

Regulation 778

Summary of Proposed Regulations

This proposal describes the Ministry of the Solicitor General's proposal for amendments to regulation under the *Ministry of Correctional Services Act, 1990*, related to:

1. Independent reviews of segregation placements;
2. Duration of disciplinary segregation; and
3. Parole consideration when inmates have waived their right to a parole hearing.

BACKGROUND

The Ministry of the Solicitor General is seeking feedback on three proposed amendments to R.R.O. 1990, Regulation 778 that are intended to update outdated provisions, improve operational practices and increase cost-savings.

OVERVIEW OF R.R.O 1990, REGULATION 778

The current regulation can be read in full at: [R.R.O 1990, Regulation 778](#). This regulation outlines authorities and requirements for the operation of adult correctional institutions and parole processes in the province. This includes:

- Duties of Superintendents, health care professionals and correctional employees;
- The admission of inmates, including the holding of their property;
- The rights and privileges of inmates while in a correctional institution (e.g., canteen, correspondence, visiting, etc.);
- The inmate misconduct process;
- Requirements around the use of segregation;
- Requirements on the granting of temporary absences;
- Requirements on the granting of parole to inmates; and
- Disclosure of personal information.

1. AMENDMENTS RELATED TO INDEPENDENT REVIEWS OF SEGREGATION PLACEMENTS

Context

Regulation 778 will be amended to enable an independent and prompt fifth day review of administrative segregation conditions.

Regulation 778 currently states that the Superintendent is responsible for the review of inmates in segregation conditions every five days. Regulation 778 will be changed to include an independent review process by the fifth day.

Summary of Change

Current Enabling and Related Provisions in Regulation 778	Summary of the Proposed Regulatory Amendment
34 (3) The Superintendent shall review the circumstances of each inmate who is placed in segregation at least once in every five-day period to determine whether the continued segregation of the	Remove the current requirement for the Superintendent to conduct a review of the segregation placement once in every five-day period and replace it with an independent review process.

<p>inmate is warranted. R.R.O. 1990, Reg. 778, s. 34 (3).</p> <p>34 (5) Where an inmate is placed in segregation for a continuous period of thirty days, the Superintendent shall report to the Minister the reasons for the continued segregation of the inmate.</p>	<p>The Assistant Deputy Minister of Institutional Services or their designate will review the circumstances of each inmate placed in segregation conditions for non-disciplinary reasons at least once every 5 days. To ensure an independent review process, the designate will be not a superintendent or anyone who reports directly or indirectly to a superintendent.</p> <p>Require a report be sent to the Minister or delegate outlining the reasons for the continued segregation conditions of any inmates who are in segregation conditions for a period of fifteen continuous days.</p>
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2. AMENDMENTS RELATED TO LENGTH OF DISCIPLINARY SEGREGATION

Context

Disciplinary segregation (referred to as close confinement under Regulation 778) is used as a disciplinary measure for inmates who are found to have committed serious misconducts in correctional institutions. Regulation 778 currently limits disciplinary segregation to 30 consecutive days; however, this does not align with operational policy, which establishes a 15-day cap on disciplinary segregation.

The Ministry made changes to the disciplinary segregation regime in operational policy based on research, engagement with stakeholders and the public, and international standards. The corresponding regulatory provision will be changed to align with operational policy and reduce any ambiguity for frontline staff.

Summary of Change

Current Enabling and Related Provisions in Regulation 778	Summary of the Proposed Regulatory Amendment
<p>32 (2) Where the Superintendent determines that an inmate has committed a misconduct of a serious nature, the Superintendent may impose, in addition to any of the disciplinary measures imposed in subsection (1), one of the following disciplinary measures:</p>	<p>Reduce maximum length of close confinement as a disciplinary measure from thirty days to fifteen days.</p>

<ol style="list-style-type: none"> 1. Close confinement for a definite period not greater than thirty days on a regular diet. 2. Close confinement for an indefinite period not greater than thirty days on a regular diet. 	
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3. AMENDMENTS RELATED TO PAROLE CONSIDERATION WHEN INMATES HAVE WAIVED THEIR RIGHT TO A PAROLE HEARING

Context

The current regulation mandates that inmates must be considered for parole by the Ontario Parole Board, even when inmates have taken steps to expressly not seek parole by waiving their right to a parole hearing.

In these cases, there is little benefit achieved by continuing to consider the inmate for parole. Further parole consideration merely burdens the government and frontline workers with unnecessary work and increases costs.

Removing the obligation to consider an inmate for parole in cases where inmates have expressly waived (in writing) their right to a parole hearing would reduce operational pressures on both the Ministry of the Solicitor General and the Ontario Parole Board.

Summary of Change

Current Enabling and Related Provisions in Regulation 778	Summary of the Proposed Regulatory Amendment
<p>43. (1) Where an inmate is serving a term of imprisonment of six months or more, the Board shall consider the inmate for parole before the parole eligibility date, whether or not the inmate has applied for parole.</p> <p>(2) An inmate referred to in subsection (1) is entitled to a hearing before the Board unless the inmate in writing waives the right to the hearing, but if the inmate withdraws the waiver before the Board makes a decision regarding the parole, the Board shall proceed to conduct a hearing of the matter. R.R.O. 1990, Reg. 778, s. 43 (2)</p>	<p>Remove the requirement for the Ontario Parole Board to proactively consider inmates for parole in cases where the inmate has waived (in writing) the right to a parole hearing.</p> <p>Also add a provision that would enable an inmate to waive their consideration for parole.</p>

