components of human existence and experience
- (ix) Through referring to and consultation with appropriate staff and groups, such as custody, leisure activities, psychologists, case management officers, Alcoholics Anonymous, Native Brotherhood, etc.
- (x) Through crisis intervention in experiences such as grief, illness, despair, death, anger, depression, parole denial and suicide attempts
- (xi) Through involvement with families

5.(b)(iv) Worship and Sacramental Ministries

The chaplain shall originate, direct and coordinate religious services and sacramental ministries to inmates, by the following means:

- (i) Through designing worship services, prayer life, liturgy, sermons and homilies relevant to the correctional milieu
- (ii) Through conducting appropriate weekly worship services and/or masses, masses or worship services for holy days and significant days and seasons throughout the religious calendar
- (iii) Through designing and conducting special services, such as funerals, and addressing the stress and anger generated by death within an institution
- (iv) Through coordinating religious visitors for inmates of minority religious expression within the institution, such as Jewish, Native, Mormon, Quaker, Jehovah's Witness, Muslim, Hindu, Buddhist and others
- (v) Through developing a ministry to meet unique crises and special situations with liturgy and worship
- (vi) Through creating and maintaining a "sanctuary" atmosphere within the chapel

5.(b)(v) Religious Education

The chaplain shall create, coordinate and develop religious programs and spiritual growth of inmates, such as bible study and retreats, through:

- (i) Designing, developing, conducting, evaluating and modifying programs and activities in the area of Religious/Christian education
- (ii) Pursuing and developing personal talents and interests of inmates using a multiplicity of audio-visual, musical and curriculum models
- (iii) Conducting prayer and bible study groups
- (iv) Training chapel volunteers to be involved in Religious/Christian education programs
- (v) Designing, developing, conducting, evaluating and modifying chapel programs such as Kairos (Marathon) groups, cursillos, Yokefellow groups, retreats, seminars, etc.
- (vi) Administering, ordering supplies, pass lists, custodial and institutional procedures as necessary to function with a correctional milieu
- (vii) Purchasing, acquiring and distributing religious literature and materials

5.(b)(vi) Fostering Community Involvement

The chaplain shall present to the community, including his/her own and other churches, the needs and concerns of persons affected by the criminal justice system and educate the community regarding its roles in reconciliation.

This includes the recruitment and training of chapel volunteers for prison work. This may be done through the following ways and means:

- (i) Through accepting invitations to address, present papers, lead seminars or act as a resource person to meetings in the community
- (ii) Through accepting invitations to deliver sermons or homilies to church congregations
- (iii) Through attending denominational retreats, workshops, conferences, conventions, presbytery, deanery, camp or synod meetings
- (iv) Through seeking and selecting desirable volunteers from churches to be involved in chapel activities
- (v) Through training and sustaining chapel volunteers
- (vi) Through supporting ex-inmates and their families in community integration

5.(b)(vii) Integration of Chaplaincy

The chaplain shall integrate chaplaincy services and spiritual awareness into the total life of the institution by regular involvement with all other staff and by attending such meetings as may be desirable in line with his/her role.

The chaplain can integrate chaplaincy services in the following ways:

- (i) Through participating in the case management process, particularly in relation to inmates who are closely monitored
- (ii) Through maintaining the integrity of ministry and priesthood
- (iii) Through developing a theological understanding of existence and experiences as characterized by institutional life
- (iv) Through developing a system of values affirming human worth and dignity by participation in institutional life
- (v) Through administering an institutional department
- (vi) Through making appropriate representations as a resource person at institutional board meetings
- (vii) Through developing a working relationship with staff where activities overlap with chaplaincy services
- (viii) Through involvement in crisis situations especially where a particular understanding or relationship has been developed

6. Community Volunteer Involvement

6.(a) Policy Objective

To ensure that volunteers form an integral part of the institution's self help programs and program delivery.

To develop and maintain ties between offenders, community and the service by encouraging citizen participation.

6.(b) *Involvement of Volunteers*

Involvement of community organisation volunteers and outside professionals in program development and delivery shall be actively encouraged.

Community groups and individuals representative of various ethnic and socioeconomic origins shall be encouraged to volunteer their services.

Community groups and individuals shall be encouraged to assist offenders in integrating into the community when released from prison.

Community groups and individuals may provide assistance in establishing beneficial relationships between the service and the community by keeping the community informed about corrections.

