



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

Dr. I. Waller
Director General
Research Division

RESEARCH CENTRE
MAY 12 1976
SOLICITOR GENERAL
OTTAWA

FROM
DE

J.G. Woods
Research Officer

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE May 10th, 1976

SUBJECT
OBJET

The Report of the Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedure within the RCMP

Why was Maloney better?

The following comments are further to your memo of April 22.

1. The Marin Report is not as valuable as the Maloney Report to the Toronto Police Commission, but it provides a useful preliminary discussion of a very sensitive subject. The Commission's model code of procedures is informed by contemporary attitudes toward substantive and procedural due process, and appears to be more in keeping with current management theory than are the regulations presently in effect.

However, the recommendations include several questionable and contradictory suggestions which require clarification and perhaps modifications. As it is, the Marin Report could provoke serious opposition within the command structure of the RCMP, and might not be a suitable base for Ministry policy in this area.

2. Possibly the most innovative suggestion is the proposal that a federal police ombudsman be appointed. Unfortunately, the Report does not examine the legal questions implicit in the appointment of a federal official to deal with RCMP divisions that are in some sense provincial police forces. Some clarification of this innovation will be most likely be needed.

J.G. Woods

cc: P. Landreville
P. Engstad

119-2

MEMORANDUM

NOTE DE SERVICE

TO: File

FROM: Parliamentary Returns Officer

SUBJECT: Security Classification
OBJET: Swackhamer Report
Hugessen Report

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE 9 April 1974

Reference "Security of Information In The Public Service of Canada", Privy Council Office 1956.

I have, with the assistance of Ministry Counsel Mr. J.H. Hollies, Q.C., reviewed the attached Report of the Commission of Enquiry into certain disturbances at Kingston Penitentiary during the month of April 1971 (Swackhamer Report) and associated correspondence; and correspondence in respect to the Hugessen Report, with a view to determining whether or not the subject material could be declassified or reclassified downwards.

It is my considered opinion that the material in question may properly be reclassified downward to not less than "Confidential" but should, in order to protect its privacy, be stored in a suitable receptical in the Central Registry in the Ministry Secretariat and marked, "To Be Opened Only By The Deputy Minister Or His Authorized Agent".

Following further discussion with the Deputy Minister's Executive Assistant, Mr. Cobb, and the Ministry Counsel, Mr. Hollies, I have reclassified the said material as "Confidential" and have informed Mr. Dagenais, Supervisor, Ministry Secretariat Central Registry, as to the method of safeguarding the said material.

LIST OF MATERIAL RECLASSIFIED

1. Correspondence concerning the Hugessen Report.
2. Correspondence (Red Folder) concerning the Swackhamer Report.
3. Brief for the Solicitor General on the Swackhamer Report.
4. One tabulated copy of the Swackhamer Report (in three ring binder).

J. E. A. Mosley
J. E. A. Mosley

Copy to: 410-76



Government of Canada

Gouvernement du Canada

MEMORANDUM NOTE DE SERVICE

TO
À

MR. G. SURPRENANT

FROM
DE

DEPARTMENTAL COUNSEL

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE 1851(410)April 14-18/71
January 24, 1974

SUBJECT
OBJET

**Commission of Inquiry into
Disturbance at Kingston Penitentiary**

On this matter, I have taken the advice of Miss Hansen who, as you may recall, was particularly conversant with the Swackhamer Commission. She tells me that from her knowledge of what the material is likely to contain, that some of it is likely to be quite sensitive and should be destroyed. She can see no reason why any of it should be retained. In view of what she tells me as to the characteristics of some of the material involved, the destruction should not be left to the Executor, but rather the material delivered to the R.C.M. Police for shredding or other means of disposal applicable to classified waste.

Miss Hansen further suggested that before action is taken on the letter from Mr. Scott, it might be desirable to ascertain the Minister's wishes.

JHH/mab


**J.H. Hollies,
Departmental Counsel**

ON HER MAJESTY'S SERVICE
SERVICE DE SA MAJESTÉ

CANADA
POSTAGE PAID
PORT

EXTRA COPIES OF ADDENDUM TO THE SWACKHAMER REPORT

IF NOT DELIVERED
RETURN TO
DEPARTMENT OF THE SOLICITOR GENERAL
OTTAWA

SI NON RÉCLAMÉE
PRIÈRE DE RETOURNER AU
MINISTÈRE DU SOLICITEUR GÉNÉRAL
OTTAWA

Addendum

The following sentence was inadvertently omitted from the last paragraph on P. 34 of the report: "There is no justification, explanation or excuse for them".

Addenda

La phrase suivante a été omise par inattention du paragraphe à la page 36 du Rapport:
"Les gestes qui ne sauraient d'aucune façon être justifiés, expliqués ou excusés."

119-2

March 1, 1973

COMMONS DEBATES

1781

MR. NYSTROM—ANNOUNCEMENT BY DEFEATED LIBERAL
CANDIDATE OF ACCEPTANCE OF LOCAL INITIATIVES
PROJECTS

Mr. Lorne Nystrom (Yorkton-Melville): Mr. Speaker, I have given notice under provisions of Standing Order 17(2) to pursue a matter of privilege that I feel infringes upon my rights as a Member of Parliament as well as those of all members of the House.

It was brought to my attention this morning that the former candidate for the Liberal Party in the October 30 election in the constituency of Yorkton-Melville has notified some successful applicants for local initiatives projects that their applications have been approved before they were officially notified by officials of the local initiatives program.

Some hon. Members: Oh, oh!

An hon. Member: The same old gang over there.

Mr. Hees: Pork barrel politics!

Mr. Nystrom: I have also been informed, Mr. Speaker, that this practice has been carried on in some other constituencies which I do not think I should name at this time.

I genuinely feel that this sort of activity infringes upon the rights of all members of the House regardless of political party. Programs such as the local initiatives program are designed with the taxpayers' money to provide jobs and ought not to become a private political vehicle for defeated Liberal candidates no matter how desperate they may feel.

If Your Honour finds that I have a legitimate question of privilege I would move that the subject matter be referred to the Standing Committee on Privileges and Elections.

Mr. Speaker: The hon. member for Yorkton-Melville has also forwarded the notice required by Standing Order 17. This has given the Chair an opportunity to ponder this situation and to be prepared to give an opinion to the House which I hope will be acceptable.

The hon. member suggests in his notice, as well as the remarks he has just placed on record, that certain announcements of certain government projects are a breach of parliamentary privilege. The definition of parliamentary privilege found in Erskine May's Parliamentary Practice has often been quoted in the House. To paraphrase the citation, the particular privileges of the Commons are the sum of the fundamental rights of the House and of its individual members as against the prerogatives of the crown and the authority of the courts. In other words, parliamentary privilege is what places members of the House in a special category and gives them special rights so as to exercise freely their responsibilities in the Commons.

I doubt that the special status granted by parliamentary privilege can be extended to cover the situation of which the hon. member complains. Members know the distinction between privilege and grievance. An hon. member may have a very legitimate complaint or grievance about certain actions of the government, of members of the

Privilege

public service, of the press or of individual citizens. This cannot always be deemed to constitute a breach of parliamentary privilege. In this instance I would find that while the hon. member may have a grievance I cannot conclude that there is a legitimate prima facie case of privilege. In the circumstances, I would not think that the hon. member would expect the Chair to put the motion and have a debate on whether this matter should be referred to the Standing Committee on Privileges and Elections.

• (1420)

ROUTINE PROCEEDINGS

PENITENTIARIES

KINGSTON—TABLING OF REPORT ON DISTURBANCES IN
APRIL, 1971

Hon. Warren Allmand (Solicitor General): Mr. Speaker, pursuant to Standing Order 41(2) I wish to table in both official languages copies of the report of the commission of inquiry into the disturbances at Kingston Penitentiary during the month of April, 1971, commonly referred to as the Swackhamer report.

* * *

[Translation]

AGRICULTURE

MEASURES TO SOLVE FEED GRAIN PROBLEM—REQUEST
FOR UNANIMOUS CONSENT TO MOVE MOTION

Mr. Adrien Lambert (Bellechasse): Mr. Speaker, I rise under the terms of Standing Order 43 to propose a motion on a matter that deserves immediate attention.

In view of the growing concern of agricultural producers in eastern Canada about the government's slowness in introducing legislation leading to a fair solution of the feed grain question, I move, seconded by the hon. member for Richmond (Mr. Beaudoin):

That the government take immediate steps to insure that producers in eastern Canada may at all times buy feed grain at the same prices as western producers, and that the Canadian Wheat Board be placed under the Minister of Agriculture's jurisdiction.

Mr. Speaker: The House has heard the motion proposed by the hon. member for Bellechasse. This motion is put forward under the terms of Standing Order 43 and requires the unanimous consent of the House. Is there unanimous consent?

Some hon. Members: Agreed.

Some hon. Members: No.

Mr. Speaker: The motion cannot be put, since there is not unanimous consent.

Oral Questions

I move, seconded by the hon. member for Bellechasse (Mr. Lambert):

That the House instruct the Standing Committee on Broadcasting, Films and Assistance to the Arts to carry out a thorough study of the Quebec education law and its application to student loans and bursaries, with a view to ascertaining whether the credits granted by the government of Canada to the government of Quebec for student grants are in fact used to that end, and that the committee suggest, if necessary, by what ways and means the government of Canada could ensure that the money granted to the Quebec government for that purpose should be used exclusively for the benefit of students.

Mr. Speaker: The House has heard the hon. member's motion. Under the terms of Standing Order 43, this motion requires the unanimous consent of the House. Is there unanimous consent?

Some hon. Members: Agreed.

Some hon. Members: No.

Mr. Speaker: There is not unanimous consent, and so the motion cannot be put.

[English]

Mr. Broadbent: Mr. Speaker, before we leave motions I wonder whether I could raise a point of order. It has come to my attention that an error of some \$47 million in the Canada-U.S. automotive trade figures released two days ago has been made by Statistics Canada. As a result, instead of having a deficit on trade in automotive products with the United States of \$41.2 million as originally announced, there is a surplus of \$5.8 million. I wonder whether we could ask the Minister of Industry, Trade and Commerce (Mr. Gillespie) to make a brief explanatory statement to the House on this very important matter.

Mr. Speaker: The hon. member will recognize that this is hardly a point of order. I would think it is a question that might be asked during the question period by way of a suggestion at that time that we might revert to motions for the purpose of hearing a statement from the minister. I think there might be difficulty if under motions hon. members ask questions of ministers to invite them to make statements during routine proceedings. Perhaps the hon. member might like to put that question during the question period.

ORAL QUESTION PERIOD

PENITENTIARIES

DISTURBANCE AT MILLHAVEN—PRESENT SITUATION—
RETRAINING OF STAFF

Mr. Erik Nielsen (Yukon): Mr. Speaker, I have a question for the Solicitor General, whom I reluctantly disturb at this particular moment. Can the Solicitor General reassure the House that the disturbances involving a sitdown at the Millhaven institution are under control and that there is no danger of an escalation which could cause serious injuries either to inmates or the custodial staff?

Hon. Warren Allmand (Solicitor General): Mr. Speaker, there has been a sitdown strike of inmates since last weekend, but there has been no real trouble. It has been a peaceful sitdown strike up to this point. Yesterday there was a meeting between officials of the department and representatives of the inmate population, and it is hoped that we will have a full report as soon as possible.

Mr. Nielsen: Would the minister reassure the House as to who is in control of Millhaven? Is it the custodial staff or the inmates?

Mr. Allmand: Mr. Speaker, the officials of the penitentiary system and the director of the penitentiary with his men are in control.

Mr. Nielsen: In view of the fact that the Swackhamer report refers to a "custodial subculture" as having a detrimental effect on the over-all rehabilitation program, could the minister say what steps are being taken to ensure that staff at all levels and in all institutions are being accorded equal opportunity for training in modern methods of penology, which has not been the case up to the present?

Mr. Allmand: Mr. Speaker, several months ago—I am not sure of the exact date—refresher courses were started for all levels of staff, including custodial staff, so that they will be trained in new rehabilitative methods.

Mr. Nielsen: At Kingston?

Mr. Allmand: Yes, at Kingston College. I am not too sure how many from the Kingston area were involved. I might say that this sitdown strike started originally as a result of a stabbing incident between inmates. A frisking of the inmates was carried out to find out whether any weapons were involved and from there it went on to other things. We hope to have a full report on the matter as soon as possible.

REQUEST FOR ESTABLISHMENT OF VISITORS
COMMITTEES TO FACILITATE DISPOSITION OF
GRIEVANCES

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, I have a supplementary question for the Solicitor General. Will the minister establish on a priority basis a penitentiary visitors committee to facilitate grievance procedures, which are now solely dependent upon prison administrations? Such a committee might be a source of relief for some of the bitterness and frustration that exists in Canadian penitentiaries.

Hon. Warren Allmand (Solicitor General): Mr. Speaker, that is one of the recommendations that has not yet been implemented but is under study. Personally I am very interested in it, and as soon as the studies are completed I will make a report to the House. I might say that there are experimental visitors committees operating with respect to some penitentiaries and we are using this experience in reaching a decision.

Mr. Fairweather: Would the minister acknowledge that this recommendation was made in 1938 by Judge Archam-

Oral Questions

bault and that the study has perhaps gone on quite long enough?

REQUEST FOR REFERENCE OF REPORT ON KINGSTON
DISTURBANCES TO COMMITTEE

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I have a supplementary question for the Solicitor General. In light of the fact the minister himself has stated in connection with the Swackhamer report that public understanding of correctional problems would be enhanced by a study of the report with a view to protecting the public and providing opportunities for rehabilitation, would the minister take steps to see that the report is referred to the Standing Committee on Justice and Legal Affairs for further discussion?

Hon. Warren Allmand (Solicitor General): Mr. Speaker, that is an interesting suggestion and I will take it under consideration. May I say that I will also take note of the last suggestion that was made, to which I did not have a chance to reply.

KINGSTON—REQUEST THAT CITY BE REIMBURSED FOR
ADDITIONAL EXPENDITURES NECESSITATED BY RIOT

Miss Flora MacDonald (Kingston and the Islands): Mr. Speaker, I have a supplementary question for the Solicitor General. In view of the fact the city of Kingston incurred direct costs of \$22,000 in overtime pay for local police during the period of the Kingston penitentiary riot and that this was a service requested by the federal authorities, and that an additional \$100,000 was spent on local police services for protection and investigation purposes during the period of the trial, would the minister consider very seriously reimbursing the city of Kingston for this outlay of \$120,000, which was directly attributable to a major disturbance in a federal institution and did not result from any local situation?

Hon. Warren Allmand (Solicitor General): Mr. Speaker, I cannot recall having received a request to that effect up until this time, but I would be glad to give the hon. member's suggestion serious attention.

* * *

• (1140)

ENERGY

NATURAL GAS—ALLEGED SALE FOR EXPORT AT LOWER
PRICE THAN ALTERNATIVE SOURCES IN UNITED
STATES—POSSIBLE LOSS TO CANADIAN ECONOMY

Mr. T. C. Douglas (Nanaimo-Cowichan-The Islands): Mr. Speaker, may I direct a question to the Minister of Energy, Mines and Resources. Since National Energy Board regulations require the board to review prices of export gas and to report to the cabinet when these prices fall below alternative sources of energy in the United States, and in view of the fact that last Wednesday at page 1750 of *Hansard* the government in answer to my motion for production of papers No. 157 indicated no reports had been received from the National Energy Board since Sep-

[Mr. Fairweather.]

tember 29, 1970, I should like to ask the minister whether he is aware of the fact that the Alberta Resources Conservation Board in its report of August, 1972, stated that Canadian gas was being sold at an average of 15 cents per m.c.f. below alternative sources? I should also like to ask the minister whether he asked the board for a report, why no report was received and why no action was taken?

Hon. Donald S. Macdonald (Minister of Energy, Mines and Resources): Mr. Speaker, I have been discussing this question in respect of regulation 11(A) to which the hon. member referred with the board and the chairman has advised me that when the parliamentary committee gets to the question of gas pricing he will be in a position to make a very full report of the rather complicated circumstances surrounding gas pricing in the export market.

Mr. Douglas: Mr. Speaker, on the assumption that the Alberta finding applies to the whole export of Canadian gas, this dereliction of duty on the part of the government represents a loss of \$140 million a year to the Canadian economy. I should like to ask the minister to explain to the House why he was derelict in this respect, and we will let the chairman of the National Energy Board explain when he appears before the committee in due course.

Mr. Macdonald (Rosedale): Mr. Speaker—

Mr. Speaker: Order, please. The Chair will allow the minister to reply to the hon. member's question, but the hon. member may agree with me that this is more of an argument than a question. That having been said, the minister might reply briefly.

Mr. Macdonald (Rosedale): Mr. Speaker, I was about to say that I did not accept the hon. gentleman's premise.

Mr. Douglas: Irrespective of whether the minister accepts the premise of my question, Mr. Speaker, I ask him now whether the Canadian economy sustained a substantial loss as a result of Canadian gas being sold on the United States market below the price of gas from alternative sources, and why no action was taken by the government with regard to that matter?

Mr. Macdonald (Rosedale): Mr. Speaker, as I indicated, the response to the question of gas pricing into export markets is a very complicated response and I do not really think I can go into it on orders of the day. As I have already indicated to the hon. gentleman and the House, we will be prepared to go into this very fully in the committee when we get to the question of gas pricing after the current discussion of oil exports.

* * *

[Translation]

TRADE

IMPORTS OF SNOWMOBILES—REQUEST FOR
CLARIFICATION

Mr. Adrien Lambert (Bellechasse): Mr. Speaker, I have a question for the Minister of Industry, Trade and Commerce.

Newfoundland, Prince Edward Island, Nova Scotia and New Brunswick?

2. What defence establishments are located in these Provinces?

3. What is the total strength of Canadian Forces personnel for each of the other six provinces, the Yukon and the Northwest Territories?

No. 1,474—Mr. Nielsen—March 7

to CPS 8/3/72

1. Of the 55 recommendations of the Commission of Inquiry into certain disturbances at Kingston Penitentiary during April, 1971 and the Press Release of the Solicitor General dated March 1, 1973 concerning the report of the Commission, which of the 48 recommendations were fully implemented and which of the 48 recommendations were being implemented at the time the report was received?

2. Which of the 7 recommendations are still under study?

3. What criminal charges were laid against which inmates and in each case, what was the result of the trial?

4. Do any criminal charges remain outstanding against either inmates or correctional officers and, if so, what is the intended disposition of such charges?

5. Was any other disciplinary action taken against either inmates or correctional officers and, if so, against which inmates and which correctional officers and, in each instance, what was the disposition of such disciplinary action?

6. Has there been any increase or decrease in the number of personnel at Kingston Penitentiary since the presentation of the report of the Commission and, if so, what was or is the nature of the duty of each such personnel change?

7. Prior to the presentation of the report of the Commission were any limits, other than merit, imposed upon opportunities for promotion to senior positions?

8. What are the paramount criteria for promotion which are now in effect?

9. What is the present inmate population of Kingston Penitentiary?

10. How many (a) full-time and (b) part-time psychologists and/or psychiatrists are on the staff at Kingston Penitentiary?

11. What is the total number of staff now employed at Kingston Penitentiary and how many are engaged in each category of employment?

No. 1,475—Mr. Stewart (Marquette)—March 7

Are any negotiations taking place between PFRA and the Province of Manitoba (a) to increase the number of community pastures in the Province and, if so, in what areas of the Province (b) to enlarge present community pastures and, if so, where are these pastures located (c) for the Province to purchase land of any existing pastures that are presently leased from a municipality and, if so, where are these pastures located?

No. 1,476—Mr. Benjamin—March 7

In each fiscal year since 1968-69 up to and including estimates for fiscal year 1973-74, what amounts have been

provinces de l'Atlantique - Terre-Neuve, Île du-Prince-Edouard, Nouvelle-Écosse et Nouveau-Brunswick?

2. Quels sont les établissements de la Défense situés dans ces provinces?

3. A combien se chiffre l'effectif total du personnel des Forces canadienne pour chacune des six autres provinces et pour les territoires du Yukon et du Nord-Ouest?

N° 1474—M. Nielsen—7 mars

1. Sur les 55 recommandations de la Commission d'enquête relatives aux troubles qui ont eu lieu au pénitencier de Kingston en avril 1971 et le communiqué de presse du Solliciteur général en date du 1^{er} mars 1973 concernant le rapport de la Commission, lesquelles des 48 recommandations ont été totalement appliquées et lesquelles étaient en voie de l'être à la réception du rapport?

2. Lesquelles des 7 autres recommandations sont encore à l'étude?

3. Quelles accusations de délit criminel ont été portées contre quels détenus, et quel a été le résultat du procès dans chaque cas?

4. Reste-t-il des accusations de délit criminel en instance contre des détenus ou des agents de correction et, dans l'affirmative, comment se propose-t-on d'en disposer?

5. D'autres sanctions disciplinaires ont-elles été prises contre des détenus ou des agents de correction et, dans l'affirmative, contre quels détenus et quels agents de correction et, dans chaque cas, comment a-t-on disposé des sanctions?

6. Depuis la présentation du rapport, y a-t-il eu une augmentation ou une diminution de personnel et, dans l'affirmative, de quelles fonctions s'agit-il?

7. Avant la présentation du rapport de la Commission, des normes autres que le mérite ont-elles été imposées pour les promotions aux postes supérieurs?

8. Quels sont les principaux critères actuels de promotion?

9. Quel est le nombre actuel de détenus au pénitencier de Kingston?

10. Combien de psychologues et(ou) de psychiatres font partie du personnel a) à plein temps et b) à temps partiel au pénitencier de Kingston?

11. Quel est le nombre total d'employés actuels au pénitencier de Kingston et combien font partie de chaque catégorie d'emploi?

N° 1475—M. Stewart—7 mars

La province du Manitoba a-t-elle engagé des négociations dans le cadre de la Loi sur le rétablissement agricole des Prairies a) pour augmenter le nombre de pâturages collectifs dans la province et, dans l'affirmative, dans quelles régions, b) pour agrandir les pâturages collectifs actuels et, dans l'affirmative, où sont-ils situés, c) pour acheter des terres de pâturages présentement louées d'une municipalité et, dans l'affirmative, où sont situés ces pâturages?

N° 1476—M. Benjamin—7 mars

Pour chaque année financière depuis 1968-1969 et jusqu'aux prévisions budgétaires de l'année financière 1973-

Cons 'truncheoned' after riot

Prisoners who had taken part in the 1971 Kingston Penitentiary riot were systematically beaten during their transfer to Millhaven Penitentiary, states a report on the riot tabled in the House of Commons Thursday.

Although the inmates were in an obviously passive mood, guards armed with truncheons and positioned eight feet apart forced them to "run the gauntlet" on entering Millhaven, the commission headed by Toronto lawyer J. W. Swackhamer reports.

"We can only conclude that the objective and the result of such positioning of staff was to assure that no inmate could pass through the corridor out of the range of a riot stick.

"We find that . . . substantial numbers of them were assaulted by officers standing either on the platform or in the corridor."

The beatings followed a quiet and orderly departure from Kingston Penitentiary, diligently overseen by senior officers.

Prisoners subdued

"The evidence is clear . . . that following evacuation the prisoners were subdued and co-operative.

"Indeed, in the words of one witness, they appeared pleased the disturbance was over and exhibited no resistance or aggressive tendencies."

Treatment of the prisoners contrast-

ed sharply with that accorded the six prison guards taken hostage in the Kingston riot. The commission said the hostages were treated "reasonably well."

The commission also learned that the six hostages had been released without injury, had been provided food, tobacco, razors and other necessary items and permitted short exercise periods outside their cells.

"It is clear that the group of inmates who assumed the duties of guarding the hostages performed a task which assured the safety of their captives, which is somewhat surprising, bearing in mind the horrible events of the Sunday morning riot."

That riot led to the beating deaths by inmates of two fellow prisoners.

The beatings of prisoners following their surrender were not isolated or restricted to only a few guards, the commission concluded.

"These events occasioned by a substantial number of correctional officers and occurring in the presence of, and condoned by, some senior staff officials are totally inconsistent with the traditions of the Canadian Penitentiary Service."

No guards convicted

Twelve guards were charged by the province following the beatings, but none were convicted.

Eighty-six prisoners were injured in various ways during the prison transfer, the report states.

Solicitor-General Warren Allmand said he had found the beatings "shocking" and had sent the commission's report to the Ontario attorney-general to see if further charges could be laid.

The commission's report purposely avoided mentioning any names but Mr. Allmand said that "appropriate action had been taken in all cases" by his department.

No one was fired, he said, but security guards with obvious "punitive" tendencies had been transferred to jobs where they couldn't do "as much harm."

The Ottawa Citizen

Friday, March 2, 1973. Page 23

Guards beat 86 prisoners after 1971 riot, probe finds

3

OTTAWA (CP) — A report into the riot in April 1971, at Kingston Penitentiary says penitentiary personnel "caused" injuries to 86 prisoners after they were transferred from the prison.

The report says some prisoners transferred from Kings-

ton Penitentiary to Millhaven were made to run the gantlet.

"We find that those injuries were caused by persons in the employ of the Canadian Penitentiary Service," says the report by a commission headed by Toronto lawyer J. W. Swackhamer.

"These events occasioned by a substantial number of correctional officers and occurring in the presence of, and condoned by, some senior staff officers are totally inconsistent with the traditions of the Canadian Penitentiary Service.

"These acts represent a deliberate act, substantial and callous disregard of duty to inmates within the charge of the service to the penitentiary service and to the public generally."

Solicitor-General Warren Allmand said that disciplinary action was taken by the service because of the beating incident. He noted that 12 penitentiary employees who had been charged in the beatings by the province of Ontario had been found not guilty.

Thirteen inmates charged in the death of two inmates were found guilty of manslaughter.

The report said there was no single identifiable cause for the riot.

"We do, however, find that it was the result of the system which then prevailed. That system failed fundamentally because it was unable to establish and maintain a strong rehabilitative program."

Mr. Allmand, who tabled the report in the Commons, did not say specifically that he agreed with the findings of the commission but he made it clear that he, too, believes that rehabilitation of the prisoner is of prime importance.

He said he is unable to guarantee that riots such as the Kingston affair will not happen again in Canada.

But everything was being done to prevent a recurrence and programs have been and are being enacted to improve the rehabilitative system.

3

Le Devoir, vendredi 2 mars 1973

Allmand dépose le rapport sur l'émeute de Kingston

OTTAWA (par François Barbeau) — Le solliciteur général du Canada, M. Warren Allmand, a déposé hier aux Communes le rapport de la commission d'enquête chargée d'étudier les circonstances du soulèvement d'avril 1971 au pénitencier de Kingston.

Ce soulèvement, qui avait duré trois jours, s'était soldé par la mort de deux détenus, des blessures à une douzaine d'autres et la destruction des pavillons cellulaires principaux. Il avait nécessité par la suite le transfert des détenus de Kingston vers la prison de Millhaven où 86 détenus ayant participé à l'émeute ont alors subi des blessures que leur ont infligées les gardes de Millhaven.

