



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CORRECTIONAL SERVICES ACT

PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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Table of Contents

Section		Page
1.	Definitions.....	5
ADMINISTRATION		6
2.	Responsibility of Minister.....	6
3.	Designation of correctional centres.....	6
4.	Director.....	6
5.	Code of conduct.....	6
6.	Delegation of functions.....	6
7.	Appointment of Centre Manager.....	6
8.	Powers of peace officer.....	7
CORRECTIONAL CENTRES		7
9.	Confinement of inmates.....	7
10.	Training programs.....	7
11.	Application of rules.....	7
12.	Commencement of sentence.....	7
13.	Temporary absences.....	7
14.	Inspection.....	8
15.	Investigation.....	8
16.	Regulation outside correctional centre.....	8
GENERAL		8
17.	Regulations.....	8
18.	Limitation of liability.....	9
19.	Agreements.....	9
20.	Application of Federal Acts.....	9
21.	Powers of Parole Board of Canada.....	10
22.	Offences.....	10
23.	Repeal.....	10
24.	Transitional.....	10



CORRECTIONAL SERVICES ACT

CHAPTER C-26.1

1. Definitions

In this Act

- (a) “**Centre Manager**” means the person in charge of a particular correctional centre;
- (b) “**contraband**” means an item that could jeopardize the safety of an individual or the security of a correctional centre, including
 - (i) an intoxicant,
 - (ii) a weapon, a part thereof, ammunition for a weapon, and anything that is designed to injure, disable, or kill a person, and
 - (iii) anything that an employee or inmate is not permitted to have in his or her possession pursuant to the policy of a correctional centre;
- (c) “**correctional centre**” means any lawful place of confinement for inmates operated in the province and includes a facility designated under section 3 and the land used in connection with the normal operation of that facility, but does not include a police or municipal lock-up;
- (d) repealed by 1993, c.30, s.61;
- (e) “**Director**” means the person appointed under section 4;
- (f) repealed by 1993, c.30, s.61;
- (g) “**employee**” means a person who performs functions in connection with the operation of a correctional centre;
- (h) “**inmate**” means a person under arrest, remand or sentence who is confined in a correctional centre according to law, or who is in the custody of an employee while in transit to a penitentiary or correctional centre but does not include
 - (i) a person arrested or committed under the *Mental Health Act* R.S.P.E.I. 1988, Cap. M-6, or
 - (ii) a person remanded to a psychiatric facility for observation under section 537 of the *Criminal Code* (Canada) R.S.C. 1985, Chap. C-46;
- (i) “**intoxicant**” means any substance that if ingested has the potential to impair or alter judgment, behaviour, the capacity to recognize reality, or ability to meet the ordinary demands of life, but does not include caffeine or any authorized medication used in accordance with directions given by an employee or a health care professional;
- (j) “**Minister**” means the Minister of Justice and Public Safety and Attorney General;
- (k) “**municipality**” means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;
- (l) “**officer**” means an employee who is directly involved in the care, counselling, health, security, discipline, rehabilitation, safety, custody or escorting of inmates, or other such duties as may be required by the Centre Manager;

- (m) “**regulations**” means the regulations made under section 17. *1992, c.13, s.1; 1993, c.25, s.4; 1993, c.30, s.61; 1998, c.77,s.2; 2000,c.5,s.3; 2010,c.14,s.3; 2012,c.17,s.2; 2012(2nd),c.4,s.1; 2015,c.28,s.3; 2016,c.44,s.265.*

ADMINISTRATION

2. Responsibility of Minister

The Minister is responsible for correctional services under the jurisdiction of the province. *1992, c.13, s.2.*

3. Designation of correctional centres

The Minister may, by an order published in the Gazette, designate correctional centres in the province to which this Act and the regulations apply. *1992, c.13, s.3.*

4. Director

The Minister shall appoint a Director of Correctional Services who shall, subject to the directions of the Minister, be responsible for the administration of correctional services and carry out such functions as the Minister may direct. *1993, c.30, s.61*

5. Code of conduct

The Director may establish, amend and enforce a code of conduct for employees. *1992, c.13, s.5.*

6. Delegation of functions

- (1) The Director may delegate his or her functions under this Act to any other person but any person to whom a function is delegated shall not delegate that function to any third person without the consent of the Director in writing.