6.(c) *Proposals for Volunteer Groups*

Proposals for establishing and utilising volunteer services shall contain:

- (i) Description of proposed service
- (ii) Objectives of proposed service
- (iii) Target population
- (iv) Institutional program affiliation (if any)
- (v) Manner in which proposed service is to be evaluated
- (vi) Manner in which the volunteer is to be provided with appropriate training/orientation
- (vii) Frequency of events
- (viii) Qualifications of volunteer (in case of volunteers providing a professional service, suitable proof of professional standing must be included)
- (ix) A list of material or equipment required by the volunteers that is supplied by the institution
- (x) A list of items, articles, books, which will be brought into the institution by the volunteers
- (xi) Any other relevant information

Each prospective volunteer must complete a “Volunteer Application” which is submitted with the proposal, and must await clearance.

Each volunteer shall be in only one group and shall declare the specific group on the application.

6.(d) Contact Person

All volunteer groups shall have an institutional contact person who will be responsible for:

- (i) Receiving volunteer proposals
- (ii) Providing supervision
- (iii) Assisting in providing orientation training prior to allowing individuals or groups into the institution on a continuous basis
- (iv) Liaison between community group and institution department

Community groups or individuals who do not have an assigned liaison/contact person shall be referred to leisure activities staff.

6.(e) Security Screening

All volunteers must undergo a security screening prior to entry into the institution.

1. Volunteers on individual inmate visit and correspondence lists shall not be allowed to visit as a volunteer.
2. Volunteers cannot work at more than one institution.

Volunteers who are affiliated with the chapel shall send their application to the chaplains, who shall forward them to the preventive security section for processing.

All self-help group volunteers shall submit their applications to the unit manager of leisure activities.

6.(f) Orientation

All volunteers must complete an orientation program comprising of:

- (i) Volunteer handbook
- (ii) Tour of the institution
- (iii) Security concerns and volunteers responsibilities
- (iv) Communication network for volunteers
- (v) Procedure at principle entrance
- (vi) Conduct while in the institution

Liaison/contact officer must also conduct an interview aimed at determining the suitability of each volunteer.

All volunteers must sign a document “Volunteer Participation Agreement” that:

- (a) absolves the service of any responsibility for harm, except if it is a direct result of negligence on the part of the service, and
- (b) acknowledges that they have received an orientation session and handouts.

E. SENTENCE ADMINISTRATION OF YOUNG OFFENDERS

1. Case Manager

Every youth, upon admission to a custody centre for a period in excess of thirty days, shall have a case manager assigned to him or her within three days.

Discussion:

In order to ensure that the individual needs of every youth are met, a case manager shall be assigned and be responsible for ensuring that the youth's progress through the program is as positive as possible.

The institutional case management coordinator shall assume responsibility for the case management of all youths committed for custody for a period of less than thirty days.

The case manager, in consultation with any youth under his or her supervision as well as the responsible field probation officer, shall develop within thirty days of placement a written individualised, time-limited and goal-oriented plan of care that shall include:

- (i) A statement of goals to be achieved or worked towards for the youth and his/her parent(s), family or guardian(s) during the youth's stay in the centre
- (ii) Specification of the daily activities, including education and recreation, to be pursued by the staff and the youth in order to attempt to achieve the stated goals
- (iii) Specification of consistent and suitable staff responses to the youth
- (iv) Specification of any specialised services that will be provided directly or arranged for, and measures for ensuring their proper integration with the youth's ongoing program activities
- (v) Specification of time-limited targets in relation to overall goals and specific objectives
- (vi) Goals and anticipated plans for discharge and aftercare

2. Staff Involvement

Case management requires the combined effort of all the correctional staff in integrating the inmate in the range of programs, activities and opportunities available to ensure that he or she makes the best use of his or her sentence.

2.(a) Field Probation Officer

The field probation officer associated with the youth prior to commitment to the program and the case management coordinator associated with the youth in containment, shall be mutually responsible for pre-release and release planning for the youth

Discussion:

Any program of detention, containment or treatment for a youth must be seen as a part of a continuum which is essentially community-centred. Therefore, the field probation officer should have the major responsibility for overall case management and planning, which includes pre-placement and release planning.

The field probation officer should participate in planning a supervision program with the youth, youth correctional program staff, parents and/or guardians, and other important persons in the youth's life.

2.(a)(i) Contact

The field probation officer shall ensure that at least monthly contact occurs between him/herself and:

- (a) the youth in question,
- (b) the case management coordinator concerned with the ongoing conduct and planning of the case, and
- (c) the parent(s)/guardian(s) responsible for the care of the youth in question.

3. Educational and Recreational Programs

3.(a) Educational Programs

Every youth shall have the opportunity to participate in an educational program approved by the ministry of education.

Discussion:

Youths under the age of 15 must, by law, attend school. Youths 15 years and over should be encouraged to attend school in order to upgrade their formal academic training.