Après ces événements, des accusations au criminel avaient été portées tant contre des détenus que contre des agents de correction.

Selon la commission dont le rapport a été déposé hier, c'est l'échec du pénitencier de Kingston en tant que centre de réhabilitation qui a provoqué les événements d'avril 1971.

"On ne peut plus continuer à considérer le châtiement en soi comme l'objectif légitime du système pénitentiaire, sauf dans la mesure où la séparation d'avec la communauté pour la durée de l'incarcération constitue en soi un châtiement", écrivent les auteurs du rapport.

Les témoignages entendus par la commission ont établi que les fossés entre les gardes et les détenus, ainsi qu'entre

les gardes et le personnel professionnel, "ont conduit inévitablement à la destruction du programme et à la détérioration de la vie à l'intérieur de l'établissement.

C'est en tenant compte de cet état de chose que la commission fait une trentaine de recommandations, en précisant qu'il est "impossible de proposer ou d'entreprendre un programme raisonnable de réhabilitation si ce programme semble suspect aux yeux de certains groupes parmi les détenus ou le personnel".

Ainsi, disent les auteurs du rapport, quelle que soit la gravité du crime d'un détenu, il est essentiel qu'il puisse avoir le sens de la valeur humaine personnelle. On devrait en conséquence prendre les mesures qui s'imposent pour réduire l'uniformité de la vie carcérale d'un détenu en encourageant les talents individuels des détenus.

Au chapitre des droits des détenus, la commission demande que leurs griefs, justifiés ou non, soient entendus, de manière à éviter des ressentiments et de l'hostilité, que les détenus puissent en appeler des jugements rendus par leur propre conseil de discipline et qu'un comité d'inspection des pénitenciers soit créé.

Les membres de la commission recommandent aussi que tous les membres du personnel de correction, exception faite des gardes, prennent une part plus active à la formation des détenus.

VENDREDI 2 MARS 1973 / JOURNAL DE MONTRÉAL

3

ON A TENTÉ D'EXPLIQUER L'ÉMEUTE DE KINGSTON...

OTTAWA — La commission Swackhamer chargée d'enquêter sur l'émeute du pénitencier de Kingston a publié, hier, son rapport et ce qui est le système pénitentiaire en avril 71 n'a sa tâche première de réhabiliter les détenus.

La commission affirme qu'elle n'a pu identifier une seule cause de l'émeute mais considère que les prisonniers se sont révoltés à cause d'une série de petits faits imputables à un mauvais fonctionnement du système de réhabilitation.

L'avocat torontois J.W. Swackhamer qui l'a dirigée a blâmé en outre les gardes d'avoir infligé des blessures aux prisonniers qui avaient participé au "bingo". Mais il a précisé qu'aucun d'eux n'avait été condamné en cour. Il a ajouté, par ailleurs, qu'aucune mesure disciplinaire n'aurait pu empêcher l'émeute tellement les prisonniers étaient exaspérés au mois d'avril 1971.

6:00 AM NEWSLINE	DATE MARCH 1, 1973
NETWORK/STATION CJOH	TIME 6:00 p.m.

EMPHASIS MUST SWITCH TO REHABILITATION 3

MAX KEEPING:- As reported here exclusively last night, the report on the 1971 Kingston riot has blamed the lack of rehabilitation facilities for the disturbance which took the lives of two prisoners.

The report on the riot was tabled in the Commons today by Solicitor General Warren Allmand. With more on the story, Newsline's Finlay MacDonald.

FINLAY MacDONALD:- The report comes down pretty hard on the whole penitentiary system. It says that while no one has escaped from Kingston in a decade, that in the pursuit of custody as an objective, the other twin objective of rehabilitation was seriously curtailed. In other words, if the prisoners' living conditions had been better, the riot might never have occurred.

Three months before the April '71 riot, the warden wrote to his superiors describing an explosive situation. He expected serious incidents in the very near future, but no action was taken at that time.

The report, which was prepared by Toronto lawyer J.W. Swackhamer, also says that guards beat 86 prisoners after they were transferred from Kingston to nearby Millhaven. Subsequent criminal charges were laid against 12 of the guards, but all were acquitted. Allmand confirmed today that many of the 12 are still within the penitentiary system, despite the fact the report called their action "callous".

WARREN ALLMAND:- We've decided that for internal discipline purposes that we should keep those--you know, we should not make those public, because it would be contrary to the civil rights of those involved and also to the whole internal discipline program. But appropriate action has been taken in all cases.

MacDONALD:- The government has been sitting on the report for almost a year. During that time, Allmand says that 48 of the 55 recommendations have been accepted. The emphasis on rehabilitation is bound to set off more debate on penal reform.

ALLMAND:- ...public will understand that if they're going to be protected we have to have proper, modern rehabilitation programs in the penitentiary. Because a great, great majority of those who are sent to the penitentiary have sentences that end. And when the sentences end they must come out. And we hope that when they come out they're going to be more productive citizens. And the only way they're going to become productive citizens when they get out is with proper rehabilitation programs.

And this doesn't mean plush hotels. You hear this statement all the time. It means that you have--you try and give the man--teach him responsibility, teach him trades, teach him how to live with other people, so that when he does come out he won't be lost and he'll know how to operate.

MacDONALD:- Allmand says that only a small portion of the original report was held back today. That included certain names and comment on guards, along with a few lines on security matters.

RADIO-TV NEWS Monitoring Service	
P.O. BOX 153 POINTE CLAIRE - DORVAL, 700 QUE. • TELEPHONE 341-4702 AREA CODE 514	
PROGRAM THE NATIONAL	DATE MARCH 1, 1973
NETWORK/STATION CBC TV NETWORK	TIME 11:00 p.m.

3
ALLMAND RELEASES SWACKHAMER REPORT

GEORGE FINSTAD:- A report released by the Solicitor General, Warren Allmand, says the riot at Kingston penitentiary in April, 1971 followed upon the failure to establish a strong rehabilitation program at the jail. It also says 86 inmates were beaten by guards in the aftermath of the riot when they were transferred to another nearby federal institution at Millhaven. Terry Hargreaves reports.

TERRY HARGREAVES:- The riot at the maximum security institution lasted three days, and ended in the death of two inmates and injuries to 12 others, in each case caused by their fellow prisoners. There was no single identifiable cause for the outbreak, but although the disturbance was planned by only a few inmates, nearly everyone joined in once it started. The report expresses concern that when the riot did start there was no adequate plan for dealing with it, although it wasn't the first time Kingston penitentiary had experienced such events.

The prisoners wrecked the inside of the prison. The relationship between the guards and the prisoners was said to have been extremely antagonistic and bitter. Inmates thought the guards were unreasonable, hostile, indifferent, contemptuous and punitive. And by the time the riot was ending and many prisoners were transferred to nearby Millhaven prison, everyone, says the language of the report, was emotionally overwrought.

The guards were so overwrought that they made the inmates run the gauntlet at Millhaven, beating 86 of them. The report finds these acts represented deliberate, substantial and callous disregard of duty. Twelve guards were charged; none convicted. But Mr. Allmand said today that appropriate action has been taken in all cases.

He says there is a crying need for proper programs of rehabilitation.

WARREN ALLMAND:- Well, I would nope this report would show to the public that--you see, the public is concerned with protection, and I have always said that I agree with them that the public must be protected. But I think they must realize that if they really want to be protected, we have to have modern rehabilitation programs in our penitentiaries.

Just to throw a man in a cell and throw away the key and let him sort of rot there, that attitude of penology, of punitive penology, just won't work. If you do that (and I'm not saying that we were doing that, the Swackhamer report doesn't say we were doing that, but there were some cases of brutality and some behaviour that wasn't...

INTERVIEWER:- ...rehabilitation, the riot would never have happened?

ALLMAND:- Right. That's right. So, what I am saying and I hope the public will understand, that if they are going to be protected we have to have proper, modern rehabilitation programs in the penitentiary. Because a great, great majority of those who are sent to the penitentiary have sentences that end, and when the sentences end they must come out. And we hope that when they come out they are going to be more productive citizens. And the only way they are going to become productive citizens when they get out is with proper rehabilitation programs.

HARGREAVES:- At Kingston there were also tensions between guards and other members of the staff. A polarization set in and there were warnings that trouble was coming. Other reasons for the riot; the ancient buildings at Kingston, overcrowding, lack of properly trained staff, jailing in a maximum security institution of some people who weren't supposed to be there, lack of channels for dealing with complaints, and too much time spent in cells. All these factors contributed to the riot, injuries and death.

And rehabilitation at Kingston, says the report, in these circumstances couldn't be contemplated, let alone conducted. Indeed, it says sadly, it was not seriously attempted.

Terry Hargreaves, CBC News, Ottawa.

119-2

OTTAWA, KIA 0P8
April 10, 1973

The Rt. Hon. Pierre Elliott Trudeau, P.C., M.P.,
Prime Minister of Canada,
House of Commons,
OTTAWA, Ontario.

Dear Mr. Prime Minister:

May I refer to my letter of February 28th enclosing
the Report of the Commission of Inquiry into Certain
Disturbances at Kingston Penitentiary during the
month of April, 1971. There unfortunately was a line
inadvertently omitted from the Report, and I enclose
the appropriate addendums.

Yours very truly,

Original Signed by
Original Signé par
Warren Allmand

Warren Allmand

JHHOLLIES/lcf

OTTAWA, K1A 0P8
le 10 avril 1973

Cher Monsieur Cloutier,

Je me reporte à ma lettre du 28 février qui accompagnait le rapport de la Commission d'enquête sur le soulèvement survenu au pénitencier de Kingston, en avril 1971. Une ligne avait malheureusement été sautée, dans le rapport, et vous la trouverez ci-incluse.

Je vous prie d'agréer mes salutations distinguées.

Le Solliciteur général adjoint,

ORIGINAL
R. TASSÉ

p.j.

Roger Tassé

JHHOLLIES/lcf

M. S. Cloutier,
Sous-ministre,
Ministère de la Défense nationale,
125, rue Elgin,
OTTAWA, Ontario.
K1A 0K2

CONFIDENTIELLE

PAR PORTEUR

Ottawa, le 9 avril 1973

Cher Monsieur Cloutier,

Je me reporte à ma lettre du 28 février qui accompagnait le rapport de la Commission d'enquête sur le soulèvement survenu au pénitencier de Kingston, en avril 1971. Une ligne avait malheureusement été sautée, dans le rapport, et vous la trouverez ci-incluse.

Je vous prie d'agréer mes salutations distinguées.

Le Solliciteur général adjoint,

Roger Tassé

P.j.

OTTAWA, Ontario
K1A 0P8

Le 28 février 1973

Cher monsieur Cloutier,

J'ai le plaisir de vous transmettre ci-joint copie du Rapport de la Commission d'enquête sur le soulèvement survenu au pénitencier de Kingston, en avril 1971. Le rapport sera déposé en Chambre par le Solliciteur général demain, jeudi, 1^{er} mars 1973.

L'aide que ce Ministère a reçue du ministère de la Défense nationale fut très considérable et je vous assure Monsieur le Sous-ministre que nous en sommes très reconnaissant.

Veillez agréer, cher monsieur Cloutier, l'assurance de mes meilleurs sentiments.

Le Solliciteur général adjoint,

ORIGINAL SIGNED BY
ORIGINAL NUMBER
E. TASSÉ

Roger Tassé

DGCOBB/ml
pièce jointe

M. S. Cloutier,
Sous-ministre,
Ministère de la Défense nationale,
125, rue Elgin,
OTTAWA, Ontario
K1A 0K2



Government of Canada

Gouvernement du Canada

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Classement sécuritaire

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000216

TO / À

SOLICITOR GENERAL

File Classor *JK*

FROM / DE

DEPUTY SOLICITOR GENERAL

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE April 10, 1973

SUBJECT / OBJET

Oral Question Period, March 2, 1973
Swackhamer Report

1. This refers to the suggestion made by Mr. Andrew Brewin that consideration be given to the referral of the Swackhamer Report to the Parliamentary Committee on Justice and Legal Affairs.
2. No real useful purpose would be served by referring the Swackhamer Report to a Parliamentary Committee. The disturbance that the report is concerned with happened about two years ago. In addition, the great majority of the recommendations made by the Commission of Inquiry have been or are in the course of being implemented. To refer the report to the Parliamentary Committee would result in a rehashing of the same problems that the Commission of Inquiry took one year to appraise, review and comment upon. This could well result again, as in the case of the Commission of Inquiry, in a procession of witnesses either from the inmates or from the custodial staff.
3. Not only would the referral of the Swackhamer Report to a Parliamentary Committee serve no useful purpose, but such a referral and the discussion that would result, with all its political overtones, might well create serious unrest amongst both staff and inmates.
4. This matter has been discussed with the Commissioner of Penitentiaries and we both agree that you should strongly object to the referral of the Swackhamer Report to the Parliamentary Committee on Justice and Legal Affairs.

ORIGINAL DEPOSED BY / ORIGINAL DÉPOSÉ PAR
R. TASSE

RT/h1

Rogex Tassé

Copy no: 117-2



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

MR. ROGER TASSE,
DEPUTY SOLICITOR GENERAL.

DM SM
SOL GEN

SECURITY CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE 1232 (1)
YOUR FILE - V/RÉFÉRENCE
DATE March 13, 1973

COMMISSIONER OF PENITENTIARIES.

SUBJECT
OBJET

ORAL QUESTION PERIOD, MARCH 2, 1973
SWACKHAMER REPORT.

1. I have noted the suggestion by Mr. Andrew Brewin that consideration be given to the referral of the Swackhamer Report to the Parliamentary Committee on Justice and Legal Affairs.

2. I believe that no real useful purpose would be served by referring to the Parliamentary Committee the Swackhamer Report because this would mean rehashing all over the same problems that the Commission of Inquiry took one year to appraise, review and comment upon. This could mean again a procession of witnesses either from the inmates or from the custodial staff. Undoubtedly, this would bring to light again the accusations against the staff and could give a field-day to the news media and to the inmates or their representatives.

3. There is the question also if the Committee could ask for the unexpurgated document as opposed to the one which was made public. I am also convinced that such a discussion by the Parliamentary Committee, with all its political overtones, would create serious unrest amongst both staff and inmates. In this context, one should be aware of the statement made by the National Executive Secretary of the Solicitor General Component of the Public Service Alliance, who said that statements of reporters and politicians, following publication of the Kingston Penitentiary riot report, sparked recent riots in the Millhaven Institution. I have also made you aware of the same question arising with regard to the disturbances at the Prince Albert Institution and Dorchester Penitentiary.

4. In view of the above, I recommend strongly that this matter not be referred officially to the Parliamentary Committee.

P. A. Faguy,
Commissioner.

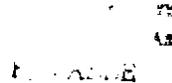
PAF/MBB

OTTAWA, KIA 0P8
April 10, 1973

Dear Mr. Scott:

May I refer to my letter of February 28th enclosing the Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during the month of April, 1971. There unfortunately was a line inadvertently omitted from the Report, and I enclose the appropriate addendum.

Yours sincerely,



Roger Tassé,
Deputy Solicitor General.

Att.

JHHOLLIES/lcf

Mr. I.G. Scott, Q.C.,
Counsel to the Swackhamer Commission,
121 Richmond St. W.,
TORONTO 1, Ontario.

Copy sent to .
H.E. Popp.
W.T. McGrath.
Hon. Dalton Bales.
Hon. Otto Lang.
Hon. G.A. Richardson

OTTAWA, Ontario
K1A 0P8

February 28, 1973

Dear Mr. Scott:

The Report that the Commission of Inquiry prepared on the subject of the disturbances at Kingston Penitentiary will be tabled in the House of Commons on Thursday, March 1st. The attached is a copy of the Report as it will be tabled: you will note that it has been changed only slightly, where necessary, to protect the security of the Canadian Penitentiary Service.

I wish to take this opportunity to thank you for your valuable contribution as its counsel to the work of the Commission of Inquiry into certain disturbances at Kingston Penitentiary during April, 1971. The recommendations which the Commission have made will be of great assistance in effecting further improvements in conditions in Canadian penitentiaries.

Yours sincerely,

ORIGINAL BEARER
R. TASSÉ

DGCOBR/ml

Roger Tassé,
Deputy Solicitor General

Att.

Mr. I.G. Scott, O.C.,
Counsel to the Swackhamer Commission,
121 Richmond St. W.,
TORONTO 1, Ontario

OTTAWA, K1A 0P8
April 10, 1973

Dear Professor Morton:

May I refer to my letter of February 28th enclosing the Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during the month of April, 1971. There unfortunately was a line inadvertently omitted from the Report, and I enclose the appropriate addendum.

Yours sincerely,

ORIGINAL FILED BY
ORIGINAL FILED BY
R. TASSÉ

Roger Tassé,
Deputy Solicitor General.

Att.

JHHOLLIES/lcf

Professor J. Desmond Morton, Q.C.,
Faculty of Law,
Osgoode Hall Law School,
York University,
4700 Keele Street,
Downsview,
TORONTO, Ontario.

Copy sent to .
Ron Haggart.
Aubrey Golden
W.R. Donkin
Arthur Martin

DEPUTY SOLICITOR
GENERAL



SOLICITEUR GÉNÉRAL
ADJOINT

Ottawa, Ontario
K1A 0P8

February 28, 1973

Dear Professor Morton:

I take pleasure in forwarding, enclosed, for your information a copy of the published version of the report of the Commission of Inquiry into the Kingston Disturbances of April 1971.

You and the other members of the Citizens' Committee played an important role as a "Third Force" in the events at Kingston Penitentiary and I hope you will agree that your role has been accurately presented in the Report.

Yours sincerely,

Roger Tassé

Professor J. Desmond Morton, O.C.,
Faculty of Law,
Osgoode Hall Law School,
York University,
4700 Keele St.,
Downsview, Toronto.

119-2

Ottawa, Ontario
K1A 0P8

April 9, 1973

Mr. Gérard Patenaude,
Head, Procurement and
Printing,
Information Canada,
Ottawa K1A 0S9

Dear Pat:

I am sending you a package containing sufficient French and English addendum inserts for the copies of the Report on the Kingston Penitentiary Riot that remain in stock.

Please see that these are distributed to the bookshéps and inserted in each copy sold.

I anticipate there will be no sufficient demand for this Report in the future to warrant a reprint so I advise you to let the publication go out-of-print after present stocks are depleted.

Yours sincerely,

R. howes

Rol S.L. Roberts,
A/Chief, Communication



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

THE SOLICITOR GENERAL

FROM
DE

DEPUTY SOLICITOR GENERAL

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE April 9, 1973

SUBJECT
OBJET

Swackhamer Report

The enclosed four (4) letters have been prepared for your signature to those persons to whom a complimentary copy of the Swackhamer Report was sent by you. Because Mr. Swackhamer has drawn to our attention that one line was inadvertently left out of the "edited" version, we have had to prepare an addendum. These letters merely send the addendum out to the recipients.

ORIGINAL BY
ORIGINAL BY
R. TASSE

Encls.

Roger Tassé

JHHOLLIES/lcf

BF 30/4/73

*Noted
[Signature]*



Government of Canada
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

*B.F. [unclear]
noted [unclear]
3/11/73*

TO
À

**S. ROBERTS
A/DIRECTOR, INFORMATION SERVICES**

FROM
DE

**INGER HANSEN
LEGAL OFFICER**

SECURITY CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE <i>119-2</i>
YOUR FILE - V/RÉFÉRENCE
DATE April 2, 1973

SUBJECT
OBJET

**Swackhamer Report -
Omission pointed out by Mr. Swackhamer**

This is to advise you that I am leaving for three weeks' vacation. If during my absence the insert for the purposes of the Swackhamer Report is ready, would you be kind enough to refer the same to Mr. Hollies.

Original Signed by
I. HANSEN

IH/lcf

INGER HANSEN



Government of Canada / Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

P.A. Swackhamer

TO
À

**MR. J. W. BRAITHWAITE
DEPUTY COMMISSIONER
CANADIAN PENITENTIARY SERVICE**

FROM
DE

**INGER HANSEN
LEGAL OFFICER**

SECURITY - CLASSIFICATION - DE SÉCURITÉ	*
OUR FILE - N/RÉFÉRENCE	
YOUR FILE - V/RÉFÉRENCE	
DATE	March 13, 1973

SUBJECT
OBJET

**PARLIAMENTARY QUESTION NO. 1, 474
MR. NIELSEN - MARCH 7, 1973**

With reference to our conversation I am pleased to attach a draft proposed to assist in the preparation of the replies to items 1 and 2 of the above question.

You will recall that an appendix attached to the Comments of the Commissioner on the recommendation of the Swackhamer report divided the recommendations into 5 groups. A copy of that appendix is attached with suggested changes. The reasons for these suggestions are:

Nos. 7 and 9

These have been shown as "being implemented" because of the comments supplied by the Penitentiary Service.

No. 20

This has been shown as "implemented in part only". The explanation appears in the answer to the question.

Nos. 25 and 27

These have been described as being "acceptable in part only". The recommendation is that the principal Keeper should be able to impose "The penalties of admonishment, reprimand and forfeiture of privileges for one day only". The regulations provide that the institutional head may delegate the power to impose punishment. There is no special limit of one day relative to the punishment which the designated office may impose. There is no prohibition against the Keeper imposing a penalty more than once during any one week as recommended in No. 27.

Copied to 117-2

- 2 -

There seems to be an implication in these two recommendations that the Keeper should be able to impose the penalties without a hearing. This is not possible under the Commissioner's Directives which demand that no punishment be imposed without a hearing.

No. 29

This has been shown as acceptable and under study. The Divisional Instructions do empower the witnessing officer to write a ~~report~~ without consent of the Keeper. This is exactly the point to which the Commission objects.

No. 45

This was shown as policy. It has been changed to an allocation under "Acceptable in part only". The recommendation is that inmates leaving an institution should be able to assign tools and material to "a fellow inmate who may not have the resources to purchase ...". If the implication is that the departing inmate may leave the material to a designated inmate, it is, in my understanding, against present policy. Material may only be left with the institution.

For your information I also attach a set of pages from the report showing hand-written comments which were given to the Minister.

I understand that many of the recommendations suggested implementation of existing policy. As I am unable to differentiate, I have merely commented that the recommendation "has been implemented". This may give the false impression that the policy was adopted because of the recommendation. It is for that reason I have drawn it to your attention so that relevant date or other explanations may be added.

You may wish to move 32, 35, 42, 44 and 45 into the first group.

IH/hb

INGER HANSEN

Att.

Noted on original that I have no way of knowing which recommendations were implemented when the report was rec'd. This must be done!

2. What is the average cost of parole supervision per parolee for the year 1972?

No. 1,472—Mr. Douglas—March 7

1. What amount of money has been granted to the Medical Research Council of Canada for the past five years ending March 31, 1973?

2. How much was granted in each of the fiscal years for that period?

3. What amount did the Wood-Gundy Report project as being required for the fiscal years 1972-73 and 1973-74?

No. 1,473—Mr. McGrath—March 7

1. What is the total strength of Canadian Forces personnel stationed in each of the four Atlantic Provinces—Newfoundland, Prince Edward Island, Nova Scotia and New Brunswick?

2. What defence establishments are located in these Provinces?

3. What is the total strength of Canadian Forces personnel for each of the other six provinces, the Yukon and the Northwest Territories?

No. 1,474—Mr. Nielsen—March 7

1. Of the 55 recommendations of the Commission of Inquiry into certain disturbances at Kingston Penitentiary during April, 1971 and the Press Release of the Solicitor General dated March 1, 1973 concerning the report of the Commission, which of the 48 recommendations were fully implemented and which of the 48 recommendations were being implemented at the time the report was received?

2. Which of the 7 recommendations are still under study?

3. What criminal charges were laid against which inmates and in each case, what was the result of the trial?

4. Do any criminal charges remain outstanding against either inmates or correctional officers and, if so, what is the intended disposition of such charges?

5. Was any other disciplinary action taken against either inmates or correctional officers and, if so, against which inmates and which correctional officers and, in each instance, what was the disposition of such disciplinary action?

6. Has there been any increase or decrease in the number of personnel at Kingston Penitentiary since the presentation of the report of the Commission and, if so, what was or is the nature of the duty of each such personnel change?

7. Prior to the presentation of the report of the Commission were any limits, other than merit, imposed upon opportunities for promotion to senior positions?

8. What are the paramount criteria for promotion which are now in effect?

9. What is the present inmate population of Kingston Penitentiary?

10. How many (a) full-time and (b) part-time psychologists and/or psychiatrists are on the staff at Kingston Penitentiary?

11. What is the total number of staff now employed at Kingston Penitentiary and how many are engaged in each category of employment?

2. Combien a coûté en moyenne la surveillance d'un détenu libéré conditionnellement en 1972?

N° 1472—M. Douglas—7 mars

1. Quel montant a-t-on accordé au Conseil des recherches médicales du Canada depuis cinq ans, jusqu'au 31 mars 1973?

2. Combien a-t-on accordé pour chacune des années financières de cette période?

3. Quel montant sera requis, selon le Rapport Wood-Gundy, pour les années financières 1972-1973 et 1973-1974?

N° 1473—M. McGrath—7 mars

1. A combien se chiffre l'effectif total du personnel des Forces canadiennes cantonnées dans chacune des quatre provinces de l'Atlantique—Terre-Neuve, île du Prince-Édouard, Nouvelle-Écosse et Nouveau-Brunswick?

2. Quels sont les établissements de la Défense situés dans ces provinces?

3. A combien se chiffre l'effectif total du personnel des Forces canadienne pour chacune des six autres provinces et pour les territoires du Yukon et du Nord-Ouest?

N° 1474—M. Nielsen—7 mars

1. Sur les 55 recommandations de la Commission d'enquête relatives aux troubles qui ont eu lieu au pénitencier de Kingston en avril 1971 et le communiqué de presse du Solliciteur général en date du 1^{er} mars 1973 concernant le rapport de la Commission, lesquelles des 48 recommandations ont été totalement appliquées et lesquelles étaient en voie de l'être à la réception du rapport?

2. Lesquelles des 7 autres recommandations sont encore à l'étude?

3. Quelles accusations de délit criminel ont été portées contre quels détenus, et quel a été le résultat du procès dans chaque cas?

4. Reste-t-il des accusations de délit criminel en instance contre des détenus ou des agents de correction et, dans l'affirmative, comment se propose-t-on d'en disposer?

5. D'autres sanctions disciplinaires ont-elles été prises contre des détenus ou des agents de correction et, dans l'affirmative, contre quels détenus et quels agents de correction et, dans chaque cas, comment a-t-on disposé des sanctions?

6. Depuis la présentation du rapport, y a-t-il eu une augmentation ou une diminution de personnel et, dans l'affirmative, de quelles fonctions s'agit-il?

7. Avant la présentation du rapport de la Commission, des normes autres que le mérite ont-elles été imposées pour les promotions aux postes supérieurs?

