

CONSOLIDATION OF CORRECTIONS ACT

R.S.N.W.T. 1988,c.C-22

(Current to: May 8, 2015)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.96(Supp.)

S.N.W.T. 1995,c.11

S.N.W.T. 1997,c.8

S.N.W.T. 1997,c.16

In force November 23, 1997: SI-010-97

AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.34

In force April 1, 1999

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2010,c.11,s.2

s.2 in force June 10, 2010

S.Nu. 2013,c.20,s.6

s.6 in force May 16, 2013

S.Nu. 2015,c.5

In force March 17, 2015

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

TABLE OF CONTENTS

INTERPRETATION

Definitions	1
-------------	---

CORRECTIONS SERVICE

Establishment of Corrections Service	2	(1)
Purpose		(2)
Repealed	3	
Director of Corrections	4	
Duties of Director	5	(1)
Delegation of duties		(2)

PROBATION

Appointment of probation officers	6	
Duties of Director and probation officers	7	
Duties of Director	8	
Appointment of voluntary probation officers	9	(1)
Duties and remuneration		(2)
Officer of court	10	(1)
Duties of probation officer		(2)
Investigation by probation officer	11	

CORRECTIONAL CENTRES

Establishment and discontinuance of correctional centres	12	(1)
Continuance as correctional centres		(2)
Appointment of Warden	13	(1)
Powers and duties of Warden		(2)
Responsibility of Warden		(3)
Admission and custody of inmates	14	
Information for inmates	15	(1)
Content of information		(2)
Discipline	16	
Use of force	17	(1)
Provocation		(2)
Disciplinary rules	18	(1)
Contravention		(2)
Report	19	
Disciplinary Board	20	(1)
Hearing		(2)
Time of hearing		(3)
Punishment		(4)

Rights of inmate		(5)
Appeal	21	
Segregated confinement	22	(1)
Accommodation		(2)
Exercise		(3)
Forfeiture of privileges		(4)
Temporary absence and remission	23	(1)
Remission of forfeiture		(2)
Definitions	24	(1)
Least restrictive measures		(2)
Authorized uses of device		(3)
Not used except when necessary		(4)
Authorization for use over four hours		(5)
Authorization for use up to 12 hours		(6)
Authorization for use up to 16 hours		(7)
Revocation of approval		(8)
Periodic review		(9)
Maximum length of restraint		(10)
Medical examination where restraint longer than four hours		(11)
Repealed	25	
Communication by inmate	26	(1)
Cost of communication by telephone		(2)
Special communications		(3)
Communication in segregated confinement		(4)
Inmate informed where communication restricted		(4.1)
Communication for payment of fine		(5)
Visits	27	(1)
Same rights and conditions of visitation		(2)
Inspection of mail	28	(1)
Notice to inmate		(2)
Exception		(3)
Prohibitions	29	
Transfer of inmates	30	(1)
Order for transfer		(2)
Agreements		(2.1)
Transfer		(3)
Meaning of "correctional institution"		(4)
Agreements with Government of Canada	31	
Trespass and loitering	32	

CORRECTIONAL PROGRAMS

Establishment and operation	33	(1)
Scope		(2)
Release for participation		(3)
Correctional extension programs	34	(1)

Application of Act and regulations		(2)
Earnings of inmate	35	
Disbursement of earnings	36	(1)
Surplus after disbursement		(2)
Exception	37	
Demand for account	38	(1)
Account		(2)

PAROLE

Nunavut Parole Board	39	(1)
Members		(2)
Chairperson and deputy chairperson		(3)
Restriction		(4)
Quorum		(5)
Remuneration and expenses	40	
Eligibility for parole	41	(1)
Application for parole		(2)
Review of application	42	(1)
Hearing		(2)
Parole without application		(3)
Limitation		(4)
Direction for release	43	(1)
Release		(2)
Powers of Board		(3)
Continuation of sentence		(4)
Suspension of parole	44	(1)
Authority to arrest		(2)
Review		(3)
Revocation of parole		(4)
Parole supervisor	45	
National Parole Board	46	

AFTERCARE

Aftercare	47	(1)
Objectives of aftercare		(2)
Duty of Director	48	(1)
Notice of release		(2)