3.(b) Equality of Access

Male and female youths in youth programs shall have equal access to all program services and activities.

Discussion:

Traditionally, male youths far outnumber female youths in youth programs. Nonetheless, male and female youths should be encouraged to participate equally in all program services and activities provided by the youth program. The small numbers of females present must not preclude facilities and programs being offered to them.

3.(c) Leisure and Recreational Activities

The youth program shall make provisions for youths to have periods of free, unplanned time during the course of the day's activities.

The youth program shall ensure that a range of indoor and outdoor recreational opportunities are provided, based on both the individual interests and needs of the residents and the composition of the group.

Discussion:

The youth program should provide youths with a range and level of leisure time activities commensurate and comparable to community standards. Youths need an outlet for exercise of physical energy and emotional expression. Both planned and unplanned play provides opportunities for joy, fun, exuberance and creativity in a relaxed and pleasurable manner.

Youth programs shall provide a minimum of two hours opportunity for planned recreation time each day.

Discussion:

This is in addition to unplanned leisure time. A range of types of activities providing opportunities suitable to the needs, interests and abilities of the residents should be provided.

Youth programs may be co-educational.

The standard requires that the planning, design and implementation of any youth program shall allow for co-educational facilities, services and programming. Involvement and contact between the sexes shall conform to normal community standards for the age group in question. The standards and practices of local school boards is probably a good indicator of appropriate expectations.

4. Visits

Written visiting rules for the program stating hours and days of visits shall be posted in central locations, provided to each youth upon admission, and to the youth's family and/or guardian(s) upon his/her admission and shall be available to any individual upon request.

Discussion:

The visiting rules for any program should encourage optimal contact between the resident and his/her family, guardian(s), members of the community, and others involved in his/her case.

Under certain circumstances, a young offender may be transferred or sentenced to adult custody.

5. Rehabilitative Programs

Where a youth is sentenced to a containment program, he/she shall have the right to apply, at any time, for temporary absence to participate in an educational or other program or medical treatment, whether held inside or outside the youth containment centre.

Discussion:

The right to apply does not guarantee the granting of the release. However, successful reintegration into the community almost demands that contained youths be exposed to the resources they will utilise in the community at some point prior to their final discharge from the containment program.

6. Sentence Reviews

Youths sentenced to containment shall undergo an administrative review at the completion of one-third of the custody sentence, with a view towards making an application to the youth court for early release, or transfer to open custody, as appropriate.

Discussion:

Youths committed to secure custody would normally be transferred to open custody before being granted an early release by the court. A review of the secure custody sentence, with a view to making an application to the court for a transfer to open custody, must be made after one-third of the secure custody sentence is served. If the youth is not transferred after one-third, then a further review must occur after the completion of two-thirds of the secure custody sentence, or earlier if appropriate.

Youths in open custody must undergo a review with a view to making an application to the court for early release, after completion of one-third of the open custody sentence. Should an application be considered inappropriate at that time, or if the court rejects the early release application, a further review must occur after completion of two-thirds of the youth's open custody sentence.

7. Juveniles Serving Sentences in Adult Correctional Facilities

7.(a) Admission

When a young offender is admitted to an adult correctional centre, the centre director shall ensure that the admission of the young offender is accompanied with an appropriate court order.

7.(b) Youth Information

Sentence administration staff are legally entitled to refer to a young offender's record information to assist in the management of the case, and should obtain this information particularly in cases where the current offence or previous history involves violence.

This information may include:

- (a) case file,
- (b) youth pre-disposition reports,
- (c) youth psychological/psychiatric assessments, or
- (d) other relevant information available from youth custody centres or the field probation officer.

Note: Young offender records relating to previous summary convictions cannot be disclosed if five years has passed since the youth disposition. In the case of previous indictable offences, the records may not be used if there have been five crime-free (indictable) years since the expiration of the youth disposition.

Sentences being served by a youth in an adult facility are subject to remission and parole and should be administered like any other adult sentence.

Typically, cases transferred will involve youths who are violent and/or persistent offenders. This must be taken into account in sentence administration.

7.(c) Authority to Transfer 18 Year Olds to an Adult Facility

The director of the youth custody centre may request that a young person serving a youth disposition who attains the age of 18 be transferred to an adult prison.

Transfer applications can arise in two separate sets of circumstances:

- (i) Where a young person is committed to custody and attains the age of 18 years
- (ii) Where the young person is committed to custody and is concurrently serving a sentence of imprisonment imposed in ordinary court

In either event, an authorisation for the transfer signed by a director of a youth custody centre must accompany the young person on admission to the adult correctional centre. Since these orders result in a youth disposition being served in an adult correctional centre, the young person is not eligible to earn remission or apply for parole with respect to the youth custody disposition.

