

Dealing With The Corrections System

It is quite likely that, at some point, the drug user in your family will become involved with the Corrections system. This can be very frightening and confusing for everyone, so the following information is offered as a guide. Try to remember that YOU are not on trial, and that you have the right to consider the professionals in the system as a resource for assistance.

BC Correctional Facilities (Pre-trial) and Provincial Court Proceedings

Information and Numbers:

Surrey Pre-trial Services Centre

14323 - 57th Avenue
Surrey, BC V3X 1B1
Phone: (604) - 599-4110
Visits: (604) 572-2103
(male and female)

North Fraser Pre-trial Centre

1451 Kingsway Avenue
Port Coquitlam, BC V3C 1S2
Phone: (604) 468-3500
Visits: (604) 468-3566
(male)

Kamloops

Regional Correctional Centre

2250 W. Trans Canada Highway,
Kamloops, BC V2C 5M9
Phone: (250) 571-2200
Mailing Address: PO Box 820
Kamloops, BC V2C 5M9
(Male and female)

Prince George

Regional Correctional Centre

795 Highway 16 East
Prince George, BC V2L 5J9
Phone: (250) 960-3001
Visits: (250) 960-3001
Mailing Address: PO Box 4300
Prince George, BC V2L 5J9
(male and female)

Vancouver Island

Regional Correctional Centre

4216 Wilkinson Road
Victoria, British Columbia V8Z 5B2
Phone: (250) 953-4400
Visits: (250) 953-4433
Mailing Address:
PO Box 9224 Stn Prov Govt
Victoria, BC V8W 9J1
(male and female)



How to find out if your son/daughter is in a Pre-trial Centre

If your son/daughter has been arrested, you will not be notified because of "The Privacy Act" and your son/daughter may choose not to call you.

Clues can be obtained by (a) sending a letter to the facility: if your son/daughter is not there, the letters will be returned; or (b) phone the facility to book a visit: if your son/daughter is not there, the booking clerk will inform you at that time.

VISITING

- You must be 19 years of age to book a visit. You must register prior to booking a visit to clear a background check. Call 24 hours in advance to book a visit. Check with the appropriate facility as visiting hours and booking procedures may vary. Visits may be 1 hour or less.
- Children are permitted only if they are accompanied by a birth parent or legal guardian. Special visiting arrangements must be arranged prior to the visit by the inmate.
- You will need to bring two pieces of ID - one piece must be picture ID, a quarter for the locker as you are not permitted to take anything into the visiting area (jackets, wallet, purse, keys etc.)
- You will be scanned with a metal detector prior to entering the visiting area. An ion test for drugs may be requested. You will be assigned a cubicle and communication with your son/daughter will be via hand phone or speaker unit. Conversations and actions will be monitored.



MONEY

Your son/daughter will have an account in which money can be deposited for services such as phone calls, hair cuts, or canteen items (snacks, toiletries, writing materials etc.) If money is sent through the mail, it must be in the form of a money order in your son/daughter's name. Cheques are not accepted. Cash will only be accepted for a direct deposit at the facility.

MESSAGES

Your son/daughter will not be permitted to receive telephone calls. S/he can call you collect or you can deposit money into their account so they can have money added to their ID card for phone calls. If they call you collect, the charge is \$1.75 per call. A non-collect call costs your son/daughter \$.90. The message you will receive with each call is "This is a call from a B.C. Correctional Facility. This call is from — You will/will not be charged for this call. If you do not wish to receive this call press 5, otherwise press 0."

- Do not press 5 as calls will be blocked from all correctional facilities and can only be reinstated by written letter.
- If it is an emergency, you can try contacting the facility's Chaplain and they might be able to get a message to your son/daughter.
- Mail can be sent via the regular postal service; however, mail may be subject to drug scanning.
- Refrain from using stickers or metallic or sparkly pens when addressing an envelope; these letters will be returned to sender.
- If you are dropping off mail during a visit, the letter must be properly addressed (including return address) and it must not be sealed. Polaroid and computer generated images will not be accepted. Regular photos are allowed.



