



# GUIDELINES 711-6

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## Referrals to and Information Sharing with Independent External Decision Makers

<b>CORE RESPONSIBILITY</b>	Care and Custody
<b>OFFICE(S) OF PRIMARY INTEREST</b>	Correctional Operations and Programs Sector and Senior Deputy Commissioner
<b>ONLINE @</b>	<ul style="list-style-type: none"> <li>• <a href="http://thehub/En/collections/policy-legislation/CommissionersDirectives/711-6-gl-eng.pdf">http://thehub/En/collections/policy-legislation/CommissionersDirectives/711-6-gl-eng.pdf</a></li> <li>• <a href="http://lehub/Fr/Collections/politiques-lois/DirectivesDuCommissaire/711-6-gl-fra.pdf">http://lehub/Fr/Collections/politiques-lois/DirectivesDuCommissaire/711-6-gl-fra.pdf</a></li> <li>• <a href="http://www.csc-scc.gc.ca/politiques-et-lois/711-6-gl-en.shtml">http://www.csc-scc.gc.ca/politiques-et-lois/711-6-gl-en.shtml</a></li> <li>• <a href="http://www.csc-scc.gc.ca/policy-and-legislation/711-6-gl-fr.shtml">http://www.csc-scc.gc.ca/policy-and-legislation/711-6-gl-fr.shtml</a></li> </ul>
<b>AUTHORITIES</b>	<ul style="list-style-type: none"> <li>• <a href="#"><i>Corrections and Conditional Release Act</i> (CCRA), sections <a href="#">4(c)</a>, <a href="#">4(g)</a>, <a href="#">15.1(2.1)</a>, <a href="#">28</a>, <a href="#">29</a>, <a href="#">29.01</a>, <a href="#">31 to 37.5</a>, <a href="#">37.6 to 37.9</a>, <a href="#">37.91</a>, <a href="#">78</a>, <a href="#">79.1</a>, <a href="#">80</a>, <a href="#">86</a>, <a href="#">86.1</a> and <a href="#">87</a></a></li> <li>• <a href="#"><i>Corrections and Conditional Release Regulations</i> (CCRR), sections <a href="#">5(1)</a>, <a href="#">6(c)</a>, <a href="#">13.1</a>, <a href="#">16.1</a>, <a href="#">19 to 23.07</a> and <a href="#">97</a></a></li> </ul>
<b>PURPOSE</b>	<ul style="list-style-type: none"> <li>• To provide direction to staff regarding referral and information sharing processes for Independent External Decision Maker (IEDM) notifications and reviews to ensure compliance with legislative timeframes and requirements</li> </ul>
<b>APPLICATION</b>	Applies to all staff who have responsibilities related to IEDM reviews and decisions
<b>CONTENTS</b>	
<b>SECTIONS</b>	
1 – 3	<a href="#">Responsibilities</a>
4 – 28	<a href="#">Procedures</a>
4	<a href="#">Notifications of an IEDM Review</a>
5	<a href="#">Notice to Inmate of Structured Intervention Unit Review Committee (SIURC) for IEDM Reviews</a>

6	<a href="#">Responding to IEDM Requests</a>
7	<a href="#">Structured Assessment</a>
8	<a href="#">IEDM Information Sharing Checklist and Procedural Safeguard Declaration</a>
9	<a href="#">Primary Information Sharing</a>
10 – 12	<a href="#">Information Sharing Update – IEDM Request for Additional Information</a>
13 – 14	<a href="#">Information Sharing Update – New Information</a>
15	<a href="#">Delay in Information Sharing with IEDMs</a>
16 – 17	<a href="#">Withholding Information</a>
18	<a href="#">Notice to Inmate of Right to Legal Counsel and/or Assistant for IEDM Reviews</a>
19	<a href="#">Inmate Request for Legal Counsel and/or an Assistant for IEDM Reviews</a>
20	<a href="#">Inmate Request for Sharing of Information with Legal Counsel and/or Assistant for IEDM Reviews</a>
21 – 25	<a href="#">IEDM Access to Inmates</a>
21	<a href="#">Inmate Communication and Correspondence with an IEDM</a>
22 – 23	<a href="#">IEDM Interview Request</a>
24	<a href="#">Inmate Notification of a Scheduled IEDM Interview or Meeting</a>
25	<a href="#">Confirmation of Inmate Attendance and Preparation for an IEDM Interview or Meeting</a>
26	<a href="#">Sharing IEDM Reviews and Determinations with the Inmate</a>
27 – 28	<a href="#">Responding to IEDM Reviews and Determinations</a>
29	<a href="#">Enquiries</a>
Annex A	<a href="#">Cross-References and Definitions</a>
Annex B	<a href="#">CSC Referral Timeframes and Requirements to the Independent External Decision Maker</a>

Annex C	<a href="#">Documents to Share with Independent External Decision Makers – Initial Sharing List</a>
Annex D	<a href="#">Structured Assessment for Independent External Decision Maker Reviews – Content Guidelines</a>
Annex E	<a href="#">Structured Intervention Unit Review Committee (SIURC) – Content Guidelines</a>
Annex F	<a href="#">Response to Independent External Decision Maker Recommendations – Content Guidelines</a>

## **RESPONSIBILITIES**

1. The Senior Deputy Commissioner (SDC) will refer a case to an [Independent External Decision Maker \(IEDM\)](#):
  - a. by the next [working day](#) for a [conditions of confinement](#) (CoC) review, in accordance with [subsection 37.83\(1\)](#) of the *Corrections and Conditional Release Act* (CCRA), where it is determined that an inmate in a [Structured intervention Unit](#) (SIU) or subject to [restricted movement](#) has not met their minimum daily CoC [entitlements](#) of four (4) hours outside of cell and/or two (2) hours of interaction with others for:
    - i. five (5) consecutive calendar days, or
    - ii. 15 out of any consecutive 30 calendar days
  - b. by the next working day for a review in accordance with [subsection 23.06\(1\)](#) of the *Corrections and Conditional Release Regulations* (CCRR), if following an IEDM determination under [subsection 37.83\(1\)](#) or [37.83\(3\)](#) of the CCRA that CSC has taken [all reasonable steps](#) to provide an [SIU inmate](#) with the minimum daily CoC entitlements, but the inmate, while still in an SIU, has not availed themselves of their full four (4) hours outside of cell and/or two (2) hours of interaction with others for 10 consecutive calendar days
  - c. by the next working day for a duration review in accordance with [section 37.8](#) of the CCRA, when the SDC determines that an inmate will remain in an SIU under [section 37.4](#) of the CCRA
  - d. no later than the next working day following an [SIU Transfer Authorization](#) in accordance with [subsection 23.07\(1\)\(a\)](#) of the CCRR, where an inmate was authorized to be transferred to an SIU at least four (4) times within a period of 180 consecutive days, and the inmate was not, during that period, referred to an IEDM for the purposes of making a determination in accordance with [section 37.8](#) of the CCRA.