8. Quels sont les principaux critères actuels de promotion?

9. Quel est le nombre actuel de détenus au pénitencier de Kingston?

10. Combien de psychologues et(ou) de psychiatres font partie du personnel a) à plein temps et b) à temps partiel au pénitencier de Kingston?

11. Quel est le nombre total d'employés actuels au pénitencier de Kingston et combien font partie de chaque catégorie d'emploi?

FIFTY-FIVE RECOMMENDATIONS HAVE BEEN
IDENTIFIED IN THE REPORT OF THE COMMISSION ON
INQUIRY INTO CERTAIN DISTURBANCES AT KINGSTON
PENITENTIARY DURING APRIL, 1971

1. That certain specified steps be taken to alter the administrative structure (page 42).
This is being implemented.
2. That the Department of Custody be essentially charged with the maintenance of security (page 42).
This has been implemented.
3. That the Director of the Penitentiary should undertake a supervisory role over inmate training (page 42).
This is being implemented.
4. That regular case conferences should be held on each inmate (page 43).
This is being implemented.
5. That group counselling should be undertaken on a regular basis (page 43).
This is being implemented although individual counselling is being continued in some instances.
6. That inmate advisory committees should be established (page 43).
This has been implemented.
7. That program staff should be assigned "cases" on a living unit, academic, work, or like basis (page 43).
This is being implemented.
8. That institutional staff should be encouraged to participate regularly and actively in programs (page 43).
This is being implemented.
9. That interior personnel should not be wearing uniforms (page 44).
This is being implemented.

10. That staff training should be treatment-oriented (page 44).
This is being implemented.
11. That there should be regular refresher programs for all staff (page 44).
This is being implemented.
12. That staff meetings of all ranks should be held on a regular basis with full and frank discussion of the penitentiary program (page 44).
This is being implemented.
13. That no limit, except demonstrable ability, should be imposed on the opportunity given to the most junior staff member to rise to senior positions of greater responsibility (page 44).
This is implemented.
14. That classification should be more directly related to the needs of the inmates (page 45).
This is being implemented.
15. That the reception program should be improved (page 46).
This is being implemented.
16. That the rules in institutions should have certain characteristics (page 47).
This is being implemented.
17. That a complete code of rules for inmates should be prepared (page 48).
This is being implemented.
18. That rules of conduct should be printed and posted in each cell and in other public areas of the prison (page 48).
This is being implemented in that the rules of conduct are made available to inmates, although not posted in cells.
19. That steps should be taken to prepare a handbook for the guidance of junior and middle officers charged with supervising the conduct of prisoners (page 48).
This is being implemented.

20. That a code of punishment standards relating to nuisance and relatively minor offences should be established and promulgated within the institution (page 51).

This has been implemented in part. The Divisional Instructions provide that when an institutional officer witnesses what he considers to be an act of misconduct on the part of one or more inmates, he shall, depending on the circumstances, take one or more of the following steps:

- (a) order the inmate(s) to desist;
- (b) consult with his supervisor in the event that temporary dissociation is warranted;
- (c) warn and counsel those involved;
- (d) take note of the offence and place on inmate's file for future reference;
- (e) write an offence report.

21. That a new punishment consisting of segregation of the inmate within his cell should be instituted (page 51).

This has been implemented.

22. That there should be no corporal punishment (page 51).

Corporal punishment as a disciplinary measure was revoked in June, 1972.

23. That the use in dissociation of restricted diet and hard bed should be discontinued (page 51).

This has been implemented in part. Only the restricted diet remains, this means no dessert. The meal has full nutritional content.

24. That except when an offence is connected directly with the inmate's work program, no punishment including change of work or downgrading in pay, should be imposed (page 51).

This is being implemented.

25. That penalties of admonishment, reprimand, forfeiture of privileges for one day only and extra chores during leisure hours to be available to be applied by the principal keeper on duty (page 51).

This is under study. The Divisional Instructions provide that when an institutional officer witnesses what he considers to be an act of misconduct on the part of one or more inmates, he shall, depending on the circumstances, take one or more of the following steps:

- (a) order the inmate(s) to desist;
- (b) consult with his superior in the event that temporary dissociation is warranted;
- (c) warn and counsel those involved;
- (d) take note of the offence and place on inmate's file for future reference;
- (e) write an offence report.

26. At the request of the inmate there shall be a hearing to determine whether the offence was in fact committed (page 51)

Under the Divisional Instructions no finding of an offence can be made against an inmate without a proper hearing.

27. The keeper on duty shall not be permitted to impose forfeiture of privileges in respect of one inmate more than once during any week (page 51).

At present the keeper is only permitted to impose forfeiture of privileges after a proper hearing under the Divisional Instructions.

28. That correctional officers should be encouraged to use their own discretion in determining whether an offence has been committed and that utilization of the Inmate Disciplinary Board must be a last resort (page 53).

This has been implemented.

29. That no formal written report shall be made by an officer against the inmate without the written concurrence of the Senior Keeper on duty (page 53).

A change to implement the recommendation is under consideration.

At present the supervising officer is obligated to investigate and ascertain the facts if the witnessing officer exercises his discretion in writing an offence report.

30. The Chairman of the Inmate Disciplinary Board should have power to refuse a complaint in an appropriate case (page 53).

This has been implemented.

31. The inmate is to be notified in writing at least one clear day before trial and shall be provided with a copy of the complaint against him (page 53).

This has been implemented as far as practicable.

The Division Instructions provide that

No finding shall be made against an inmate charged under Section 2.29, Penitentiary Service Regulations, unless he:

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

32. No inmate shall be dissociated when charged with an offence unless there is a continuing physical danger to the inmate or to any other person or to the property of the Institution, or, at the inmate's request when justified (page 53).

This has been implemented as far as practicable.

33. When an inmate is in dissociation pending trial, he shall appear before the Inmate Disciplinary Board whenever possible on the next regular business day following confinement and the Board shall deal with the matter of dissociation (page 54).

This has been implemented as far as practicable.

34. That at trial, all evidence shall be under oath and transcribed (page 54).

This has not been implemented.

35. That all witnesses shall give evidence viva voce and shall be subject to direct cross-examination by the inmate or his representative (page 54).

This has been implemented.

36. That at trial the inmate shall be advised of his right to give evidence or call witnesses (page 54).

This has been implemented.

There can be no finding of an offence without a full answer and defence.

37. That a Regional Appeal Board to hear appeals from the inmate Disciplinary Board should be established (page 55).

This is under consideration, bearing in mind that there is an appeal to the Federal Court, in some instances.

38. That the Inmate Disciplinary Board will provide transcription of the proceedings to the Regional Director and the inmate (page 55).

This has not been implemented.

39. That the inmate shall be entitled to appear in person before the Regional Appeal Board or make submissions in writing (page 55).

This would be acceptable.

40. That the Regional Appeal Board shall be composed of three members one of whom shall be a judge or lawyer not otherwise connected with the Public Service of Canada (page 55).

This and other suggestions are under consideration with a view to implementation. It should be noted that there is provision for appeal to the Federal Court of Appeal in some instances.

41. The Regional Appeal Board shall have the power to:

- a) quash the conviction,
- b) affirm the conviction but amend or increase the punishment,
- c) dismiss the appeal, (page 55)

These powers are acceptable.

42. That inmates should be permitted and encouraged to decorate their cells within reasonable limits (page 57).

This has been implemented.

43. That time spent in cells should be reduced to a minimum (page 57).

This has been implemented as far as possible.

44. That inmates should be encouraged ^{to engage in} "hobbycraft" (page 57).

This has been implemented.

45. That an inmate upon discharge from the institution should be able to assign tools and materials to fellow inmates (page 58).

At present inmates are able to leave material with the institution for use by other inmates.

46. That an inmate should be permitted to receive clothing from his family and friends for use on temporary absence from the institution (page 58).

This has been implemented.

47. That inmates should be permitted options in the use of evening hours (page 58).

This has been implemented subject to necessary control of inmate movement.

48. That a series of options should be available to the inmate during the recreation period (page 58).

This is being implemented.

49. That opportunity should be provided for inmates to organize and participate on a voluntary basis in recreational activities (page 58).

This is being implemented.

50. That the organization of an extensive all-embracing recreation program as time will allow should be permitted (page 59).

This is being implemented.

51. That inmates themselves as far as possible should organize and supervise sports (page 59).

This is being implemented.

52. That skilled assistance should be given to an inmate-oriented and organized recreational program (page 60).

This is being implemented.

53. That the organization and participation of inmates in leisure-time activities be actively encouraged and their variety increased (page 60).

This is being implemented.

54. That the Penitentiary Service should take all steps necessary to encourage the functioning of inmate committees and that these should be used as agents for two-way communication (page 61).

This is being implemented gradually.

55. That a Visitor's Committee be established (page 62).

Citizen Committees are in existence and it is considered appropriate that the functioning of these committees be reviewed, improved and clarified. The experiences of other countries, notably that of the United Kingdom, is being studied. Other avenues are being explored as well.

IDENTIFICATION OF RECOMMENDATIONS BY CATEGORIES

1. Have already been policy for some time and are fully implemented
2, 6, 13, 21, 22, 26, 28, 30, 31, 33, 36, 43, 47.
2. Have already been policy for some time and are being implemented in all institutions
1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 24, 32, 35, 42, 44, 46, 48, 49, 50, 51, 52, 53.
3. Are acceptable in part only but are policy already
23, 54, 20, 25, 27, 45
4. Are acceptable but implications are being assessed
29, 37, 39, 40, 41.
5. Are not desirable
34, 38, 55.

IDENTIFICATION OF RECOMMENDATIONS BY CATEGORIES

1. Have already been policy for some time and are fully implemented (19)

2, 6, 7, 9, 13, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 33,
36, 43, 47.

2. Have already been policy for some time and are being implemented in all institutions (27)

1, 3, 4, 5, 8, 10, 11, 12, 14, 15, 16, 17, 18, 19, 24, 32, 35,
42, 44, 45, 46, 48, 49, 50, 51, 52, 53.

3. Are acceptable in part only but are policy already (2)

23, 54.

4. Are acceptable but implications are being assessed (4)

✓ 37, 39, 40, 41.

5. Are not desirable (3)

34, 38, 55.

a situation in which his classification officer could be of only limited assistance. The conviction that his personal concerns were not being considered, or were being dealt with in an indifferent and impersonal manner, was simply strengthened.

If, as the authors of the Ouimet Report have noted, it is "possible to reduce escape (and security) risks by means other than physical control" it is in our view in the interests of any well-motivated security system in the prison that such steps be taken forthwith. It is a fortuitous accident that as the Ouimet Report notes, "other means" frequently involve techniques and programs that advance the rehabilitative objective of the penitentiary. Indeed, various studies indicate, and almost all senior staff who gave evidence before our Commission agreed, that an aggressive rehabilitative program emphasizing all the potential opportunities of the prison situation effectively reduce the risks posed by custody and security. The so-called "prison dilemma" created by the presumed inconsistent demands of security, custody and rehabilitation may, in fact, be an illusory dilemma.

We think that it is desirable in light of our conclusions from the evidence to make a number of concrete practical recommendations to you which we believe, if implemented, will have the effect of minimizing the "polarization" between staff and inmates by altering the priorities of institutional life that were found to exist in this maximum security penitentiary in 1971. Thereby we hope that the debilitating factors which were clearly present and operative at Kingston Penitentiary before the disturbances of April last, can be effectively neutralized. We propose, therefore, to make recommendations designed to assist the Penitentiary Service of Canada to create in an institution such as Kingston Penitentiary an environment in which the objective of rehabilitation can be pursued in an atmosphere of order and purposefulness. As a consequence, we believe the security of both inmate and officer be increased, and the incidence of disturbance, disorder or insurrection correspondingly reduced.

Re-orientation of Internal Prison Staff

In the interest of both rehabilitation and security, we recommend that steps be taken forthwith to alter administrative structure and to re-allocate non-professional staff in the following way:

(a) The Department of Inmate Training under the Assistant Warden (Inmate Training), including the classification staff, shall, subject only to the Warden, exercise full and unrestricted responsibility for and control of the work, academic, recreational and social program of the prison as presently implemented within the penitentiary buildings. It is the intent of this proposal that an expanded Inmate Training Department, not only be charged with matters of treatment and training, but also have responsibility for and control of matters associated with discipline, inmate control and the maintenance of good order within the penitentiary building.

(b) The Department of Custody will assume responsibility for the containment of inmates within the penitentiary walls. It is the intent of this proposal that the Department of Custody be essentially charged with the maintenance of security.

(c) The Warden of the penitentiary should undertake an active supervisory role with respect to the Department of Inmate Training. It is our view that the Warden should not only be administratively responsible but should participate fully in the planning and implementation of the prison program. At present, as we have noted, the Warden is heavily burdened with administrative detail and paper work; arrangements must be made so that the burden of these relatively routine tasks can be assigned to others, freeing him for a more formative function in the interior life of the penitentiary.

It is the intent of these recommendations to place prisoners in direct contact with staff who perform a variety of staff functions, and to whom custody and security are not matters of exclusive concern. The effect, we think, will be to reduce that portion of the security orientation of the maximum security prison, that is, strictly speaking, unnecessary or merely "responsive", by placing the maintenance of good order within the ambit of responsibility of those staff primarily charged with treatment and training.

① BEING
IMPLEMENTED
TARGET -
3 to 4 YEARS

② IMPLEMENTED
INTERMINGLING
NECESSARY

③ IMPLEMENTED
UNDER NEW
ORGANIZATIONAL
STRUCTURE

It is true that the Department of Inmate Training will require regular staff assistance from the Department of Custody to control certain contact points within the interior of the prison. Such custodial presence should, however, be minimal because internal security must not be viewed as merely an opportunity for the application of a quasi-military "rule" and consequent "punishment". This can best be achieved, in our view, if internal security and the maintenance of good order and discipline is viewed by staff and inmates alike as part of the treatment program and, generally speaking, a therapeutic function.

In our judgment, these general objectives can be obtained best and most expeditiously by the re-allocation of penitentiary forces here recommended.

We have previously noted that in Canada the *ratio* of custodial staff to inmates is three times that prevailing in the large prisons in the United States. Because custodial staff are principally with the maintenance of security and discipline, this represents an extravagant use of staff if legitimate custodial and security objectives can be realized otherwise. One of the practical results of our recommendations will no doubt be that the staff of the Department of Custody can be very substantially reduced in size. Another consequence, of course, is that the Department of Inmate Training will require additional staff to perform its new and expanded duties. We have reason to hope that no very great problem should result in practical terms because in our view, a view shared incidentally by many of the senior staff witnesses who gave evidence before the Commission, many of the present custodial staff are quite capable, with training, of performing the duties which we would now assign to the Department of Inmate Training.

Classification Case Interview Committee

④ BEING IM-
PLEMENTED
- COMPLETED
IN MANY
INSTITUTIONS

The present practice of line personnel simply on request filing written reports to classification staff, frequently on a check list basis, is not adequate either in a reporting sense or in the more important task of involving line staff in the classification decisions affecting each inmate. Regular case conferences should be held on each inmate, where staff can exchange information on specific cases.

Group Counselling

⑤ IMPLEMEN
TED IN SOME
INSTITUTIONS
(IND. COUN
SELLING-
IN OTHERS)

Group counselling should be undertaken on a regular basis by inmate training staff. Its goals, apart from personal contact, are immediate solutions to specific personal problems and a larger effort to develop self-understanding and maturity within the offender. Such counselling must be seen as part of the total correctional program.

Inmate Advisory Committee

⑥ IMPLE-
MENTATION
UNDER
CONSIDERATION

Detailed reference will be made to this proposal subsequently.

Allocation of Professional Classification Staff

⑦ BEING
TESTED

We propose that program staff should be assigned "cases", not merely at random, as at present, but rather on a living unit, academic, work, or like basis. The intent of this proposal is that the officer will not view his "case" in isolation or in a vacuum, but will rather see it against the background of the complex of relationships in which the "case" works and lives.

Institutional Staff

⑧ IN ACCORD-
ANCE WITH
EXISTING
PRACTICE

Institutional Staff must be encouraged to participate regularly and actively in the daily routine of prison life by associating themselves in the social, recreational, religious and educational aspects of the inmate's life. Tension, frustration and animosity can be reduced significantly, and the two prison "sub-cultures" breached by such simple human contacts as can be provided by sports, indoor games and the wide range of recreational and other activities that should be available to the inmate.

Uniforms

⑨ INITIATIVE
TAKEN
SOME TIME
AGO

In "bridging the gap", we have attempted to emphasize the desirability of encouraging informal contacts between staff and inmate. This objective can be assisted by encouraging inmate training personnel to maintain offices or work areas so they will perform at least a portion of their function within the prison

complex itself. In addition, in our view, staff personnel within the interior of the prison should not be uniformed. We note that at present some senior staff and all professional staff wear civilian clothes. This is a desirable development. It reduces the quasi-military atmosphere of the penitentiary and makes it more difficult for inmates to feed their tendency to unfavourably stereotype inmate training staff.

Staff Training

As has been observed by others, a prison must be an educational centre in the widest sense of the word for both inmates and staff in which treatment and training are closely related in an orderly environment designed to create a series of progressively re-educative experience for the inmate in order to promote his identification with non-criminal society.

⑩ BEING IMPLEMENTED
The re-allocation of staff within the penitentiary will require substantial re-training of manpower throughout the administration but particularly in the Department of Inmate Training. The bulk of the inmate training staff will no doubt remain non-professional. The senior personnel must be treatment-oriented, able to see internal security in terms of its true purpose and function. A well-ordered and well-disciplined institution is not desirable merely as an administrative convenience, but because it creates a milieu in which a correctional program can be pursued without hindrance and in safety.

⑪ BEING IMPLEMENTED
Initially, Inmate Training Staff who interact with inmates with the most frequency will require an intensive, full-time training program to provide an understanding of prison psychology and to equip them in the techniques of group counselling and staff-inmate interaction. In addition, regular "refresher" programs should be instituted for all staff, where possible during the daily program of the prison, but if not then on a "leave" basis.

⑫ BEING IMPLEMENTED
In order to assure that training is effective, and that the program of the penitentiary is being purposefully carried forward by all, staff meetings of all ranks must be held on a regular basis at which full and frank discussion of the penitentiary program is conducted and encouraged. These meetings should not merely be "instructional", but should attempt to involve each staff member no matter how minor his responsibility in the long-range program of the institution. Staff of all ranks are entitled to know that their views about penitentiary problems are sought and considered in the preparation and implementation of programs. In addition, it is essential for staff morale and in order to inculcate an ability to respond creatively in discretionary areas that staff understand and appreciate the objectives that motivate senior staff in the penitentiary and in the Canadian Penitentiary Service when programs are planned or directives circulated. Staff morale and performance also requires the opportunity of advancement.

⑬ BEING IMPLEMENTED
Our conclusions from the evidence about the circumstances at Kingston and our observations of staff morale lead us to regard as critical that within the newly-expanded Department of Inmate Training no limit, except demonstrable ability, should be imposed on the opportunity given to the most junior staff member to rise to senior positions of greater responsibility. We were impressed by the fact that there presently are many correctional officers in the service at maximum security institutions and Kingston Penitentiary who are quite capable of performing duties in a newly-expanded department of inmate training. We believe that new recruits to the service are required, and an expanded program designed to enlist the most suitable personnel should be developed. We are confident that if the maximum security prison is re-oriented with a correctional emphasis, it will be able to obtain the services of many persons who are strongly motivated by the desire for community service.

Inmate Classification Criteria.

The Penitentiary Service Regulations by paragraph 2.03 provide that every inmate shall be "classified" and confined in an institution that seems most appropriate having regard to:

- (a) the degree and kind of custodial control considered necessary or desirable for the protection of society, and
- (b) the program of correctional training considered most appropriate for the inmate.

Recommendations as to classification are made by the institutional classification staff and reviewed and acted upon by the Regional Classification Board.

We have noted earlier the practical application of those standards as summarized by the Ouimet Committee. The evidence made abundantly clear that at Kingston there had been a marked tendency to emphasize the "custodial control considered necessary" in view of the possibility of escape or injury, at the expense of determining a program of correctional training appropriate for the inmate.

This tendency, no doubt, results from the fact that the necessity of custodial control must be measured against standards which are not readily capable of objective analysis or determination. As a result, at Kingston and in the Ontario Region "rules of thumb" may have been developed which merely emphasized the tendency to err on the side of custody and security. For example, the evidence made clear that any prisoner sentenced to ten years or more in the Ontario Region is most likely to spend a certain initial portion of his sentence in Kingston Penitentiary, the Region's sole maximum security institution. In the same way, we conclude that an inmate who is a disciplinary problem or merely an inconvenience to staff at a medium or minimum security institution may very well be simply re-assigned to maximum security.

Kingston Penitentiary therefore was from time to time regarded as an administrative or disciplinary device to assure the "smooth operation" of medium or minimum security institutions in the Region.

The problem is particularly important if one bears in mind that different rehabilitative and correctional programs exist at maximum, medium and minimum institutions in the Region. Because there is, in fact, developing a tendency to smaller institutions, it cannot be economically possible to make a full range of programs available at each penitentiary. The practical consequence we draw from the evidence heard by us is that the kind of custodial control considered necessary to each inmate determines and limits to a marked extent the program of correctional training which may be available to him.

For these reasons, and our conclusion received support from many senior staff persons, we are not satisfied that the classification standards as presently applied are *per se* acceptable at this time. While it must be recognized that certain incorrigible inmates must be isolated in maximum security, it is time to recognize that for the balance of the inmate population, an approach should be taken which assures that an inmate is placed in an institution which provides a program of correctional training appropriate to his needs. In short, classification must be much more directly related to the needs of the inmates in terms of their prison life rather merely related to the ability of the walls of the prison to contain them.

(14) BEING
INHERENT

Again we recognize that there are some risks involved in such a proposal. It need hardly, however, be pointed out that risks always co-exist with creative opportunities. We regard those risks as a burden that can be borne by the service in view of the widely accepted observation that an inmate well-adjusted to prison life, that is, engaged in a social or work program suited to him and satisfactory for rehabilitation purposes is a substantially reduced custodial or security risk.

Inmate Reception Program

The Inmate Reception Program at Kingston Penitentiary in April 1971 was designed almost exclusively to "classify" the inmate for incarceration in a maximum, medium or minimum security institution. The evidence revealed that each inmate was required to submit to two brief psychological tests scaled to show gross abnormality and to be interviewed by a staff classification officer. If considered appropriate, further psychological testing might be provided. Thereafter, on the basis of the material before him and the personal interview the officer made an assessment of the "case" and a recommendation as to classification to the Regional Training Board.

The Reception Program, as such, at Kingston Penitentiary, was in our judgment totally inadequate. That this was the case is no doubt in part attributable to the chronic shortage of adequate classification and psychiatric staff, the total absence of psychological staff, and the unsatisfactory fact that inmates in the Reception Program were isolated within the Main Cell Block itself.

We cannot account, however, for the relatively inadequate data upon which the crucial issue of classification was determined and the narrow perspective of the "reception" function which included almost nothing to assist the inmate, particularly the newcomer, to adjust to his new status and to the life of the institution.

Due, no doubt in part to chronic understaffing which the evidence revealed, the average period required to complete the relatively simple process of "reception" was six weeks. It is incredible to record that during that period the prisoner spent at least twenty-three and one-half hours locked in his cell without work and with only minimal recreation. When one is reminded that many of the inmates passing through Reception were young, inexperienced or first-time offenders, the total failure of this program as an introduction of the inmate to the prison system is apparent. It would not be surprising if hostility to and resentment of the institution and a sense of futility and cynicism developed at this very early stage.

Until reception centers as such become a reality, an adequate Reception Program should be established at Kingston Penitentiary which has now been designated as the Reception Centre for the Ontario Region. Though physical modifications are in the course of being made, the Main Cell Block itself remains unsuited to any modern prison purpose. We think it totally inadequate for such a central, crucial and determinative function as "reception".

It is to be hoped that the time an inmate spends in Reception can be substantially reduced. The tests to which he is presently submitted require relatively little time; it is the necessity of collecting a variety of relevant material such as pre-sentence reports and reasons for judgment, as well as the chronic shortage of classification staff that had dictated the long delay. We have no doubt that steps can be taken so that the Program is reduced to two weeks. It is desirable that the new prisoner should be placed in the environment in which he will work and live at the earliest possible moment. We understand that some progress has been made toward this end recently.

We also recommend that the Reception Program should be utilized for broader purposes than mere classification. It is possible and desirable to prepare a comprehensive induction program in which the prisoner may learn something of the rules which he will be expected to live, familiarize himself with the various programs that are available in the academic, social and work areas, and be given some detailed exposure to and explanation of the opportunities that are available within the prison system and that are suited to him. The prisoner should leave Reception fully aware of the facilities the system makes available and conscious that he is in a position to make a start on a useful and attractive program.

Rules of Conduct and Prison Discipline.

In 1938, the Archambault Commission noted that:

"... discipline should never be confused with punishment.

It is a system of training with the object of inculcating obedience to rules and respect for authority and its intended effect is orderly conduct. Punishment, on the other hand, is the treatment given to those who infringe the rules.

In a penal institution discipline applies to the staff as well as to the inmates. Two sets of rules are enacted by the authorities, one for the staff and one for the inmates. These rules should be based on the principles of modern penology, as interpreted by our Penitentiary Act: first, the detention of prisoners in safe custody, and second, their reformation and rehabilitation. In enacting these rules and in putting them into practice this dual objective must constantly be kept in mind . . ."

It is obvious that upon admission to a penitentiary, an inmate is obliged to abide by the rules of the institution and that his failure to abide by them may lead to further punishment. Bearing in mind the narrow restrictive life the inmate in a maximum security institution like Kingston is already required to lead, such punishment may be for him a grievous burden indeed. The cancellation of a few modest privileges, which to a free citizen would be of trivial value, can deprive him of activity, embitter his mind and alter the course of his life in the institution.

Every kind of community life, however, requires the application of rules of conduct and sanctions for their breach, and this is particularly so in a penitentiary. We conclude however that every such system will, in fairness to both those who apply the rules and those who must follow them, bear the following essential characteristics:

(a) Being implemented

1. The general rules of the institution (from which we distinguish their application in particular cases) must be clearly formulated in writing and available to those who submit to them for ready reference.
2. The general rules must be regularly and consistently applied.
3. The rules must be applied in such a public fashion and by the use of techniques that illustrate to the inmate population the regularity and consistency of their application.
4. The general rules not only must be applied justly (insofar as that is humanly possible) but must **appear to be applied fairly and in circumstances in which all relevant consideration can be made known and examined.**
5. If a rule is applied by an administrative official of junior or limited authority, there must be techniques by which a full examination of the application of that rule and all relevant circumstances can be conducted.
6. The rules themselves must meet a reasonable standard and must be justifiable in terms of the twin objectives of the penal system: rehabilitation and custody.

A rule and its application that cannot satisfy these guidelines will not long be respected by either administrators or inmates, and will be the breeding ground of animosity, and will lead inevitably to charges of brutality, favouritism and prejudice, real or imagined.