ADDICTIONS COUNSELLOR

If treatment or a conditional sentence for your son/daughter is an option, an appointment with the Addictions Counsellor needs to be requested as soon as your son/daughter has entered a corrections facility. The counsellor will be able to assist your son/daughter complete applications to community based public agencies and services. Parents may need to contact rehabilitation centres on behalf of the inmate as some centres/recovery houses will not accept calls from a correctional facility.

CLOTHING

If your son/daughter requires clothing for court appearances, they must request permission and itemize each piece of clothing on a request form. Once their request has been approved, you will be permitted to bring the listed items to the records department of the pre-trial facility. The entire process can take several days so the request must be initiated well before the court appearance.

WHEN YOU ARRIVE AT COURT

You may be screened as you enter the court house, so take the minimum baggage. There will be a master list posted as you enter the court house; this will specify which court room and the estimated time that your son/daughter's case will be heard. Courtrooms specified are not always accurate due to last minute changes. Be sure to check with the sheriff on duty. Court appearances seldom run on schedule; sometimes the process can take a full day. Keep this in mind if you are booking time off work to attend.

PARENTAL SUPPORT

It bodes well for your son or daughter if you are present in the court room. Don't be afraid to ask to speak on behalf of your child; the judge will usually grant you permission to speak.



Court Proceedings

Legal proceedings can be very daunting, particularly if you do not understand the terms commonly used. The following is a list of terms that you may encounter.

WHO'S WHO?

Accused: (sometimes referred to as the "Defendant" or the "Prisoner"): The person charged with having committed a criminal offence. If the accused is convicted, he/she is referred to as the "Offender".

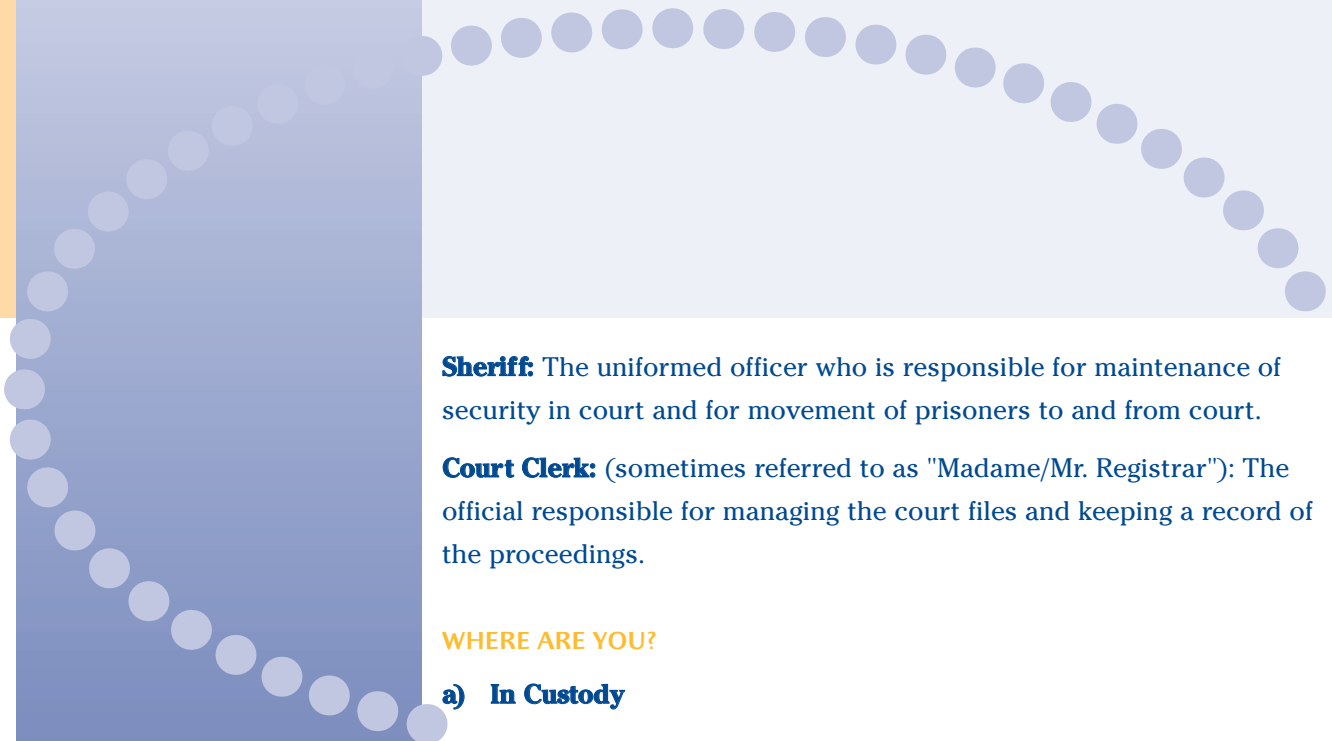
Crown Counsel: The lawyer who conducts prosecutions on behalf of the Crown. Crown counsel's role is to represent the interests of Society rather than to act for any individual victim. (This may be important for a parent to remember when that parent also happens to be the victim.)