2. The Assistant Commissioner, Correctional Operations and Programs (ACCOP), will:
  - a. refer a case to an IEDM in accordance with [subsection 23.07\(1\)\(b\)](#) of the CCRR, where the Assistant Deputy Commissioner, Correctional Operations (ADCCO), has recommended an external review of an inmate's case and the ACCOP determines that the external review is necessary
  - b. ensure information under CSC's control is shared with the IEDM for the purpose of their review, and:
    - i. no information determined by the IEDM as relevant is withheld from the IEDM, including Protected C information
    - ii. any CSC Protected C information provided to an IEDM for the purpose of making their determination is no longer accessible to the IEDM, including Closed-Circuit Television (CCTV) video footage, no later than 10 calendar days from the date of the IEDM's determination.
3. The Institutional Head will:
  - a. develop procedures to ensure:
    - i. an IEDM's request to meet with or speak with an SIU inmate or inmate subject to restricted movement, either in person, via videoconference, or by telephone, is facilitated in a private area, on schedule and without interruption in accordance with [section 37.73](#) of the CCRA, unless an [exceptional circumstance](#) exists
    - ii. an IEDM's request to meet with CSC staff or contractors as part of their review, either in person, via video-conference, or by telephone, is facilitated in accordance with [subsection 37.7\(2\)\(a\)](#) of the CCRA
    - iii. communications between an IEDM and inmate, including letters, telephone conversations, videoconference and in person visits, are not subject to interception, pursuant to [CD 568-10 – Interception of Inmate Communications](#) and in accordance with [subsection 94\(2\)](#) of the CCRR
    - iv. all documentation identified in [Annex C](#) specific to a case referred to an IEDM is shared with the IEDM within two (2) [working days](#) of an IEDM referral notification
    - v. all additional information requested and deemed relevant by an IEDM not listed in [Annex C](#) that is under the control of CSC, including CCTV video footage, is shared with the IEDM [as soon as practicable](#)
  - b. ensure a response to an IEDM's recommendations under [subsection 37.83\(2\)](#) of the CCRA:
    - i. is provided to the IEDM within seven (7) calendar days from receipt of the recommendations, including the day it was received

- ii. is detailed and identifies the steps CSC has taken to implement the recommendation(s) or addresses identified concerns, pursuant to the Content Guidelines in [Annex F](#)
- c. ensure IEDM determinations that an inmate should not remain in an SIU are implemented [as soon as practicable](#) following receipt of the removal order
- d. ensure the IEDM is notified of the implementation of their determination as soon as practicable or, when there is a delay in implementing the determination, ensure:
  - i. the IEDM is notified of the delay and the reason for any delay, including the efforts being made to implement the determination, and the anticipated date of implementation, is recorded in the [SIU Application](#) as soon as practicable
  - ii. the IEDM is provided a copy of the information, without delay.

## **PROCEDURES**

### **Notifications of an IEDM Review**

- 4. The SIU Manager, the Manager, Intensive Intervention Strategy (IIS), at women's institutions or the Manager, Assessment and Interventions (MAI), at non-SIU sites will ensure:
  - a. the inmate is provided with the IEDM's written notification within one (1) working day of receipt of the IEDM's written notification to the inmate
  - b. the sharing of the notification is documented in the SIU Application at the time that it is shared with the inmate, including:
    - i. if the inmate accepted and/or acknowledged receipt of the notification
    - ii. where an inmate refuses the notification, if the inmate was verbally advised of the IEDM's notification of an IEDM review and the inmate's detailed response, if provided
    - iii. if the inmate requested to meet and/or speak with and/or provide written representations to the IEDM prior to their determination
    - iv. if the inmate requested to speak with legal counsel and, when requested, if the inmate was provided access to legal counsel or where a legal call was not possible, include the reason(s).

### **Notice to Inmate of Structured Intervention Unit Review Committee (SIURC) for IEDM Reviews**

- 5. The SIURC Chairperson will ensure:
  - a. the inmate is notified of the [Structured Intervention Unit Review Committee](#) (SIURC) and their rights for IEDM duration reviews, pursuant to the SIURC timeframes and procedures in [Guidelines \(GL\) 711-3 – Procedures to Transfer Inmates out of a Structured Intervention Unit](#)
  - b. the SIURC recommendation is documented pursuant to [Annex E](#).

### **Responding to IEDM Requests**

6. When an IEDM requests information related to an IEDM review, the SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites will:
  - a. provide a clear and detailed response to the IEDM within two (2) working days of an IEDM's request for information
  - b. ensure the IEDM has complete, accurate and up-to-date information for the purpose of making their determination.

### **Structured Assessment**

7. The [SIU Parole Officer](#) (SIU-PO), or the Institutional Parole Officer (PO) at women's institutions and non-SIU sites, will:
  - a. complete a [Structured Assessment](#), pursuant to [Annex D](#), for all IEDM reviews, with the exception of IEDM duration reviews under [section 37.8](#) of the CCRA no later than three (3) working days following notification of a referral to an IEDM
  - b. include a written summary in the Structured Assessment, in collaboration with the SIU-SIO, identifying the protected information or documents and the disclosure concern(s), including the identified risk(s) should the information be shared with the inmate, for awareness and consideration by the IEDM
  - c. document the Structured Assessment in the SIU Application
  - d. share the Structured Assessment with the inmate and document the sharing in the SIU Application, pursuant to IEDM Information Sharing procedures.

### **IEDM Information Sharing Checklist and Procedural Safeguard Declaration**

8. The SIU Manager, the Manager, IIS at women's institutions, or MAI at non-SIU sites, will ensure:
  - a. all information shared with an IEDM, excluding information provided by the inmate to the IEDM:
    - i. is documented on the [IEDM Primary Information Sharing Checklist \(CSC/SCC #\)](#) or [IEDM Information Sharing Checklist Update \(CSC/SCC #\)](#), as applicable, and
    - ii. is shared with the inmate within four (4) working days of a referral to an IEDM for review, or [as soon as practicable](#) where additional information is requested by an IEDM
  - b. an [IEDM Procedural Safeguard Declaration form \(CSC/SCC #\)](#) is completed in conjunction with each Information Sharing Checklist or Information Sharing Checklist Update form
  - c. the sharing of documentation with the inmate, as well as the Information Sharing Checklist and Procedural Safeguard Declaration forms, is documented in the SIU Application.

## Primary Information Sharing

9. The SIU-PO or the institutional PO at women's institutions and non-SIU sites, will, within four (4) working days of a referral for an IEDM review:
  - a. complete an **IEDM Primary Information Sharing Checklist (CSC/SCC #)**, including all documentation identified in [Annex C](#) specific to a case referred to an IEDM and an **IEDM Procedural Safeguard Declaration form (CSC/SCC #)**
  - b. request that the SIU Security Intelligence Officer (SIO) or the SIO at women's institutions and non-SIU sites review all preventative security documentation, including SIU-Threat Risk Assessments (SIU-TRAs), that will be shared with the IEDM, and identify any Protected C information which is not recommended to be shared with the inmate
  - c. document the information sharing with the inmate, as well as the Primary Information Sharing Checklist and Procedural Safeguard Declaration forms, in the SIU Application, including the inmate's acknowledgement of the IEDM Procedural Safeguard Declaration, and
  - d. forward the completed forms to the IEDM, without delay.

## Information Sharing Update – IEDM Request for Additional Information

10. Where an IEDM requests additional information, the SIU-PO or the institutional PO at women's institutions and non-SIU sites, will, [as soon as practicable](#):
  - a. complete an **IEDM Information Sharing Checklist Update (CSC/SCC #)** and an **IEDM Procedural Safeguard Declaration form (CSC/SCC #)** for each subsequent sharing of information
  - b. document the information sharing with the inmate, as well as the Information Sharing Checklist Update and Procedural Safeguard Declaration forms, in the [SIU Application](#), including the inmate's acknowledgement of the IEDM Procedural Safeguard Declaration
  - c. forward the completed forms and requested documentation to the IEDM, without delay.
11. Where an IEDM requests Closed Circuit Television Video (CCTV) footage, the SIU Security Intelligence Officer (SIO) or the SIO at women's institutions and non-SIU sites, will, within one (1) working day of the request:
  - a. review the requested CCTV video footage
  - b. determine if any part of the CCTV video must be withheld from the inmate in accordance with [subsection 27\(3\)](#) of the CCRA, and if so, prepare a gist of the CCTV video footage and a written summary or statement, including the identified risk(s) if the CCTV video is shared with the inmate
  - c. share the CCTV video footage or gist, if applicable, including the prepared summary or statement, with the inmate and document the information sharing with the inmate in the [SIU Application](#)

- d. ensure a copy of the CCTV video footage and, if applicable, a gist, including the prepared summary or statement, is made available to the IEDM
  - e. document the gist, if applicable, and the prepared summary or statement in the SIU Application
  - f. remove the video from IEDM access within 10 days after the receipt of the IEDM determination.
12. The SIU-PO or the institutional PO at women's institutions and non-SIU sites, will, [as soon as practicable](#) following the sharing of video footage:
- a. complete an **IEDM Information Sharing Checklist Update (CSC/SCC #)** and an **IEDM Procedural Safeguard Declaration form (CSC/SCC #)**
  - b. ensure the completed forms are forwarded to the IEDM, without delay.