As we have noted, at Kingston Penitentiary there was a very substantial volume of regulations, directions, instructions and directives, many of which affected inmate conduct or established standards that the inmate was required to meet. We do not, of course, merely refer to those regulations which restricted the inmate's conduct but also to those regulations which delineated his privileges and opportunities.

In most cases, the rule is initially applied against an inmate by a correctional officer or a shop instructor. Frequently, the correctional officer or instructor cannot himself be aware of the precise rule, if any, that has been breached and the evidence before us was that at Kingston Penitentiary the authority for the rule of conduct was often quite simply the oral requirement of a more senior staff member. This, no doubt, occasionally leads to *ad hoc* rulings and inconsistency of treatment on matters which for the inmate may assume a large importance.

(6) REHEARD MONTHS BEFORE REPORT RECEIVED

The Institutional Standing Orders of Kingston Penitentiary, by paragraph 3.49, required "that each cell will be equipped with a list of cell rules". This Standing Order, we regret to say, has not been applied for some time. In any event, the printed list of cell rules which, we are told, is read and explained to the inmates upon admission (which may have been many years earlier) is so archaic that many of its provisions are simply no longer applied as being inappropriate even to prison life in the middle of the twentieth century.

In addition, the evidence was that none of the acts, regulations, directives, circulars, or even selected portions, are available at all to the inmate population.

To be meaningful and useful, a list of cell rules must obviously be a selection and summary of those rules that are most significant or important. It cannot be beyond the competence of a sophisticated administration to prepare such a document. No reason was advanced why such a document and the relevant Directives themselves cannot be made available.

Of course, the point about rules is that one should attempt to list fully, clearly and concisely the areas of prohibited conduct, with the implicit understanding that all other conduct is regarded as tolerable and is not subject either to reprobation or punishment.

The authors of the Archambault Report noted that a complete and adequate code of inmate conduct had existed for many years in England which comprises a mere seventeen rules. Those rules set out in full in the Archambault Report are, with minor exceptions, as appropriate as a model code of prison rules now as they were then.

It is our judgment that steps should be taken immediately to adopt an explicit code of inmate rules of conduct for a maximum security penitentiary such as Kingston satisfying the tests set out above. It is important to emphasize, for this must be the motivating factor and operative principle, that rules for the sake of rules and punishment imposed for the sake of rules, have no place in an institution which is devoted to the objective of rehabilitation.

We also desire to emphasize that the only legitimate function of a rule code is to procure inmate conformity to the minimum behaviour standard required for the smooth functioning of the institution. The rule system should be based, insofar as possible, upon a consideration of community standards of acceptable conduct and should be designed to impose upon the inmate a code of conduct which will have some practical application for him when he returns to the life of the free community.

As the Manual of Correctional Standards of the American Correctional Association asserts:

"Discipline . . . Looks beyond the limits of the inmate's term of confinement. It must seek to ensure carry-over value by inculcating standards which the inmate will maintain after release. It is not merely the person's ability to conform to institutional rules and regulations but his ability and desire to conform to accepted standards for individual and community life in free society. Discipline must . . . develop in the inmate personal responsibility to the social community to which he will return".

We adopt that observation and trust that in preparing a rule system for maximum security penitentiaries it will serve as a fundamental guideline.

We therefore recommend:

(17) DONE AS
FAR AS POSSIBLE

1. That an up-to-date and complete Code of Rules for inmates be prepared. Care should be taken to see that it is as explicit but yet as concise as possible. Every effort should be made to avoid "catch-all" or "discretionary" regulations. It is important that the standards of conduct to which the inmate must conform have relevance, not only to the operation of the institution itself, but to the accepted standards of conduct of the community at large.

(18) MADE AVAILABLE
TO INMATES
(IMPRACTICAL
IN EACH CELL)

2. The Rules of Conduct for inmates, together with a precise and full summary of the opportunities and privileges available, and the terms on which they are available to the inmate within the institution, should be printed and posted as the regulations now require, in each cell and in other public areas of the prison. In addition, copies should be provided at Reception and otherwise as required.

(19) UNDER CONSIDER-
ATION WITH A
VIEW TO IMPLE-
MENTATION

3. Rules of Conduct and rules respecting the application of Inmate Rules of Conduct are important to the correctional staff. Steps should be taken forthwith to prepare a handbook for the guidance of junior and middle officers charged with supervising the conduct of prisoners. We cannot over-emphasize the importance of this requirement which is founded in our observation that many correctional officers appear, because of the volume of directives and their technicality, to be uncertain as to what rule, if any should be applied to inmates and the mode of application. This natural confusion has led to an unevenness of treatment which is not only unjust but which damages the morale of both inmates and staff. Indeed, it brings the integrity of any rule system.

4. While the responsibility for making rules should continue to rest with the Warden and his staff, subject to General Directives, the Warden should be obliged to file for approval with the Commissioner of Penitentiaries a copy of the Code of Rules provided to each inmate or staff member. In addition, the Warden and his staff should be required to review the rules on a regular basis and to submit revisions to the Commissioner of Penitentiaries for his approval, in order to assure that the aptness of the rule system to changing circumstances and general code of conduct in the community is maintained.

We would encourage the implementation of such a scheme for the great bulk of minor or nuisance offences. In our view, additional and useful consequences will be the reduction of inmate hostility toward staff who are responsible for detection, discipline and punishment.

RECOMMENDATIONS

We therefore, make the following recommendations:

20 IMPLEMENTED
SEE COMMISSIONER'S
DIRECTIVE
300.01 APR 4/72

1. A Code of Punishment Standards relating to nuisance and relatively minor offences should be established and promulgated within the institution. Within such a category, we intend to include such offences as the possession of contraband not designed to effect escape, isolated acts of fighting or assault, refusal to work, disobedience to a routine prison rule, abusive behaviour and others. For example, it might well be provided that a penalty of a fixed type always be imposed on an inmate involved in a fight unless he not only did not start it but made every possible effort to retreat from it and did not fight back, or where there were very clearly other extenuating factors. A more severe penalty might be imposed for any person clearly established as the initiator of a fight or for any person using any kind of weapon in a fight. Increased fixed penalties might be awarded for second and subsequent offences within, say, a one year period.

21 DONE WHEN -
EVER PRACTICAL

2. A new punishment, which permits the institution to segregate the inmate within his cell, should be instituted. It is apparent that the imposition of forfeiture of privileges *de facto* may have this affect. It is desirable, however, that a specific punishment should be created so that Forfeiture of Privileges might be reserved for more flexible use.

22 CORPORAL PUNISHMENT
REMOVED
JUNE/72

3. We observe that, happily, an award of corporal punishment has only rarely been imposed at Kingston Penitentiary, and not at all in the recent past. We concur in the conclusion of the Ouimet Committee, that its use as a disciplinary measure be altogether discontinued. The use in dissociation of Restricted Diet and Hard Bed should also be discontinued. We are of the opinion that these additional discomforts add substantially to the technique of punishment in a prison setting. In addition, their imposition is, in our view, demeaning to the administration of justice within the institution.

23 IMPLEMENTED
(RESTRICTED
DIET = NO DESERT)

24 UNDER STUDY
WITH A VIEW TO
IMPLEMENTING

4. Except when an offence is connected directly with the inmate's work program, no punishment including Change of Work or Downgrading in Pay, should be imposed. There is no doubt, of course, that these two penalties are matters of consequence to the offending inmate. We think, however, that their imposition, except in appropriate circumstances is inconsistent with the corrective objective of the penitentiary. If an inmate has developed a reasonable attitude to his work, that fact can be the starting point for the development of a good relationship for him in the prison and may indeed represent the first step toward his rehabilitation. It would be a grave misfortune if that modest start was jeopardized by the imposition of a penalty for an offence connected with an entirely different aspect of his penitentiary relationships. In short, such penalties can rarely be appropriate to offences unrelated to the work situation.

25 UNDER STUDY
- NO OBJECTION

5. The penalties of Admonishment, Reprimand, Forfeiture of Privileges for one day only, and Extra Chores During Leisure Hours, should be available to be applied by the principal Keeper on duty in the prison upon the information of a member of the correctional staff. The Keeper should be obliged forthwith to make a report to the Chairman of the Inmate Disciplinary Board, setting out the name of the inmate, the offence, the appropriate witnesses thereto and the extent of the penalty.

26 IMPLEMENTED
(INFURIE BEFORE
REPORT

At the request of the inmate, the Chairman of the Inmate Disciplinary Board shall, in the presence of the inmate, conduct a hearing to determine whether the offence was in fact committed. The Keeper on duty shall not be permitted to impose forfeiture of privileges in respect of one inmate more than once during any week. If such an occasion should arise the alleged offense shall be brought before the Inmate Disciplinary Board in the usual way.

27 NOT POSSIBLE
NOW -
IF 25 IMPL-
MENTED, THIS
WILL BE AS WELL

In order to make the trial of prison offences more effective and more just, the Archambault Commission recommended that officers should be instructed to use their own judgment and discretion in making written complaints. They further recommended that when the institutional authority received a written complaint and before bringing the inmate to the prison court, he should interview the officer and question him closely to determine whether the complaint is one that should properly require trial, bearing in mind that trivial, unfounded and exaggerated complaints are to be discouraged.

This proposal was implemented in the Penitentiary Service and no doubt has had its effect. We do not think, however, that its application has achieved the objectives that the Commissioners had in mind. This is so in part, because the effort to discourage an officer from proceeding with an inappropriate or trivial complaint frequently occurs too late in the process after he has formally committed himself in writing. A refusal of the Inmate Disciplinary Board to proceed with a charge in these circumstances, can be destructive of morale and lead to accusation from correctional staff that the Disciplinary Board is "soft" in the matter of discipline. No doubt in some instances consciousness of this fact may lead the Inmate Disciplinary Board to proceed to hear cases when it should properly not do so. While we think the process presently applied at Kingston Penitentiary has some utility and should be maintained, we are of the view that there should be some supervisory authority introduced even before the formal charge is reduced to writing.

We wish to emphasize that as far as we can judge, the Inmate Disciplinary Board has acted at Kingston Penitentiary throughout conscientiously and in good faith, and cognizant of its duties both to the inmate and to the institution. The procedures, however, which it is bound to follow are, in our view, defective and may lead to serious injustice:

We, therefore, recommend:

(26) IMPLEMENTED 1. Correctional Officers should be encouraged to use their own discretion and judgment in determining whether an offence has, in fact, been committed: Where possible they should assure good order by utilizing the penalties within the power of the Senior Keeper on duty. With the reallocation of the Administration staff contemplated above and more intensive training, we are sure this can be effectively done.

The presentation of a formal complaint and the utilization of the Inmate Disciplinary Board must be a last resort in the maintenance of order reserved only for the most serious matters. Complaints presented for trivial or minor matters on a continuing basis may indicate that the officer is unsuited to the performance of his functions within the penitentiary.

(29) NOT IMPLEMENTED 2. No formal written report shall be made by an officer against an inmate without the written concurrence of the Senior Keeper on duty. We believe that this recommendation may serve to affect the intent of the Archambault Commission which was to prevent, at the earliest stage, the processing of relatively trivial matters.

Indeed, it may frequently be that the intervention of the Senior Keeper will be sufficient to maintain discipline and order without the necessity for any formal complaint.

(30) IMPLEMENTED 3. The Chairman of the Inmate Disciplinary Board should continue to exercise the power to refuse any complaint in an appropriate case.

(31) IMPLEMENTED AS FAR AS PRACTICABLE 4. When an inmate is charged with an offence which is to proceed before the Inmate Disciplinary Board, he shall be informed as soon as possible and in any event, at least one clear day before his trial of the nature of the offence and he shall at the same time be provided with a copy of the complaint against him.

(32) IMPLEMENTED AS FAR AS PRACTICABLE 5. No inmate charged with an offence shall be confined in dissociation unless the offence is one where:

- (i) the officer in charge of the institution is of the opinion that the nature of the offence and the attitude of the inmate is such as to present a continuing physical danger to the inmate or to any other person or to the property of the institution, or
- (ii) where the inmate himself requests that he be so confined pending trial and the officer in charge is satisfied that his request is justified.

IMPLEMENTED
AS FAR AS
PRACTICABLE

6. When an inmate is confined in dissociation, pending trial, he shall appear before the Inmate Disciplinary Board whenever possible on the next regular business day of the institution following his confinement and at that time:
- (i) a hearing shall be held to determine the necessity of confining the inmate in dissociation, pending trial;
 - (ii) if the Board determines that dissociation pending trial is necessary, it shall, upon the request of the inmate, fix a trial date within 72 hours.
 - (iii) if the Board determines that dissociation pending trial, is not necessary, the inmate shall forthwith be released from dissociation.
 - (iv) if the Board determines that the inmate requires dissociation, pending trial, because he is either mentally or emotionally unstable, the Board shall remand the inmate into the care and custody of the Institutional Psychiatrist and transfer him forthwith to the Psychiatric Unit.

EVIDENCE IS UNDER OATH

34 ELECTRONIC
MEANS OF
TRANSCRIPTION
IS BEING CONSIDERED

35 IMPLEMENTED

(FULL ANSWER AND
DEFENCE)

7. At trial, all evidence including that of the inmate and his witnesses shall be under oath and be transcribed. The transcribing medium shall be retained by the Institution following conviction. The requirement of transcription applies to a hearing conducted under paragraph 5 hereof.

8. All witnesses, including the complainant, shall give evidence *viva voce* and shall be subject to direct cross-examination by the inmate (or his representative, or the person assisting him, as the case may be).

The present regulations require cross-examination, but in fact it has not been permitted at Kingston Penitentiary except through the Chairman.

36 IMPLEMENTED

(NO FINDING ALLOWED
WITHOUT FULL ANSWER
AND DEFENCE)

9. At trial, the inmate shall be advised of his right to give evidence or call witnesses.

Inmate Disciplinary Committee

Appeals

It is an unfortunate fact, which has previously been noted, that with no effective outlet for the complaint or the establishment of any machinery whatever for correcting mistakes in the enforcement of discipline, which even in the best ordered system are bound to occur, inmates frequently harbour a sense of injustice respecting the disposition of cases before the Inmate Disciplinary Board. Regrettably this sense of grievance was all too prevalent, although perhaps in fact unwarranted, in Kingston Penitentiary. It is a situation which, in our judgment, calls for immediate correction although it should not, in any way, involve the impairment of proper discipline and punishment.

The Archambault Commission, in a very full consideration of prison trials, recommended, and it is significant that they stated that it was in this area, "the most important of (their) recommendations." that an appeal should lie from prison court sentences.

"This (an appeal) is in accordance with the practice in Great Britain, where the inmates have a right of appeal . . . The results obtained by this provision are that the prisoners feel they have full access to a fair administration of justice, false and exaggerated accusations are discouraged and unfair punishments eliminated. In England where this right of appeal is permitted, it has been found that sentences given by the prison court are very seldom reversed. The officers, the guards, and even the governors, are held in check by the supervision of the (Appeal Board). The consensus of opinion there, including that of the Governors, is overwhelmingly in favour of this right of appeal. One of the Governors told your Commissioners that he regarded this right of appeal as essential to the administration of discipline, and that he felt it supported his authority rather than diminished it."

We regret that this recommendation, although regarded as "most important" has never, in fact, been implemented. We are encouraged to note, however, that both the Warden and Deputy Warden at Kingston Penitentiary indicated before us that he would welcome such an appeal and that, indeed, he

MEMORANDUM

CLASSIFICATION

SOL GEN

MAR 12 3 27 PM '73

YOUR FILE No. / Votre dossier

(Loosey)
P.A. Swackhamer
Report

OUR FILE No. / Notre dossier

23(1)

DATE

7/3/73



TO / A

D/CIP

CC for Mr. Hanson
Legal Advisor
Ministry of Sol. General

FROM / De

A/D/IND.

FOLD

SUBJECT / Sujet

RE: DONATIONS FROM AN INMATE TO ANOTHER INMATE (AT THE TIME OF RELEASE)

I refer to your telephone request of March 1st., in respect to information concerning whether or not it is currently in order, within approved policy, for inmates, who are being released to give certain articles of their personal property, ie., a tool which they may have been allowed to manufacture while employed in a CPS workshop or, a radio or other valuable item which may have been given to them by their relatives, to a specific inmate when they are being released.

As I recall, this practice was recommended in the "Swackhamer" report, respecting the riot at Kingston Penitentiary and the Commissioner is reported to have indicated that this recommendation is already in force.

On receipt of your telephone request, I realized that this subject could be more readily dealt with by DOSD or CTT, however I caused a search to be made of all pertinent C.D.'s and D.I.'s to find out if this practice was officially approved via these vehicles.

I also consulted the DOA (an ex-warden), the Director of Security. Mr. Popp, Mr. Art Tronto another ex-warden and John Maloney, Regional Director Ontario Region, who is also an ex-warden.

The result of all this research indicates that it is in no way, within approved policy or in order for an inmate who is being released to virtually give any of his personal property to another individual inmate.

Messrs. Lavery, Tronto and Maloney could not recall any instructions which authorized such a practice. Mr. Popp, Director of Security, reported that during his varied experiences in the custodial field in several institutions he had been closely involved in the process through which inmates being released, wished to leave some of their personal property at the institutions, hopefully for the use of specific inmates. Mr. Popp reported that in all of the cases in which he was involved, departing inmates were only allowed to donate their personal property, either to the Institutions or to an inmate committee, on the basis that either the institution and/or the inmate committee concerned would then determine which inmate could derive the greatest benefit from the items left behind by departing inmates, and on the basis of such assessments, they would decide which inmate should and would be allowed to use the items left behind, on a loan basis only.

.../2

000249

-2-

It is to be noted that, on no occasion were the items left behind, by departing inmates, literally given to other inmates. In all cases such items were merely loaned to apparently deserving inmates, for use as long as they could make constructive use of same.

Mr. Gordon Taylor, ex-Deputy-Warden of Warkworth Institution, who, at the request of DOA Lavery, conducted the search of the pertinent CD's and D1's reported that the under-listed CD's and D1's referred in an oblique way to the question under discussion, but, that none of these really authorized the "facile" practice to which you referred.

Mr. Taylor cited;

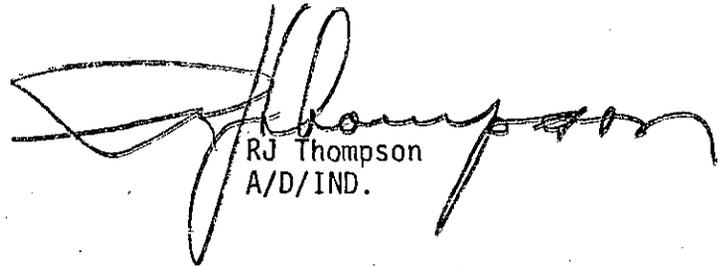
D1 300.02 which has a "low key" reference to the subject under review
CD 312 and D1's 312.01, 02, and 03
D1 315.03 para 3 re Radios and Wrist Watches
D1 317.01 para 2 re Hobby-Craft
CD 320 and related D1's which closely approach, but do not specifically deal with the question which you raised.

All concerned are reasonably sure or cannot recall that this subject has been dealt with and authorized by way of a general circular letter.

In view of the foregoing, I have been forced to conclude that the practice of allowing a departing inmate to give something to another inmate has not yet been officially approved and I have to advise you accordingly.

As you suggested, in our brief telephone conversation, I have accordingly advised Miss Hanson, of the legal division of the Ministry of the Solicitor General.

cc: DOA-----and DCOS
D Sec
Reg. Dir. Ont.,
Dep. Reg. Dir.,
Mr. Tronto, Reg. HQ Ont.,
Miss Hanson, LEGAL ADVISOR
MINISTRY OF SOLICITOR GENERAL


RJ Thompson
A/D/IND.



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

Mr. S. Roberts,
Director, Information Services.

FROM
DE

Inger Hansen,
Legal Officer.

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 13, 1973.

SUBJECT
OBJET

Re: Swackhamer Report

Enclosed is a copy of letter from Mr. Swackhamer concerning an omission in the report of the sentence "There is no justification, explanation or excuse for them". This should have appeared as a separate paragraph at the end of page 34 of the English version and at the end of page 36 of the French version.

Would you be kind enough to arrange for an insertion sheet for the copies on hand and provide the Secretariat with 25 copies for distribution to those who have received complementary copies of the report.

ORIGINAL DESTROYED BY
ORIGINAL SIGNÉ PAR
R. TASSE

Encl.

IH/jb

INGER HANSEN

Ottawa, Ontario,
K1A 0P8.

March 13, 1973.

Dear Mr. Swackhamer:

Thank you for your letter of 9 March 1973, in which you point out that the first sentence on page 125 should have been included in the printing of your report.

I have checked the original report and can assure you that the sentence was not deliberately removed. It occurred by accident when as you know, the balance of the page was removed.

Instructions have been given for the insertion of a correction sheet in copies now held with Information Canada and those who have received complimentary copies will be advised.

Please accept my thanks for your bringing this to my attention.

Yours sincerely,

ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
R. TASSE

Roger Tassé,
Deputy Solicitor General.

Mr. J.W. Swackhamer, Q.C.,
Fasken & Calvin,
Barristers and Solicitors,
Box 30,
Toronto-Dominion Centre,
Toronto 111, Ontario.

c.c. Mr. S. Roberts,
Director, Information Service.

INGER HANSEN/jb

Note: Copy of Mr. Swackhamer's letter and Mr. Tassé's reply sent to the Solicitor General for information.

Fasken & Calvin

W. B. Symington, Q.C.	J. W. Swackhamer, Q.C.	F. A. Bell, Q.C.
J. D. Taylor, Q.C.	R. M. Sutherland, Q.C.	R. N. Robertson, Q.C.
Georgie M. Bentley	A. D. T. Givens, Q.C.	F. D. Gibson, Q.C.
R. D. Wilson	R. B. Tuer, Q.C.	Ronald J. Rolis, Q.C.
R. L. Shirriff	J. W. Huckle	John Sopinka
T. E. Brooks	W. A. Kelly	K. J. C. Harries
D. S. Affleck	W. C. Graham	J. H. Hough
J. M. Robinson	R. B. Potter	D. G. Marwick
P. J. Green	W. D. McCordic	L. D. Roebuck
H. Lenore Roszell	Alan M. Schwartz	Donna C. Allen
L. T. Beare	J. I. Leskin	W. R. Passi
Heather L. Henderson	P. C. Hart	T. R. Lofchik
R. W. McDowell	J. G. McPherson	A. C. Millward
G. C. Glover		

Counsel - B. R. MacKenzie, Q. C.

30th Floor
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and
Solicitors

Box 30,
Toronto-Dominion Centre,
Toronto 111, Canada

Telephone 366-8381
Area Code 416
Telex 06-217765

DM SM
SOL GEN

MAR 13 9 11 AM '73

FILE
DOSSIER

119-2

March 9, 1973
File: 4404

Mr. Roger Tassé,
Deputy Solicitor General,
Ottawa, Ontario.
KIA OP8.

Dear Mr. Tassé:

I have your letter of February 28, 1973,
together with a copy of the Report referred to therein.

On reading the Report, I observe that at the
bottom of page 34 there is an omission which is of
significance. There should be inserted at the bottom
of the page the following sentence: "There is no
justification, explanation or excuse for them".
Without that sentence, the preceding paragraph is
meaningless. You will find that sentence at the
top of page 125 of the original Report.

I would personally request that a correction
sheet be distributed with the copies of the Report as
published.

Yours faithfully,


J.W. Swackhamer.

Miss Hennes:
If this is the
case - I am
something should
be done -
NS.

63/11/73-

MEMORANDUM

NOTE DE SERVICE

TO
À

MR. P.A. FAGUY
COMMISSIONER OF PENITENTIARIES

FROM
DE

DEPUTY SOLICITOR GENERAL

FILE SUBJECT

SECURITY CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 8, 1973

SUBJECT
OBJET Oral Question Period, March 2, 1973

1. During the Question Period on Friday, March 2, 1973, the Minister was asked by Miss Flora MacDonald for the possible reimbursement to the City of Kingston of \$120,000 expense directly attributed to the Kingston Penitentiary disturbance in April 1971.

2. I have been asked to look into the question and I would appreciate it if you could provide me with the benefit of your comments.

ROUTED TO
E TASSÉ

RT/hl

Roger Tassé

c.c. Mr. Bourne

*Copies on: 117-2
646-5/29-1*



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

MR. P.A. FAGUY
COMMISSIONER OF PENITENTIARIES

FROM
DE

DEPUTY SOLICITOR GENERAL

SUBJECT
OBJET

Oral Question Period, March 2, 1973

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 8, 1973

1. During the Question Period on Friday, March 2, 1973, Mr. Andrew Brevin suggested to the Minister that consideration be given to the referral of the Swackhomer Report to the Parliamentary Committee on Justice and Legal Affairs.

2. I have been asked to look into this question. Before making my comments available to the Minister, I would appreciate it if you could give me the benefits of your own thoughts on the matter.

RT/hl

Roger Tassé

*Reply rec'd March 13/73
JH*



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

Roger Tassé
Deputy Solicitor General

FROM
DE

Jim McDonald
Special Assistant
Solicitor General

SUBJECT
OBJET

Oral Question Period, March 2, 1973

During question period on Friday, March 2, 1973, the Minister stated he would look into the following:

Mr. Andrew Brewin suggested the possible referral of the Swackhamer Report to a Parliamentary Committee on justice and legal affairs.

Miss Flora MacDonald has asked for the possible reimbursement to the City of Kingston of \$120,000 expense directly attributable to the Kingston Penitentiary disturbance.

The Minister has asked me to ascertain your feelings on these subjects.

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 5, 1973

URGENT



Deputy Solicitor General
Canada

Soliciteur général adjoint
Canada

Mr. Cobbs:

(DSG! - This is all relevant material - Henson reviewed March 1-30)

I SEEM TO RECALL THAT SHORTLY AFTER THE RELEASE OF THE SHAWCHAMER REPORT THE S/GENERAL INDICATED IN THE HOUSE OF C. THAT THE REQUIRED ADDITIONAL MEASURES HAD BEEN TAKEN. I NEED TO SEE WHAT HIS EXACT STATEMENTS - IN THIS RESPECT - WERE. PLEASE ASK SOMEONE TO TRACE IN HANSARD

FOR ME.
7530-21-029-8626

March 31/89

LF

ent
ada
Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE *Swackhamer Report*

COMMISSIONER OF PENITENTIARIES

SECURITY CLASSIFICATION - DE SÉCURITÉ
CONFIDENTIAL
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 8, 1973

**INGER HANSEN
LEGAL OFFICER**

FROM
DE
SUBJECT
OBJET

Recommendations of the Swackhamer Report

Mr. Tassé asked me to give you the attached copy of a memorandum which he requested on the subject of an "ombudsman" for the Canadian Penitentiary Service. He requests your comments on these suggestions.

