

Chapter:	Offender Disciplinary System	Classification:	Public Document
Subject:	Disciplinary Penalty Appeal Process		
For:	Correctional Facilities	Authorized by Executive Director	

1. Policy

- 1.1 An appeal process is available for offenders to request a review of adjudication results or the disciplinary penalties imposed for breach of facility rules and regulations. Information on the appeal process must be made available to offenders upon admission to a correctional facility.
- 1.2 A penalty will only be reviewed, in accordance with section 98(2)(a) to (c) of the *Correctional Services Regulations*, if one of the following circumstances exist
- 1.2.1 the penalty seems to be disproportionate to the breach
 - 1.2.2 there is an error in the disciplinary report
 - 1.2.3 the penalty was imposed without knowledge of a fact that, had it been known, would have been likely to modify the penalty or decision

2. Authority

- 2.1 The authority and requirements for the penalty appeal process is derived from section 70(2), 71 to 73 of the *Correctional Services Act* and sections 98 and 99 of the *Correctional Services Regulations*.

3. Designate

- 3.1 The Executive Director has designated the directors for correctional services as the designate to hear offender appeals of adjudication results and disciplinary penalties. When no directors are available the Chief Superintendent may also hear appeals.

4. Review of Penalty

- 4.1 The offender must
- 4.1.1 request a review of penalty in writing to the director, or designate within ten (10) business days after the penalty has been imposed
 - 4.1.2 document the request for review of penalty on the Offender Complaint Form, see Policy and Procedures, Subject 5.04.00, *Offender Complaint Process*, ([see form 5.04.00-A](#))
 - 4.1.3 sign and date the form

Page 1 of 2	Dated Issued: July 1, 2007 Date of Last Revision: July 27, 2009 Current Revision Date: March 31, 2016	Subject No. 42.08.00
-------------	---	----------------------

Chapter:	Offender Disciplinary System	Classification:	Public Document
Subject:	Disciplinary Penalty Appeal Process		
For:	Correctional Facilities	Authorized by Executive Director	

- 4.2 Upon receipt of the request for review of penalty and within five (5) business days, the director or designate must
 - 4.2.1 determine if, in accordance with section 98(2), a circumstance exists that supports the review of the penalty
 - 4.2.2 in accordance with section 98(4), upon review of the penalty, determine whether it is necessary to modify, overturn or suspend the penalty
 - 4.2.3 respond to the offender in writing
- 4.3 The director or designate's response to the review of penalty must be
 - 4.3.1 copied
 - 4.3.2 signed by the offender
 - 4.3.3 placed on the offender's file in accordance with Policy and Procedures, Subject 5.04.00, *Offender Complaint Process*
- 4.4 The original director or designate's response must be given to the offender.

5. Appeal Process

- 5.1 If the offender is not satisfied with the director or designate's response to the review of penalty, the offender may, within ten (10) business days after receiving the reply to the review under the complaint process, appeal the matter in writing to the Executive Director by completing a Notice of Appeal Form. See Subject 5.05.00, *Offender Appeal Process* ([see form 5.05.00-A](#)).
- 5.2 The appeal must be processed in accordance with Policy and Procedures, Subject 5.05.00, *Offender Appeal Process*.