### **Information Sharing Update – New Information**

13. Following completion of the primary information sharing process with an IEDM, the SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites will ensure any new relevant information during the course of an IEDM review and identified prior to the IEDM's determination, is shared with the IEDM, within one (1) working day of receipt of the new information.
14. When new information becomes available during the course of an IEDM review and prior to the IEDM making their determination, the SIU-PO or the institutional PO at women's institutions and non-SIU sites, will:
- a. provide the inmate with a copy of the new information, or gist of the information if applicable, within one (1) working day of receipt of the information
  - b. complete an **IEDM Information Sharing Checklist Update (CSC/SCC #)** and an **IEDM Procedural Safeguard Declaration form (CSC/SCC #)**
  - c. document the information sharing with the inmate, as well as the Information Sharing Checklist Update and Procedural Safeguard Declaration forms, in the [SIU Application](#), including the inmate's acknowledgement of the IEDM Procedural Safeguard Declaration
  - d. forward the completed forms to the IEDM without delay.

### **Delay in Information Sharing with IEDMs**

15. When there is a delay in providing information to an IEDM, the SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites will ensure:
- a. the reason for any delay, including the efforts being made to provide the required information and the anticipated date the information will be provided, is recorded in the [SIU Application](#)
  - b. the IEDM is provided a copy of the information, without delay.



**Withholding Information**

16. The SIU-SIO, or an SIO at women's institutions and non-SIU sites, will, within one (1) working day of a request by the Parole Officer to review preventative security information:
- a. review all preventative security documentation, including SIU-TRAs, that will be shared with the IEDM, and identify any Protected C information which is not recommended to be shared with the inmate
  - b. prepare a vetted copy or a gist of identified Protected C intelligence information to be shared with the inmate in lieu of the original documents shared with the IEDM, pursuant to [CD 701 – Information Sharing](#)
  - c. provide a written summary or statement, to be included in the [Structured Assessment](#), to identify the reason(s) for vetting or preparing a gist, the sensitive nature of the information and sharing concerns and/or caveats, including the identified risk(s) should the information be shared with the inmate.
17. If the Institutional Head determines that information that has been shared with an IEDM is to be withheld from the inmate, the SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites will ensure:
- a. the inmate is provided with a copy of the vetted documentation or gist(s)
  - b. the IEDM is provided with:
    - i. a copy of the original document(s)
    - ii. a detailed explanation as to why the information was withheld from the inmate
    - iii. the vetted copy of any document(s) shared with the inmate in lieu of the original document(s)
    - iv. a gist of any protected information shared with the inmate in lieu of the original document(s)
  - c. the **IEDM Procedural Safeguard Declaration form (CSC/SCC #)** is updated and includes the withheld information, including the original document(s) and the vetted document(s) or gist(s) provided to the inmate.

**Notice to Inmates of Right to Legal Counsel and/or Assistant for IEDM Reviews**

18. The SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites will ensure, for each active IEDM review:
- a. the inmate is advised of their right to contact legal counsel and/or an [assistant](#) and the process to request legal counsel and/or an assistant

- b. the inmate is advised of the process to share [CSC documentation](#) or any other information held by CSC, including an IEDM's recommendation(s) or determination, with their legal counsel and/or assistant in preparation for an IEDM review or following an IEDM determination
- c. the notifications are documented in the SIU Application.

#### **Inmate Request for Legal Counsel and/or Assistant for IEDM Reviews**

19. When an inmate submits a written request to contact their legal counsel and/or assistant in preparation for an IEDM review, the SIU-PO, or the institutional PO at women's institutions or at non-SIU sites, will:
  - a. ensure the inmate's request identifies the inmate's legal counsel and/or assistant and the inmate's intentions to engage their legal counsel and/or assistant in the IEDM review process
  - b. ensure the inmate completes a [Consent for Disclosure of Personal Information \(Inmate\)](#) form (CSC/SCC 0487)
  - c. forward the completed forms to the IEDM, without delay.

#### **Inmate Request for Sharing of Information with Legal Counsel and/or Assistant for IEDM Reviews**

20. When an inmate requests to share [CSC documentation](#), or any other information held by CSC, including the IEDM's recommendation(s) or determination, with their legal counsel and/or assistant for the purpose of an IEDM review, the SIU-PO, or the institutional PO at women's institutions or non-SIU sites, will:
  - a. ensure the inmate's request identifies the inmate's legal counsel and/or legal assistant and the relevant documentation they wish to share with their legal counsel and/or legal assistant
  - b. provide the inmate with a [Consent for Disclosure of Personal Information \(Inmate\)](#) form (CSC/SCC 0487)
  - c. verify the name of their legal counsel and/or assistant and contact information to ensure the information is accurate or up to date if the inmate has previously completed and signed a [Consent for Disclosure of Personal Information \(Inmate\)](#) form (CSC/SCC 0487), and document the verification in the SIU Application
  - d. once the information has been reviewed, send the information identified by the inmate to the inmate's legal counsel and/or assistant and provide the inmate with confirmation, within two (2) working days from receipt of the inmate's request
  - e. where information was deemed not relevant to the IEDM review or protected information was redacted and a vetted version or a gist is provided in lieu of the original document(s), ensure the reason(s) for not sharing or withholding requested information is included in the response to the inmate's written request
  - f. document the information sharing with an inmate's legal counsel and/or assistant in the SIU Application and ensure excluded or redacted information is identified, including the reason(s)

- g. notify the IEDM of the completed information sharing with an inmate's legal counsel and/or assistant, without delay.

### **IEDM Access to Inmates**

#### **Inmate Communication and Correspondence with an IEDM**

21. Following receipt of an inmate's written request to communicate or meet with an IEDM, the SIU-PO or institutional PO at women's institutions will:
  - a. notify the inmate that:
    - i. all communications with an IEDM are privileged
    - ii. an envelope will be provided to seal their written correspondence to the IEDM, upon request
  - b. notify the SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites, without delay, that the inmate has provided privileged written correspondence for the IEDM, including an inmate's written request to send their correspondence electronically to the IEDM, if applicable
  - c. document the inmate request to communicate or meet with an IEDM in the SIU Application
  - d. forward an inmate's request to communicate or meet with an IEDM to the applicable IEDM [as soon as possible](#)
  - e. ensure the inmate is provided reasonable access to a photocopier to copy documents which cannot be provided directly to the IEDM by the Service and, if access to a photocopier is denied for security or operational reasons, assistance is provided by staff to photocopy documents, within 48 hours of an inmate's written request
  - f. ensure written correspondence received from the inmate for the IEDM:
    - i. remains in a sealed envelope and is mailed to the IEDM within one (1) working day of receipt, or
    - ii. is sent electronically to the IEDM, within one (1) working day of receipt of an inmate's written request
  - g. ensure the IEDM is notified by email on the day the correspondence was sent and the means by which the correspondence was sent (i.e., courier or standard mail).