INVESTIGATION

Investigation	49	(1)
Powers of investigator		(2)
Report by investigation		(3)
Delegation		(4)

ESCAPE

Deeming provision	50	(1)
Escape or rescue		(2)

OFFENCES AND PUNISHMENT

Incitement	51
Offences and punishment	52

REGULATIONS

Regulations	53
-------------	----

CORRECTIONS ACT

INTERPRETATION

Definitions

1. In this Act,

"aftercare" means the assistance made available to persons discharged from imprisonment, parole or probation; (*aide à la réadaptation*)

"Board" means the Nunavut Parole Board established by subsection 39(1); (*Commission*)

"community corrections programs" means the correctional programs carried out in a community for the prevention of crime and the rehabilitation of offenders and includes aftercare, probation and parole supervision; (*programmes correctionnels communautaires*)

"correctional centre" means a correctional centre established or continued under section 12 and used for the lawful custody of inmates; (*centre correctionnel*)

"correctional extension program" means a correctional program that is operated either wholly or partly outside of a correctional centre to facilitate the rehabilitation of inmates and their return to the community; (*programme correctionnel externe*)

"Corrections Service" means the Corrections Service established by subsection 2(1); (*Service correctionnel*)

"court" means a court, a judge or a justice and includes a person who is authorized to exercise the powers of a court, a judge or a justice to impose punishment; (*tribunal*)

"Director" means the Director of Corrections appointed under section 4; (*directeur*)

"Disciplinary Board" means a Disciplinary Board appointed under subsection 20(1); (*comité de discipline*)

"employee" means a person who is employed in a correctional centre under the direction of the Warden of the centre and includes a Warden; (*employé*)

"inmate" means a person who is serving a term of imprisonment or who is in lawful custody; (*détenu*)

"offender" means an offender against the law; (*contrevenant*)

"parole" means the conditional release of an inmate under section 43; (*libération conditionnelle*)

"penitentiary" means a penitentiary as defined in the *Corrections and Conditional Release Act* (Canada); (*pénitencier*)

"probation officer" means a probation officer appointed under section 6 and a voluntary probation officer appointed under subsection 9(1); (*agent de probation*)

"probationer" means a convicted person who is placed on probation by a court or a person who is discharged conditionally by a probation order of a court; (*probationnaire*)

"solicitor" means a barrister and solicitor who is entitled to practise law in Nunavut; (*avocat*)

"Warden" means a Warden appointed under subsection 13(1). (*administrateur*)
R.S.N.W.T. 1988,c.96(Supp.),s.2; S.N.W.T. 1997,c.8,s.6(2),(3);
S.N.W.T. 1998,c.34,Sch.C,s.5; S.Nu. 2010,c.11,s.2(2),(6); S.Nu. 2013,c.20,s.6(4).

CORRECTIONS SERVICE

Establishment of Corrections Service

2. (1) A division called the Corrections Service is established within the Government of Nunavut to be responsible for probation, parole, aftercare and adult institutional services throughout Nunavut.

Purpose

(2) The purpose of the Corrections Service is the correction and treatment of offenders and the protection of the community by

- (a) providing, when requested by a court, information respecting the background of an offender before sentencing;
- (b) offering probation and parole supervision and counselling and aftercare services to offenders;
- (c) providing for the safe custody and detention of inmates in a correctional centre;
- (d) providing supervision, treatment and training of inmates with a view to their rehabilitation; and
- (e) promoting and assisting programs designed to prevent and diminish crime within a community.

S.Nu. 2010,c.11,s.2(6).

3. Repealed, R.S.N.W.T. 1988,c.96(Supp.),s.3.

Director of Corrections

4. The Minister shall appoint a person called the Director of Corrections to head the Corrections Service.

Duties of Director

5. (1) The Director shall administer the affairs of the Corrections Service and develop and supervise correctional programs.

Delegation of duties

(2) The Director may, in writing, appoint persons to exercise and perform any or all of the powers and duties of the Director under this Act. R.S.N.W.T. 1988,c.96(Supp.),s.5.

PROBATION

Appointment of probation officers

6. The Director shall, in writing, appoint the probation officers that are necessary for the purpose of this Act. R.S.N.W.T. 1988,c.96(Supp.),s.6.