Absence

- (2) The Director may designate any other person to act in his or her stead during the absence of the Director and any person so designated has all the powers of the Director. *1993, c.30, s.61.*

7. Appointment of Centre Manager

- (1) The Minister may appoint a Centre Manager for each correctional centre.

Duties

- (2) A Centre Manager, or in the absence of a Centre Manager, an employee designated by the Director is responsible for the management of the correctional centre of which he or she is in charge and for the care, custody, discipline, health, rehabilitation and safety of the inmates confined therein.

Powers

- (3) An employee designated to act in the stead of a Centre Manager has all the powers of a Centre Manager.



Additional duties

- (4) A Centre Manager shall perform the duties set out in the regulations as well as such other duties as the Director may require. *1992, c.13, s.7.*

8. Powers of peace officer

The Director, every Centre Manager and every employee has the powers, authority, protection and privileges of a peace officer while carrying out his or her duties under this Act and the regulations. *1992, c.13, s.8.*

CORRECTIONAL CENTRES**9. Confinement of inmates**

The Director may

- (a) determine the particular correctional centre in the province to which a person sentenced to imprisonment for less than two years is to be committed;
- (b) order an inmate to be transferred from one correctional centre to another for the purpose of providing for appropriate security, treatment or rehabilitation; and
- (c) determine the particular correctional centre to which an inmate received through an exchange of services agreement is to be committed. *1992, c.13, s.9.*

10. Training programs

Every inmate committed or transferred to a correctional centre to serve a term of imprisonment, or under remand, according to law shall be engaged in such training, treatment or work program as the Centre Manager may direct. *1992, c.13, s.10.*

11. Application of rules

Everyone who is committed to a correctional centre is subject to any rules or regulations made under the authority of this Act. *1992, c.13, s.11.*

12. Commencement of sentence

- (1) A sentence commences when it is imposed, except where a relevant enactment otherwise provides or a court otherwise orders.

After sentence, date of commencing imprisonment

- (2) Notwithstanding subsection (1), a term of imprisonment, whether imposed by a trial court or the court appealed to, commences or shall be deemed to be resumed, as the case requires, on the day on which the convicted person is arrested and taken into custody under the sentence.

Where sentence is fine and imprisonment

- (3) Repealed by 2012(2nd),c.4,s.2. *1992, c.13, s.12; 2012(2nd),c.4,s.2.*

13. Temporary absences

- (1) Where an inmate who is permitted to be temporarily absent from a correctional centre fails to return at the expiration of the period for which he or she is permitted to be at large, he or she shall be deemed to be unlawfully at large.

Idem

- (2) For the purposes of computation of sentence and entitlement to parole a period of temporary absence shall be treated as time spent in the correctional centre and the inmate during that period remains subject to the rules, regulations and discipline of the correctional centre, as applicable. *1992, c.13, s.13; 2012(2nd),c.4,s.3.*

14. Inspection

- (1) The Director or the agent of the Director or any other person authorized by the Director in writing may at any time enter a correctional centre for the purpose of inspection, and shall have access to every part of the centre and may question any employee or inmate and examine any papers, vouchers, records, documents or other articles as he or she may consider necessary for the proper administration of the correctional centre.

