

1970

# c 110 Department of Correctional Services Act

Ontario

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## Bibliographic Citation

*Department of Correctional Services Act*, RSO 1970, c 110

## Repository Citation

Ontario (1970) "c 110 Department of Correctional Services Act," *Ontario: Revised Statutes*: Vol. 1970: Iss. 1, Article 113.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1970/iss1/113>

## CHAPTER 110

## The Department of Correctional Services Act

**1.** In this Act,

(a) "Board" means the Board of Parole;

Interpre-  
tation

(b) "correctional institution" means a correctional institution established or continued under section 7 and does not include a training school established or authorized under *The Training Schools Act*, or a lock-up established under section 349 of *The Municipal Act*;

R.S.O. 1970,  
cc. 467, 284

(c) "Department" means the Department of Correctional Services;

(d) "Deputy Minister" means the Deputy Minister of Correctional Services;

(e) "Minister" means the Minister of Correctional Services;

(f) "regulations" means the regulations made under this Act. 1968, c. 27, s. 1.

**2.**—(1) The department of the public service known as the Department of Correctional Services is continued. 1968, c. 27, s. 2 (1), *amended*.

Department  
continued

(2) The Minister shall preside over and have charge of the Department. 1968, c. 27, s. 2, (2).

Minister  
Department

**3.** The Minister is responsible for the administration of this Act and the Acts that are assigned or transferred to him by the Legislature or by the Lieutenant Governor in Council. 1968, c. 27, s. 3.

Duties of  
Minister

**4.** The expenses of the Department in carrying out its objects shall be paid out of such moneys as are appropriated therefor by the Legislature.

Expenses

**5.** The Minister may delegate any of the powers relating to the operation of the Department conferred upon him by or under this or any other Act to the Deputy Minister or any other official of the Department designated by the Minister. 1968, c. 27, s. 6.

Delegation  
of  
Minister's  
powers

Contracts

**6.** All dealings and transactions respecting any correctional institution including all contracts for goods, wares or merchandise necessary for the maintenance and operation of the institution or for the sale of goods prepared, produced or manufactured at a correctional institution shall be entered into and carried out by the Minister or an official of the Department designated by him, on behalf of Her Majesty. 1968, c. 27, s. 7.

Correctional institutions

**7.—(1)** The jails, reformatories, industrial farms and regional detention centres existing immediately before the 1st day of July, 1968 continue to exist as correctional institutions.

Idem

(2) The Lieutenant Governor in Council may establish or discontinue such correctional institutions as he considers necessary. 1968, c. 27, s. 8.

Sentence to correctional institution

**8.—(1)** The court before which any person is convicted under any Act of the Legislature of an offence punishable by imprisonment may sentence such person to a correctional institution.

Female offenders

(2) Subject to section 10, the court before which any female person is convicted under any Act of the Legislature of an offence punishable by imprisonment may sentence such female person for an indefinite period not exceeding two years in a reformatory designated in the regulations as one to be used for the treatment, training, and confinement of female offenders only.

Reformatories

(3) Subject to section 10, the court before which any male person is convicted under any Act of the Legislature of an offence punishable by imprisonment may sentence him to imprisonment in a reformatory for a period of not less than three months, and for an indeterminate period thereafter of not more than two years less one day.

Custody during conveyance

(4) Where a person is sentenced to imprisonment in a reformatory under this section, the person may be detained in any other correctional institution or in the custody of a provincial bailiff for the purpose of conveyance to the correctional institution to which he or she was sentenced. 1968, c. 27, s. 9.

Superintendent

**9.—(1)** There shall be a superintendent for each correctional institution who shall be an official of the Department designated by the Minister and who is responsible for the administration of the institution.

Duties of superintendent

(2) The superintendent of a correctional institution shall receive into his institution every person delivered to his institution under lawful authority for detention therein and is responsible for his custody and control until the term of his detention is completed or until he is by warrant under section 10 transferred therefrom or otherwise discharged in due course of law. 1968, c. 27, s. 10.

**10.** The Minister may designate in writing one or more officials of the Department who shall control and direct admissions to correctional institutions and who from time to time by warrant may remove or transfer any person detained in a correctional institution from one correctional institution to another. 1968, c. 27, s. 11.

Admissions  
and  
transfers

**11.—(1)** The Minister may designate in writing officials of the Department as inspectors.

Inspectors

(2) Each correctional institution shall be regularly inspected by an inspector who shall inquire into all aspects of its operation and shall provide the Minister or an official of the Department designated by the Minister for the purpose with a written report in respect of each correctional institution inspected by him. 1968, c. 27, s. 12.