Duties of Director and probation officers

7. The Director or any probation officer shall supervise and provide guidance and other help to a probationer.

Duties of Director

8. The Director shall supervise the quality of probation services in Nunavut. R.S.N.W.T. 1988,c.96(Supp.),s.7; S.Nu. 2010,c.11,s.2(6).

Appointment of voluntary probation officers

9. (1) With the consent of the person and the court, the Director may, in writing, appoint a person as a voluntary probation officer to act in connection with a specified offender.

Duties and remuneration

- (2) A voluntary probation officer appointed under subsection (1) shall
- (a) be advised of his or her duties and responsibilities;
 - (b) receive help and training from a probation officer appointed under section 6; and
 - (c) act without remuneration except for related expenses.

Officer of court

10. (1) A probation officer is an officer of every court in Nunavut.

Duties of probation officer

- (2) A probation officer shall
- (a) **repealed, S.N.W.T. 1997,c.8,s.6(4);**
 - (b) take reasonable measures to ensure that a probationer understands
 - (i) the probation order,
 - (ii) the substance of subsections 732.2(3) and (5) and section 733.1 of the *Criminal Code*, and

- (iii) the procedure for applying under subsection 732.2(3) of the *Criminal Code* for a change to the probation order;
 - (c) supervise the conduct of a probationer in accordance with the conditions contained in the probation order;
 - (d) where it appears to the probation officer that a probation order requires modification, make an application to the court under subsection 732.2(3) of the *Criminal Code*;
 - (e) plan and carry out aftercare programs under the direction of the Director; and
 - (f) perform other duties imposed by the Director.
- R.S.N.W.T. 1988,c.96(Supp.),s.8;
S.N.W.T. 1997,c.8,s.6(4),(5),(6); S.Nu. 2010,c.11,s.2(6).

Investigation by probation officer

11. No probation officer shall make an investigation under this Act for the purpose of determining the guilt or innocence of a person.

CORRECTIONAL CENTRES

Establishment and discontinuance of correctional centres

12. (1) The Minister may establish or discontinue correctional centres.

Continuance as correctional centres

(2) Buildings and premises and the lands appurtenant to the buildings and premises in use as or designated as a prison, jail, work camp or other centre for the lawful custody of persons are continued as correctional centres.

Appointment of Warden

13. (1) The Director shall appoint a person called the Warden for each correctional centre.

Powers and duties of Warden

(2) A Warden shall, under the direction of the Director, exercise the powers and perform the duties of a Warden in accordance with this Act and the regulations.

Responsibility of Warden

(3) A Warden is responsible for the safe custody and proper care of the inmates of the correctional centre for which the Warden is appointed.

R.S.N.W.T. 1988,c.96(Supp.),s.9.

Admission and custody of inmates

14. A Warden

- (a) shall receive into the correctional centre every person delivered under lawful authority for detention in the correctional centre; and

- (b) is responsible for the custody and control of a person referred to in paragraph (a) until the term of the detention is completed or the person is lawfully transferred or discharged.

Information for inmates

- 15.** (1) On admission to a correctional centre, every inmate shall be provided with
- (a) full information concerning the rules governing the treatment of inmates; and
 - (b) other information of which the inmate should have knowledge.

Content of information

- (2) Information referred to in subsection (1) must
- (a) be provided in the cell or dormitory of the inmate;
 - (b) be in writing or by other means and in a language that the inmate understands; and
 - (c) include the rules relating to
 - (i) the earnings and privileges of inmates,
 - (ii) the making of complaints by inmates, and
 - (iii) discipline.

Discipline

16. Discipline and order in a correctional centre shall be maintained with the firmness that is required for safe custody and a well-ordered communal life, but with no more restriction than is required for that purpose.

Use of force

- 17.** (1) No employee shall
- (a) use force unnecessarily with inmates; and
 - (b) when the application of force to an inmate is required, use more force than is reasonably necessary.

Provocation

(2) No employee shall deliberately act in a manner calculated to provoke an inmate.