Original Sign.
L. HANSEN

Att.
IH/lef

INGER HANSEN

MEMORANDUM

NOTE DE SERVICE

Gouvernement du Canada
Government of Canada

DEPUTY SOLICITOR GENERAL

FROM: INGER HANSEN
DE: LEGAL OFFICER

SECURITY CLASSIFICATION - DE SÉCURITÉ
CONFIDENTIAL
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE March 8, 1973

ORIGINAL DAMAGED

Recommendations of the Swackhamer Report

You have asked for a brief on the possibility of establishing an office to carry out "ombuds" functions for the purposes of the Canadian Penitentiary Service. I understand that you require suggestions for an interim measure as well, pending the enactment of legislation.

The tradition of ombudsman originated in Sweden with the establishment of a "superombudsman" in 1713. His duties were to ensure that public servants obeyed the laws and did not abuse their powers.

In several countries, ombudsmen have power to prosecute and punish civil servants. This function has, however, gradually been taken over by other institutions and the essence of the ombudsman's function is to investigate complaints, investigate on his own initiative and make recommendations for changes in administrative behaviour or correction of mistakes or abuse of administrative power. I do not think it possible to transfer institutions and concepts directly from one country to another because much depends on local laws and procedures, the absence or existence of administrative courts, and the general attitudes of the population. I think, however, the idea of the ombudsman concept can be usefully adapted to the Canadian Penitentiary Service. It has been stated by some critics that an ombudsman or parliamentary commissioner for all of Canada would create another bureaucracy because of the size of the country and the multiplicity of problems. I agree with that view. However, a specific ombudsman with limited responsibility, such as for the Canadian Penitentiary Service, may be appropriate. Citizens, whether inmates penitentiaries or not, would be assured that there is an accessible individual who is prepared to listen and speak in instances where the laws or administrative procedure are unjust. It has also been stated by critics that ombudsmen will be flooded with frivolous complaints.

ORIGINAL DAMAGED

SUBJECT
OBJET

.2.

as the Swackhamer Report stated "... there frequently exists a reservoir of bitterness which infects prisoners forced to live, perhaps for the first time, in the most extraordinary and unnatural circumstances. Grievances of all types are bound to exist among the prison population. Whether those grievances are justified or not, they require to be dealt with so that the order and morale of the institution may be maintained. At present, we heard that such grievances can only be resolved, if at all, when an inmate submits them to the administration. It is clear that inmate frustrations are created and thrive because the inmates' only avenue of complaint is to the very administration which is frequently the source of its dissatisfaction. It is perfectly evident that at Kingston Penitentiary the total absence of any formula by which such matters could be effectively aired was a factor in the disturbance itself."

The Swackhamer Report recommends a Visitors' Committee for the Ontario Region. If a person were to be appointed for the purposes of the Canadian Penitentiary Service across Canada, the following powers would seem appropriate:

- 1) To have access without limitation to all Canadian penitentiaries; and to persons who are placed in provincial institutions by virtue of agreements with the federal government;
- 2) To receive complaints concerning the operation of the Canadian Penitentiary Service from anyone having a direct interest therein. (It is suggested that complaints should be receivable from inmates, correctional officers and other members of the Canadian Penitentiary Service, and relatives of these persons.)
- 3) To investigate matters concerning the Canadian Penitentiary Service of his own motion;
- 4) To make recommendations to the Minister in respect of his findings. There should be an obligation to report not less than once a year to the Solicitor General outlining each complaint, other investigations, and action taken.

Limitations on jurisdiction might be as follows:

- 1) The person should have no jurisdiction to investigate matters where other remedies exist at law, although he should be obligated to advise complainants that a remedy may exist in law;

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- 2) There should be a time limitation. In most jurisdictions no complaint is investigated after one year has passed since the matter arose;
- 3) The Minister may claim privilege.

In practice, I should imagine that the person involved would make regular announced visits to all institutions. These visits should be publicized to the inmates, and interviews could be arranged ensuring privacy. Individuals should as well be able to lodge complaints in writing uncensored.

In addition, I would suggest that the person would want to make occasional random visits to penitentiaries, unannounced, and at irregular times. This latter would be so that the annual report would be able to deal with rumours about mistreatment and other irregularities alleged against the Penitentiary Service in the press and elsewhere. Without the power to arrive unannounced and without the exercise of that power, inspection of the penitentiaries would be ineffective. In order to facilitate the work of the person in question and at the same time not to over-burden the Penitentiary Service with report writing, I would suggest that where the person receives the complaint the procedure would be that in the first instance the written records should be made available. It is likely that in many instances an answer, satisfactory to the complainant, may be provided directly from the records. In instances where further investigation is necessary, I would suggest that the person in question should exercise the powers similar to a Commissioner under the Inquiries Act.

From the statistics obtained from provincial ombudsmen and other countries, I would estimate an initial complaint-load of somewhere between 300 and 400 per year. I believe this figure will gradually increase if the person involved establishes credibility. I think (from the basis of experience in private practice) that one ombudsman and two secretaries could handle such complaint-load during the first year, subject always to not being burdened with investigations of a major nature.

I see the role of the person primarily as a listener who is able to deal with complaints of persons who feel trampled in an environment they do not understand, I also see the person as a mediator in cases where the ordinary

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rules and procedures create hardships for unusual reasons. I think the success of the office depends on the personal qualities of the individual holding the office. That person must place problem-solving far ahead of sensationalism. If the individual needlessly enhances expectations of complainants, this may spark unrest and dissatisfaction among both inmates and correctional officers.

Most countries appoint their ombudsman by parliament or a procedure similar to an appointment by the Governor in Council in Canada. Ombudsmen are usually appointed for renewable terms of office. They are generally selected from lawyers or judges and particularly chosen for their non-partisan attitudes.

It is essential that the person be independent of political and administrative pressures. It is also essential that the person have some security of tenure. I would suggest a minimum of three years. As special legislation is not possible at the moment, I would suggest consideration be given to the possibility of an appointment under the Inquiries Act.

An appointment may be made by the Governor in Council whenever he deems it expedient to cause an inquiry into and concerning any matter connected with the good government of Canada, or the conduct of any part of the public business thereof (Part I). Likewise, a Minister, under the authority of the Governor in Council, may appoint a Commissioner to investigate and report upon the state and management of the business of his department (Part II). In either case, there would be authority for the carrying out of the powers outlined herein.

There is no time limit set for the existence of commissions of inquiries, although the legislation probably was intended to deal with problems on an ad hoc basis. While special legislation is probably desirable, I do not think objections can be raised to the appointment of a somewhat more permanent Commissioner to investigate and report upon the state of the Canadian Penitentiary Service. I shall be pleased to research this point further. A copy of the Act is attached for reference.

Original Signed by
I. HANSEN

Encl.
IH/lcf

INGER HANSEN

PA
BY HAND

OTTAWA, K1A 0P8
March 2, 1973

119-2

MEMORANDUM TO: Mr. A.C. Pennington
Civil Litigation Section
Department of Justice

FROM: Inger Hansen
Legal Officer

RE: Swackhamer Report

Enclosed is a copy of the Report as
discussed.

Encl.

INGER HANSEN

DEPARTMENT OF THE SOLICITOR GENERAL

CANADA

MINISTÈRE DU SOLICITEUR GÉNÉRAL

Classified
M

FOR RELEASE:

March 1, 1973, 2:00 p.m.

POUR PUBLICATION:

le 1^{er} mars 1973,
2:00 p.m.

Kingston Penitentiary Riot Report

Rapport sur le soulèvement
au pénitencier de Kingston

The report of the Commission of Inquiry into the Kingston Penitentiary Riot of April 1971 was tabled in Parliament today by Solicitor General Warren Allmand.

Le Solliciteur général du Canada, M. Warren Allmand, a déposé aujourd'hui à la Chambre des communes le rapport de la Commission d'enquête sur le soulèvement survenu au pénitencier de Kingston en avril 1971.

Mr. Allmand said he decided to publish the report in hope that by doing so public understanding of correctional problems might be enhanced. "Such knowledge is necessary in obtaining broad support for the efforts being made both through research and new operating procedures that will better protect the public and provide opportunities for the rehabilitation of criminal offenders".

Monsieur Allmand a déclaré qu'il avait décidé de publier le rapport dans l'espoir d'accroître ainsi la compréhension du public pour les problèmes correctionnels. "Une telle information, a-t-il précisé, s'avère nécessaire à l'obtention de larges appuis pour les efforts que nous avons entrepris, sous forme de recherche et de nouveaux procédés d'opération, en vue de mieux protéger la population tout en donnant aux délinquants l'occasion de se réhabiliter."

The three-member Commission under the chairmanship of Mr. J.W. Swackhamer Q.C., a Toronto lawyer, concluded "that there was no single



identifiable cause for the Kingston disturbance. We do, however, find that it was the result of the system which then prevailed. That system failed fundamentally because it was unable to establish and maintain a strong rehabilitative program".

The Commission found that only a few inmates were involved in the planning of the disturbance but substantially all the inmates population participated after the disturbance commenced and that reasonable additional security measures would not have enhanced the safety of the institution's staff or prevented the occurrence of the disturbance.

Solicitor General Allmand said: "we must work towards the development of a social environment in our institutions that will eliminate the stresses which caused the disturbance and to this end, the Commission has been most informative and constructive."

La Commission de trois membres, que présidait l'avocat torontois J.W. Swackhamer, c.r., conclut "qu'il n'y a pas eu de cause unique à l'origine du soulèvement de Kingston. Par ailleurs, nous rejetons le blâme sur le système qui y prévalait à ce moment. Ce système pénitentiaire a essuyé un échec fondamental parce qu'il lui était impossible de mettre sur pied et de faire fonctionner un programme solide de réhabilitation."

La Commission a établi que seuls quelques détenus ont participé à l'organisation du soulèvement, que presque tous les autres se sont joints à eux une fois qu'il fut déclenché, et que des mesures de sécurité supplémentaires raisonnables n'auraient en rien accru la sécurité du personnel de l'institution, ni empêché le soulèvement.

Le Solliciteur général a souligné que "nous devons travailler à créer dans nos institutions un milieu social tel qu'il puisse éliminer les tensions qui ont entraîné ce soulèvement et, à



Mr. Allmand noted that "of the 55 recommendations of the Commission, 48 were fully implemented or being implemented at the time the report was received. Seven other recommendations are still under study".

The report reveals that the riot resulted in the death of two inmates, injury to twelve others, destruction of the main cell blocks and during the three days following the riot when inmates were being transferred from Kingston Penitentiary to Millhaven Institution, 86 inmates suffered injuries inflicted by Millhaven guards.

The Solicitor General recalled that the Attorney General of Ontario had conducted a separate investigation on the events at Kingston and Millhaven which resulted in criminal charges being laid against both inmates and correctional officers. Twelve correctional officers were tried on charges arising out

cette fin, la Commission nous instruit de façon très positive".

"Au moment de la réception du rapport, a ajouté le ministre, on avait donné suite ou on était en train de donner suite à 48 des 55 recommandations de la Commission. Et on étudie encore les sept autres recommandations."

Le rapport révèle que le soulèvement a entraîné la mort de deux détenus, des blessures à 12 autres et la destruction des pavillons cellulaires principaux; et qu'au cours des trois jours où, après l'émeute, s'est fait le transfert des détenus du pénitencier de Kingston à l'institution de Millhaven, 86 détenus ont subi des blessures que leur ont infligées des gardes de Millhaven.

Le Solliciteur général a rappelé que le Procureur général de l'Ontario a mené une enquête séparée sur les événements de Kingston et de Millhaven, enquête qui a abouti à des accusations au criminel portées contre des détenus et des agents de correction. Douze

of the Attorney General's investigations and none was convicted.

A maximum security prison, such as Kingston Penitentiary, has the twin objectives of maintaining inmates in custody and preparing them to return permanently to the community as law-abiding citizens. In this regard, the Commission emphasized "it is clear that at Kingston Penitentiary the objectives of preventing escapes was admirably attained: for almost a decade there has been no inmate escape from the premises. It is regrettably obvious, however, that the second objective failed to be realized and that, indeed, in pursuit of custody as an objective, rehabilitation and appropriate programs in the institution were seriously curtailed".

According to the Commission, it was the failure of Kingston Penitentiary as a rehabilitative center which led to the tragic events of April 1971. "Punishment per se can

agents de correction furent traduits en justice à la suite de cette enquête du Procureur général, mais aucun d'entre eux ne fut reconnu coupable.

Un établissement à sécurité maximale comme le pénitencier de Kingston a le double objectif de garder les prisonniers en détention tout en les préparant à se réintégrer définitivement à la vie en société en tant que citoyens respectueux des lois. A ce propos, la Commission a fait remarquer qu' "il est évident que le pénitencier de Kingston avait admirablement réussi à empêcher les évasions: depuis près de dix ans, aucun détenu ne s'était échappé. Il est malheureusement tout aussi évident que le second objectif a été un échec. En effet, en considérant la détention comme un objectif, on a sérieusement restreint la réhabilitation et les programmes appropriés au sein de cette institution."

Selon la Commission, c'est l'échec du pénitencier de Kingston en tant que centre de réhabilitation qui a

no longer be regarded as a legitimate objective of the Penitentiary System, except insofar as separation from the community for a term of imprisonment amounts in itself to punishment".

Testimony heard by the Commission established that gulfs that separated inmates from custodial staff and custodial staff from professional staff "led inevitably to the destruction of the program and deterioration in the life of the institution".

To improve life or programs in the penitentiary, schisms and divisions between groups in the prison society would have to be removed or reduced. A reasonable rehabilitative program could not be proposed or initiated so long as it is viewed as suspect by groups of either the inmate population or the staff.

It recognizes that certain incorrigible inmates must be isolated in maximum security, but the Commission believes there should be assu-

provoqué les tragiques événements d'avril 1971. "On ne peut plus continuer à considérer le châtiment en soi comme l'objectif légitime du système pénitentiaire, sauf dans la mesure où la séparation d'avec la communauté pour la durée de l'incarcération constitue en soi un châtiment."

Les témoignages entendus par la Commission ont établi que les fossés entre détenus et gardes, et entre gardes et personnel professionnel, "ont conduit inévitablement à la destruction du programme et à la détérioration de la vie à l'intérieur de l'établissement". Pour améliorer la vie ou le programme du pénitencier, les schismes et les divisions entre les groupes devront disparaître ou s'atténuer. Il est impossible de proposer ou d'entreprendre un programme raisonnable de réhabilitation si ce programme semble suspect aux yeux de certains groupes parmi les détenus ou le personnel.

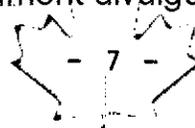
rance that an inmate is placed in an institution where there is a training program appropriate to his needs. There are risks involved but risks always co-exist with creative opportunities. It is fundamental that an inmate be allowed a sense of personal worth, no matter how serious his crime. It would be less than civilized to permit anything else. Steps should be taken to reduce the uniformity of prison life and inmates should be encouraged to utilize the variety of talents they have.

In discussing inmates' rights, the Commission states that inmate grievances, whether justified or not, must be dealt with to defuse hostility and resentment. There should be a right of appeal from the Inmate Discipline Board and a Visitor's Committee to Penitentiaries should be established.

While there must be custodial officers to ensure security, all other members of the corrections

Il est admis que certains détenus incorrigibles doivent être isolés en sécurité maximale, mais la Commission est d'avis qu'il faut s'assurer que l'institution où l'on envoie un délinquant lui offre un programme de formation selon ses besoins. Cela implique un risque, mais n'en est-il pas ainsi de toute situation créatrice? Quelle que soit la gravité du crime qu'il ait commis, il est essentiel que le détenu puisse avoir le sens de sa valeur humaine personnelle: toute autre attitude serait indigne d'une société civilisée. On devrait en conséquence prendre les mesures qui s'imposent pour réduire l'uniformité de la vie carcérale en encourageant les talents individuels des détenus.

Au chapitre des droits des détenus, la Commission a demandé que leurs griefs, justifiés ou non, soient entendus, de manière à éviter les ressentiments et l'hostilité; que les détenus puissent en appeler des jugements prononcés par le Conseil de discipline des détenus; et que soit mis



staff, including the Director of an institution, should play an active role in the training of inmates. Better training and increased opportunity for promotion from the ranks is urged. No limit, except demonstrable ability, should be imposed on the opportunity given to the most junior staff member to rise to senior positions.

Mr. Allmand said that the original report had been subject to some minimal editing for civil rights, security and discipline reasons. In this respect, the published report omitted the names of certain persons, a few lines whose publication would be a violation of security, and seven pages of comments on the actions of four persons employed by the Canadian Penitentiary Service.

The Commission of Inquiry was appointed by the Commissioner of Penitentiaries under Section 13 of the Penitentiary Act. The

sur pied un Comité d'inspection des pénitenciers.

Compte tenu qu'il doit y avoir un personnel de garde chargé de la sécurité, tous les autres membres du personnel de correction (y compris le directeur de l'institution) devraient prendre une part active à la formation des détenus. Une meilleure formation du personnel et de plus grandes chances de promotion sont impérieuses, aucune limite -sauf celle des aptitudes- ne devant être imposée au personnel subalterne dans son accession à des postes supérieurs.

Monsieur Allmand a expliqué que le rapport original a été légèrement modifié pour des motifs de droits civils, de sécurité et de discipline. A cet égard, le rapport publié omet les noms de certaines personnes, quelques lignes dont la publication porterait atteinte à la sécurité, et sept pages de commentaires sur les actes de quatre personnes à l'emploi du Service canadien des pénitenciers.

Commission was composed of Mr. Swackhamer who was its chairman, W.T. McGrath, Executive Director of the Canadian Criminology and Corrections Association, and H.E. Popp, Director of Security, Canadian Penitentiary Service. Ian Scott Q.C., of Toronto, was Counsel and Secretary. In addition to hearing evidence in camera, the members of the Commission visited nine institutions and received statements from 580 persons including penitentiary staff and inmates. Full confidentiality was maintained over the identities and testimony of all witnesses and the witnesses themselves were assured by the Commission that the confidentiality of their testimony would be respected.

La Commission d'enquête avait été nommée par le Commissaire des pénitenciers en vertu de l'article 13 de la Loi sur les pénitenciers. Outre M^e Swackhamer, qui en était le président, la Commission était composée de M. W.T. McGrath, directeur exécutif de la Société canadienne de criminologie, et de M. H.E. Popp, directeur de la sécurité au Service canadien des pénitenciers. M^e Ian Scott, c.r., de Toronto, agissait comme conseiller juridique et secrétaire. En plus de tenir des auditions à huis clos, les membres de la Commission visitèrent neuf institutions et recueillirent les déclarations de 580 personnes, y compris des membres du personnel pénitentiaire et des détenus. L'identité et les dépositions de tous les témoins furent entièrement confidentielles, et la Commission assura les témoins eux-mêmes que le caractère confidentiel de leurs dépositions serait respecté.

119-2

Ottawa, Ontario
K1A 0P8

February 28, 1973

Dear Mr. Martin:

I take pleasure in forwarding, enclosed, for your information a copy of the published version of the report of the Commission of Inquiry into the Kingston Disturbances of April 1971.

You and the other members of the Citizens' Committee played an important role as a "Third Force" in the events at Kingston Penitentiary and I hope you will agree that your role has been accurately presented in the Report.

Yours sincerely,

[Faint signature]

Roger Tassé

Mr. Arthur Martin, Q.C.
121 Richmond St. W.,
Toronto, 1.

Copy sent to.

*Prof. J. Desmond Martin
Mr. Ron Haggart
Mr. Aubrey E. Golden
Mr. W. R. Donkin*

P2 Robert

~~SECRET~~

BY HAND

OTTAWA, KIA 0P8
February 28, 1973

119-2

The Rt. Hon. Pierre Elliott Trudeau, P.C., M.P.,
Prime Minister of Canada,
House of Commons,
Ottawa, Ontario.

Dear Mr. Prime Minister:

As you know, the Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during the month of April, 1971 was received some time ago by my predecessor.

I propose to table the Report in the House of Commons on 1 March, 1972. A few changes which were necessary for the purposes of security and internal discipline of the Canadian Penitentiary Service have been made to the original Report. A copy of the Report is forwarded herewith.

I sincerely hope the publication of the Report will enhance public understanding of the problems facing those working towards rehabilitation of offenders.

Yours very truly,

Warren Allmand

INGER HANSEN/lcf

~~SECRET~~

BY HAND

119-2

OTTAWA, KIA 0P8
February 28, 1973

The Honourable J.A. Richardson, P.C., M.P.,
Minister of National Defence,
House of Commons,
Ottawa, Ontario.

My dear Colleague:

The Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during the month of April, 1971 was received some time ago by my predecessor.

I propose to table the Report in the House of Commons on 1 March, 1973. Only changes necessary for purposes of security and internal discipline of the Canadian Penitentiary Service have been made to the original Report. As this matter is of particular interest to you, I am forwarding a copy of the Report herewith.

I should also like to take this opportunity to thank you for the invaluable assistance rendered to the Canadian Penitentiary Service by the Canadian Armed Forces during and after the disturbance.

Yours very truly,

Warren Allmand

~~CONFIDENTIAL~~
BY HAND

OTTAWA, KIA 0P8
February 28, 1973

119-2

The Honourable Otto E. Lang, P.C., M.P.,
Minister of Justice,
House of Commons,
Ottawa, Ontario.

My dear Colleague:

The Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during the month of April, 1971 was received some time ago by my predecessor.

It is my intention to table the Report in the House of Commons on 1 March, 1973. Only changes necessary for purposes of security and internal discipline of the Canadian Penitentiary Service have been made to the original Report. As this matter is of particular interest to you, I am forwarding a copy of the Report herewith.

Yours very truly,

Warren Allmand

INGER HANSEN/lcf

119-2

OTTAWA, Ontario
K1A 0P3

February 28, 1973

Dear Mr. Swackhamer:

The Report that your Commission prepared on the subject of the disturbances at Kingston Penitentiary will be tabled in the House of Commons on Thursday, March 1st. The attached is a copy of the Report as it will be tabled: you will note that it has been changed only slightly, where necessary, to protect the security of the Canadian Penitentiary Service.

I wish to take this opportunity to thank you for the careful analysis that you and other members of the Commission and counsel prepared of these events and their causes. I should also like to express my gratitude for the recommendations which the Commission have made which will be of great assistance in effecting further improvements in conditions in Canadian penitentiaries.

Yours sincerely,

DGCOBB/ml

Roger Tassé,
Deputy Solicitor General

Att.

Mr. J.W. Swackhamer, Q.C.,
Barrister & Solicitor,
Box 30, Toronto Dominion Bank Tower,
Toronto Dominion Centre,
TORONTO 111, Ontario

119-2

OTTAWA, Ontario
K1A 0P8

February 28, 1973

The Honourable Dalton Bales,
Minister of Justice and Attorney General
for the Province of Ontario,
Parliament Buildings,
TORONTO, Ontario

Dear Mr. Bales:

I have the honour to convey to you herewith a copy of the Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary During April, 1971, which will be tabled in the House of Commons tomorrow, March 1st.

The assistance of the Government of the Province of Ontario in the matter of the disturbances at Kingston Penitentiary was significant and valuable and, needless to say, much appreciated by this Ministry.

I sincerely hope you will find the Report of interest.

Yours sincerely,

Original Signed by
Original Signed by
Warren Allmand

Warren Allmand

DGCOBB/ml

Att.

PERSONAL &
CONFIDENTIAL



119-2

OTTAWA, Ontario
K1A 0P8

February 28, 1973

Dear Mr. Swackhamer:

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Yours sincerely,

R. TASSE

Roger Tassé,
Deputy Solicitor General

DGCOBB/ml

Att.

Copy sent to: J. G. Scott,
W. T. McGrath,
H. E. Papp.

Mr. J.W. Swackhamer, B.C.,
Barrister & Solicitor,
Box 30, Toronto Dominion Bank Tower,
Toronto Dominion Centre,
TORONTO 111, Ontario

PAR PORTEUR

File
Classer MZ

119-2

OTTAWA, Ontario
K1A 0P8

Le 28 février 1973

Cher monsieur Cloutier,

J'ai le plaisir de vous transmettre ci-joint copie du Rapport de la Commission d'enquête sur le soulèvement survenu au pénitencier de Kingston, en avril 1971. Le rapport sera déposé en Chambre par le Solliciteur général demain, jeudi, 1^{er} mars 1973.

L'aide que ce Ministère a reçue du ministère de la Défense nationale fut très considérable et je vous assure Monsieur le Sous-ministre que nous en sommes très reconnaissant.

Veillez agréer, cher monsieur Cloutier, l'assurance de mes meilleurs sentiments.

Le Solliciteur général adjoint,

ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
R. TASSE

Roger Tassé


D.G. COBB/ml
pièce jointe

M. S. Cloutier,
Sous-ministre,
Ministère de la Défense nationale,
125, rue Elgin,
OTTAWA, Ontario
K1A 0K2

119-2

OTTAWA, Ontario
K1A 0P8

February 28, 1973

The Honourable Dalton Bales,
Minister of Justice and Attorney General
for the Province of Ontario,
Parliament Buildings,
TORONTO, Ontario

Dear Mr. Bales:

I have the honour to convey to you herewith a copy of the Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary During April, 1971, which will be tabled in the House of Commons tomorrow, March 1st.

The assistance of the Government of the Province of Ontario in the matter of the disturbances at Kingston Penitentiary was significant and valuable and, needless to say much appreciated by this Ministry.

I sincerely hope you will find the Report of interest.

Yours sincerely,

Original Signed by
Original Signé par
Warren Allmand

Warren Allmand

DGCOBB/ml

Att.

P. II

119-2

Ottawa, Ontario
K1A 0P8

February 26, 1973

Mr. R. Grant,
Chief, "H" Section,
Printing Operations Branch,
Printing Bureau Bldg.,
Ottawa K1A 0S7

Report of Kingston Riot Commission of Inquiry

Dear Mr. Grant:

I am now able to authorize you to release copies of this report in anticipation of it being tabled this week in Parliament.

Would you please effect distribution as follows:

1. To myself, the bearer of this letter, 100 English and 50 French copies.
2. As soon as possible, shipment of 1,500 English and 500 French copies to Bulk Stores (Information Canada) for Information Canada sale and distribution.
3. 500 English and 200 French copies to Parliamentary Distribution, House of Commons, to be held until the report is tabled.
4. When feasible, shipment of the remainder of the press run to Information Services, Dept. of Solicitor General, Third Floor, Ottawa Journal Bldg.