**IEDM Interview Request**

22. Following a request by an IEDM to interview an inmate, in person, via videoconference or by telephone, the SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites will ensure:
- a. the inmate is notified of an IEDM interview request within one (1) working day of the receipt of the IEDM's request, and the notification is documented in the SIU Application
  - b. the IEDM is informed, without delay, of the inmate's response to either participate or decline participation in an interview
  - c. if the inmate agrees to participate, arrangements are made to facilitate the interview as requested by the IEDM, and on the scheduled date and time
  - d. delays in scheduled IEDM interviews are monitored and the reason(s) for any delays are reported to the IEDM [as soon as possible](#).
23. The SIU Correctional Manager, the Correctional Manager, IIS, at women's institutions or the Correctional Manager in charge of the institution at non-SIU sites will ensure:
- a. any operational (security) reason(s) that could delay a scheduled IEDM interview is relayed to the SIU Manager, the Manager, IIS at women's institutions or the MAI at non-SIU sites, as soon as possible
  - b. unless an [exceptional circumstance](#) exists, IEDM interviews are facilitated in a private area as scheduled and free from disruptions for the duration of the interview
  - c. the safety and security of IEDMs while they are physically present in the institution.

**Inmate Notification of a Scheduled IEDM Interview or Meeting**

24. When an IEDM requests to interview an inmate or an inmate requests to meet with an IEDM, the SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites, as applicable, will ensure:
- a. the inmate is notified, in writing, of their scheduled IEDM interview or meeting, within one (1) working day of confirming the IEDM interview or meeting, including:
    - i. the date and time of the scheduled interview or meeting
    - ii. the type of interview or meeting (i.e. telephone, videoconference or in person)
    - iii. the type of IEDM review, including an explanation of the purpose for the review
    - iv. the name of the IEDM

- b. the inmate is notified of any delay to the scheduled interview and, where the interview needs to be rescheduled, the inmate is provided notification, in writing, of their newly confirmed scheduled IEDM interview or meeting
- c. the inmate is notified, in writing, that they may request copies of any CSC documentation relevant to their IEDM review for the purpose of preparing for their IEDM interview
- d. the notification is documented in the SIU Application.

### **Confirmation of Inmate Attendance and Preparation for an IEDM Interview or Meeting**

25. The SIU-PO, or the PO at women's institutions or non-SIU sites, will:

- a. meet with the inmate no later than one (1) working day before a scheduled IEDM interview or meeting to ensure:
  - i. the inmate is informed of the reason/purpose of the IEDM review
  - ii. the inmate has been provided all requested documents in preparation for their scheduled IEDM interview or meeting
- b. document the meeting with the inmate in the SIU Application.

### **Sharing IEDM Reviews and Determinations with the Inmate**

26. The SIU Manager, the Manager, IIS, at women's institutions or the MAI at non-SIU sites will ensure:

- a. an IEDM's written determination or review is shared with the inmate within one (1) working day of receipt of the written document
- b. the sharing is documented in the SIU Application, and includes:
  - i. whether the inmate accepted the determination or review and acknowledged receipt of the document
  - ii. if the inmate is in agreement with the IEDM determination or review, the inmate's willingness to comply with the IEDM determination, and if the inmate is refusing, the reason(s) if provided
  - iii. any additional inmate comments
- c. the IEDM is notified [as soon as possible](#) when an inmate refuses to comply with an IEDM determination that the inmate should not remain in an SIU.

**Responding to IEDM Reviews and Determinations**

27. Where the IEDM makes a determination under [subsection 37.83\(1\)](#) of the CCRA that CSC has not taken all reasonable steps to provide an inmate with their CoC [entitlements](#) and provides recommendations in accordance with [subsection 37.83\(2\)](#), the Institutional Head will ensure:
- a. a [response](#) to the IEDM's recommendations is sent to the IEDM within seven (7) days from receipt of the IEDM's review, including the day it was received
  - b. the response to the IEDM is completed pursuant to the content guidelines in [Annex F](#) and is documented in the SIU Application
  - c. the response is shared with the inmate within one (1) working day of completion and the sharing is documented in the SIU Application.
28. Where the IEDM has made a determination that an inmate should not remain in the SIU under [subsection 23.06\(1\)](#) of the CCRR or issues a removal order from the SIU under [subsection 37.83\(3\)](#) of the CCRA, the SIU Manager, the Manager, IIS, at women's institutions or MAI at non-SIU sites will:
- a. share the IEDM determination with the inmate within one (1) working day of the receipt of the determination and document the sharing in the SIU Application
  - b. notify the IEDM as soon as practicable once the inmate is removed from the SIU, or
  - c. when there is a delay in implementing the determination:
    - i. document the reasons for the delay, the plan to implement the IEDM's decision, including the expected timeframes in the SIU Application within two (2) working days of the IEDM determination
    - ii. notify the IEDM, within two (2) working days of receiving the IEDM's determination, of the plan to effect the inmate's transfer out of the SIU and/or the reason(s) a transfer out of the SIU is delayed or not actioned.

**ENQUIRIES**

29. Strategic Policy Division

National Headquarters

Email: [Gen-NHQPpolicy-Politi@CSC-SCC.gc.ca](mailto:Gen-NHQPpolicy-Politi@CSC-SCC.gc.ca)

Assistant Commissioner,  
Correctional Operations and Programs

France Gratton

## ANNEX A

### CROSS-REFERENCES & DEFINITIONS

#### CROSS-REFERENCES

[CD 001 – Mission, Values and Ethics Framework of the Correctional Service of Canada](#)

[CD 081 – Inmate Complaints and Grievances](#)

[CD 084 – Inmates' Access to Legal Assistance and the Police](#)

[CD 087 – Official Languages](#)

[CD 701 – Information Sharing](#)

[CD 702 – Indigenous Inmates](#)

[CD 710 – Institutional Supervision Framework](#)

[CD 710-1 – Progress Against the Correctional Plan](#)

[CD 711 – Structured intervention Units](#)

[GL 711-1 – Procedures to Transfer Inmates to a Structured Intervention Unit](#)

[GL 711-2 – Management of Structured Intervention Unit Inmates and Inmates Subject to Restricted Movement](#)

[GL 711-3 – Procedures to Transfer Inmates out of a Structured Intervention Unit](#)

[GL 711-4 – Correctional Interventions and Services in Structured Intervention Units](#)

[GL 711-5 – Health Services in Structured Intervention Units](#)

[CD 800 – Health Services](#)

#### DEFINITIONS

**All reasonable efforts/steps:** staff working with and providing services to inmates subject to restricted movement will ensure, when feasible under the circumstances, a variety of opportunities to interact with others are provided to inmates subject to restricted movement between the hours of 07:00 and 22:00.

**As soon as possible:** at the earliest possible time or opportunity without compromising the safety of staff, inmates or the public and the security of the institution.

**As soon as practicable:** as soon as both possible and practical under all the facts and circumstances of the individual case and without compromising the safety of staff, inmates or the institution.

**Assistant:** when requested by an inmate, a person, other than an inmate's legal counsel, who can assist the inmate in preparing and presenting their representations, where the inmate is entitled to a review resulting from their confinement in an SIU, including attending and assisting an inmate at an [SIURC](#).

**Barrier:** any physical obstruction, including, but not limited to, bars, security glass, cell doors, door hatches, outdoor fences or security screens that is interposed or impedes interactions between an SIU inmate or inmate subject to [restricted movement](#) and another person.

**Conditions of confinement (CoC):** the provisions of inmate [entitlements](#) in an SIU or when subject to [restricted movement](#), which include, but are not limited to, the frequency, duration and type of programs, interventions, services, exercise and leisure time provided to the inmate as well as the conditions under which these are provided, including whether [barriers](#) are used to mediate interactions.

**Contractors:** people under contract to CSC to provide specific interventions and services to SIU inmates, including Elders, Elder's Helpers, Teachers, Chaplains and Spiritual Advisors.



**Correctional interventions:** correctional interventions include activities and interventions related to correctional programs, educational programs, and social programs that support the return of inmates in SIUs to the mainstream inmate population at the earliest possible time, while maintaining continuity in meeting the objectives of their Correctional Plan.

**CSC reports/documentation:** official CSC information, including reports, forms and documentation, that is locked, finalized or completed and stored on the Offender Management System, the SIU Application, or the offender's preventative Security or case management file.