Disciplinary rules

- 18.** (1) No inmate shall
- (a) disobey a reasonable order of an employee;
 - (b) treat with disrespect an employee or a person authorized to visit the correctional centre;
 - (c) be idle, careless or negligent at work, or refuse to work without valid reason;
 - (d) use abusive, insolent or threatening language;
 - (e) be indecent in language, act or gesture;
 - (f) commit or attempt to commit an assault against an employee or another inmate;

- (g) be in a restricted part of the correctional centre without permission;
- (h) leave his or her cell, place of work or other designated place without permission;
- (i) wilfully disfigure or damage property of the correctional centre or of another person;
- (j) fail to keep his or her person, cell, clothing and bedding neat and clean;
- (k) have in his or her possession or attempt to gain possession of an article or thing that an inmate is prohibited from possessing;
- (l) give to or receive from any person an article or thing that an inmate is prohibited from possessing;
- (m) escape or attempt to escape from a correctional centre or from lawful custody;
- (n) create a disturbance or incite another inmate to create a disturbance;
- (o) make repeated and frivolous complaints; or
- (p) generally offend against the good order and discipline of the correctional centre.

Contravention

(2) An inmate who contravenes subsection (1) is liable to punishment in accordance with subsection 20(4).

Report

19. An employee shall immediately report to the Warden any contravention of subsection 18(1).

Disciplinary Board

20. (1) There shall be a Disciplinary Board for each correctional centre composed of either

- (a) the Warden and two other employees of the centre appointed by the Warden; or
- (b) three employees of the centre appointed by the Warden.

Hearing

(2) The Disciplinary Board shall hold a hearing in respect of any contravention of subsection 18(1) that is alleged in a report made under section 19.

Time of hearing

(3) The hearing referred to in subsection (2) must be held within 24 hours after the alleged contravention or, if the 24 hours expire on a Saturday or holiday, then on the next working day.

Punishment

(4) Where an inmate is found guilty of a contravention of subsection 18(1), the Disciplinary Board may

- (a) dismiss the inmate without punishment;
- (b) reprimand the inmate;
- (c) impose a temporary or permanent loss of one or more privileges;
- (d) assign additional duties to the inmate to be done during leisure hours;
- (e) order the inmate to be confined in segregated confinement cells for a period of up to 15 days;
- (f) impose a forfeiture of
 - (i) cash incentive earnings to a maximum of 30 days, or
 - (ii) all or part of the remission that stands to the credit of the inmate and that accrued to the inmate on or after July 1, 1978; or
- (g) suspend a punishment referred to in paragraphs (b) to (f).

Rights of inmate

(5) No finding shall be made against an inmate charged with a contravention of subsection 18(1) unless the inmate

- (a) has received written notice of
 - (i) the charge, and
 - (ii) a summary of the evidence alleged against the inmate;
- (b) has appeared personally at the hearing; and
- (c) has been given an opportunity to make a full answer and defence to the charge, including
 - (i) the examination and cross-examination of witnesses, and
 - (ii) the introduction of witnesses and written material in denial of the offence or in mitigation of punishment.

S.N.W.T. 1997,c.16,s.2.

Appeal

21. An inmate may appeal a decision of the Disciplinary Board to the Director, who shall dispose of the appeal in the best interests of the inmate and his or her rehabilitation.

Segregated confinement

22. (1) Despite anything in this Act, an inmate who becomes unmanageable may be segregated immediately for his or her own protection and the protection of others in the correctional centre.

Accommodation

(2) An inmate in segregated confinement shall be accommodated in a separate part of the correctional centre.

Exercise

(3) An inmate in segregated confinement for more than five days shall be allowed a minimum of one hour of exercise outside his or her cell during each 24-hour period.

Forfeiture of privileges

(4) An inmate undergoing punishment by segregation is ineligible for privileges, including remission of sentence and earnings. S.Nu. 2013,c.20,s.6(4).

Temporary absence and remission

23. (1) The provisions of the *Prisons and Reformatories Act* (Canada) respecting temporary absence, the remission of sentence and the forfeiture of the remission apply to every sentenced inmate.

Remission of forfeiture

(2) Where

- (a) an inmate has forfeited all or part of a statutory remission of his or her sentence, and
- (b) the Disciplinary Board is satisfied that it is in the interests of the inmate and his or her rehabilitation,

the Board may remit all or part of the forfeiture.

