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COMMISSIONER'S DIRECTIVE 559

In Effect: 2015-07-02
Last Review: 2012-06-13
Due for Review: 2017-07-02

Visits

PROGRAM ALIGNMENT	Custody
OFFICE(S) OF PRIMARY INTEREST	Correctional Operations and Programs Sector
ONLINE @	<ul style="list-style-type: none"> • http://infonet/cds/cds/559-cd-eng.pdf • http://infonet/cds/cds/559-cd-fra.pdf • http://www.csc-scc.gc.ca/text/plcy/cdshtm/559-cd-eng.shtml • http://www.csc-scc.gc.ca/text/plcy/cdshtm/559-cd-fra.shtml
AUTHORITIES	<ul style="list-style-type: none"> • Corrections and Conditional Release Act (CCRA), sections 2(1), 4, 40, 44(1)(f), 59, 60, 71 and 72 • Corrections and Conditional Release Regulations (CCRR), sections 90, 91, 92, 93 and 94(2) and Schedule • Privacy Act, subsection 6(2)
PURPOSE	<ul style="list-style-type: none"> • To provide a process for inmates to participate in visits
APPLICATION	Applies to all individuals involved in the inmate visiting process

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RESPONSIBILITIES

1. When a complete suspension of the visiting rights of all inmates in a penitentiary has been authorized by the Institutional Head pursuant to [section 92](#) of the CCRR, the Regional Deputy Commissioner will:
 - a. review the complete suspension on or before the fifth day of the suspension
 - b. ensure that the complete suspension is submitted to the Commissioner for review no later than the 10th day of the suspension.
2. The Commissioner will review all cases of complete suspension of visits no later than the 14th day of the suspension, pursuant to [section 92](#) of the CCRR.
3. The Institutional Head will:
 - a. authorize a complete suspension of visiting rights for all inmates where the security of the penitentiary is significantly jeopardized and no less restrictive alternative is available in accordance with [section 92](#) of the CCRR
 - b. ensure visits are available to all inmates
 - c. identify the composition of the Visits Review Board, which will normally include the Security Intelligence Officer
 - d. in consultation with the Visits Review Board:
 - i. specify the procedures and conditions for visits and ensure they are communicated to all inmates, visitors and staff
 - ii. specify the procedures for inmates to request interviews with institutional personnel, official visitors and representatives of organizations engaged in the delivery of approved interventions
 - iii. establish the visiting hours for the institution
 - iv. review and approve all decisions related to visits (may waive the security screening under special circumstances)
 - v. approve visits with inmates being treated at an outside health care facility (approval is also required by the head of the medical facility where treatment is being provided)
 - vi. authorize the use of a physical barrier and/or visual supervision of a visiting area by a staff member or a mechanical device. The supervision must be carried out in the least obtrusive manner necessary depending on the circumstances.

4. The Assistant Warden, Operations, or the Manager, Operations, will ensure that:
 - a. information related to visits, including security intelligence information, is shared with the appropriate staff as required
 - b. visitors are advised of institutional rules and procedures for visiting inmates prior to commencing visits, including the type of searching and security that they should expect upon entry into an institution
 - c. information related to victim services and the Restorative Opportunities Program is made available to visitors.
5. The Assistant Warden, Interventions, will ensure case management information related to visits is shared with the appropriate staff as required.

PROCEDURES

6. Visits will normally:
 - a. be scheduled at least 24 hours in advance
 - b. not interfere with the inmate's participation in his/her Correctional Plan
 - c. be limited only by the institutional schedule, personnel resources and available staff.
7. Visits by privileged correspondents [see list in the [Schedule \(subsection 94\(2\)\)](#) of the CCRR] will be held in an area where the inmate may communicate with the visitor in private.
8. Visits with inmates by legal counsel on official business will take place in a manner ensuring confidentiality and be subject to provisions of [CD 568-10 – Interception of Inmate Communications](#).
9. Consular and diplomatic officials will be permitted to visit inmates who are nationals of the country they represent.
10. Aboriginal community officials or representatives, as identified by the Aboriginal Liaison Officer, will be permitted to visit inmates who are members of the community they represent or if the inmate plans to return to that Aboriginal community. This includes representatives of urban organizations that assist offenders on conditional release.
11. A [minor child](#) must be escorted by an [accompanying adult](#).

Eligibility

12. All inmates are normally eligible to participate in [non-contact visits](#) unless their entitlements to visits have been suspended pursuant to the section below entitled [Refusal or Suspension of Visits](#) or restricted as part of a segregation sanction imposed pursuant to [paragraph 44\(1\)\(f\)](#) of the CCRA as a result of a serious disciplinary offence.

13. All inmates are normally eligible to participate in [contact visits](#) unless:
- their entitlements to visits have been suspended pursuant to the section below entitled [Refusal or Suspension of Visits](#) or restricted as part of a segregation sanction imposed pursuant to [paragraph 44\(1\)\(f\)](#) of the CCRA as a result of a serious disciplinary offence
 - a risk assessment on the security of the institution and the safety of individuals has not been completed, or
 - pursuant to [section 90](#) of the CCRR, the Institutional Head suspects on reasonable grounds that a barrier is necessary for the security of the penitentiary or the safety of any person and there is no less restrictive measure available.
14. Other inmates and staff members are not eligible to participate in visits with inmates.