Yours sincerely,

S.L. Roberts

S.L. Roberts,
A/Director, Information



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

119-2

TO
À

DEPUTY SOLICITOR GENERAL

FROM
DE

INGER HANSEN
LEGAL OFFICER

SECURITY - CLASSIFICATION - DE SÉCURITÉ
<u>CONFIDENTIAL</u>
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE January 19, 1973

for file on trackhouse referred

Jan 20/73

SUBJECT
OBJET

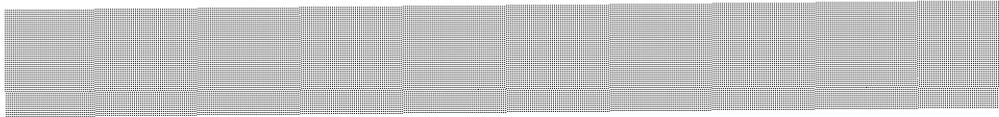
Kingston Disturbance, April 1971

As requested, the following are statistics on inmates, showing numbers transferred and numbers injured:

Inmates in Kingston at the time of the disturbance	641
Inmates left in Kingston after the disturbance	351
	<hr/>
	290
Inmates transferred	
Collins Bay	50
Warkworth	24
Joyceville	30
Millhaven	186
	<hr/>
	290

Of those transferred to Millhaven, 78 complained to the two doctors and the wording of the complaint in each case is attached.

Criminal charges were laid in respect of injuries to:



s.19(1)

Inger Hansen
INGER HANSEN

This inmate states that on the date of his transfer to Millhaven Institution, he was beaten at the backs of the legs and buttocks by "five or six guards" with large clubs. He says he has suffered no permanent injury but some bruising occurred which has been healing since that time. He is not certain of the date of his transfer to this Institution .

On examination at the present time, he shows a resolving hematoma about two inches in diameter on the posterior surfaces of the right thigh somewhat towards the medial margin which is slightly tender to palpation. No other injury was claimed or diagnosed. Dr. D. G. Workman

I concur with Dr. D. G. Workman, that this man claims to have sustained an injury produced by a guard or guards when he was transferred to this Institution. Apparently, he claims he was hit about the legs and back with a club.

On examination he has a small resolving hematoma about three inches in diameter on the medial aspect of the right thigh. Dr. R. N. James

s.19(1)

BEST AVAILABLE COPY

States that on the day of arrival at Millhaven Institution (he does not know the day), he was struck with billy clubs by the guards and was forced to "run the gauntlet". He states that he was hit about the buttocks and thighs and was tripped and fell, hurting his left ankle. On examination he shows marked bruising over the medial margin of the left ankle - about three inches in diameter. No swelling is present. Function appears normal. He also shows a two inch resolving hematoma over the right middle buttocks area. No other evidence of recent injury except for two healing lacerations about one inch long on the lower anterior left tibia.

s.19(1)

DR. JAMES:-

This man claims that on transfer to Millhaven Institution -- he was not sure of the date -- he was struck by the guards carrying billy clubs, sustaining injuries to his lower body. On examination he has resolving hematomas of his right buttock and also of the inner aspect of his left ankle just below the malleolus.

..... ll

s.19(1)

.....

DR. WORKMAN:-

✓ Inmate states that on his admission which he believes was on a Tuesday, he was beaten not severely by guards wielding Billy Clubs about the buttocks and the upper legs, at the back. States that this produced no bruising at the time and no discernable injury. No other complaints.

.....

DR. JAMES:

This man claims that on transfer to M.I. he was struck by guards carrying billies. He sustained (he claims) little or no injury and no bruising. He has no complaints.

.....

J [REDACTED] Inmate states that he was beaten after his arrival here on two separate occasions within five minutes, by guards. He states that he was beaten about the left eye, left ear, back of the skull, shoulders, and legs. He says he still has difficulty with humming in his left ear. On examination he shows little evidence of external injury at the present time. This examiner finds he had a left "black eye" and a hematoma about the left external cartilage on 21 April plus a left serous otitis present. He shows none of these and he also complains of some bruising about the lower legs which do show healing abrasions. He also shows a small healed laceration of the occipital area approximately about one half inch or less in length. Dr. D. G. Workman.

This man claims that after admission to this Millhaven Institution he was beaten on two occasions five minutes apart. He was beaten about the head, left shoulder, left eye, and ear and left knee, On examination to day he shows as his only complaint a humming in the ear and shows nothing but a very small healed laceration of the occipital area. Dr. R. H. James.

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page 15

DR. WORKMAN:-

✓
Inmate states that on date of admission he was hit by officers with clubs over the lower back and upper thighs, posteriorly. On examination he shows a questionable, almost totally resolved hematoma about one inch in diameter on the right posterior mid thigh. No other evidence of recent or old injury.

DR. JAMES:-

This man claims that on transfer to Millhaven Institution he was beaten by guards holding billy clubs. On examination today he shows only a small resolving hematoma on his right posterior thigh.

s.19(1)

[REDACTED] DR. WORKMAN:-

✓
Inmate complains that on the date of his arrival
to Millhaven Institution, April 20th, 1971 he was
struck numerous times by the guards armed with
clubs. Injury was received to his left anterior
knee and posterior thighs, he stated. On examination
he does show an area of marked tenderness and swelling
over the left anterior tibial tubercle. This area is
swollen and tender and I would suggest that an x-ray
be taken to rule out a fracture of the tibial tubercle.

[REDACTED] DR. JAMES:-

This man claims that on transfer to Millhaven Institution
April 20th, 1971 he was hit about the lower body by
guards carrying clubs. On examination today he has
a very tender swollen area over the tibial tubercle
on his left leg and he also has a small resolving hema-
toma on the lower aspect of the same thigh.

DR. WORKMAN:-

j
[REDACTED]
Inmate states that on his arrival on April 20 at Millhaven Institution he was tripped by a guard while running in. When he went to get up he states that he was kicked in the upper abdomen by the guard which produced immediate discomfort. He states that at present he has no discomfort or disability resulting from this injury. On examination he shows no evidence of injury. He complains of a slight epigastric tenderness but states he has suffered with this for some time and he says he has a "nervous stomach".

DR. JAMES:-

s.19(1)
This man claims that on transfer to this Institution he was kicked in the stomach by a guard after being initially tripped. At the present time he has no complaints. On examination he has mild epigastric tenderness, but no other physical signs of residual damage. His only complaint is indigestion and "stomach trouble" which he has had for some time.

DR. WORKMAN:-

[REDACTED]

DR. WORKMAN:-

Inmate states that on his arrival at M.I. 20 April 1971 he was hit six(6) to eight(8) times about the buttocks and posterior by guards armed with clubs. On examination, he shows a round one and one half(1½) inch resolving hematoma on the mis/posterior right thigh. No evidence of other injury could be found.

.....

[REDACTED]

DR. JAMES

This man claims that on transfer to M.I. on 20 April 1971, he was struck about the buttocks and lower legs by guards with night sticks. On examination, he shows a small resolving hematoma of the right upper thigh posterior aspect.

.....

s.19(1)

.....

DR. WORKMAN:-

Inmate states that on the time of his arrival and transfer here from K.P. to M.I. on 20 April 1971, he was struck by several guards about the left elbow joint and the buttocks and posterior thighs. On examination he shows a large four to six inch resolving hematoma over the left elbow joint with moderate tenderness over lateral epicondyle and he shows no hematomas or discolorations over the buttocks or posterior thighs. I would recommend he have his left elbow x-rayed, no other findings - impression - rule out fracture about the left elbow.

.....

DR. JAMES:-

This man on 20 April 1971 upon transfer to Millhaven Inst. claims that he was beaten by guards with billy clubs about the left arm, buttocks and back. His only complaint at the present time is soreness of his left elbow. Examination of his back and buttocks is negative but he does have a contusion and abrasion of his epicondyle of his left elbow. Recommendation - x-ray of his left elbow to rule out possible fracture. He has good movement of the left elbow at the present time.

.....

DR. WORKMAN*-

This man also complains that he was not treated for his anxiety state brought on by the riot for five(5) or six(6) days following his admission to the Millhaven Institution. He was seen by myself on 27 April 1971 and medication was prescribed.

.....

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page.../2

DR. WORKMAN:-

Inmate states that on his arrival at Millhaven Institution April 20, 1971 he was clubbed and hit numerous times by the guards. He was hit across the left wrist, left anterior chest, buttocks and thighs. On examination he shows a resolving hematoma and marked tenderness over the point of and just distal to the end of the ulnar styloid on the left wrist. There is no limitation of motion except for that imposed by discomfort. He also shows a small one inch resolving hematoma present over the left posterior upper thigh near the buttocks. No other injuries are evident. I would suggest x-ray of the left wrist to rule out fracture.

DR. JAMES:-

This man claims that on transfer to the Millhaven Institution he is undecided that he was struck about the wrist and back by guards carrying billy clubs. He just complains at the present time of tenderness of his left wrist. On examination he had a point of marked tenderness just below the ulner styloid on the left wrist and a three inch resolving hematoma below the buttock on the right thigh.

██████████
DR. WORKMAN:-

✓ This inmate complains of running the gauntlet April 20, guards, clubs, etc. On examination he shows a small resolving hematoma on the right upper arm and a large five inch in diameter hematoma on the right buttock which he says is not giving him much discomfort. No other findings.

██████████
DR. JAMES:-

This man claims that he was beaten by the guards carrying clubs on admission to Millhaven Institution. On examination he has a hematoma of his right buttock and also his right upper arm, just above the elbow. He has no complaint at this time.

s.19(1)

✓
[REDACTED] Inmate states without complaint that he has a small bruise which may not still be present on the posterior thighs administered by guards due to his not progressing rapidly enough on his admission to the Millhaven Institution.

On examination:- he shows two linear resolving hematomas both about three inches long by one half inch wide on the right upper posterior thigh with no evidence of deep injury which are non tender on palpation. Dr. D. G. Workman.

-----I concur with the account rendered by Dr. D. G. Workman. Examination:- is equally the same. This man shows almost completely resolved hematomas of approximately six inches long on the back of the right thigh. They are not tender on palpation. Dr. R. H. James.

J [redacted] Inmate complains that he was removed from his cell and transferred on the night of 19 April 1971 and beaten by guards in transit. He states that he was hit about the right shoulder, lower back, and right arm and the guards broke his teeth which were lost at that time. The teeth referred to are upper dentures. At the time of the examination we examined a set of upper dentures which were broke into two major and several minor fragments. On examination at present he is edentulous for the mandibular area with the upper denture being absent. The fit of the upper denture was not confirmed, - to confirm that it was his denture. I would suggest that this be done by a dentist as required. He complains of tenderness still with shooting pains from the right shoulder down to the elbow laterally. He shows a resolving hematoma about the outer margin of the right upper arm, no dysfunction is present. He complains of some low back pain which has been present for some time and with which has been present for some time with which he says was aggravated by the recent circumstances. Dr. D. G. Forshaw.

-----This man claims that on 19 April 1971 around seven P.M. or eight P.M. he was transferred from "F" block to "C" block and enroute was beaten by guards carrying clubs. His complaint at the present time is 1) a broken denture - upper denture
2) pain in the right shoulder due to the beating.
The broken dentures are in evidence at this inquiry. On examination

[redacted] Dent'd-----

he shows only a healing linear hematoma on the outer aspect of his right shoulder. No other evidence of injury.
Dr. R. H. James.

s.19(1)

████████████████████ DR. WORKMAN:-

✓ Inmate states that on the date of arrival at this Institution he was kicked in the back which he locates about the buttocks by a guard with his boot, and given a couple of "whacks" on the side of the leg. He states that this did not result in injury at the time or bruising, but was just to register a complaint.

.....

████████████████████ DR. JAMES:

This man claims that on transfer to this institution he was kicked by a guard in the back and then given a few "whacks" This caused very little damage and little discomfort and produced no bruising or injury.

Inmate claims that on his arrival at Millhaven

Institution he was struck by guards about the right elbow and his forearm that he is still complaining of discomfort in this area.

On Examination - he shows no evidence of injury at present about the right elbow. He still shows local tenderness about the base of the fifth right metacarpal laterally with no palpable deformity of the bone. I would suggest an x-ray of his right hand to rule out a possible fracture of the fifth metacarpal. Dr. D.G. Warkman.

.....

This man claims that on his arrival to Millhaven Institution he was beaten by guards with clubs.

On Examination -he shows no obvious signs if injury, but, does have some tenderness on the ulnar aspect of the fifth met,carpal right hand, X-ray, to rule out fracture is advised. Dr. R.N. James

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page .../4

DR. WORKMAN:-

✓
Inmate states that on the date of arrival to Millhaven Institution, April 20th, 1971, he received numerous blows about the buttocks and lower back and limbs at the hands of guards wielding riot sticks. On examination he shows two resolving hematomas about one centimeter in diameter, both on the anterior tibias about two-thirds of the way down between the knee and the ankle joint. He also complains about tenderness on direct pressure over the tip of the coccyx. No other injuries are discernable.

DR. JAMES:-

This man claims that on April 20th, 1971 he was assaulted by guards on his transfer to Millhaven Institution. He claims he was struck with riot clubs. On examination he was found to have two small resolving hematomas, each on the anterior aspect of the tibia on both legs. He also has tenderness over the tip of the coccyx, where he claims he was kicked. There is nothing to find on examination, except a point of tenderness.

which caused him no pain, and he has no residual complaints at the present time.

.....

DR. WORKMAN:-

Inmate claims that on the day of his transfer to the M.I., he was hit in the back of the head by a guard, on his arrival here. The guard hit him with a billy c^o. He cannot identify the guard. He states that he was not knocked unconscious and he has been suffering from headaches since that time, which are severe

(continued) (Dr. Workman)

headaches starting in the occipital area and radiating around laterally to the frontal areas. These headaches come in spasms and were not present before the injury. On examination, his neurologic system is intact. He shows no local contusion or breaking of the skin over the occipital area and no other evidence of injury. It is difficult to ascertain whether the headaches are really a post traumatic headache, and whether they are feigned or whether they are a neurotic tension manifestation.

.....

DR. JAMES:-

This man claims that he was struck on the head two(2) or three(3) times by guards upon his transfer to Millhaven Institution on Tuesday, 20 April 1971. Since that time he has been suffering from severe headaches. He denies having any prior to this. On examination, there is nothing to find except for tenderness over the occipital region which he points to as the area that was struck.

.....

DR. WORKMAN:-

This inmate states that on Tuesday the 20th of April on his arrival at Millhaven Institution he was beaten by guards using clubs about the buttocks and legs which are resolving satisfactorily but is complaining of swelling of the right leg where he had an old injury. On examination he shows slight swelling of the anterior tibial compartment below the right knee with no definite evidence of recent hematoma. He does show a three inch by one inch resolving hematoma about the right upper posterior thigh.

DR. JAMES:-

This man claims that he was beaten when he arrived at Millhaven Institution on April 20 when he was struck by billy clubs carried by guards. This caused his primary complaint which is swelling of his right leg where he had sustained an earlier injury some two years before. On examination today there is some slight swelling of his knee on that side and also a small hematoma which is resolving in the right upper thigh.

s.19(1)

DR. WORKMAN:-

This inmate states on April 20 he was forced to run the gauntlet by the guards and was struck about the buttocks and thighs and the right shoulder posteriorly. On examination [redacted] shows a large resolving hematoma over the left posterior thigh, there is no evidence remaining of injury of the right shoulder and he complains of tenderness and his jaw catching on the right side around the right tempero-mandibular joint. Impression - contusions and abrasions which suggest x-ray in ten days time if jaw is not subsided completely.

DR. JAMES:-

This man complains that on admission to Millhaven Institution he was beaten by guards carrying clubs. He complains at the present time of soreness in the right jaw area at the area of the tempero-mandibular joint and also has some discomfort with the right shoulder. On examination the shoulder was negative, he had tenderness in the tempero-mandibular joint and he had a linear resolving hematoma of the left mid thigh posterior aspect.

s.19(1)

Tape #6 (continued)

page..8

.....

.....
[REDACTED] - inmate states that on the day of arrival at Millhaven Institution which he believes to have been Wednesday, he was made to "run the gauntlet" by the guards wielding clubs but he was able to run very quickly and was able to escape any injury except for light blows to the lower legs. On examination, he shows no sign of recent injury. Dr. D.G. Workman

.....

[REDACTED] -this man claims that on transfer to Millhaven Institution on Wednesday, 21 April, 1971 he ran "a gauntlet" - claims that he was able to run fast enough so that all blows were light. He sustained no discernable bruises. On examination today, there was nothing to be found. Dr. R.N. James

s.19(1)

✓ [REDACTED]-inmate states that on the date of arrival here he was forced to 'run the gauntlet' by guards and was struck a few times about the back and lower legs. Without injury at the time or at present. He states there were no bruises present then or now.

Dr. D.G. Workman

.....
[REDACTED]-this man claims that on transfer to this institution on 21 April 1971, he was forced to run 'the gauntlet' but suffered no injury and denies any bruising at the time. There was no examination at this time, as I did not feel this was necessary.

Dr. R.N. James

✓ [REDACTED] DR. WORKMAN:-

Inmate claims that on his arrival by transfer here to M.I. on Tuesday, 20 April 1971, he was hit by a guard(s) with clubs from behind as he ran in. On examination, he shows a vertical hematoma about four(4) inches by one(1) inch long on the medial aspect of the left calf. No other injuries are evident or found.

.....

[REDACTED] DR. JAMES:

This man claims that on transfer to M.I. on Tuesday, 20 April 1971, he was struck about the buttocks and lower legs with clubs by guards, producing bruising. On examination, he has a four(4) inch linear resolving hematoma on the medial aspect of his left lower leg.

page.../14

[redacted] Inmate states that he was "beaten methodically" by
guards on his arrival at Millhaven Institution Monday 19 April 1971
by guards wielding clubs, from the shoulders down, posteriorly.
On examination the inmate shows only resolving abrasions about the
anterior margins of both knees. He states that he had several bruises
which have resolved in the interval between the time of the beating
and the present time. Dr. D. G. Workman.

----- This man claims that on transfer to Millhaven Institution
he was beaten by guards carrying clubs, from the top to the bottom.
On examination today he shows two small abrasions to both knees which

page [redacted] -----Cont'd

he claims were produced by falls when he was struck. There is no
evidence of other bruising or injuries. Dr. R. N. James.

✓ [REDACTED] DR. WORKMAN:-

Inmate shows multiple hematomas which he claims he sustained in the transfer to this Institution when he had to "run the gauntlet". On examination he shows large hematomas on both calves and thighs posteriorly also anteriorly on the right calf and also two hematomas of the buttocks. All are resolving.

[REDACTED] DR. JAMES:-

Inmate claims that when he was admitted to the Millhaven Institution on Wednesday, April 21, he was beaten by guards carrying billy clubs. On examination he had a hematoma of his right shin, his left calf, his posterior thigh and his left buttocks as well as a hematoma resolving in his left posterior thigh. He had no specific complaints at this time.

BOARD OF INQUIRY - TAPE #5 - 28 APRIL 1971

Page 10

✓ [REDACTED] DR. WORKMAN:-

This inmate complains of being attacked by guards on his arrival at the Millhaven Institution with clubs. He shows a healing abrasion and laceration over the right anterior tibial area and tenderness over the adductor tendon at the point of the right wrist.

[REDACTED] DR. JAMES:-

This man complains that he was beaten with clubs on his arrival to the Institution. On examination today he has abrasions of his right shin and a contusion on his right wrist, some tenderness but no obvious fractures.

██████████ Inmate states that on the date of arrival at Millhaven Institution which he thinks was a Wednesday, he was struck about the back, buttocks, and upper thighs by the guards with clubs. On examination he shows a questionable resolving hematoma about the right calf. It is difficult to be certain whether this was a large hematoma or in fact a hematoma at all. No other injuries found. Dr. D. G. Workman.

This man claims that on transfer to Millhaven Institution on Wednesday 21 April 1971 he was beaten by guards carrying clubs. On examination there are no positive findings. There is a questionable area on the left leg which he claims was due to a blow by a club. But this is a very questionable area and I could not make a positive identification of any true injury here, Dr. R. N. James.

[REDACTED] DR. WORKMAN:-

J Inmate complains of having to run the gauntlet and being struck by guards with clubs on April 21. On examination he shows hematomas on both buttocks and the popliteal areas particularly on the left where there is a hematoma almost four inches in diameter. He also complains of tenderness and soreness where he was struck over the left posterior chest which is aggravated slightly by deep inspiration. There is a small hematoma there; lung fields are clear.

[REDACTED] DR. JAMES:-

This man complains that when he was transferred to Millhaven Institution he was struck by guards carrying clubs. On examination today he has hematomas on both buttocks and extensive hematomas of his left popliteal area and a small hematoma just above the popliteal area on the right side. He also complains of pain in the left posterior chest but on examination no injuries are found.

.....6

DR. WORKMAN:-

This inmate states that on his day of admission to Millhaven Institution, April 21, he was forced to "run the gauntlet" by the guards and was struck about the buttocks and posterior thighs. On examination he shows a three inch resolving hematoma on the inner middle aspect of the right thigh. No other objective evidence of injury.

DR. JAMES:-

This inmate ascertains that on admission to Millhaven Institution he was beaten by guards as he ran the gauntlet and stuck in the lower body. On examination today he shows only a resolving hematoma on the inner aspect of the right thigh.

..... 8

██████████ states that a Document divulgué sans restriction de l'accès à l'information
he was beaten by guards armed with clubs resulting in blows to the
left shoulder, to the lower sacral area of his back and was kicked
in the right inner knee. On examination he shows only a resolving
hematoma (small) on the right inner knee and he complains of
tenderness to deep palpation over the lumbo sacral area. No other
evidence of injury.

██████████ DR. JAMES:-

This man claims that he was beaten by guards on his transfer to
Millhaven Institution on Wednesday April 21, 1971. On examination
there is nothing to find on physical examination except some
tenderness in the lumbo-sacral area although he does complain of
some discomfort in the shoulder and lumbo-sacral area.

s.19(1)

6

Tape # 6 cont'd.

✓ [REDACTED] Inmate states that on the day of admission to Millhaven Institution which he states was a Monday he was struck about the head and legs by guards weilding "billy clubs". On examination he shows a one and a quarter by one and a half inch healing laceration over the superior portion of the skull, slightly anterior to the left. This is a linear laceration, the age is compatible with the date of the injury. He also shows a healing laceration about one half inch in length over the frontal area, also about the same age. He also shows tenderness and complains of inability to move his right knee satisfactorily. On examination I would suggest the right patella be Xrayed so as to rule out claims on future injuries. He also shows a two linear hematomas about three inches by one half inch about the right lower lateral leg. Dr. D. G. Workman.

----- This man claims that on transfer to Millhaven Institution Monday 19 April 1971, he was beaten by guards carrying clubs, about the head and the body. On examination today he shows a healing one and one half inch laceration the left midline frontal area also a half inch clean healed laceration of the left eyebrow. He also complains of pain over the left patella, but. on examination there was nothing to find and he shows as well two healing hematomas of the right lower leg. Dr. R. J. James.

/ [REDACTED] Inmate complains that

✓ [REDACTED] Inmate states that on the day of arrival at the Millhaven Institution he received a cut to the right cheek, which was administered or received at the hands of a guard when he was lying on the floor and the guard kicked or stepped on him in that position. He also states that he was beaten about the back and lower thighs posteriorly by the guards wielding billy clubs or some such instruments, On examination he shows an almost completely healed laceration on the right anterior cheek over the zygomatic arch about three quarters of an inch in length and a linear laceration which is well healed and he shows a small area of erythema and roughening of the skin about the left posterior upper buttock which he states is an area of bruising which is almost resolved. I would not be certain that such were the case. He also shows a small resolving abrasion over the left anterior tibial tubercle.

Dr. D. G. Workman.

----- This man claims that on transfer to Millhaven Institution he was beaten by guards and as he fell he was kicked in the face. On examination he has a small one half inch healed laceration of his right cheek over the area of the zygomatic arch duration of which is at least a few weeks old. He also has a smaller resolving hematoma on the right back just above the buttocks he has also a very small abrasion on his knee which he claims was produced at the same time. Dr. R. N. James.

✓ [redacted] -inmate states that on the day of arrival -
21 April 1971, he was struck about the back and legs by
guards wielding clubs. On examination, he shows a resolving
hermatoma just above his posterior and to the left knee
which is almost completely resolved. Dr. D.G. Workman

.....

[redacted]: this man claims that on transfer to M.I. on
21 April, he was beaten by guards w ielding clubs. On
examination today, he shows a small resolving hematoma of the
left leg just above the left knee. Dr. R.N. James

11

This inmate complains that on his arrival at Millhaven Institution April 21st, 1971 he was forced to "run the gauntlet" by a group of guards armed with clubs. He received injuries to his right elbow, to the back of his head and to his back and lower thighs. He states that subsequent to that he was examined by myself and x-rays ordered over at the Armed Forces Hospital which showed a "fractured skull". He was admitted to the hospital for observation but was returned to the prison hospital at 2:30 a.m. the following morning. He states that since that time he has felt quite well except for a complaint of occipital headache. On examination he shows a healing laceration over the occipital area about $1\frac{1}{2}$ inches in length with sutures still in place. He shows some slight swelling still about the suture area and slight tenderness. He states he still complains of headaches from this and has not received medication for this. He also complains of a persistent tenderness. He shows some tenderness and swelling and a resolving hematoma over the right elbow. He complains of some discomfort on marked pronation originating from the supinator area. He now denies any soreness over his back. He shows no marks of bruising over the buttocks, thighs or back. He shows a small resolving hematoma in the area of the left wrist and knee with no damage. Impression - contusions and abrasions. According to reports received he did suffer a small linear skull fracture which is the reason he was admitted to observation to the prison hospital for forty eight hours following his return from the Forces Hospital.

s.19(1)

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page 13

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on Wednesday 21 April, he sustained injuries by guards carrying clubs and who struck him about the body including the head and he suffered a laceration of the occipital area of the scalp. Apparently on later examination he was found to have a fracture of the skull without depression and was taken to Kingston Military Hospital for observation. At the present time his only complaint is some dizziness and headache, and on examination he has two areas of injury; a healing laceration of his occipital area about 1½ to 2 inches which still has sutures, and secondly a large resolving hematoma of his right elbow which causes pain when he extends the elbow. There are no other injuries discernable on this examination.

s.19(1)

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page 18

DR. WORKMAN:-

States that on the date of arrival at Millhaven Institution, probably on Wednesday, he was struck about the back, the lower back buttocks, thighs and calves by the guards. On examination he shows hematomas on the left buttocks, both thighs and both calves. They are all approximately 3 to 4 inches in diameter and resolving satisfactorily.

Note. This inmate complained of hematuria when examined by myself earlier but was unable to void in anyone's presence, even after a fluid load and was requested to return with a urine sample to the hospital. He failed to do so.

s.19(1)

DR. JAMES:-

This man claims that on transfer to Millhaven Institution April 21st, Wednesday, he "ran the gauntlet", that is he was struck on the back and the buttocks by guards carrying clubs. On examination he had multiple hematomas involving the left buttocks, both upper thighs and a rather extensive hematoma resolving in both areas of the gastrocnemius muscles. He has no complaints at the present time.

..... 18

s.19(1)

✓ Inmate complains that he was beaten by guards with billy clubs on the date of his arrival at Millhaven Institution, which he believes was on a Tuesday. He states he was beaten with billy clubs about the buttocks and thighs posteriorly. On examination, he shows a small resolving hematoma on the right shoulder - a three(3) inch by one(1) inch resolving hematoma on the right middle thigh posteriorly. No other injuries or complaints of tenderness or pain at present.