Definitions

24. (1) In this section,

"authorized person" means an employee authorized in writing by the Director to use physical restraint devices; (*personne autorisée*)

"physical restraint device" means a physical device intended to temporarily restrict or limit free movement, reviewed and approved by the Director. (*dispositif de contention*)

Least restrictive measures

(2) Physical restraint devices shall be employed using the least restrictive measures required to preserve life and prevent serious bodily injury and their use must maintain the dignity, safety and security of the inmate.

Authorized uses of device

(3) An authorized person may use a physical restraint device if circumstances require the use of the device to

- (a) prevent injury or death to a person;
- (b) prevent property damage;
- (c) prevent an inmate from escaping; or
- (d) maintain custody and control of an inmate.

Not used except when necessary

(4) Physical restraint devices shall not be used to ensure the safety of inmates who are self-injurious or suicidal except when necessary.

Authorization for use over four hours

(5) A physical restraint device shall not be used to restrain an inmate for more than four continuous hours unless

- (a) the use is authorized by the Warden; or
- (b) the inmate is on an escorted absence from the correctional centre.

Authorization for use up to 12 hours

(6) The Warden may authorize the use of a physical restraint device for up to 12 continuous hours where

- (a) the Warden believes on reasonable grounds that the use of the physical restraint device is necessary for the safety of the inmate or for the safety of another person; and
- (b) other means of control of the inmate have been exhausted or are not reasonable in the circumstances.

Authorization for use up to 16 hours

(7) The Warden may authorize the use of a physical restraint device for up to 16 continuous hours with approval of the Director where

- (a) the Warden and Director believe on reasonable grounds that the use of the physical restraint device is necessary for the safety of the inmate or for the safety of another person; and
- (b) other means of control of the inmate have been exhausted or are not reasonable in the circumstances.

Revocation of approval

(8) The Director may at any time revoke an approval given under subsection (7).

Periodic review

(9) A Warden who authorizes the use of a physical restraint device under subsections (6) or (7) shall review the condition of the inmate with the Director after eight hours while the physical restraint device is being used.

Maximum length of restraint

(10) No inmate shall be kept under physical restraint for longer than is necessary or for longer than 16 hours.

Medical examination where restraint longer than four hours

(11) Where an inmate has been kept under physical restraint for a period of four hours or longer, the Warden shall ensure that a medical examination of the inmate is conducted as soon as is possible in the circumstances. S.Nu. 2015,c.5,s.2.

25. Repealed, S.Nu. 2015,c.5,s.3.

26. (1) Subject to subsections (2) and (4), every inmate may, in accordance with the regulations, send a letter or otherwise communicate

- (a) on admission to a correctional centre; and
- (b) after admission, at least once a week.

Cost of communication by telephone

(2) The cost of communication by an inmate by telephone shall be borne by the inmate except in circumstances that in the opinion of the Warden would promote the rehabilitation of the inmate.

Special communications

(3) The Warden may allow an inmate to receive letters, visits and other communications that in the opinion of the Warden are likely to promote the best interests of the inmate or family of the inmate.

Communication in segregated confinement

(4) An inmate in segregated confinement may send and receive communications and receive visitation except where

- (a) the Warden has reasonable grounds to believe that the inmate is
 - (i) involved in illegal activities;
 - (ii) harassing or causing harm to others; or
 - (iii) participating in an activity that may jeopardize the safety, security, or operation of the correctional centre;
- (b) a court order restricts or prohibits communication or contact between the inmate and the other person; or
- (c) the other person has indicated to the Warden he or she does not wish to communicate with the inmate.

Inmate informed where communication restricted

(4.1) The Warden shall inform an inmate in writing as soon as practicable where the inmate's communication has been restricted and provide reasons for the restriction.

Communication for payment of fine

(5) A person committed to a correctional centre in default of the payment of a fine may communicate by letter or other approved means at any reasonable time for the purpose of providing a payment that will procure his or her release from the centre.
S.Nu. 2015,c.5,s.4.

Visits

27. (1) The following persons may visit an inmate for a private interview at any reasonable time:

- (a) a person arranging the payment of a fine for the inmate;
- (b) the lawyer of an inmate;
- (c) a member of the Legislative Assembly or the Parliament of Canada;
- (d) with the consent of the inmate,

- (i) a peace officer, in the course of his or her duties;
- (ii) a member of the clergy;
- (iii) a recognized community Elder;
- (e) a representative from a non-governmental organization or a community agency as defined in the regulations.

