


Chapter:	<b>Disciplinary System</b>	Classification:	<b>Public Document</b>
Subject:	<b>Disciplinary Adjudication</b>		
For:	<b>Correctional Facilities</b>	 Authorized by Executive Director	

**1. Policy**

1.1 When an adult or young person has been charged with the violation of a facility rule or regulation resulting in a Level II or III disciplinary report, the matter is referred to the disciplinary adjudicator.

**2. Authority**

2.1 The authority and requirements for a disciplinary adjudication is found in section 69 of the *Correctional Services Act* and sections 93 and 94 of the *Correctional Services Regulations*.

**3. Workplace Violence Prevention Plan**

3.1 This policy, in addition to any associated facility Standard Operating Procedures (SOP) is part of the Correctional Services Division's overall workplace violence prevention plan as required by section 7 of the Violence in the Workplace regulations.

**4. Disciplinary Adjudicator**

4.1 A disciplinary adjudicator is a person designated by the Executive Director to conduct a disciplinary hearing (adjudication) to address a charge of a Level II or III breach of rules and regulation, see Policy and Procedures, Subject No. 42.00.00, [Rules and Regulations](#).


**5. Hearing**

5.1 The disciplinary adjudication should be completed, wherever possible, within 24 hours of the rule breach.

5.2 Where the investigation or adjudication cannot be completed within 24 hours, and the person is being held temporarily in close confinement, the manager may

5.2.1 extend the close confinement temporarily

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- 5.2.2 ensure reviews are conducted in accordance with Policy and Procedures, Subject No. 43.00.00, [Administrative and Disciplinary Close Confinement](#)
- 5.3 The following procedures will apply when conducting an adjudication hearing
  - 5.3.1 the charge(s) will be read
  - 5.3.2 the adjudicator will take the action necessary to ensure the adult or young person understands the charge(s)
  - 5.3.3 a guilty or not guilty plea will be entered on the charge(s)
- 5.4 When there is a plea of not guilty, all evidence pertaining to the incident will be presented in accordance with sections 93(1) and (2) of the *Correctional Services Regulations* and will allow the adult or young person to
  - 5.4.1 make a statement
  - 5.4.2 call a witness
  - 5.4.3 if appropriate, cross examine a witness
- 5.5 The adult or young person may be present at all phases of the hearing unless excluded in accordance with section 94 of the *Correctional Services Regulations* for reasons which will be stated in writing.
- 5.6 The adjudicator will make a determination as to the guilt or innocence based on all evidence presented, measured by the standard of, “based on a balance of probability”, and in accordance with section 93(3) of the *Correctional Services Regulations*.
- 5.7 All decisions of the adjudicator and the reasons for the decisions will be recorded and include
  - 5.7.1 summary of details of the hearing (see form [42.00.00-C](#))
  - 5.7.2 penalties to be imposed by the superintendent (see form [42.00.00-C](#))
- 5.8 Where there is a plea of guilty or a finding of guilty, the adjudicator will proceed to make an appropriate disposition based on the circumstances of the offence and the background and character of the adult or young

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person, in accordance with section 95(1) of the *Correctional Services Regulations*.

- 5.9 In accordance with section 38(1) of the *Correctional Services Act*, approval of recommendations made by the adjudicator is restricted to the superintendent.

**6. Documentation**

- 6.1 Once the adjudicator has completed all documentation on the disciplinary report, the form is provided to the superintendent for review. The superintendent is to ensure all aspects of the disciplinary report have been completed in their entirety and is to indicate either
  - 6.1.1 no further sanctions at this time
  - 6.1.2 additional sanctions as follows, or
  - 6.1.3 reduction of sanctions as follows
- 6.2 Administrative support staff will input the disciplinary report information on JEIN under the adult or young person’s current custody term and date and initial that they have done so on the incident report. See Policy and Procedure Subject No. 42.07.00 [Justice Enterprise Information Network \(JEIN\) Disciplinary Codes](#) section 4.
- 6.3 Administrative support staff will complete the disciplinary report cover letter ([42.00.00-D for adult](#) and [42.00.00-E for youth](#)) indicating
  - 6.3.1 name of the adult or young person
  - 6.3.2 date on disciplinary report
  - 6.3.3 decision of adjudicator
  - 6.3.4 sanction imposed
  - 6.3.5 remission loss (adult)
  - 6.3.6 consult with sentence administration and document the re-calculated earliest release date (adult)
- 6.4 A manager will
  - 6.4.1 provide the adult or young person with a copy of the completed disciplinary package (parts 1 through 5)
  - 6.4.2 ensure Appendix A is not to be included in the package

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- 6.4.3 have the adult or young person sign a copy of the disciplinary report cover letter and provide them with a copy of the letter
- 6.4.4 provide a copy of the signed cover letter to administrative support staff
  
- 6.5 Designated administrative support staff will
  - 6.5.1 document the date they input the incident and penalty in the *Justice Enterprise Information Network (JEIN)*
  - 6.5.2 initial that they completed the task on the form
  - 6.5.3 scan and upload the completed disciplinary report (including Appendix A) and cover letter via the JEIN Document Tab to FileNet in accordance with the requirements outlined in Policy and Procedures, Subject No. 42.07.00 [Justice Enterprise Information Network \(JEIN\) Disciplinary Codes and Documentation](#)