.....

DR. JAMES:

This man claims that he was struck about the back and buttocks by guards with billy clubs on his transfer to this institution approx. Tuesday, 20 April 1971. On examination he has a small resolving hematoma on the right shoulder and also two(2) small hematomas on the posterior aspect of his right thigh.

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s.19(1)

BOARD OF INQUIRY - TAPE NO: 7 - 5 May 1971

page.../5

DR. WORKMAN:-

Inmate states that on arrival at M.I. he was jabbed in the left lower quadrant by a guard with a billy club which he asserts has resulted in the recurrence of a hernia which was repaired earlier this year. He states that he had previously been on light duty. On examination he showed questionable recurrence inguinal hernia with a hernial incision above this area. The inmate has been referred to Dr. Neuman for evaluation on this date. N.B.: The inmate was seen shortly after transfer here for recurrence of the hernia and at this time there was no evidence of recent injury or bruising in the area.

.....

DR. JAMES:

This man claims that on transfer to M.I. he was struck in the left groin precipitating a recurrence of a hernia which he had repaired three(3) months prior to this date. On examination today, he shows no sign of injury, no hematoma or contusion. He has no signs of hernia, in fact, there is a more muscle laxity on the right side. This seems to be in excellent repair on the side the patient complains of. He is to be seen by the surgeon who repaired the hernia this afternoon.

.....

DR. WORKMAN:-

✓
Inmate stated that on the day of his transfer 20 April 1971 he was hit upon the buttocks and upper legs by several guards with long sticks while he was entering the Millhaven Inst. On examination he shows a resolving hematoma about three(3) inches long by three quarters($\frac{3}{4}$) of an inch wide on his right posterior thigh about one third($\frac{1}{3}$) of the way between the head of the femur and the knee. He also shows a small area of tenderness just about the right medial malleolus, which he attributes to the shackles which were worn at that time. On leaving, the inmate stated that he was not certain whether this injury was sustained by action of inmates or guards of this earlier date.

s.19(1)

N.B. -- I am a witness and with reference to this last statement of Dr. Workman's, I concur - this man volunteered this statement.-
Dr. James.

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DR. JAMES:-

This man claims that he had been struck in the back and legs by guards when he was transferred to Millhaven Institution. On examination he had a small resolving hematoma of the right posterior thigh. There are no other injuries, except, complaint of tenderness of the right ankle due to the point of a shackle of the leg chains.

[REDACTED] DR. WORKMAN:-

Inmate states that on his arrival here from Kingston Penitentiary April 20th, 1971 he was made to "run the gauntlet" of guards and was struck numerous times by clubs and billies about the arms, chest, buttocks, and upper thighs. He also states that some valuable papers were taken from him which were not returned. This loss occurred when he was leaving the main dome. On examination he shows a small resolving hematoma about the left posterior upper arm. He also shows a resolving hematoma about $1\frac{1}{2}$ inches in diameter about the left posterior upper thigh. No other objective evidence of injuries were present at this time.

[REDACTED] DR. JAMES:-

s.19(1) This man claims that he was beaten by guards with billy clubs upon transfer to this Institution on April 20th. He was struck about the back and chest and arms. On examination he was found to have a small resolving hematoma of his left upper arm and a large hematoma on his right buttock. No other sign of injury was discernable.

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[REDACTED] DR. WORKMAN:-

J. Inmate states that on the date of arrival, he was struck across the back of the neck and the buttocks by guards armed with clubs and/or bamboo poles. On examination he states he feels fine at present and he showed no sign of injury at the present time.

[REDACTED] DR. JAMES:-

*This man claims that on admission to this Institution he was forced to run the gauntlet of guards and they struck him about the neck and back with clubs. On examination today there was nothing to find and he has no complaints.

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[REDACTED] Inmate states that on the date of admission to Mill Haven Institution when he was being examined by a guard he was ordered to lift one foot. This was not lifted high enough to satisfy the guard and he was hit by a club on the right leg which knocked him down so that he fell striking his left knee. He states at the present he has no complaints referable to either his right leg or his knee. On examination:- there are no findings and the inmate denies any discomfort. Dr D. G. Workman.

----- I concur with Dr. D. G. Workman's account of this man's story of injury. I'll only add at the present time he has no complaint. On Examination :- this man shows no visible signs of injury. Dr. R. W. James.

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DR. WORKMAN#-

Inmate states that on his arrival at the M.I. which he believes occurred on a Tuesday, 20 April 1971, inmate had to "run the gauntlet" and was struck three(3) or four(4) times by clubs and a 'Black Jack'. He states he was hit about the left shoulder, buttocks and posterior thighs. On examination at present he shows a bruise about three quarters(3/4) of an inch in diameter, which is resolving present on the left middle upper arm just below the insertion of the deltoid muscle. No other disability or injury is found at this examination.

.....

.....

DR. JAMES

This man claims that on transfer to M.I. on Tuesday, 20 April 1971, that he was struck about the shoulder and back by a club and black jack sustaining bruises. Examination shows a small resolving hematoma of the left upper arm, no other signs of injury were apparent.

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JARD OF INQUIRY - TAPE #5 - 28 APRIL 1971

Page..../4

 DR. WORKMAN:-

✓
Inmate states that on the date of arrival at the Institution April 21 he was struck at the upper dorsal spine area by a billy club. He states that there has been no tenderness since that time and that he was not hit anywhere else. On examination he shows deep muscle tenderness without external evidence or bruising over approximately the area of the fourth to fifth dorsal vertabrae to the left in the muscle mass which I believe would be due to hemorrhage into the muscle mass of a moderate degree. No other evidence of injury, lung fields are clear.

 DR. JAMES:-

This man claims that on transfer to Millhaven Institution on April 21 Wednesday he was forced to run a gauntlet of guards carrying clubs and was struck in the upper back. On examination there is no apparent bruising but there is tenderness in the left scapular area due to internal contusion.

DR. WORKMAN:-

✓
Inmate complains that he was hit by a club on his arrival and that he received a blow over the tip of the lower end of the right ulnar on the dorsal side which resulted in swelling and tenderness. On examination there is little detectable difference between the ulnar tubercles or swellings on both wrists and no objective evidence of recent injury. I would suggest that this inmate have this area x-rayed. I doubt that he has actually had recent injury.

DR. JAMES:-

This man claims that on transfer to Millhaven Institution he was beaten about the body by guards as he "ran the gauntlet" and his complaint at the present time is tenderness in the right wrist. On examination, the only abnormality is swelling at the tip of the ulna, the right wrist and it is suggested that an x-ray be taken to rule out the possibility of fracture, although this is doubtful.

s.19(1)

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This inmate claims that on date of arrival 21 April 1971 he was beaten about the legs and back by guards on his way into the Millhaven Institution. On examination the inmate shows a resolving hematoma on about two inches long and a half inch in width about the lateral margin about the right tibial tubercle. This is about totally resolved. He shows no other marks of trauma except perhaps a resolving hematoma above the left posterior superior iliac crest which shows, seems to be more of a minor abrasion. No other positive findings at this time. Dr. D. G. Workman.

[redacted] Cont'd.-----

-----This man claims that on 21 April 1971 on his transfer to Millhaven Institution he was beaten with clubs by guards. On examination today he shows a small resolving hematoma over the left iliac crest and also the lateral aspect of his right knee. Dr. R. N. James.

DR. WORKMAN:-

✓
[REDACTED]
Inmate states that on Wednesday April 21st, 1971 on his arrival at Millhaven Institution from Kingston Penitentiary he was hit several dozen times by guards armed with clubs and also was hit with a billy and kicked and kneed in the groin. He also says that he was struck in the back of the head, buttocks and posterior thighs. He states that the head injury did not produce a loss of consciousness or knock him off his feet. Subsequently, he was taken to the prison hospital where the wound was sutured. He was examined the next day by myself. His wounds were examined and an x-ray was ordered. He has no other complaints except

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BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page 7

DR. JAMES (Cont'd)

his right thigh and two smaller resolving hematomas on the lower leg. He has a large hematoma of the right inguinal area which is tender upon palpation but there is no signs of hernia, and he has a resolving hematoma on the left buttock and a very small resolving hematoma on the left upper thigh and one just below the buttocks. Diagnosis - Laceration of the scalp healing and (repaired) no fracture.

- Multiple large contusions of the lower legs and buttocks.

s.19(1)

JARD OF INQUIRY - TAPE #5 - 28 APRIL 1971

Page.....3

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on Wednesday, April 21, he was forced to run a gauntlet of guards carrying clubs and was struck on the lower body. On examination he has hematomas resolving on both buttocks and a small abrasion just above the right buttock and a large hematoma of the left calf.

DR. WORKMAN:-

This man complains of having to run the gauntlet on Wednesday April 21. On examination he showed a resolving hematoma two inches in diameter on each buttock; he shows a large six inch by three inch resolving hematoma on the left calf and a small abrasion above the left buttock which may or may not be related to the same sequence of time. No other evidence of recent injury.

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JARD OF INQUIRY - TAPE #5 - 28 April 1971

Page.../2

DR. WORKMAN:-

Inmate complains about being forced "to run the gauntlet" Wednesday, April 21 and complains about being injured about the left hip and lower back. States that since that time his back was very stiff and sore but under medication this is improved. He still complains of some tenderness in the area and over the left hip. He claims that subsequently he has begun to suffer from tension headaches and pain in the back of his neck. On examination he shows some flattening of the lumbo sacral spine, no evidence of recent injury, some slight spasm of the muscle in this area. He shows a large resolving hematoma about four inches by two inches over the left hip from the greater trochanter to about three inches below. No other evidence of recent injury.

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on April 21, Wednesday, he ran a gauntlet of guards carrying clubs and was struck on the left hip. His complaints at the present time however are mainly pain and discomfort in the neck which he feels may be related to his injury on that day. On examination this man has only a hematoma on the left hip measuring about three inches by one and a half inches. I might add that I can find no connection between his injuries sustained on the 21st and his complaints of headache and neck pain at the present time.

████████████████████ DR. WORKMAN:-

✓ ██████████ states that on his arrival here on 20 April 1971 he was struck twice by guards on his arrival - once in the left anterior chest and once on the right posterior thigh. On Examination he shows a resolving hematoma about two and a half (2½) inches in dia. over the left anterior upper chest with marked tenderness noted over the medial end of the left clavicle which appears somewhat less prominent than the right. He also shows a three (3) inch by one (and a half (1½) inch resolving hematoma high up on the right posterior upper thigh which is not markedly tender, I would suggest x-ray to the left clavicle to rule out fracture. No other injury.

.....

████████████████████ DR. WORKMAN:-

This man claims that on transfer on 20 April 1971 to Millhaven Institution he was hit about the chest and thighs by guards with billy clubs. On examination today, he has a resolving hematoma below the left clavicle and marked tenderness on his clavicle. He also has a large five (5) inch resolving hematoma over the buttocks on his right upper leg. Recommendation - X-ray of his clavicle to rule out possible fracture.

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████████████████████ DR. WORKMAN:-

s.19(1)

DR. WORKMAN:-

✓
Inmate states that on Wednesday, April 21 on admittance to Millhaven Institution he was forced to "run the gauntlet" by the guards and was beaten about the back, buttocks, and thighs with clubs. On examination he shows large five inch resolving hematomas on the right buttock and two hematomas on the right posterior thigh about four inches apart, both about four inches in diameter.

DR. JAMES:-

This man claims that on transfer to Millhaven Institution on April 21 he was struck by guards carrying clubs. On examination he has a rather large hematoma of the right buttock and also two large hematomas of the posterior aspect of his right thigh.

BOARD OF INQUIRY - Tape # 3 - 28 April 1971

page///1

DR. WORKMAN:-

States that he has no complaints although he was hit a couple of times on the back with a riot stick by a guard. He states that he was not hit hard and does not know if there is any bruising. He states that this occurred at the Millhaven Inst. On examination, he shows no sign of injury nor areas of tenderness and has no complaints.

.....

This man in question said he had no complaints but because he was hesitant, was questioned more directly and did admit to being struck on the back by guards on his transfer to this Institution(M.I.). He had no complaints referable to this at the present time. On examination, there was nothing.

s.19(1)

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✓
[REDACTED] DR. WORKMAN:-

States that on arrival here Wednesday he was hit about the buttocks and thighs by guards armed with clubs. On examination he shows almost identical three inch by one-inch hematomas across the upper third of his posterior thighs bilaterally which are almost totally resolved.

[REDACTED] DR. JAMES:-

This man claims that on transfer to Millhaven Institution on Wednesday April 21st, he was hit about the lower back and thighs by guards with clubs. On examination he has linear resolving hematomas of the upper thigh both sides.

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38
s.19(1)
[REDACTED]
DR. WORKMAN:-

Inmate first states that he [?]tripped on his way into the Institution and fell, hurting his left shoulder, arm, neck, and as a result has been suffering from blurred vision, headaches and a sore neck and left arm and shoulder. He states he has a previous injury in his left arm and that his left arm is now malformed as compared to his right. On examination he shows no malformation or discernable difference in the shape of his left arm as compared to his right and no wasting. He

complains of tenderness over the entire cervical spine and shoulder joint with no demonstrable tenderness or injury. Impression - No injury of any kind is objectively demonstrated. Inmate demands an x-ray and under the circumstances I would suggest an x-ray of the cervical spine and left shoulder.

[REDACTED]
DR. JAMES:-

This man claims that upon transfer to Millhaven Institution on April 20th, 1971 he was tripped by a guard and sustained injury to his left shoulder, arm and neck. On examination to-day there are no obvious physical disabilities, but this man complains about left shoulder pains, blurred vision and headaches. He has demanded an x-ray of his left arm. It is my feeling that this man has sustained no physical injuries.

[REDACTED]
DR. WORKMAN:-

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page 9

DR. WORKMAN:-

✓
This inmate states that on the date of arrival from
Kingston Penitentiary, he was struck about the
buttocks and thighs by guards armed with clubs.
He did not count the number of times he was struck.
On examination he shows fairly large resolving
hematomas, one on the right gastrocnemius about four
inches in diameter and fairly symmetrical three inch
resolving hematomas, one on each buttock and one on
each posterior thigh, plus a small abrasion on the
right lateral knee area. No other evidence of injury
found.

DR. JAMES:-

This man claims that on transfer to Millhaven Institution
April 20th, 1971 he was hit about the lower body by
guards carrying clubs. On examination he had hematomas
of both upper thighs and both buttocks and a large
hematoma just above the right ankle. There were no dis-
abilities.

✓
[REDACTED]: Inmate claims that on the date of transfer to Millhaven Institution Sunday 13 April 1971 he slipped and twisted his left ankle on a piece of pipe on the stairs and injured it, causing some discomfort locally. He then states he was pushed by a guard on the same date, which resulted in further aggravation of the injury to his ankle. The inmate has a history of fusion of the left ankle. One fusion being performed in 1964 following an injury in California and the second fusion being done by Dr. Hazlett in Kingston. He states that due to the fact his ankle is fused he is unable to run and that this was further aggravated, although, guards who knew him, prevented his being forced to run at the time the inmates were being removed from the Institution.

On examination the inmate's left ankle shows a four and half inch long dorsal scar the ankle joint about the calcaneal and the metatarsal joints appear solidly fused. Forced abduction produces discomfort over this area. All other motions appear stable and are not tender. The forefoot is normally mobile. The area shows no evidence of hematoma or recent swelling but is still somewhat tender on abduction. He also complains of some low back tenderness without radiation which he says was aggravated by some strain. There are no objective findings

Diagnosis:- strain with some possible damage to fusion in left ankle. --Suggest X-Ray of lower spine and left ankle.

Dr. D.G. Workman .

----- I agree with Dr. D.G. Workman's account of this man's history as accurate. Having nothing further to add to his review of this man's history and examination other than to say that there is no apparent injury of recent duration that I can ascertain on examination. He does have a fusion of the left ankle and does have subjective complaints of pain on abduction of the ankle. Dr. R.N. James

✓ [REDACTED] Inmate states that on his arrival at Millhaven Institution which he believes was a Monday, he was forced "to run the gauntlet" of guards armed with what appeared to be baseball bats and was struck about the arms and back. On examination he shows a resolving abrasion about the lateral margin of the left elbow approximately one inch in diameter without any associated detectable bony damage or injury underneath. He also shows some small resolving abrasions about the left anterior tibia about one half the way down. He shows a swelling and tenderness about the right anterior tibia tubercle, which he states was not received during the admission here, and, which is previously documented as being present for some time. No other injuries are evident. Dr. D. G. Workman.

-----This man claims that on transfer to Millhaven Institution Monday 19 April 1971 he was hit by guards carrying baseball bats as he describes it and was hit about the lower legs and arms. His only complaint at the present time is tenderness in the left elbow. On examination he shows an abrasion of his left elbow at the extensor tendons. He also shows healing abrasions of both tibial surfaces surfaces which he claims were due to blows from the clubs. Dr. R. J. [REDACTED]

✓ [REDACTED] This inmate states that when he was entering the Millhaven Institution after an exchange of words with a guard, he was hit by an open hand across the face and lower mandible, which resulted in loosening of three of his lower teeth. He states his teeth have been loose since that time and causing some moderate discomfort. On examination:- he shows a full upper plate which he states was not inserted the time of the injury. He shows severe gingivitis and pyorrhoea of the lower gums with definite loosening of three or four of the anterior lower incisors. It is difficult to judge whether these teeth are loose as a result of his gingivitis and pyorrhoea or whether they are loose as a result of injury.

Dr. D. G. Workman.

-----This man claims that on transfer to Millhaven Institution he was hit in the lower jaw by a guard using the back of his hand, which produced loosening of his lower teeth. He has no other complaints.. On Examination :- this man has severe dental disease involving the gums and the teeth. He does have some loosening of the lower teeth but it is impossible to ascertain whether this is due to his severe dental disease or whether it was aggravated by the injury as described by himself. Dr. R.M. James.

✓ [redacted] Inmate states that on arrival at Millhaven Institution he was struck by guards with clubs, a few times on the back of the head and on the back of the legs. On examination he demonstrates several healed lacerations about his lower legs particularly about the right tibia, and about his lower leg (left). These are indeterminate in age, but in my estimation would be quite old--more than a month. He also complains of tenderness about the left anterior scalp and skull and states "still has a bump there". On examination there is an old elevation of the skull which may be congenital associated with a healed laceration more than one month in age. No other positive findings. Dr. D. G. Workman.

-----This man claims that on transfer to Millhaven Institution he was beaten by guards carrying clubs. On examination today show a number of small healing abrasions about the anterior tibiae of both legs. I agree with Dr. D. G. Workman that these things are at least two weeks, probably considerable older than this, but they are healing. No other signs of injury. Dr. R. M. James.

s.19(1)

[REDACTED] Inmate states that on the date of his arrival at Millhaven Institution he was beaten by guards wielding clubs and what appeared to be small baseball bats about the head, arms, back, lower limbs, and lower body. On examination he showed no evidence at the present time of injury but he complains of pain and tenderness on the left mastoid area and stated that he has still noticed occasional bleeding from the left ear which dates back from the time of the alleged beating on arrival. On examination the left ear shows no evidence of recent or remote bleeding. He complains of slight tenderness posteriorly in the auricular canal. He shows one small resolving hematoma about one half inch in diameter on the right forearm. No other marks of recent injury present. Dr. D. G. Workman.

----- This inmate claims that he was beaten by guards upon his arrival to the Millhaven Institution. The guards were carrying clubs and as he describes as small base ball bats. On examination he shows only a small hematoma on the right arm just below the elbow, which is resolving. He also claims that he was bleeding from the left ear which was caused by a blow, but, on examination there shows no evidence of injury nor blood in the ear canal. Dr. R. N. James.

DR. WORKMAN:-

Claims he 'ran the gauntlet' on arrival here, was hit by guards armed with clubs about the left wrist and arm, and about the posterior buttocks and thighs. On examination he shows numerous scars placed horizontally across the left arm. He complains of tenderness along the left ulnar margin plus pain on extension of the left thumb. There is little objective evidence of injury. There is some slightly abnormal appearing straightening of the left ulna. No hematomas or bruising are noticeable in any other areas. Diagnosis - Contusions and abrasions.

s.19(1)

DR. JAMES:-

This man apparently suffered multiple contusions when he was beaten as he claims about the body by guards carrying clubs while being transferred to the Millhaven Institution. His complaint today was soreness and tenderness in the left wrist where he was struck with a club. On examination today there was nothing to find in a physical examination except tenderness of the ulnar aspect of his left wrist. This was of some deformity because of previous injury.

s.19(1)

✓ [REDACTED] Innate claims "I ran the Gauntlet" on the day he was transferred to Millhaven Institution 20 April 1971. He claims that he was struck numerous times about the buttock and upper and middle thighs by long "billy clubs". On Examination:- he shows a four inch in diameter moderately resolved hematoma on the right thigh approximately two to four inches above the right knee joint posteriorly. There is still slight tenderness over the area. He also shows a smaller hematoma on the posterior left thigh which is almost totally resolved. No other injuries were commented on or found.

Dr. D. G. Workman.

[REDACTED] This man claims as he says "ran the gauntlet" when he was transferred to this Institution on 20 April 1971, claims that he sustained bruises at that time. On examination :- today he has a large resolving hematoma on the lower part of his right thigh posterior aspect measuring about four inches long. He also has a small hematoma resolving just below the left hip. No other injuries were observed. Dr. R. N. James.

s.19(1)

BOARD OF INQUIRY - TAPE # 4 - 28 April 1971

Page 11

DR. WORKMAN:-

Inmate states that he sustained injury to his jaw while he was trying to get through to the guards being held as hostages. He made no further comment about this injury. He also states that on Monday, April 19th on his arrival here he was made to "run the gauntlet" and was struck once across the middle mid-dorsal spine by a club but "it may have been an accident". On examination he shows a healing laceration and abrasion about one inch or less in diameter in the mid spine over the lower dorsal area. No associated hematoma is noted. It is observed that he has mandibular wirings which from his chart are due to or are for treatment of bilateral mandibular fractures. These injuries were not further examined. I would assume full documentation is elsewhere.

DR. JAMES:-

This man apparently sustained a fracture of his mandible during the prison riot of Sunday April 18th. This was apparently inflicted by another inmate in Shepley's attempt to obtain food for the hostages. His other complaint was that while being transferred to the Millhaven Institution Monday April 19th, he sustained an injury to his back when a guard struck him with a billy club - but he said "it might have been an accident". On examination he has wiring of his mandible bilateral mandibular fracture. He is in apparent good health and also has a

000345

DR. WORKMAN:-

On April 21 on arrival to Millhaven Institution he claims that he was beaten by guards about the buttocks and thighs. On examination he shows a three inch by one inch resolving hematoma of the right thigh; a small resolving hematoma of the left calf and complains of tenderness over the sesamoid bone of the left wrist with no objective evidence of fracture of this area or other evidence of injury.

DR. JAMES:-

This man claims that he was beaten by the guards with clubs on his transfer to Millhaven Institution on April 21. On examination he has a small abrasion of the left shin and a small resolving hematoma just to the inner aspect of the left knee and a resolving hematoma of the right buttocks. He also has a swelling sesamoid bone in the left hand but there is no obvious signs of fracture or serious injury.

██████████ DR. WORKMAN:-

✓ "Ran the gauntlet" Tuesday or Wednesday. This man claims he was hit by guards armed with clubs on the left buttocks. On examination he shows two resolving hematomas about two inches in diameter on each buttock, which are resolving.

██████████ DR. JAMES:-

This man claims that on transfer to Millhaven Institution he "ran the gauntlet", that guards struck him with billy clubs as he was moving down the hall. He sustained bruises to his buttocks at the time. On examination today he has no complaints but shows rather extensive hematomas to both buttocks.

.....

J [REDACTED] - Inmate states that, on his arrival at Millhaven Institution he was beaten by approx. three(3) or four(4) guards as he was "running the gauntlet." He complains of pain about the left index finger in the middle interphalangeal joint. He says he was struck on the right upper arm in the mid-dorsal back and that he was injured about the left lateral malleolus by his leg iron. On examination - shows a resolving hematoma of the right upper arm. He shows residual tenderness of the ligaments of the mid-interphalangeal joint of the left index finger. He shows a resolving laceration about the left lateral malleolus with some tenderness on inversion in that area and some tenderness which is questionable about the approximately fourth dorsal vertebrae. Dr. D.G. Workman

.....

This man claims that he was beaten by the guards on transfer to Millhaven Institution - the date is undecided.

On examination - he has tenderness on the left index finger in the mid. I.P. joint and some swelling here. He also shows some healing abrasions of his left ankle which he claims are due to his leg irons. He also has a resolving hematoma measuring about three(3) inches in dia. on his right upper arm and some minimal tenderness about the area of the fourth dorsal vertebrae, but nothing to see on examination. Dr. R.N. James

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s.19(1)

✓ [REDACTED] This inmate claims he has been harrassed by the staff since his incarceration at Millhaven Institution but he denies any physical mistreatment whatsoever. Dr. D.G. Workman.
Dr. R. N. James concurs.

[REDACTED]: This inmate complains that on the date of transfer to the Millhaven Institution on Tuesday 20 April 1971, that he was beaten by what he would estimate were fifteen to twenty guards armed with riot sticks who beat him about the buttocks and loins and legs hard enough to produce bruises at that time.

On examination:-the inmate showed 2 linear scars over the lumbo sacral area approximately three inches in length which are related to old injuries. He also shows an almost totally resolved hematoma about three inches in diameter about the right posterior thigh midway between the hip and the knee. He complains of slight tenderness still present in this area. No evidence of bony or ligamentous injury. He also shows what appears to be a small resolving hematoma about opposite the second lumbar vertebrae on the right about one inch in diameter which also shows no evidence of internal or ligamentous injury. Dr. D. G. Workman.

This is to concur with Dr. D. G. Workman's account of this man's claim of injury, that he was beaten about the back and legs by a number of guards with riot sticks producing multiple bruises.

On examination:- this man shows an almost completely resolved hematoma measuring about three to three and a half inches in the back of the right thigh. He also has a small resolving hematoma approximately three inches in the area of the second lumbar vertebra. Dr. R.W. James.

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[redacted] inmate states that on the date of arrival here he was struck by a guard with a bat about the left inner ankle. On examination, he shows a granulating and slowly healing abrasion and laceration about three quarters ($\frac{3}{4}$) of an inch in dia. about the left medium malleolus on the left side. Dr. D.C. Workman

.....

[redacted] this man claims that on transfer to M.I. he was beaten by guards carrying clubs and was hit on the left leg. On examination today, he complains of pain on the lower left leg and on examination shows a healing abrasion over the medium malleolus on the left side. Dr. R.N. James.