Same rights and conditions of visitation

(2) An inmate in segregated confinement has the same rights and conditions of visitation as other inmates. S.Nu. 2015,c.5,s.5.

Inspection of mail

- 28.** (1) A Warden or a person authorized by a Warden may
- (a) open or examine a parcel, mail or other communication received at the correctional centre addressed to or intended for an inmate, unless the communication is from a solicitor acting for the inmate;
 - (b) open or examine a parcel, mail or other communication that an inmate wishes to send unless it is intended for a solicitor acting for the inmate; and
 - (c) withhold, detain or otherwise deal with a parcel, mail or other communication intended for or sent by the inmate.

Notice to inmate

(2) The Warden or person authorized under subsection (1) shall advise the inmate of any action taken under paragraph (1)(c).

Exception

(3) Despite subsection (1), where an inmate writes a letter to the Commissioner or a member of the Legislative Assembly or the Parliament of Canada, the Warden shall immediately forward the unopened letter to that person. S.Nu. 2013,c.20,s.6(4).

Prohibitions

- 29.** No person shall, without the prior written consent of the Warden,
- (a) give, leave or do any other act with the intent that an inmate will receive an article or thing that is prohibited by regulation;
 - (b) take or receive from an inmate for any purpose an article or thing that is prohibited by regulation from being taken or received;
 - (c) buy from or sell to an inmate any article or thing;
 - (d) take or receive for himself or herself or another person a reward from an inmate;
 - (e) employ an inmate except as part of an approved correctional program; or
 - (f) attempt to do or knowingly allow to be done any act referred to in this section.

Transfer of inmates

30. (1) The Director may, in writing, order an inmate to be transferred to another correctional institution in order to provide for the appropriate treatment of an inmate.

Order for transfer

(2) An order made under subsection (1)

- (a) is sufficient authority to a Warden and any peace officer to act in conformity with the order; and
- (b) must be accompanied by the document that authorized the detention of the inmate in the correctional centre from which the inmate is being transferred.

Agreements

(2.1) The Minister may enter into agreements with the government of a province or territory respecting the confinement and transfer of inmates.

Transfer

(3) The Minister may, by arrangement with the Commissioner of Corrections, authorize the transfer of an inmate to an appropriate penitentiary in Canada where, in the opinion of the Director, the inmate

- (a) does not appear to benefit from the correctional programs that are available in Nunavut;
- (b) is a disruptive influence on other inmates; or
- (c) requires a higher degree of security than is available in Nunavut.

Meaning of "correctional institution"

(4) For great certainty, in this section, "correctional institution" includes any lawful place of confinement operated by a province or territory outside Nunavut, but does not include a penitentiary. S.Nu. 2010,c.11,s.2(3),(4),(6).

Agreements with Government of Canada

31. The Minister and the Commissioner may, on behalf of the Government of Nunavut, enter into agreements with the Government of Canada

- (a) for the confinement in an appropriate institution in Nunavut of persons convicted in Nunavut who, in the absence of the agreement, would be required to serve their sentences in a penitentiary; and
- (b) for the confinement in penitentiaries or other institutions under the direction or supervision of the Canadian Penitentiary Service, of persons sentenced or committed under the criminal law of Canada to imprisonment for more than six months but less than two years. S.Nu. 2010,c.11,s.2(6).

Trespass and loitering

32. No person shall trespass on or loiter in a correctional centre.

CORRECTIONAL PROGRAMS

Establishment and operation

33. (1) The Director shall, subject to this Act and the regulations, establish and operate correctional programs for the rehabilitation of inmates.

Scope

- (2) A correctional program referred to in subsection (1) may be
- (a) operated within a correctional centre; and
 - (b) extended into the community.

Release for participation

(3) The Director may, subject to the regulations, authorize the release of an inmate from a correctional centre for a period not exceeding 15 days in order for the inmate to participate in a correctional extension program.

Correctional extension programs

34. (1) Where a correctional extension program is established in a correctional centre, every inmate in the correctional centre is eligible to apply to the Warden for permission to enter the program.

Application of Act and regulations

(2) An inmate who enters a correctional extension program continues to be subject to this Act and the regulations.