Regular  
inspections

**12.—(1)** The Minister may appoint any person to investigate and inquire into any matter connected with or affecting the administration and operation of the Department.

Ministerial  
inquiry

(2) The person who conducts an inquiry under subsection 1 shall report his findings in writing to the Minister. 1968, c. 27, s. 13.

Report

**13.** Where a municipality is unable to establish and maintain a lock-up, or where it is considered advisable for the welfare of a person in custody or for public safety, the Minister may designate a correctional institution that may be used by the municipality as a lock-up and the municipality shall pay to the Treasurer of Ontario annually such rate per day for persons in custody in the lock-up as is fixed by the Minister for the year. 1968, c. 27, s. 14.

Use of  
correctional  
institutions  
as lock-ups

**14.** Sections 15 to 33 are subject to the *Prisons and Reformatories Act* (Canada) in respect of persons detained in a correctional institution for an offence against the laws of Canada. 1968, c. 27, s. 15.

Application  
of sections  
15 to 33  
R.S.C. 1952,  
c. 217

**15.—(1)** The Lieutenant Governor in Council may appoint provincial bailiffs who may convey any person in custody in any correctional institution to another correctional institution in which the person is lawfully directed to be confined.

Provincial  
bailiffs

(2) A provincial bailiff may convey a person from one correctional institution to another without further authority than a warrant of removal signed by an official of the Department designated under section 10, which warrant shall be sufficient authority for a superintendent to deliver over the person named therein.

Warrants of  
removal

Powers of  
provincial  
bailiff

(3) In the conveyance of a person from one correctional institution to another, a provincial bailiff has the same powers as a constable. 1968, c. 27, s. 16.

Hospital  
treatment

**16.**—(1) Where a person detained in a correctional institution requires hospital treatment that cannot be supplied at the institution, the superintendent of the institution shall arrange for the person to receive such treatment at a public hospital and shall report the fact to an official of the Department designated under section 10.

Idem

R.S.O. 1970,  
c. 269

(2) Where a person detained in a correctional institution requires hospitalization in a psychiatric facility under *The Mental Health Act*, the superintendent of the institution shall arrange for the person to be so hospitalized, and shall report the fact to an official of the Department designated under section 10, but where the superintendent is unable to have the person hospitalized, he shall notify an official designated under section 10, who shall then make arrangements to have the person hospitalized.

Payment

R.S.O. 1970,  
c. 378

(3) The charges for the hospital treatment referred to in subsections 1 and 2 shall be paid by the person receiving the treatment unless he is unable to provide for payment, in which case the charges shall be paid by the Department in accordance with the rates prescribed for payments in respect of indigent patients under *The Public Hospitals Act*. 1968, c. 27, s. 17.

Employ-  
ment  
outside  
institution

**17.** The Lieutenant Governor in Council from time to time may authorize the employment of any of the persons sentenced to imprisonment and detained in a correctional institution to do any specific work or duty for public purposes beyond the limits of the institution. 1968, c. 27, s. 18.

Temporary  
absence

**18.**—(1) Where, in the opinion of an official of the Department designated by the Lieutenant Governor in Council for the purpose, it is necessary or desirable that an inmate be temporarily absent from a correctional institution for medical or humanitarian reasons or to assist him in his rehabilitation, the temporary absence of the inmate may be authorized by such official on such terms and conditions as he may specify.

Idem

(2) Any inmate temporarily absent under subsection 1 shall comply with such terms and conditions as are specified, and shall return to the correctional institution at the expiration of the period for which he is permitted to be at large, and if he fails to so return or to comply with the terms and conditions prescribed, he shall be deemed to be unlawfully at large. 1968, c. 27, s. 19.

Vocational  
training  
program

**19.** The Lieutenant Governor in Council may establish a vocational training program under which persons detained in a correctional institution may be granted the privilege of continu-

ing to work at their regular employment, obtaining new employment, attending academic institutions, or participating in any other program that the Lieutenant Governor in Council may consider advisable in order that such persons may have a better opportunity for rehabilitation. 1968, c. 27, s. 20

**20.**—(1) Every person detained in a correctional institution shall be granted statutory and earned remission of his sentence and is subject to the forfeitures of such remission equivalent to that provided for in the *Prisons and Reformatories Act* (Canada). Remission  
R.S.C. 1952,  
c. 217

(2) Where a person detained in a correctional institution has forfeited the whole or any part of his statutory remission, an official of the Department designated by the Lieutenant Governor in Council for the purpose may, where he is satisfied that it is in the interest of the inmate's rehabilitation, remit the whole or any part of such forfeiture. 1968, c. 27, s. 21. Restoration  
of forfeited  
remission