Visitor Security Screening Process

15. All visitors will normally complete the [Visiting Application](#) form (CSC/SCC 0653E) every two years for the purpose of security screening. An approved Visiting Application form remains valid for a visitor for a period of two years, even if the inmate he/she is visiting is transferred to different institutions during the two-year time period. The requirement to complete this form does not apply to individuals participating in the Restorative Opportunities Program who will be accompanied by a mediator.
16. Visiting applications will be reviewed to determine if a visitor is also visiting other inmates at the same and/or different institutions. If a visitor is unable to provide adequate justification for visiting another inmate, authorization for visits will not be granted. The information will be shared with the institutional and community Security Intelligence Officer, who will assess potential risk.
17. A verification of the Canadian Police Information Centre files will be conducted and subsequently updated at least every two years for all active visitors. This verification remains valid for a period of two years, even if the inmate visited is transferred to different institutions during the two-year time period. On the basis of this verification and following a review of possible restrictions, the Institutional Head or designate will decide whether or not visitor clearance will be granted.
18. Both the [accompanying adult](#) and the [minor child](#) must be approved as visitors in accordance with the above paragraphs. The accompanying adult will also complete the [Visiting Application – Child Safety Waiver](#) form (CSC/SCC 0653-1E) every two years. This form remains valid for a period of two years, even if the inmate visited is transferred to different institutions during the two-year time period.
19. When an approved minor reaches the [age of majority](#) in the province in which the institution is located (see [Annex B](#)), he/she must resubmit a [Visiting Application](#) form (CSC/SCC 0653E) for approval.

20. Where an individual is not approved to visit an inmate, both the applicant and the inmate will be promptly informed in writing of the decision.
21. All visitors will be searched in accordance with [CD 566-8 – Searching of Staff and Visitors](#).

Refusal or Suspension of Visits

22. A visit may be refused or suspended by the Institutional Head or designate pursuant to [section 91](#) of the CCRR, if there are reasonable grounds to suspect that:
 - a. during the course of the visit, the inmate or visitor would:
 - i. jeopardize the security of the penitentiary or the safety of any person, or
 - ii. plan or commit a criminal offence, and
 - b. restrictions on the manner in which the visit takes place would not be adequate to control the risk.
23. Where a refusal or suspension is authorized, it may continue for as long as the risk continues, and:
 - a. the inmate and the visitor will be promptly informed in writing:
 - i. of the reasons for the refusal or suspension in accordance with [CD 701 – Information Sharing](#)
 - ii. of the fact that they have five working days upon receipt of the written notification to make representations (verbally or in writing) for reconsideration of the decision. The title of the person to whom they should address their representations should be indicated
 - b. upon receipt of the information presented by the inmate and/or the visitor, a review will be conducted within five working days
 - c. the inmate and the visitor will be informed of the final decision within 15 working days of the date of the review. The notice will also inform the inmate of his/her right to grieve the decision pursuant to [CD 081 – Offender Complaints and Grievances](#).
24. Following a decision to refuse or suspend the visit, a reassessment of the risk will be completed upon receipt of a new application from the visitor:
 - a. no less than every six months after the decision, or
 - b. as soon as possible, when new information is obtained that could change the decision.

ENQUIRIES

25. Strategic Policy Division
National Headquarters
Email: Gen-NHQPolicy-Politi@CSC-SCC.gc.ca

Commissioner,

Original Signed by:
Don Head

ANNEX A

CROSS-REFERENCES AND DEFINITIONS

CROSS-REFERENCES

[CD 060 – Code of Discipline](#)

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

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

[CD 085 – Correspondence and Telephone Communication](#)

[CD 566-1 – Control of Entry to and Exit from Institutions](#)

[CD 566-7 – Searching of Inmates](#)

[CD 566-8 – Searching of Staff and Visitors](#)

[CD 566-9 – Searching of Cells, Vehicles and Other Areas](#)

[CD 568-10 – Interception of Inmate Communications](#)

[CD 701 – Information Sharing](#)

[CD 710-8 – Private Family Visits](#)

[CD 784 – Information Sharing Between Victims and the Correctional Service of Canada](#)

[CD 785 – Restorative Opportunities Program and Victim-Offender Mediation Services](#)

DEFINITIONS

Accompanying adult: within the context of bringing minor children into a penitentiary to visit an inmate, an accompanying adult can be anyone who has reached the age of majority of the province where the institution he/she wishes to visit is located, has completed a visiting application and been granted permission to come into the penitentiary, and has obtained a signed *authorization* from the custodial non-inmate guardian/parent.

Age of majority: the age at which a person is considered to be an adult by the province or territory where the institution someone wishes to visit is located.

Contact visit: direct contact between the inmate and his/her visitor(s), conducted in an open area where no barrier separates the inmate and the visitor(s) and where constant surveillance can occur.

Minor child: any individual under the age of majority.

Non-contact visit: visit conducted behind a glass or some other form of physical barrier between the visitor and the inmate. No direct contact is permitted. For criteria for determining if a barrier is required, see [section 90](#) of the CCRR.

ANNEX B**AGE OF MAJORITY**

Province	Age of majority	Reference
Nova-Scotia	19	Age of Majority Act, R.S.N.S., c. 4, s. 2(1)
New-Brunswick	19	Age of Majority Act, R.S.N.B. 2011, c. 103
Newfoundland and Labrador	19	Age of Majority Act, SNL 1995, Chapter A-4.2
Québec	18	Code civil, art. 153
Ontario	18	Age of Majority and Accountability Act, R.S.O., 1990, c. A7, s. 1
Manitoba	18	Age of Majority Act, R.S.M., c. A7, s. 1
Saskatchewan	18	Age of Majority Act, R.S.S. 1978, c. A-6, s. 1
Alberta	18	Age of Majority Act, R.S.A. 2000, c. A-6, s. 1
British-Columbia	19	Age of Majority Act, R.S.B.C. 1996, c. 7, s. 1

NOTE: Some provinces and the territories are not listed, as CSC does not have institutions in those sites.