Earnings of inmate

35. Where an inmate released under a correctional extension program is gainfully employed, the employer of the inmate shall forward the total earnings of the inmate, less deductions required by law, to the Warden of the correctional centre.

Disbursement of earnings

36. (1) The Warden shall on behalf of the inmate disburse the money received under section 35 in the following order of priority:

- (a) to the Government of Nunavut, the cost of food, lodging and travel of the inmate in an amount not exceeding the prescribed amount;
- (b) restitution payments ordered by the court;
- (c) the maintenance and support of dependants of the inmate in the prescribed amount.

Surplus after disbursement

(2) Where a surplus remains after payment under subsection (1), the Warden shall credit the surplus to the inmate to be paid to the inmate when he or she is discharged from the correctional centre. S.Nu. 2010,c.11,s.2(6).

Exception

37. Despite section 36, the Director may vary the priority of disbursing the earnings of an inmate received under section 35 in a way that would further the rehabilitation of the inmate or assist the support of the dependants of the inmate. S.Nu. 2013,c.20,s.6(4).

Demand for account

38. (1) An inmate may demand an account from the Warden of all money earned by the inmate that is received and disbursed by the Warden.

Account

(2) Where an account is demanded under subsection (1), the Warden shall render the account to the inmate within a reasonable time after the demand has been made.

PAROLE

Nunavut Parole Board

39. (1) A board called the Nunavut Parole Board is established.

Members

(2) The Board shall be composed of not more than six members appointed by the Minister.

Chairperson and deputy chairperson

(3) Two members of the Board shall be designated by the Minister as the chairperson and the deputy chairperson of the Board.

Restriction

(4) No member of the Board shall be an employee of the Corrections Service or an employee of a body concerned with the administration of justice.

Quorum

(5) Three members of the Board constitute a quorum. S.Nu. 2013,c.20,s.6(4).

Remuneration and expenses

40. The members of the Board shall be paid the remuneration and expenses determined by the Minister for attendance at meetings of the Board and for other attendances in connection with the business of the Board.

Eligibility for parole

41. (1) An inmate who is serving a sentence for an offence under an Act is eligible for parole in accordance with this section and sections 42 to 46.

Application for parole

(2) An inmate may apply for parole himself or herself or any person may apply on behalf of the inmate.

Review of application

42. (1) On receiving an application for parole, the Board shall examine the circumstances of the inmate applying to determine whether the inmate should be released on parole.

Hearing

(2) Wherever possible, the inmate whose application is being considered by the Board under subsection (1) shall be present at the hearing.

Parole without application

- (3) The Board may, without an application for parole,
- (a) review the case of an inmate; and
 - (b) release on parole an inmate who appears to the Board to be suitable for parole.

Limitation

(4) No inmate shall be released on parole until the inmate has served 1/3 of the total sentence imposed by the court.

Direction for release

43. (1) The Board may, subject to this Act and any Act of Canada, direct the release on parole of an inmate.

Release

(2) On receiving a direction made under subsection (1), the Warden shall release the inmate on parole.

Powers of Board

- (3) The Board
- (a) shall determine the conditions of parole to be observed by a person released under subsection (1) and may from time to time add to, alter or remove those conditions; and
 - (b) may provide for the supervision and guidance of a person released under subsection (1) for the period that the Board considers desirable.

Continuation of sentence

(4) The sentence of a person on parole continues in force until the expiration of the sentence according to law.

Suspension of parole

- 44.** (1) The chairperson of the Board or a person appointed by the Board may, by a warrant in writing signed by the chairperson or the person appointed, suspend a parole and authorize the apprehension of a paroled person
- (a) if the paroled person is in breach of a condition of the parole or in order to prevent a breach of a condition of the parole;

- (b) for the rehabilitation of the paroled person; or
- (c) for the protection of society.

Authority to arrest

(2) A warrant issued under subsection (1) constitutes the authority and direction to any peace officer in Nunavut to arrest the paroled person named in the warrant and hold that person in a correctional centre or guardroom until his or her case is reviewed.

Review

(3) Immediately after the apprehension of a paroled person, the Board shall review the case and cancel the suspension or revoke the parole.