**Entitlements:** CSC's obligations to provide inmates in an SIU or inmates subject to [restricted movement](#) with opportunities to be out of their cell for a minimum of four hours daily which includes, at SIU sites, [opportunities to interact with others](#) for a minimum of two hours daily and at non-SIU sites, [when circumstances permit](#), in accordance with [subsection 36\(1\)](#) of the CCRA.

**Exceptional circumstances:** an immediate situation which endangers the life, safety or health of inmates, staff, visitors, or the security of the institution.

**Independent External Decision Maker (IEDM):** appointed by the Minister to review the cases of inmates confined in an SIU or subject to restricted movement in accordance with conditions and timeframes identified within the CCRA and CCRR.

**Interaction:** a face to face discussion, conversation, encounter or meeting by a CSC staff or contractor with an SIU inmate or inmate subject to [restricted movement](#) for the purpose of offering and/or providing an activity, intervention, service or for an administrative purpose, and is more than a casual or perfunctory conversation or done to complete a specific function. Interactions must be documented in the SIU Application.

**Opportunities to interact with others:** opportunities provided to SIU inmates or inmates subject to [restricted movement](#) for interaction with others that is conducive to building rapport, social networks, or strengthening bonds with family or other supports through the provision of programs, interventions, services, cultural activities, religious and spiritual practice, leisure and social activities, family and community contact, all of which is essential in maintaining an inmate's health while supporting their transfer from an SIU at the earliest possible time.

**Reasonable alternatives:** options to managing a situation where an inmate has acted or intends to act in a manner that jeopardizes the safety of any person or the security of the penitentiary, when the inmate's own safety is jeopardized or when allowing the inmate to remain in a mainstream inmate population would interfere with an investigation that could lead to a criminal or serious charge, by other means that ensures the security of the penitentiary and the safety of all staff, inmates, [contractors](#) and the public. Alternatives may include, but are not limited to informal conflict resolution, the inmate disciplinary process, movement to an alternative range or unit, a reduction in security, transfer to an Indigenous healing lodge, regional treatment centre or another appropriate institution that meets the inmates security requirements, cultural alternatives, such as movement to a Pathways range, Elder counselling and teachings or any other strategy that allows the inmate to remain in a mainstream inmate population without jeopardizing the safety of any staff member, contractor, the inmate or another inmate, the public or the security of the penitentiary.

**Restricted movement:** an inmate who is authorized for a transfer to an SIU when incarcerated at a penitentiary that does not have an SIU may be subject to restrictions on their movement within the penitentiary and interactions with others, subject to safety and security considerations, until a transfer to an SIU can be effected.

**Sanctioned inmate representative:** an inmate who is an approved member of an institutional Inmate Welfare Committee (IWC) or an approved unit/range representative or a member of an approved institutional or SIU inmate support committee and authorized to speak on behalf of an inmate or group of inmates pursuant to the conditions and procedures in [GL 711-3 – Procedures to Transfer Inmates out of an Structured Intervention Unit](#).

**SIU Application:** application used by CSC staff and applicable [contractors](#) to document SIU decisions, the daily activities of SIU inmates and inmates subject to [restricted movement](#), interactions with inmates and other information related to an inmate's confinement in an SIU.

**SIU inmate:** an inmate who resides in an SIU.

**SIU Parole Officer (SIU-PO):** a Parole Officer assigned to an SIU at a men's institution. Women's institutions do not have dedicated SIU Parole Officers and the institutional Parole Officer at a women's institution will continue to manage the case of an inmate transferred to an SIU.

**SIU site:** an institution with an SIU, as designated by the Commissioner.

**SIU Transfer Authorization:** where the legal requirements in accordance with [subsection 34\(1\)](#) of the CCRA are met and there are no [reasonable alternatives](#), the SIU transfer authorization is the first step in the SIU transfer decision process. The SIU authorization to transfer provides notice to the inmate that they may be approved for transferred to an SIU if legal and policy requirements are met.

**Structured Intervention Unit (SIU):** stand-alone, multi-level security unit within an area of a penitentiary designated by the Commissioner, which provides an alternative institutional living environment where an inmate cannot be maintained in a mainstream inmate population for institutional security or safety reasons, pursuant to [subsection 34\(1\)](#) of the CCRA. SIU inmates are provided opportunities to be out of their cell for a minimum of four hours daily and [opportunities to interact with others](#) for a minimum of two hours daily, which include opportunities to participate in [correctional interventions](#) and services that address the reasons for their transfer to an SIU.

**Structured Intervention Unit Correctional Intervention Board (SIU-CIB):** a multidisciplinary intervention body chaired by the SIU Manager or Manager, Intensive Intervention Strategy, that approves interventions and contributes to recommendations or decisions. Members may include, as applicable: the Parole Officer working in an SIU or Parole Officer, Correctional Program Officer (CPO)/Indigenous Correctional Program Officer (ICPO), Chief of Education, Teacher, Behavioural Skills Coach, Elder/Spiritual Advisor, Religious or Spiritual Practitioner and Indigenous Liaison Officer and any other staff member who may contribute to the discussion or decision as determined by the Chairperson.

**Structured Intervention Unit Review Committee (SIURC):** pursuant to the procedures in [GL 711-3 – Procedures to Transfer Inmates out of a Structured Intervention Unit](#), a formal review of an SIU inmate’s case within legislated timeframes for the purpose of discussing alternatives to the SIU and recommending to a CSC designated decision maker or an IEDM that an inmate should either remain in or be transferred out of an SIU. An SIURC may also be held outside of legislated timeframes for the purpose of recommending an inmate’s immediate transfer out of an SIU to the Institutional Head (see ad-hoc decision) when there is a reasonable alternative and the inmate is in agreement with the plan or to facilitate an SIU inmate’s approved transfer or penitentiary placement.

**When circumstances permit:** when operationally feasible without compromising necessary operational routines and/or security of the penitentiary or the safety of any person.

**Working day:** means a day of the week that is not a statutory holiday or weekend.

**ANNEX B**

**CSC REFERRAL TIMEFRAMES AND REQUIREMENTS TO THE INDEPENDENT EXTERNAL DECISION MAKER**

Note: the day of an inmate’s [SIU Transfer Authorization](#) constitutes calendar day one in determining the timeframe to refer the case of an inmate to an IEDM for a [Conditions of Confinement](#) (CoC) review provided the inmate is in an SIU for four (4) hours or more, between 7 am and 10 pm. Should there be insufficient time to provide the inmate with their daily CoC [entitlements](#) (inmate in an SIU for less than four (4) hours), the next calendar day will constitute day one.

REVIEW TYPE	TIMEFRAME & REQUIREMENTS FOR CSC REFERRAL TO THE IEDM	OUTCOME
<p><b>Conditions of Confinement (5 consecutive calendar days OR for 15 out of 30 calendar days):</b></p> <p><a href="#">CCRA 37.83(1)</a></p>	<p>When an <a href="#">SIU inmate</a> or an inmate subject to <a href="#">restricted movement</a> is not provided with or does not avail themselves of opportunities to be out of their cell for a minimum of four (4) hours/day <u>OR</u> to interact with others for a minimum of two (2) hours/day for five (5) consecutive calendar days <u>OR</u> for 15 out of 30 calendar days, CSC will refer the case to the IEDM by the next working day.</p>	<p>If the IEDM makes a determination that CSC has not taken all reasonable steps, the IEDM may make recommendations under CCRA <a href="#">section 37.83(2)</a> to remedy the situation.</p> <p>Under CCRA <a href="#">section 37.83(3)</a>, CSC is provided seven (7) calendar days, including the day on which CSC received the recommendations, to respond to IEDM recommendations.</p> <p>If CSC’s response fails to satisfy the IEDM that it has taken all reasonable steps to provide the inmate their CoC entitlements, the IEDM shall direct CSC to remove the inmate from the SIU. (<a href="#">CCRA 37.83(3)</a>)</p>
<p><b>Conditions of Confinement (10 consecutive calendar days):</b></p> <p><a href="#">CCRR 23.06(1)</a></p>	<p>Following an IEDM determination pursuant to <a href="#">subsection 37.83(1)</a> or <a href="#">37.83(3)</a> that CSC has taken all reasonable steps to provide an SIU inmate with the minimum CoC entitlements, but the inmate, while still in the SIU, has not availed themselves of their full daily entitlements for ten (10) consecutive days prior to the IEDM’s determination, CSC will</p>	<p>CSC will comply with an IEDM decision, which may include removing the inmate from an SIU.</p> <p>If the inmate is transferred out of an SIU when there is an outstanding referral, CSC will notify the IEDM no later than the next working day following the inmate’s</p>