Defence Counsel: The lawyer who advises and acts for the accused in court. (It is important to remember that defence counsel must take his/her instructions from the accused—even when the parent may be paying the legal bills.) "Legal Aid" (public funding for legal representation) may be available to an accused who lacks the financial means to hire a lawyer.

Duty Counsel: The defence counsel who is on call at the court house to provide free legal assistance to an unrepresented accused. Generally, duty counsel is the first lawyer seen by an accused who has been arrested and is awaiting a bail hearing.

Provincial Court Judge: The judge who presides over hearings and trials in provincial court. This judge is addressed in court as "Your Honour". Trials in provincial court are tried by a judge without a jury.

Supreme Court Justice: The judge who presides over hearings and trials in Supreme Court. This judge is addressed in court as "My Lord" or "My Lady". Trials in Supreme Court may be tried by a judge alone or by a judge and jury.



Sheriff: The uniformed officer who is responsible for maintenance of security in court and for movement of prisoners to and from court.

Court Clerk: (sometimes referred to as "Madame/Mr. Registrar"): The official responsible for managing the court files and keeping a record of the proceedings.

WHERE ARE YOU?

a) In Custody

Pre-trial Centre: Lock-up facility for accused persons who are detained in custody awaiting their court appearances.

Provincial Correctional Facility: Jail for persons sentenced to a period of incarceration of less than two years.