Revocation of parole

(4) Where a parole has been revoked, the paroled person shall be recommitted to the correctional centre from which he or she was paroled to serve the portion of his or her imprisonment that remained unexpired at the time parole was granted, including any period of remission then standing to his or her credit, less any time spent in custody as a result of the suspension of the parole. S.Nu. 2010,c.11,s.2(6).

Parole supervisor

45. A probation officer under this Act or a parole supervisor within the meaning of the *Corrections and Conditional Release Act* (Canada) is, by virtue of his or her office, a peace officer for the purpose of carrying out the duties of a parole supervisor in Nunavut. S.Nu. 2013,c.20,s.6(2).

National Parole Board

46. The National Parole Board is authorized to exercise in Nunavut the jurisdiction and discretion described in section 107 of the *Corrections and Conditional Release Act* (Canada). S.Nu. 2010,c.11,s.2(6); S.Nu. 2013,c.20,s.6(3).

AFTERCARE

Aftercare

47. (1) Aftercare shall be deemed to be an integral part of the social and correctional services of Nunavut.

Objectives of aftercare

- (2) Aftercare shall be administered with the objectives of
- (a) assisting the offender to make a satisfactory adjustment to community living; and
 - (b) preventing recidivism.
- S.Nu. 2010,c.11,s.2(6).

Duty of Director

48. (1) The Director shall co-ordinate and encourage the interrelated activities of correctional centres and community corrections programs that are concerned with the problems of offenders at all stages of their sentences and after their release.

Notice of release

(2) The Warden shall whenever possible notify probation officers and other persons involved in community corrections of the plans for the release of an inmate into the community.

INVESTIGATION

Investigation

49. (1) The Minister may appoint persons to investigate and inquire into any matter connected with or affecting the administration and operation of the Corrections Service or a correctional centre.

Powers of investigator

(2) A person appointed under subsection (1) shall have access to every part of the correctional centre and to every person confined in the correctional centre and may

- (a) enter the correctional centre;
- (b) examine all papers, documents, vouchers, records, books and other things belonging to the correctional centre;
- (c) investigate the conduct of any employee or of any person found in the correctional centre;
- (d) summon and interrogate any inmate;
- (e) by written order summon any employee and examine the employee under oath on any matter
 - (i) relating to a contravention of this Act or the regulations, or
 - (ii) affecting the interests of the correctional centre; and
- (f) order to be brought before him or her books, papers and writings that are in the correctional centre or in the possession of an employee or inmate.

Report by investigation

(3) A person who conducts an investigation and inquiry under subsection (1) shall report his or her findings to the Minister.

Delegation

(4) The Minister may delegate, in writing, to the Deputy Minister, the powers set out in subsection (1). R.S.N.W.T. 1988,c.96(Supp.),s.10.

ESCAPE

Deeming provision

50. (1) Every street, highway or public thoroughfare along or across which an inmate passes while going to or returning from work and every place where an inmate is employed or is undergoing training or treatment shall be deemed to be a part of the correctional centre in which the inmate is confined for the purposes of this Act.

Escape or rescue

(2) Any escape or attempt to escape and any rescue or attempt at rescue made on a street, highway or public thoroughfare referred to in subsection (1) shall be deemed to have been made from or within the correctional centre.

OFFENCES AND PUNISHMENT

Incitement

51. No person shall incite another person to contravene a condition of a correctional extension program, probation or parole.

Offences and punishment

52. A person other than an inmate who

- (a) contravenes this Act or the regulations, or
- (b) conducts himself or herself in a manner that is detrimental to the good order and discipline of a correctional centre,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding three months or to both.

REGULATIONS

Regulations

53. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing articles or things that are prohibited under paragraphs 29(a) and (b);
- (b) respecting communications by inmates referred to in subsection 26(1);
- (b.1) defining non-governmental organizations and community agencies referred to in paragraph 27(1)(e);
- (c) respecting the establishment and operation of correctional programs referred to in subsection 33(1);
- (d) respecting the release of an inmate under subsection 33(3);
- (e) prescribing the amount to be paid to the Government of Nunavut under paragraph 36(1)(a);
- (f) prescribing the amount of maintenance and support of dependants of an inmate under paragraph 36(1)(c); and

- (g) that the Commissioner considers necessary for carrying out the provisions of this Act.
S.Nu. 2010,c.11,s.2(6); S.Nu. 2015,c.5,s.6.