REVIEW TYPE	TIMEFRAME & REQUIREMENTS FOR CSC REFERRAL TO THE IEDM	OUTCOME
	refer the case to the IEDM by the next working day.	physical transfer out of an SIU.
<b>IEDM Duration Decision</b>  <a href="#">CCRA 37.8</a>	By the next <a href="#">working day</a> , following a decision by the Senior Deputy Commissioner (SDC), pursuant to <a href="#">section 37.4</a> of the CCRA that an inmate should remain in an SIU.	A referral to the IEDM for review in accordance with <a href="#">section 37.8</a> will continue following each SDC decision that an inmate should remain in an SIU until an IEDM or the SDC has determined that an inmate should not remain in an SIU.
<b>180-day Review:</b>  <a href="#">CCRR 23.07(1)(a)</a>	The CSC will refer to an IEDM, no later than the next working day of authorization, any cases where an inmate was authorized to be transferred to an SIU at least 4 times within a period of 180 consecutive days; and the inmate was not, during that period, referred to an IEDM for the purposes of making a determination in accordance with <a href="#">section 37.8</a> of the CCRA.	CSC will review the IEDM recommendations, if provided, for implementation and provide a response to the IEDM within 30 calendar days.
<b>Request by CSC</b>  <a href="#">CCRR 23.07(1)(b)</a>	Where CSC requests a review by an IEDM of the case of an inmate who is or was authorized to be transferred to an SIU.	<p>CSC will review the IEDM recommendations, if provided, for implementation.</p> <p>A response to the IEDM will be coordinated by National Headquarters.</p> <p>If the inmate is transferred out of an SIU where there is an outstanding referral, CSC will notify the IEDM no later than the next working day following the inmate’s physical transfer out of the SIU.</p>

**ANNEX C****DOCUMENTS TO SHARE WITH INDEPENDENT EXTERNAL DECISION MAKERS – INITIAL SHARING LIST**

<b>Document Category</b>	<b>Initial Information Document Sharing List</b>
<b>CSC REPORT/FORMS</b>	SIU Transfer Authorization
<b>CSC REPORT/FORMS</b>	SIU Confirmation or Cancellation
<b>CSC REPORT/FORMS</b>	Institutional Head 5-Day SIU Transfer Decision
<b>CSC REPORT/FORMS</b>	Institutional Head 30-Day SIU Transfer Decision
<b>CSC REPORT/FORMS</b>	SIU Regional Reviews
<b>CSC REPORT/FORMS</b>	Senior Deputy Commissioner's Decisions
<b>CSC REPORT/FORMS</b>	IEDM Determinations and Reviews (as applicable)
<b>CSC REPORT/FORMS</b>	Institutional Head Response to a 37.83(1) Review (as applicable)
<b>CSC REPORT/FORMS</b>	Supplementary Information (as applicable)
<b>CSC REPORT/FORMS</b>	Assessments for Decision – Involuntary Transfers, Offender Security Level (OSL)/Penitentiary Placement (PP), Reassessed Security Requirements, etc. (most recent/applicable unless otherwise requested)
<b>CSC REPORT/FORMS</b>	Custody Rating Scale, Security Reclassification Scale (SRS) or SRS for Women, (as applicable)
<b>CSC REPORT/FORMS</b>	CSC Decisions – Voluntary/Involuntary Transfer, OSL, PP, etc. (most recent/applicable unless otherwise requested)
<b>CSC REPORT/FORMS</b>	Correctional Plan Updates - SIU
<b>CSC REPORT/FORMS</b>	Correctional Plan (most recent unless otherwise requested)
<b>CSC REPORT/FORMS</b>	Criminal Profile Report (including amendments)
<b>CSC REPORT/FORMS</b>	Memorandums – RE: Exceptions (ex: epidemics)
<b>CSC REPORT/FORMS</b>	Casework Records relevant for the time period subject to the review
<b>CSC REPORT/FORMS</b>	Structured Assessment for IEDM Reviews <ul style="list-style-type: none"> <li>- Includes a summary of the inmate's daily activity logs</li> <li>- Includes a summary of SIU-Threat Risk Assessments (SIU-TRAs)</li> </ul>

## **ANNEX D**

### **STRUCTURED ASSESSMENT FOR INDEPENDENT EXTERNAL DECISION MAKER REVIEWS – CONTENT GUIDELINES**

A Structured Assessment is required for all Independent External Decision Maker (IEDM) reviews, except IEDM duration reviews under [section 37.8](#) of the CCRA.

The Structured Assessment will include a detailed summary of the following:

#### **Purpose of Structured Assessment**

- The purpose of the IEDM review, including:
  - a summary of the inmate's case status
  - the date of the inmate's [SIU Transfer Authorization](#) and the reason for the SIU transfer
  - total number of days in an SIU – current SIU Transfer (indicate number of days on [restricted movement](#) and date of the inmate's physical transfer to an SIU, if applicable) and total number of SIU Transfers – current sentence
  - the date of the IEDM referral and the type of IEDM Review
  - assigned IEDM.

#### **Inmate Entitlements**

- The inmate's daily activity logs, beginning on the day of the inmate's SIU Transfer Authorization, including:
  - from the day of the inmate's SIU Transfer Authorization, the inmate's total recorded time for time spent outside of cell and interacting with others
  - a summary of the inmate's SIU Intervention Plan, including assigned SIU programs, interventions, and services, and any identified responsivity or health related concerns, as provided by a health care professional, that may impact the inmate's ability to engage in identified SIU interventions
  - a summary of the inmate's acceptance of [conditions of confinement](#) (CoC) entitlement opportunities, including the inmate's engagement in SIU programs, interventions, services, cultural, religious and spiritual practice, leisure activities, family visits or contact with community agencies and volunteers
  - a summary of the inmate's behaviour while in the SIU and if the inmate interacts with other inmates and staff in an appropriate manner. Indicate if the inmate is assigned to a group for CoC entitlement opportunities and if not, indicate the reason(s)
  - the number of days, if any, that the inmate has not met their minimum daily CoC [entitlements](#) and, if known, indicate the reason(s)
  - the number of days, if any, where the minimum obligations of the Service were not met and, if known, indicate the reason(s). Where the Institutional Head has approved an exception under [subsection 37\(1\)\(c\)](#) of the CCRA or [subsection 19\(1\)](#) of the CCRR, indicate the date the exception

was approved and the reason(s) for it, the efforts made to continue the provision of conditions of confinement entitlements and if applicable, the date the exception was discontinued

- where an inmate is not availing themselves of opportunities related to CoC entitlements, indicate the steps that CSC has taken to motivate and encourage the inmate to avail themselves of opportunities when offered, including, but not limited to:
  - a summary of ongoing offers, including alternative times or activities offered, within reasonable limits of the operational routine
  - a summary of staff interventions, including, but not limited to:
    - meetings with the inmate to discuss the inmate's refusals and identify supports and provide encouragement
    - referrals to the [SIU-Correctional Intervention Board](#) (SIU-CIB) to identify the need for alternative interventions and services, and
    - referrals to Health Services to identify the need for further health assessments.