Information

- (2) Every employee shall furnish the Director or the agent of the Director or any other person authorized by the Director in writing with such information as he or she may require for the purpose of an inspection under this section. *1992, c.13, s.14.*

15. Investigation

The Director may

- (a) investigate the conduct of any person employed in or about a correctional centre or any person found within its precincts; and
- (b) summon any person to appear before him or her and examine that person under oath concerning any matter relating to the breach of the rules governing the operation of the centre. *1992, c.13, s.15.*

16. Regulation outside correctional centre

Every street, highway or place, public or private, along or across which an inmate may pass in going to or returning from work, recreation or other program of a correctional centre and every place where an inmate may be engaged in such work, recreation or other program is, for the purposes of the security and discipline of the inmate, while so used, deemed to be a part of the correctional centre in which the inmate is confined. *1992, c.13, s.16.*

GENERAL

17. Regulations

The Lieutenant Governor in Council may make regulations generally with respect to the administration of correctional centres and the custody, transfer, treatment, discipline, training, and employment of inmates and in particular in respect of

- (a) the inspection, management, security, and operation of correctional centres;
- (b) the routine search and investigative search of inmates;
- (c) the conduct, transfer, escort, and discipline of inmates;
- (d) the guarding and supervision of inmates in hospitals and other places outside a correctional centre;
- (e) program placement and employment of inmates, and disbursement of their earnings;



- (f) the control of contraband;
- (g) the control of intoxicants, including programs established by regulations requiring inmates to submit a urine sample for analysis or other measures to detect or determine the presence of intoxicants in inmates or in a centre generally;
- (h) the examination, detention, and control of parcels;
- (i) the communication of inmates with members of the public;
- (j) the association of inmates with members of the public;
- (k) the conduct of visitors and other persons within the precincts of a correctional centre;
- (l) the routine search and investigative search of visitors and other persons within the precincts of a correctional centre;
- (m) the determination of the costs for the housing of inmates, and the charging of such costs to municipalities or other authorities;
- (n) the establishment of a review or appeal procedure to process complaints from inmates;
- (o) the provision of medical and health services to inmates by employees;
- (p) the earning and forfeiture of remission, sentence calculation, warrants and temporary absences;
- (q) the use of video or audio monitoring or surveillance of inmates for safety or security reasons;
- (r) the definition of any word or phrase used in this Act that is not defined. *1992, c.13, s.17; 2012(2nd),c.4,s.4.*

18. Limitation of liability

Where the Director, the delegate of the Director, a Centre Manager or employee has done nothing more than comply with a prescribed procedure or obey an order and has acted without malice, no action may be maintained against him or her for having taken, detained in custody, imprisoned or discharged from custody, any person pursuant to that procedure or order, notwithstanding that the procedure or order is adjudged invalid or is set aside. *1992, c.13, s.18.*

19. Agreements

The Minister, with the approval of the Lieutenant Governor in Council, on behalf of the province may enter into an agreement with

- (a) the Government of Canada or the government of any other province respecting the exchange, purchase, rental or other use of correctional services and facilities; or
- (b) a municipality for the confinement in a correctional centre of any person sentenced to imprisonment for infraction of its bylaws or arrested within the municipality for any offence. *1992, c.13, s.19.*

20. Application of Federal Acts

Unless otherwise provided by regulations, the provisions of the *Corrections and Conditional Release Act* (Canada), the *Criminal Code* (Canada), and the *Prisons and Reformatories Act* R.S.C.1985, Chap. P-20 respecting earning and forfeiture of remission, sentence calculation, warrants, temporary absences and the transfer of prisoners apply, with the necessary changes, to all inmates confined in a correctional centre under this Act. *1992, c.13, s.20; 2012(2nd),c.4,s.5.*

21. Powers of Parole Board of Canada

The Parole Board of Canada established under the *Parole Act* is authorized to exercise in Prince Edward Island the additional jurisdiction described in clause 14(1)(b) of the *Parole Act*. 1992, c.13, s.21; 2012(2nd),c.4,s.6.

22. Offences

Every person who

- (a) is found trespassing upon any grounds, buildings, yards, offices or other premises belonging to or appertaining to a correctional centre;
- (b) not being an employee or a person authorized by the Centre Manager, enters a correctional centre or is found loitering upon a street or highway adjacent to it,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or imprisonment for a term not exceeding six months, or both. 1992, c.13, s.22.

23. Repeal

Repeals. 1992, c.13, s.23.

24. Transitional

All prisoners who are in lawful custody pursuant to the *Jails Act* on the date this Act comes into force shall remain in custody pursuant to this Act and the regulations. 1992, c.13, s.24.