Under court review provisions, the young person may make an application to court at any time and is also required to appear before the youth court annually.

The director of the youth custody centre or the local director of the community probation office, depending on the circumstances, shall consult with the youth and the local adult sentence management unit to develop a joint plan with respect to the youth's proposed classification to an adult correctional centre. In preparing the plan, the normal adult classification procedures shall apply, having regard for the special needs of the young person.

This joint plan shall be prepared and forwarded to the regional director for approval. This approval can be provided either orally or in writing, as the circumstances may require.

Following placement in an adult prison, the adult sentence management unit must seek approval of the regional director before re-classifying the youth to a lower level of security.

7.(d) Case Management Responsibility

When a young offender is transferred to an adult prison, the youth's probation officer retains the young offender as part of his or her active caseload and is to liaise closely with the correctional centre to provide advice on case planning and, in particular, court review applications.

7.(e) Return to Youth Custody

In rare cases, the youth may be returned to the youth custody system when an application has been authorised and put into effect. This can only be effected by way of an application for court review which shall be made by the field probation officer with case management responsibility. Before making such an application, there should first be a consultation with local counsel and the program analyst, youth services, regarding the procedure.

7.(f) Transfer of Jurisdiction

When a young offender is subject to a custodial disposition and receives an additional sentence in adult court, it is possible to apply to the adult court to “convert” the “remaining portion” of the youth disposition to an adult sentence, unless to do so would bring the administration of justice into disrepute. This “converted” youth disposition may be ordered by the court to be served concurrently with or consecutive to the adult sentence.

When a youth disposition is converted to an adult sentence and the remaining portion of that disposition is two years or more in length, the inmate is subject to transfer to a penitentiary. Similarly, if the converted remaining portion of the youth disposition is imposed consecutive to the adult sentence and these sentences total two years or more, the result would be a penitentiary placement.

The provincial director has discretionary powers to determine where a youth under a concurrent youth custody disposition and an adult court sentence shall serve the concurrent portions of the sentence. The disposition and sentence, and any portions thereof, may be served in a youth custody centre, a provincial correctional facility for adults, or, where the unexpired portion of the sentence is two years or more, in a penitentiary.

Examples:

1. The youth is sentenced to one year in the youth court and a concurrent sentence of two years less one day in the adult court- the sentence would be served in a prison for adults.
2. The youth is sentenced to one year in the youth court and a concurrent sentence of three years in the adult court- the sentence would be served in a penitentiary if the unexpired (remaining) portion of the adult sentence is two years or more at the time of the proposed transfer.
3. The youth is sentenced to one year in the youth court and a concurrent sentence of two years in the adult court, but a week has passed since these youth and adult sentences were imposed. In these circumstances, the youth may only be placed in an adult prison because the unexpired portion of the adult sentence is now less than two years.
4. The youth has been sentenced to three years in the youth court and a concurrent sentence of eighteen months in adult court. In these circumstances, the placement can only be to an adult prison because, although the youth sentence is three years, the adult sentence is less than two years. In cases such as this, where the adult sentence will expire before the youth sentence, crown counsel should be encouraged to “convert” the youth sentence to an adult sentence by way of an application, or an application should be made to have the youth sentence served in an adult prison.

7.(g) General Policy

When a youth is serving a youth custody sentence and is sentenced to a concurrent period of adult imprisonment, or when the youth is serving an adult sentence and receives a subsequent youth custody sentence, the sentence shall be served in an adult prison, except where:

- (a) the adult custody sentence will expire before the youth sentence does; or
- (b) it is clearly in the better interests of the youth, and not contrary to the public interest, for the youth to be retained in a youth custody centre.

7.(g)(i) Exceptions

When an exception to the general policy of a youth serving a concurrent sentence in a adult centre arises, the director of the youth custody centre, director of sentence management unit of the prison, and the local director of the supervising probation office should attempt to arrive at a decision by mutual agreement.

Where a decision cannot be reached by mutual agreement, the matter shall be referred to the regional director of the region of the youth custody centre from which the youth originated, for decision.

8. Review of Progress File

A review of every progress file shall take place as follows:

- (i) Inmate's case manager- minimum monthly
- (ii) Officer in charge of the unit- minimum monthly (keeping notes for discussion with staff, as appropriate)
- (iii) Warden and deputy wardens- to review samples regularly
- (iv) Classification- on scheduled review dates, when presented for reclassification consideration, and by regular spot checks