### **Temporarily Out of Facility or Away from an SIU or Restricted Movement Area**

- Describe the inmate's time spent temporarily out of facility or away from an SIU or restricted movement area, if applicable, including the length of time or total number of days and the reason(s), including, but not limited to:
  - Transit to an SIU – provide a summary of the inmate's movement to an SIU
  - Outside hospital or admitted to the institutional infirmary – provide the reason(s) and the medical limitations of the inmate, as identified by a registered health care professional
  - Medical isolation – provide the rationale and explain the required inmate limitations. Indicate the process for removing an inmate from medical isolation, such as COVID-19 protocol, and a summary of daily checks, including a rationale for maintaining the inmate on medical isolation, as identified by a registered health care professional
  - Observation – provide the rationale, identified level on mental health need and explain the required inmate limitations. Indicate the process for removing an inmate from observation and a summary of daily health assessments, including a rationale for maintaining the inmate on observation, as identified by a registered health care professional
  - Regional Treatment Centre (RTC) – reason for transfer to a treatment centre, summary of time spent at RTC and discharge rationale, as identified by a registered health care professional
  - Dry cell – provide the rationale, the identified risk to the safety and security of the penitentiary or any person, and explain the required inmate limitations. Indicate the process for removing an inmate from dry cell and a summary of daily checks, including a rationale for maintaining the inmate on dry cell, as identified by a Security Intelligence Officer
  - Outside court – provide a summary of the inmate's court requirements, such as attends daily, remote community/out of area in sheriff/police custody, trial, remand status, etc.
  - Private family visit (PFV) or a compassionate Escorted Temporary Absence (ETA) – provide a summary of the PFV or ETA.



- Identify any other temporary placements or alternative living environments utilized when the inmate is identified as temporarily out of facility or away from an SIU or restricted movement area, if not already identified in the list above, including the reason(s), inmate limitations and/or access to entitlements, and the plan or reason(s) for the inmate's return to an SIU or restricted movement area.

### **Use of Barriers and SIU-Threat Risk Assessments**

- Identified use of [barriers](#) and completed SIU-Threat Risk Assessments (SIU-TRAs), including:
  - the date of the initial SIU-TRA and, if barriers were authorized, the reason(s) why risk could not be managed through any other measures, and
  - a summary of any additional SIU-TRAs when a barrier has been used for any activity and all subsequent SIU-TRAs completed daily until a barrier was no longer required, if applicable
  - where compatibility concerns have been identified in an SIU-TRA, indicate this. Identify the risk resulting from any identified incompatibility and outline the plan to mitigate the risk and ensure the inmate's access to their CoC entitlements.

### **Information Withheld from the Inmate**

- The SIU Parole Officer will include CSC information withheld from the inmate in accordance with [subsection 27\(3\)](#) of the CCRA. Any information withheld from the inmate will be identified on the Procedural Safeguard Declaration at the time of the sharing. Where information is being withheld, the Structured Assessment will clearly identify this information and outline the disclosure concerns, related to security intelligence information.
  - Include the written summary or statement to the IEDM provided by the SIU-Security Intelligence Officer (SIU-SIO) to identify protected security information or documents, including SIU-Threat Risk Assessments, the sensitive nature of the security related information, and disclosure concern(s) for awareness and consideration by the IEDM, including the reason(s) for vetting or preparing a gist of information, and the identified risk(s) should the information be shared with the inmate.

### **Health/Mental Health Information**

- Health/mental health information, as identified by a registered health care professional:
  - the inmate's state of health and/or health care needs, if applicable, and indicate if the inmate is being followed by Health Services
  - inmate compliance with medication regime, including participation in the Opioid Antagonist Therapy (OAT) program, if applicable
  - the inmate's level of compliance with daily health care visits and assessments, and if the inmate has refused, indicate the inmate's reason(s), if known
  - health related factors that may affect or delay an identified plan to transfer out of an SIU, such as ongoing medical appointments or pending referral to a specialist

- any recommendation, for health reason(s), to the Institutional Head that the conditions of confinement of an inmate in an SIU be altered or that the inmate not remain in an SIU, and the outcome of any recommendation, if applicable, in accordance with [section 37.2](#) of the CCRA.
- If applicable, provide a summary of inmate comments where the inmate has provided health related information, expressed health related concerns or made requests to speak with Health Services, such as: medication concerns or if the inmate has requested OAT for addictions treatment; reason(s) for refusing health care visits and/or assessments; identified an injury or responsivity concern; advised of a pending medical appointment; or requested to speak with the doctor. Indicate if any referrals to Health Services have been submitted while the inmate has been in the SIU or while on restricted movement, and whether the referral is pending or actioned.

### **Transfer Out of an SIU**

- When there is a decision by a designated CSC decision maker or an IEDM that an inmate should not remain in an SIU, including the Institutional Head decision to not approve the inmate's transfer to an SIU, outline a plan to effect the inmate's transfer out of the SIU, including, but not limited to:
  - a reassessment of security requirements
  - a voluntary/involuntary transfer or penitentiary placement
  - a summary of delays in implementing a CSC or an IEDM decision that an inmate should not remain in an SIU. Outline the anticipated timeframes for the delay, such as identified in-person court appearances/trial dates; medical appointment dates and whether ongoing treatment is likely to be required and the reason(s) the inmate cannot receive treatment(s) at an alternative site; or pending Parole Board of Canada (PBC) decision, the type of decision, hearing date and the impact the decision would have on the inmate's SIU transfer (i.e. cancellation of suspension – immediate release, or if revoked, anticipated next release/release plan)
  - the inmate's refusal to leave the SIU, if applicable, and the inmate's reason(s)
  - actions and plans necessary to implement the decision if the original plan can no longer be implemented.

### **Conclusion**

- Synthesize the above information and provide an analysis as it relates to the purpose of the IEDM review and the inmate's risk, needs and responsivity factors.

## **ANNEX E**

### **STRUCTURED INTERVENTION UNIT REVIEW COMMITTEE (SIURC) – CONTENT GUIDELINES**

#### **SIURC – ATTENDANCE**

- Document the Chairperson and staff members in attendance, as well as their positions.
  - For Indigenous inmates, or non-Indigenous inmates who are following or request to follow a traditional path, indicate if the Elder, Spiritual Advisor, or Indigenous Liaison Officer (ILO) was present, and if not, the reason(s) why.
  - Indicate if the members of the Citizens Advisory Committee (CAC) were present, and if not, the reason(s) why.

#### **INMATE AND/OR LEGAL COUNSEL OR ASSISTANT ATTENDANCE**

- Indicate if the inmate attended and if not, the reason(s) why.
- Indicate if the inmate's legal counsel and/or assistant attended.
  - Where an inmate's request for legal counsel and/or an assistant was denied, indicate the reason(s) why.

#### **PURPOSE OF REVIEW**

- Identify the purpose of the review.