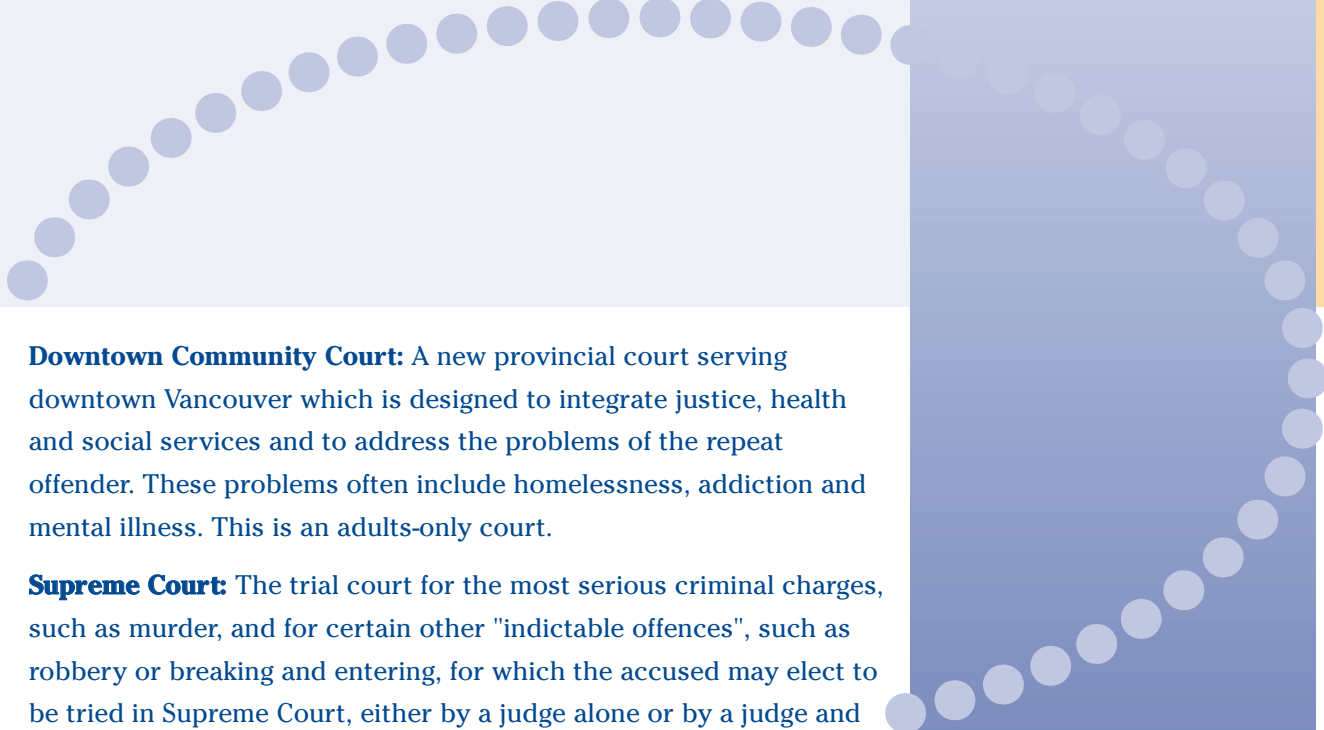
Federal Penitentiary: Jail for persons sentenced to a period of incarceration of two years or more.

b) In Court

Provincial Court: The court in which the vast majority of criminal cases are tried. This is the court for "summary conviction" offences, such as mischief and theft under \$5000, and for certain "indictable offences", such as robbery and breaking and entering, for which an accused may elect to be tried in provincial court.

Youth Court: The court in which the majority of criminal cases involving accused youth, aged 12 -17, are tried. (Particularly serious cases may be raised to adult court.)

Drug Court: The provincial court in which certain persons facing drug-related charges are allowed to opt for a court-supervised course of treatment and rehabilitation as an alternative to a jail sentence. The usual candidates for Drug Court are persons who have engaged in trafficking to support their own addictions. This is an adults-only court. There is no Drug Court for youth.



Downtown Community Court: A new provincial court serving downtown Vancouver which is designed to integrate justice, health and social services and to address the problems of the repeat offender. These problems often include homelessness, addiction and mental illness. This is an adults-only court.


Supreme Court: The trial court for the most serious criminal charges, such as murder, and for certain other "indictable offences", such as robbery or breaking and entering, for which the accused may elect to be tried in Supreme Court, either by a judge alone or by a judge and jury. (Which mode of trial to elect is an important decision for which the accused will generally require the advice of experienced counsel.)

OTHER TERMS

Bail: The pre-trial release from custody which may be granted by a judge. The simplest form of bail is a release on an "undertaking"(a promise) by the accused to appear in court when required. More onerous forms of bail may carry various conditions and may be secured by a cash deposit or by a promise by a "surety" to pay a certain amount if the accused fails to abide by the terms of bail. A willing parent may sometimes be named as a surety to secure the release of an accused. It must be remembered that a parent who acts as surety for a child with a drug dependency is taking a financial risk.

Bench Warrant: A court order authorizing the arrest of a person. Judges will generally issue a bench warrant if an accused fails to appear in court when required.