**21.**—(1) No official or employee of the Department shall, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a correctional institution, or have an interest, directly or indirectly, in furnishing, supplying or transporting the same or in any contract relating thereto. Employees  
not to be  
interested  
in contracts

(2) Every person who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. 1968, c. 27, s. 22. Offence

**22.** No official or employee of the Department shall buy from or sell to any person in custody in a correctional institution anything whatsoever or take or receive to his own use or for the use of any other person, any fee or gratuity from any person in custody in a correctional institution or from any visitor thereto or from any other person in respect of a person in custody, or employ any person in custody in working for him. 1968, c. 27, s. 23. Employees  
not to trade,  
etc. with  
persons in  
custody

**23.** The Board of Parole is continued and shall be composed of not more than seven persons appointed by the Lieutenant Governor in Council, of whom at least five shall be full-time members. 1968, c. 27, s. 24, *amended*. Board of  
Parole

**24.**—(1) The Lieutenant Governor in Council may designate one of the members of the Board to be chairman thereof. Chairman

(2) Three members of the Board constitute a quorum. 1968, c. 27, s. 25. Quorum

**25.**—(1) Such officers and employees as are considered necessary for purposes of the Board shall be appointed under *The Public Service Act*. Staff  
R.S.O. 1970,  
c. 386

Remuneration of part-time members

(2) The members of the Board who are not full-time members shall serve without salary but may be paid such expenses and allowances for attendance at Board meetings and for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council. 1968, c. 27, s. 26.

Granting of parole

**26.** Subject to the regulations, the Board may order the release on parole of any person detained in a correctional institution,

(a) convicted of an offence against a statute of Ontario or against a municipal by-law and sentenced to an indeterminate sentence; or

R.S.C. 1952, c. 217

(b) referred to in section 43 of the *Prisons and Reformatories Act* (Canada) and sentenced to an indeterminate sentence,

to be at large during the indeterminate portion of his sentence. 1968, c. 27, s. 27.

Remissions

**27.** Where parole is granted, the term of parole shall include any portion of statutory remission standing to the credit of the parolee when he is released, but shall not include any period of earned remission standing to his credit at that time. 1968, c. 27, s. 28.

Information re parolees

**28.** When required by the Board, it is the duty of every person having information relevant to the suitability of a person to be paroled to submit such information to the Board in writing in the form prescribed by the regulations. 1968, c. 27, s. 29.

Termination of parole

**29.**—(1) Whenever a member of the Board, or such other person as is designated by the Board for the purpose, believes on reasonable and probable grounds that a person on parole has failed to observe any of the conditions of his parole, he may authorize the arrest and return to a correctional institution of the person by a warrant in writing signed by him.

Review

(2) Where a person on parole has been returned to a correctional institution under subsection 1, the Board shall review the parole as soon as possible thereafter, and shall decide either to terminate the parole or to release the person and allow him to continue on parole. 1968, c. 27, s. 30.

Conviction while paroled

**30.**—(1) Whenever a person while on parole is convicted of an indictable offence, he shall undergo a term of imprisonment equal to the portion of the term to which he was originally sentenced that remained unexpired at the time of the offence, in addition to any term of imprisonment to which he may be sentenced. 1968, c. 27, s. 31.

(2) Subsection 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation. 1968, c. 27, s. 36. Commencement of subs. 1

**31.** The Board shall in each year, on or before the 30th day of September, make a report in writing to the Lieutenant Governor in Council of the history and proceedings of the Board during the twelve-month period ending on the 31st day of March of such year. 1968, c. 27, s. 32. Annual report

**32.** Nothing in this Act shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor General of Canada or the Lieutenant Governor of Ontario to grant a reprieve, pardon or commutation of sentence in any case. 1968, c. 27, s. 33. Interpretation

**33.—(1)** The Lieutenant Governor in Council may make regulations, Regulations

- (a) respecting the operation and management of correctional institutions or any class thereof, and respecting the classification, treatment, training, employment, discipline and control of persons detained therein;
- (b) designating correctional institutions as reformatories for the purposes of the *Prisons and Reformatories Act* (Canada); R.S.C. 1952, c. 217
- (c) establishing and governing a vocational training program referred to in section 19;
- (d) prescribing conditions under which a person may be paroled;
- (e) prescribing procedures of the Board for the performance of its functions;
- (f) prescribing forms for the purposes of this Act and providing for their use.

(2) Such of the regulations made under clause *d*, *e* or *f* of subsection 1 as are approved by the Minister of Justice (Canada) apply in respect of persons in custody referred to in section 43 of the *Prisons and Reformatories Act* (Canada). 1968, c. 27, s. 34. Application of regulations to

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