#### **ENTITLEMENTS**

- The SIURC will:
  - confirm the inmate is availing themselves of their minimum daily [conditions of confinement](#) (CoC) [entitlements](#) and if not, the reason(s) for it
  - provide a summary of the inmate's opportunities for time out of cell and interaction with others, including SIU programs, interventions, services, cultural, religious and spiritual practice, leisure activities, family visits or contact with community agencies and volunteers
  - where the inmate is not availing themselves of opportunities related to their CoC entitlements, indicate the steps that CSC has taken to motivate and encourage the inmate to avail themselves of opportunities when offered, including, but not limited to:
    - a summary of ongoing offers, including alternative times or activities, within reasonable limits of the operational routine
    - meetings with the inmate to discuss the inmate's refusals and identify supports and provide encouragement
    - referrals to the [SIU Correctional Intervention Board](#) (SIU-CIB) to identify the need for alternative interventions and services, and
    - referrals to Health Services to identify the need for further health assessments
  - indicate any days where the minimum obligations of the service were not met and, if known, indicate the reason(s), including if the Institutional Head approved an exception under [subsection 37\(1\)\(c\)](#) of the CCRA or [subsection 19\(1\)](#) of the CCRR. If so, indicate the date the

exception was approved and the reason(s) for it, the efforts made to continue the provision of CoC entitlements and if applicable, the date the exception was discontinued

- consider amending any conditions of confinement to encourage the inmate to avail themselves of their entitlements
- identify use of [barriers](#), if applicable, and confirm completion of Threat Risk Assessments (TRA) and daily reviews until a barrier was no longer required
  - where compatibility concerns have been identified in an SIU-TRA, identify the risk resulting from any identified compatibility concern and outline the plan to mitigate the risk and ensure the inmate's access to their CoC entitlements
- where an inmate has been identified as out of facility or away from the SIU, indicate the reason(s), inmate limitations and/or access to CoC entitlements while out of facility/away from the SIU, any identified process or plan to return the inmate to the SIU, and the date of the inmate's return or anticipated date of return to the SIU.

### **CIRCUMSTANCES OF TRANSFER TO SIU**

- Provide a concise summary of the circumstances that led to the inmate's transfer to an SIU.
- Include any updates to the information provided in the SIU Transfer Authorization.

### **DECISIONS/REVIEWS**

- Provide a brief summary of previous CSC decisions/reviews in chronological order, beginning after the Institutional Head's decision to approve or not approve the inmate's transfer to an SIU.
- Provide a brief summary of previous IEDM reviews and determinations.

### **INFORMATION WITHHELD FROM THE INMATE FOR IEDM DURATION REVIEWS**

- Identify any CSC information withheld from the inmate in accordance with [subsection 27\(3\)](#) of the CCRA. Any information withheld from the inmate will be identified on the IEDM Procedural Safeguard Declaration at the time of the sharing.
  - Include the written summary or statement to the IEDM provided by the SIU-Security Intelligence Officer (SIU-SIO) to identify protected security information or documents, including SIU-Threat Risk Assessments, the sensitive nature of the security related information, and disclosure concern(s) for awareness and consideration by the IEDM, including the reason(s) for vetting or preparing a gist of information, and the identified risk(s) should the information be shared with the inmate.

### **CONSIDERATION OF ALTERNATIVES TO SIU TRANSFER**

- Provide a detailed summary of all reasonable alternatives considered and indicate if each alternative is viable or not, including:
  - Informal resolution and/or mediation
  - Movement to another range at the same site
  - Transfer to another institution
  - Offender Security Level – appropriateness of the inmate's security classification

- For Indigenous inmates, culturally appropriate interventions as potential alternatives to an SIU, including, but not limited to, a healing circle, Elder counselling, and/or movement to a culturally appropriate range
- Health care considerations – if the inmate has known physical and/or mental health needs, were health care accommodations/needs considered
- Gender identity or expression considerations, if applicable.

## **TRANSFER OUT OF THE SIU**

Every review by the SIURC must document all reasonable alternatives to the SIU considered or being explored, whether viable or not, for consideration by the designated decision authority.

- The Chairperson will review and discuss all ongoing efforts to return the inmate to a mainstream inmate population at the same site.
- Should there be any change to the circumstances of the inmate's transfer to the SIU, including, but not limited to, reassessed security requirements, compatibility concerns, the population profile of a range, or other security information, the Chairperson will ensure that alternative(s) to the SIU are re-evaluated and confirm the viability of each alternative.
- If there continue to be no viable alternatives to return the inmate to a mainstream inmate population at the same site, the SIURC must clearly identify the risks to the safety and security of the institution or to any person, or the ongoing risk to an investigation.
- Where an intra-regional or inter-regional transfer is being considered as an alternative to an SIU, the SIURC will discuss and thoroughly document all consultations to date. This will include:
  - the date comments were requested
  - the regions/sites consulted
  - the date that comments were received
  - a statement or a summary of comments provided by the receiving site, if the response was positive or negative and, if negative, the reason(s)
  - if follow-up is required with a canvassed site, such as consultation with a Security Intelligence Officer (SIO) to determine if a security concern can be mitigated, a videoconference to discuss integration options or suitability for a requested population (i.e. Indigenous/Healing Range, Therapeutic Unit), and the outcome, when applicable
  - pending consultations and follow-up requests should timeframes not comply with policy guidelines (include the date follow-up was requested).
- Identify the proposed transfer plan/destination, if known, and indicate if the inmate is in agreement or has any identified concerns with the proposed plan.
- Identify next steps to the proposed transfer plan or transfer processes, such as for referrals to the Special Handling Unit (SHU).
- Should there be an identified viable alternative to the SIU, the SIURC will include, where applicable:
  - any institutional adjustment issues while in an SIU
  - the outcome of any informal resolution and/or mediation, or consultation with sanctioned inmate representatives
  - consultations with CSC staff and contractors
  - how the inmate's risk has been mitigated
  - the inmates agreement with the plan or, if the inmate is not in agreement, the inmate's proposed alternative or refusal to comply with an identified or approved plan
  - the results of a security classification review

- summary of an approved CSC transfer decision
- any anticipated or expected delay that may affect the implementation of an approved CSC transfer decision
- the plan to effect the decision, where there is a delay or the inmate is not in agreement with the identified alternative/plan.

### **SECURITY INTELLIGENCE OFFICER COMMENTS**

- Consultation with the SIU-SIO, including a gist of Protected C information, if applicable.

### **HEALTH CARE CONSIDERATIONS**

- Consultation with a registered health care professional, including:
  - inmate compliance with daily health care visits, assessments, and medication regime, if applicable
  - if the inmate participates in the Opioid Antagonist Therapy (OAT) program or if the inmate has requested OAT for addictions treatment
  - identified health care needs that may affect or delay transfer to another site, such as a scheduled medical appointment
  - identified concerns with conditions of confinement and any other health related information that may be relevant to the inmate's SIU transfer, as appropriate.
- Inmate health related comments, if applicable - indicate if the inmate has identified any health related concerns and/or has requested Health Services for any reason. If so, indicate if a referral to Health Services was submitted and whether the referral is pending or has been actioned.

### **INMATE REPRESENTATIONS**

- Include oral and/or written representations provided by the inmate.
- Where an inmate's legal counsel and/or assistant were present or participated by other means, include any oral or written representations made on behalf of the inmate.

### **SIURC RECOMMENDATION**

- State the SIURC recommendation and include the reasons for the recommendation.
- Pursuant to [CD 711 – Structured Intervention Units](#), the Chairperson will recommend transfer out of an SIU to a mainstream inmate population, unless the SIURC believes that transferring an inmate to a mainstream inmate population would jeopardize the safety of staff, other inmates or the institution, jeopardize the safety of the inmate, or interfere with an investigation.
- If the SIURC requires additional information, it may recess to do so, but must verbally advise the inmate of its recommendation as soon as one is reached.
- The SIURC recommendation will be provided to the designated decision authority within one (1) working day from the SIURC.

**ANNEX F****RESPONSE TO INDEPENDENT EXTERNAL DECISION MAKER RECOMMENDATIONS – CONTENT GUIDELINES**

Where an IEDM provides a recommendation(s) or decision in a review of an inmate's case in accordance with [subsection 37.83\(2\)](#) of the CCRA, the Institutional Head will provide a response to the IEDM.

The response will include, as applicable to the recommendation(s)/decision:

- a summary of IEDM concerns or findings within their determination/decision
- a response to the IEDM concerns or findings
- a summary of how each IEDM recommendation has been implemented, or
- the reason(s) why a recommendation or decision has not been implemented, if applicable
- steps that will be taken to implement the recommendation(s) or decision [as soon as possible](#), if applicable
- additional comments to respond to the recommendations or decision, as applicable.