Arraignment: The court procedure in which the accused's name is called, the charge is read and the accused pleads guilty or not guilty. It should be remembered that a plea of "not guilty" is not a claim of innocence but rather is the exercise of one's right to a trial and to the presumption of innocence until proven guilty. An accused may choose to change the plea to "guilty" at a later time.



Preliminary Inquiry: A pre-trial hearing to determine whether there is sufficient evidence to proceed to trial. These hearings take place in provincial court for cases in which the trial is to be in Supreme Court. Crown counsel calls and "examines" (questions) key witnesses who, in turn, are "cross-examined" by defence counsel. The provincial court judge who presides over the preliminary inquiry does not make findings of guilt or innocence.

Trial: The court hearing for the determination of whether the accused is guilty or not of the offences charged. The Crown bears the onus of proving the guilt of the accused "beyond a reasonable doubt". The Crown calls witnesses first and then, after the Crown's case is closed, the accused has the right to choose whether or not to testify and/or call other witnesses. The accused is under no obligation to prove his/her innocence.

Sentencing Hearing: The hearing for the determination of the appropriate sentence, which takes place after the accused has either entered a plea of guilty or has been found guilty at the conclusion of a trial. The judge must consider a range of factors and principles before deciding what sentence is "fit" for the individual offender in the particular circumstances of the case. The judge hears submissions from both counsel and also reviews other relevant materials that may be filed at the hearing, such as a previous criminal record, a statement by the victim about the impact of the crime, reference letters about the character of the offender and a plan for treatment and rehabilitation if the offender does not have to go to jail. In some cases, counsel may request and the judge may order a pre-sentence report by a probation officer outlining background information about the offender, often including some family history. It is generally helpful to an accused if there are supportive family members present in court. Also, the judge may give parents an opportunity to speak if they wish to be heard. The accused has the right to the last word before sentence is pronounced. Some have nothing to add to what has been said on their behalf; some chose to express remorse and a determination to turn their lives around.



SOME SENTENCING OPTIONS (other than Jail)

Fine: An order to pay an amount of money at the court registry within a time period fixed by the judge. A fine goes into the public purse; it is not to be confused with a compensation order, which goes to a victim. However, Judges seldom impose fines or compensation orders on persons suffering from an addiction for the practical reason that such persons usually lack the means to pay (and have difficulty holding onto money).

Probation: A court order to "be of good behaviour" for a set period of time up to a maximum of three years. A probation order generally includes various conditions, such as requirements that the offender report to a probation officer, obey a curfew, avoid certain areas known for drug use and take part in a program of treatment. A probation order may be added to a jail sentence or may be imposed in the form of a "conditional discharge" or a "suspended sentence"(see below).

Conditional Discharge: A sentence of a period of probation which results in a "discharge" (a cancellation of the conviction) upon the completion of the probation.

Suspended Sentence: A sentence of a period of probation which is "suspended" in the sense that an offender who breaches probation can be brought back to court to be re-sentenced. However, rather than seeking to have the offender re-sentenced for the original offence, the Crown usually lays a new, separate charge of breach of probation.

Conditional Sentence (not to be confused with either of the above two types of sentences): This is a sentence "served in the community" which resembles a probation order but is regarded as a more serious entry on a criminal record than a suspended sentence and often carries more stringent terms, amounting to house arrest. Also, an offender who breaches a term of a conditional sentence risks having to serve the balance of the sentence in jail. A conditional sentence may be used to compel an offender to reside in a residential treatment centre or in a recovery house.



Resources

BC Correctional Facilities Website

www.pssg.gov.bc.ca/corrections

Legal Services Society of B.C.

www.lss.bc.ca

Access Justice

www.accessjustice.ca. (Pro bono information)

UBC Law Students

Legal advice program

www.lslap.bc.ca

Ombudsman

An official appointed by the government to investigate complaints against public authorities. To contact an ombudsman, your son/daughter will find a toll free number posted in all units.

The Ombudsman receives inquiries and complaints about the practices and services provided by public bodies, and may investigate to determine if the public body is being fair to the people it serves.

www.ombud.gov.bc.ca