JARD OF INQUIRY - TABE #5 - 28 APRIL 1971

Page/5

DR. WORKMAN:-

✓
Inmate states that he "ran the gauntlet" and was struck by guards armed with clubs about the buttocks and thighs and the left arm. On examination he shows a resolving hematoma over the left upper ulna posteriorly which is markedly tender to palpation. He also showed a resolving hematoma which is five inches square on the right posterior upper thigh; a small resolving hematoma on the left posterior upper thigh and a questionable resolving hematoma over the crest of the left ilium.

s.19(1)

DR. JAMES:-

This man claims that on transfer to Millhaven Institution he was struck by guards with billy clubs. On examination he shows a hematoma of both posterior thighs and a resolving hematoma of the left arm just above the elbow. His only complaint at the present time is soreness of this particular area.

[redacted] inmate complains of pain and stuffiness about his nose. He states that during the rioting he was hit over the bridge of his nose by an inmate that he is unable to identify. (see my note 21 April 1971). On examination at the present, he shows some obstruction of the nasal passage bilaterally with a deviated septum and there is some tenderness over the bridge of the nose.

Dr. D.C. Workman

.....

[redacted] - this man claims that during the riot, he was struck in the nose by an unidentified inmate. He suffered no other injuries. On examination today, he still complains of some obstruction in the nasal passage. On examination he shows obstruction and deviation of the septum. X-rays have been taken but they have not been received as yet.

Dr. R.N. James

s.19(1)

.....
[REDACTED] DR. WORKMAN:-

✓ The inmate states that he has no injuries at the present time and was not injured but that on 18 April 1971, when he was transferred to Millhaven Inst. he was 'manhandled' by the guards because he was walking too slowly. He demonstrated manhandling by stating that he was grabbed by the scruff of the neck and the seat of the trousers and propelled along more quickly. On close questioning, he denies being struck and denies any injury at the time or subsequent to this. No other complaints, no injuries to demonstrate.

.....
[REDACTED] DR. JAMES:

s.19(1) Concur with Dr. Workman's account that this man sustained no true injuries, but rather that he was manhandled.

.....

✓ [REDACTED] DR. WORKMAN

States that at the time of his arrival here at Millhaven Institution on April 20th, 1971 he was struck by guards with what appeared to be small baseball bats. He was hit across the right wrist and across the back and buttocks. On examination he shows a questionable resolving hematoma over the right wrist with no tenderness or loss of motion. There are two small healing abrasions present on the right wrist. No contusions or abrasions were noticed about the posterior buttocks or thighs.

[REDACTED] DR. JAMES:-

s.19(1) This man claims that upon transfer to Millhaven Institution April 20th, 1971 - Tuesday - he was struck about the right wrist, back and buttocks by guards carrying clubs. On examination he has a healing area of abrasion on the right wrist with just minimum tenderness. No other physical signs were apparent.

DR. WORKMAN:-

✓
[REDACTED] inmate states that he was forced to "run the gauntlet" Wednesday, 21 April and was hit about the legs, hips and the back of the head, by guards armed with billy clubs. On examination he shows tenderness over the insertion of the occipital muscles at the base of the occiput of the neck. No evidence of bruising is evident of the area however. He shows large hematomas over both lower legs approximately 8 by 4 inches behind both knees and a small subsiding horizontal hematoma across his lower back which also shows numerous large scars from previous back surgery. Inmate is complaining of lower back pain, numbness in the left lower leg in a "glove and stocking" distribution and some low back pain plus severe headaches. Impression - severe contusions to the areas described. No evidence of neurological injury.

[REDACTED] DR. JAMES:-

This man claims that on transfer to Millhaven Institution on April 21, Wednesday, he was forced to run the gauntlet of guards carrying clubs. He was beaten about the lower body and head. His complaint at the present time is headache, tenderness of the neck and back pain. On examination, he is tender in the occipital area at the insertion of the occipital muscles at the base of the neck. He has rather extensive hematomas at the back of both legs in the area of the knees. He also has a small hematoma resolving almost completely in the low back.

Tape #6 Cont'1.

[REDACTED] Inmate states that on his arrival at Millhaven Institution he was forced "to run the gauntlet" and was struck by guards using clubs. He states that he was hit about the back and buttocks and he received an injury to the left lower leg. On examination he shows a small resolving hematoma on the inner margin of the lower left leg in association with an area of old injury with scarring and swelling of the tibia, which he states that he received in a motorcycle accident three years ago. No other injuries found.

Dr. D. G. Workman.

----- This man claims that on transfer to Millhaven Institution he was beaten, by guards carrying clubs, on the back and legs. On examination today he shows only a small resolving hematoma on the lower one third of the left tibia on the medial side. Dr. R.W. JAMES

s.19(1)

was struck.

.....

DR. WORKMAN:-

J
Inmate claims that he was struck, on his arrival at Millhaven Institution, by guards with Billy Clubs, across the buttocks and lower thighs. He does not think that his injury was strong enough - the blow was hard enough to cause a bruse. On examination no evidence of injury.

.....

DR. JAMES:

This man complains that he was struck about the buttocks and lower legs during his transfer to the Millhaven Institution on Tuesday, 20 April 1971. On examination there is nothing to find.

.....

DR. WORKMAN:-

✓
[REDACTED] Inmate states that on arrival at M.I. which he believes was on Tuesday, he was struck about the buttocks by guards wielding 'Batoons' which he does not believe left any marks. On examination, no marks of injury can be seen.

.....

DR. JAMES:

[REDACTED] This man claims that on transfer to M.I. on 20 April 1971 he was struck by guards carrying clubs. He sustained a little injury but he has no bruising at this time. On examination, there shows no signs of any injury.

.....

page/5

✓ [REDACTED] : Inmate states that on arrival at Millhaven Institution approximately 21 April 1971 (he is not certain) that he was pushed, shoved, and "beaten around a little bit" by guards in the corridors. He states that the bruises have since resolved totally due to time lag between the alleged beatings and the present date. On examination he show that there is no evidence of bruising or injury at this time. Dr. D. G. Workman.

-----This man claims that on transfer to Millhaven Institution he was beaten by clubs about the neck, back and upper legs.

On examination today, however, there are no signs of injury.

Dr. R. H. James.

s.19(1)

DR. WORKMAN

✓ Inmate states that on the date of admission to Millhaven Institution he was beaten by guards armed with sticks about the body, buttocks and thighs posteriorly. He also complains as being hit in the back of the head which is resulting in headaches at the present time. On examination he shows only a small resolving hematoma on the outside of the right hip. No other objective evidence of injury.

DR. JAMES

This man claims that on transfer to Millhaven Institution he was struck about the body by guards carrying clubs. On examination today he has a small resolving hematoma of his right hip. His only other complaint is tenderness in the base of his right neck where he claims he was struck but on examination there was nothing to be found.

MEMORANDUM

NOTE DE SERVICE

PA

TO
À

DEPARTMENTAL COUNSEL

FROM
DE

INGER HANSEN
LEGAL OFFICER

SUBJECT
OBJET

Mr. Willoughby

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE January 17, 1973

As discussed, I had a meeting with Mr. Faguy on the subject of Mr. Willoughby's accounts. Mr. Faguy agrees that it might be useful if I went to Kingston to speak with Mr. Willoughby. I can combine this with my visit to the East York Project at the end of January, 1973.

Original Signed by
I. HANSEN

IH/lcf

INGER HANSEN



The Honorable the Treasury Board
L'honorable Conseil du Trésor

File *R.O.P.*
Classer

717331
T.B. Number - C.T. N°

Solicitor General
Department - Ministère

119-2
File - Dossier

January 15, 1973
Date

SUBJECT: PAYMENT OF LEGAL FEES.

PROPOSAL: To authorize the Solicitor General to pay the sum of \$514 to Stuart Willoughby, Esq., Q.C., for his fee and disbursements in connection with professional services rendered to the late Patrick McKegney relative to the appearance of Mr. McKegney as a witness before J.W. Swackhamer, Esq., Q.C. conducting an inquiry into certain events alleged to have occurred in Kingston and Millhaven Penitentiaries in 1971.

CHARGEABLE TO: Department of the Solicitor General, Vote 5, Operation and Maintenance of Penitentiaries.

REMARKS: Treasury Board Minute 713456 dated June 12, 1972, authorized the Solicitor General to pay the legal fees and disbursements not exceeding an amount of \$3000 in any one case that had been incurred by members of the Canadian Penitentiary Service required to appear before the "Swackhamer Commission". In the case of the late Patrick McKegney who was called before the Commission as a witness, he was represented in the first instance by Mr. Stuart Willoughby. Subsequently however, because of a possible conflict of interest, when Mr. McKegney was served with notice that an adverse report might be made against him, Mr. Willoughby was compelled to withdraw as Mr. McKegney's representative and Mr. McKegney's interests were thereafter placed in the hands of Messrs. Cunningham and Little.

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APPROVED
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PAR LE
CONSEIL DU TRÉSOR

Certified
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Minute of a Meeting of the
Treasury Board on

22 II 73

Date

Copie conforme
d'un extrait du procès-verbal
d'une réunion du Conseil du
Trésor le

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The account of Mr. Willoughby has been examined on behalf of the Department of Justice and the amount of \$514 as submitted by him is also considered as fair and reasonable, but in view of the payment to Cunningham and Little cannot be paid under the current Treasury Board authority. It appears inequitable that Mr. Willoughby should be compelled to seek payment of his account from the estate of Mr. McKegney, having in mind that he was the legal representative first appointed by Mr. McKegney in this matter. Accordingly, authority is sought to pay to Mr. Willoughby from public funds the sum of \$514, being \$500 for his fee in this matter and \$14 for disbursements.



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Document disclosed under the Access to Information
Document divulgué en vertu de la Loi sur l'accès à l'inform

for your info.

Roger

copies sent to Mr. Edwards

000373



GOVERNMENT OF CANADA

GOUVERNEMENT DU CANADA

FILE NO.—DOSSIER N°

DATE

D Jan 25/73

TO—À

Mr. Hollies

FROM—DE

E. L. Edwards

PLEASE CALL
PRIÈRE D'APPELER

TEL. NO.—N° TEL.

EXTENSION—POSTE

WANTS TO SEE YOU
DÉSIRE VOUS VOIR

DATE

TIME—HEURE

WILL CALL AGAIN
DOIT RAPPELER

ACTION
DONNER SUITE

APPROVAL
APPROBATION

COMMENTS
COMMENTAIRES

DRAFT REPLY
PROJET DE RÉPONSE

MAKE
FAIRECOPIÉS

NOTE AND FILE
NOTER ET CLASSER

NOTE & RETURN
NOTER ET RETOURNER

NOTE & FORWARD
NOTER ET FAIRE SUIVRE

B.F. Noted B
2 Mrs. Barentock! *25/1/73*

Please enquire, if no news in two weeks.

CALL RECEIVED BY
MESSAGE REÇU PAR

25 Jan 73

TIME
HEURE

10 000374



The Honorable the Treasury Board
L'honorable Conseil du Trésor

ROP
Classer

119-2
T.B. Number - C.T. N°

Solicitor General
Department - Ministère

119-2
File - Dossier

January 15, 1973
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Signed by W.W. Allmand and
sent by hand to Treasury
Board on January 25, 1973.

M.A.
for E.L.E.

000375

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for E.L.E.

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Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

Inspector D.G. Cobb,
Executive Assistant to Deputy
Solicitor General

FROM
DE

S.L. Roberts,
Deputy Director,
Information

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE Jan. 12, 1973

SUBJECT
OBJET

Swackhamer Report

Your memorandum of Jan. 11 on the change of a ministerial title in this report reached me on Jan. 12, some time after I had talked with you on the phone about the matter raised by the Assistant Secretary to the Cabinet.

To expedite the production of this report within the minimum time and to permit it to be produced under conditions of full security, I took the camera-ready copy to the printer on the morning of Jan. 11, about 10 minutes after I had received it from the Deputy Solicitor General's confidential messenger. The publication had already reached an advanced stage in the printing process and both for reasons of speed and cost I do not deem it practical to re-compose and re-set the type for a portion of the book merely for a minor correction.

In approved editorial style, the words "Secretary of State" are followed by square brackets, which indicate a correction made by an editor. Within the square brackets are the words "Solicitor General of Canada". This will indicate to the informed reader that the first title was made in error by the authors of the report but that the editor, while following copy, used his discretion to insert a correction.

I also wish to make it clear that other changes made to the French text of the introductory caveat by either Mr. Trottier or Mr. Tassé were made and are incorporated in the French edition that is being printed.

S.L. Roberts



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

(House)

TO / À **Mr. S.L. Roberts**
Deputy Director, Information Services

FROM / DE **D.G. Cobb,**
Executive Assistant to the
Deputy Solicitor General

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE 119-2
YOUR FILE - V/RÉFÉRENCE
DATE January 11, 1973

SUBJECT / OBJET SWACKHAMMER REPORT

On the instructions of the Deputy Solicitor General, acting on the basis of a query raised by M. Michel Trottier, Assistant Secretary to the Cabinet, I telephoned Mr. Swackhammer to request his permission to replace the words "Secretary of State" appearing on the 2nd and 3rd lines of page 227 of his report by the words "Solicitor General". Mr. Swackhammer was reached at 186-9-964-6676 at 4:50 p.m., this date and gladly authorized the change.

It will also be necessary of course to remove the word (sic)* from line 3 and the entire Editor's Note from the bottom of page 227 of the report.


D.G. Cobb

MEMORANDUM / NOTE DE SERVICE

TO / À

Inspector D.G. Cobb,
Executive Assistant to Deputy
Solicitor General

FROM / DE

S.L. Roberts,
Deputy Director,
Information

File
12/15/73

SECURITY-CLASSIFICATION-DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE Jan. 12, 1973

SUBJECT / OBJET

Swackhamer Report

Your memorandum of Jan. 11 on the change of a ministerial title in this report reached me on Jan. 12, some time after I had talked with you on the phone about the matter raised by the Assistant Secretary to the Cabinet.

To expedite the production of this report within the minimum time and to permit it to be produced under conditions of full security, I took the camera-ready copy to the printer on the morning of Jan. 11, about 10 minutes after I had received it from the Deputy Solicitor General's confidential messenger. The publication had already reached an advanced stage in the printing process and both for reasons of speed and cost I do not deem it practical to re-compose and re-set the type for a portion of the book merely for a minor correction.

In approved editorial style, the words "Secretary of State" are followed by square brackets, which indicate a correction made by an editor. Within the square brackets are the words "Solicitor General of Canada". This will indicate to the informed reader that the first title was made in error by the authors of the report but that the editor, while following copy, used his discretion to insert a correction.

I also wish to make it clear that other changes made to the French text of the introductory caveat by either Mr. Trottier or Mr. Tassé were made and are incorporated in the French edition that is being printed.

*File:
Noted, Mme Labonde
left message on 17/1/73
for Mr Swackhamer (in his
Secretary) to effect author's
change could not be
made earlier as agreed
12/15/73
S.L.R.*

JAN 15 12 15 PM '73
FILE
DOSSIER

S.L. Roberts
S.L. Roberts



Government of Canada
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
A **Mr. S.L. Roberts**
Deputy Director, Information Services

FROM
DE **D.G. Cobb,**
Executive Assistant to the
Deputy Solicitor General

SUBJECT
OBJET **SWACKHAMMER REPORT**

File
Cobb
M 2

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE 119-2
YOUR FILE - V/RÉFÉRENCE
DATE January 11, 1973

On the instructions of the Deputy Solicitor General/ acting on the basis of a query raised by M. Michel Trottier, Assistant Secretary to the Cabinet, I telephoned Mr. Swackhammer to request his permission to replace the words "Secretary of State" appearing on the 2nd and 3rd lines of page 227 of his report by the words "Solicitor General". Mr. Swackhammer was reached at 186-9-964-6676 at 4:50 p.m., this date and gladly authorized the change.

It will also be necessary of course to remove the word (sic)* from line 3 and the entire Editor's Note from the bottom of page 227 of the report.

Original Signed by
Original Signé par
D. G. Cobb

DGCOBB/ml

D.G. Cobb



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

D.G. Cobb
Executive Assistant

FROM
DE

INGER HANSEN

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE 3 January 1973

SUBJECT
OBJET

Commission of Enquiry into the disturbance at Kingston Penitentiary in April 1971

Please be advised that the editor's note referred to in letter of 22nd December 1972 from M. Michel Trottier to Me Roger Tassé was inserted on the specific instructions of the former Solicitor-General.


Inger Hansen

- Xerox p. 227
- Rep has been translated - is → printing
- Reply: Sugg. Miss Hansen

*Chy...
13-12*

PRIVY COUNCIL OFFICE



CANADA

BUREAU DU CONSEIL PRIVÉ

DM SM
SOL GEN

DEC 28 11 36 AM '72

Dossier

le 22 décembre, 1972

Me Roger Tassé
Solliciteur général adjoint
Edifice Sir Wilfrid Laurier
Ottawa K1A 0P8

Sujet: Commission d'enquête sur les troubles
d'avril 1971 au pénitencier de Kingston

Monsieur le sous-ministre,

J'ai pris connaissance du document intitulé "Report - The Commission of Inquiry Into Certain Disturbances at Kingston Penitentiary During the Month of April, 1971", et je suis heureux d'apprendre que vous avez l'intention de le publier. Je note, cependant, que la date de lancement devrait être établie en consultation avec le service compétent au bureau du Premier ministre.

Je présume qu'une traduction française du rapport sera publiée simultanément; faute de quoi, le communiqué de presse en langue française devrait donner un bon résumé du rapport.

Il est excellent, je crois, que le public soit amené à prendre conscience des difficultés auxquelles se heurte l'administration pénitentiaire. Ainsi, il deviendra peut-être plus facile de faire accepter à la population les solutions souvent exigeantes qui s'imposent. La question de la peine de mort suscite un intérêt renouvelé pour les pénitenciers et les libérations conditionnelles; il me semble bien indiqué d'en profiter pour intensifier la communication avec les médias et leur public sur les problèmes qui se posent dans ce domaine.

A la lecture du rapport, j'ai remarqué une note de l'éditeur en page 227. Ne devrait-on pas chercher plutôt à obtenir la permission de M. Swackhamer de faire la correction qui s'impose?

...2/

...2/

A la page 4 du projet de communiqué de presse, deuxième paragraphe, l'exemple cité pourrait peut-être faire croire qu'on cherche à mettre en doute le sérieux du rapport.

En somme, mon impression est très favorable et j'en fait part au bureau du Premier ministre.

Veillez agréer, Monsieur le sous-ministre, l'expression de mes meilleurs sentiments.

A handwritten signature in black ink, reading "Michel Trottier". The signature is written in a cursive style with a long horizontal stroke at the end.

Michel Trottier
Secrétaire adjoint du Cabinet
(Politiques Sociales)

Mr. Swackhammer 227.

Then call Mr Roberts

We note, however, with satisfaction that since the appointment of this Commission the (Secretary of State) (sic)* and the Commissioner of Penitentiaries have promulgated ^(directives?) regulations which are designed to reduce the uniformity of prison costumes and permit certain variations in personal grooming. We applaud this course of conduct and wish to most seriously recommend its continuation as a part of a radical plan to "humanize" the maximum security prison.

*Sid Roberts
27015
re change?*

*Mr Swackhammer
authorizes replacement
of "Secretary of State"
by*

We are of the view, as a result of the evidence we heard respecting Kingston Penitentiary, that a number of matters which relate to the inmate's individual life should be removed from the area of regulation, with the intent that a prisoner may live with some personal integrity, some awareness of individual worth, and may be encouraged to exercise his innate and invaluable individuality, as he would be encouraged to do in a free society. We are optimistic that such steps would be effective to reduce the power of the so-called inmate subculture and would positively affect the possibility of rehabilitation.

Editors' Note

*We understand this to mean the (Solicitor General)



Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

PP

TO
À



D.G. Cobb
Executive Assistant

FROM
DE

INGER HANSEN

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE
YOUR FILE - V/RÉFÉRENCE
DATE 3 January 1973

SUBJECT
OBJET

Commission of Enquiry into the disturbance at Kingston Penitentiary in April 1971

Please be advised that the editor's note referred to in letter of 22nd December 1972 from M. Michel Trottier to Me Roger Tassé was inserted on the specific instructions of the former Solicitor-General.

Inger Hansen
Inger Hansen



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
MR. R. TASSE,
DEPUTY SOLICITOR GENERAL

FROM
COMMISSIONER OF PENITENTIARIES

SUBJECT
SWACKHAMER REPORT

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE 185/12 (1)
YOUR FILE - V/RÉFÉRENCE
DATE December 21, 1972

1. I agree generally with proposed press release.
2. I do not intend to take disciplinary action against employees -
 - Mr. McKegney has resigned;
 - Mr. Clark has been transferred;
 - Mr. Bell's case is under review because the position of Deputy Director is now redundant;
 - Mr. Rathwell should be commended for giving information.
3. The cases of these four employees have been referred to the Provincial Attorney General for decision as to prosecution.
4. I regret the implications on page 45 that we took no action on Mr. Jarvis' letter.
5. On page 3, third paragraph, 7th line, it should read "The Solicitor General points out --"
6. The first paragraph on page 4 should be amended to read as follows:

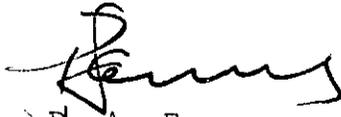
"... to improve correctional services. Of the 55 recommendations for changes identified through the Commission report, some were already policy or contemplated at the time of the disturbance. Some 48 were either fully in being or already in the process of being implemented before the report was ever received one year after the riot. The other seven changes are being studied".

...2

-2-

I think it is most important to make it quite clear that these were not new ideas but, except for a few cases, only a review of changes already being made in the Canadian Penitentiary Service. I really do not think the Commission should be given credit where it just simply does not exist!

PAF/MBB



D. A. Faguy,
Commissioner.

cc: Mr. Howard Bell

119-2

REGISTERED

Ottawa K1A 0P8, December 13, 1972

Gentlemen:

May I refer to your statement of account dated September 16, 1971, in the matter of your representation of Howard Bell before the "Swackhamer" Commission.

I enclose with this letter cheque in the sum of \$3000 made out with your firm and Howard Bell as joint payees. I should point out that this sum is the maximum that may be paid for fees and disbursements under the pertinent Treasury Board authority. Any amount over and above that sum must be a matter between you and your client. I should also add that I very much regret the delay that has been occasioned in obtaining this amount. It was necessary to get special authority from Treasury Board, which is often a time-consuming process, and I must confess that certain unwarranted administrative delays took place thereafter.

I am sending a copy of this letter to Mr. Bell.

Yours truly,



J.H. Hollies,
Departmental Counsel

Encl.

JHH/mab

Wilcox & McNeill,
Barristers and Solicitors,
93 Clarence Street,
P.O. Box 604,
Kingston, Ontario



REQUISITION FOR CHEQUE / DEMANDE DE CHÈQUE

FOREIGN CURRENCY IDENTIFICATION / IDENTIFICATION DE LA MONNAIE ÉTRANGÈRE
 DATE: December 5, 1972

DEPARTMENT / MINISTÈRE Solicitor General	NO.	BRANCH, DIVISION OR UNIT - DIRECTION, DIVISION OU SERVICE Cdn. Penitentiary Service	NO.
----------------------------------------------------	-----	-----------------------------------------------------------------------------------------------	-----

PAYEE'S NAME AND ADDRESS - NOM ET ADRESSE DU BÉNÉFICIAIRE Wilcox & McNeill and Howard Bell	SERIAL OR CONTROL NO. - N° DE SÉRIE OU DE CONTRÔLE
	SOURCE
	DATE OF CHEQUE - DATE DU CHÈQUE
	FISCAL ACCTG. SERIAL NO. - COMPTABILITÉ FISCALE - N° DE SÉRIE
CORRESPONDENCE RELATING TO THIS REMITTANCE SHOULD BE DIRECTED TO THE DEPT. INDICATED ABOVE QUOTING THE CHEQUE NO. LA CORRESPONDANCE AFFÉRENTE À CETTE REMISE PEUT ÊTRE ADRESSÉE AU MINISTÈRE PRÉCITÉ; PRIÈRE D'INDIQUER LE N° DU CHÈQUE	RATE OF EXCHANGE - COURS DE CHANGE

PARTICULARS - DÉTAILS	FOREIGN AMOUNT / MONTANT ÉTRANGER	EXCHANGE CHANGE	CANADIAN AMOUNT / MONTANT CANADIEN	CHEQUE NUMBER / N° DE CHÈQUE
Payment of legal fees re: Mr. Howard Bell, in connection with Commission of Inquiry Into Certain Disturbances at Kingston Penitentiary T.B. 713456			3,000.00	

FISCAL ACCTG. TITLE - TITRE DE COMPTE FIN.	ACCOUNT NO. / N° DE COMPTE	DEBIT / DÉBIT	CREDIT / CRÉDIT

CODING - CODAGE	AMOUNT / MONTANT	CR / CT	DSS CONTRACT SERIAL NUMBER / NUMÉRO DU CONTRAT MAS
2-414-31000-000-122-04580	3,000 00		
	3,000 00		TOTAL

REQUISITIONED FOR PAYMENT PURSUANT TO SECTION 31 OF THE FINANCIAL ADMINISTRATION ACT.

REQUISITIONED FOR PAYMENT PURSUANT TO SECTION 31 AND CERTIFIED PURSUANT TO SECTION 32 OF THE FINANCIAL ADMINISTRATION ACT.

DEMANDE DE PAIEMENT EN VERTU DE L'ARTICLE 31 DE LA LOI SUR L'ADMINISTRATION FINANCIÈRE.

DEMANDE DE PAIEMENT EN VERTU DE L'ARTICLE 31 ET CERTIFIÉ EN VERTU DE L'ARTICLE 32 DE LA LOI SUR L'ADMINISTRATION FINANCIÈRE.

AUTHORIZED OFFICER - FONCTIONNAIRE AUTORISÉ

AUTHORIZED OFFICER - FONCTIONNAIRE AUTORISÉ

CERTIFIED CORRECT - CERTIFIÉ CONFORME

SERVICES OFFICER - AGENT DES SERVICES



Government of Canada

Gouvernement du Canada

4/12/72
MA

MEMORANDUM

NOTE DE SERVICE

TO
À

DIRECTOR, FINANCIAL SERVICES

FROM
DE

DEPARTMENTAL COUNSEL

SUBJECT
OBJET

Payment of Accounts

SECURITY CLASSIFICATION - DE SECURITE
OUR FILE - V REFERENCE 119-2
YOUR FILE - V REFERENCE
DATE December 4, 1972

I have now received the opinion on behalf of the Department of Justice that the accounts attached to this letter are fair and reasonable. It will accordingly be in order to requisition cheques.

As you will recall, the maximum that may be paid is \$3000, including disbursements. The cheque in each case should be for this amount, i.e. \$3000 to Cunningham and Little, and \$3000 to Wilcox and McNeil.

The cheque to Wilcox and McNeil should be made out to the firm and to Howard Bell as joint payees. The cheque to Cunningham and Little, on the other hand, should be made out in the name of that firm only, in view of the death of Mr. McKegney.

Would you please have the cheques sent to me so that I may forward them to the firms explaining the reduced amount and obtaining certain understandings in the case of Cunningham and Little.

J.H. Hollies
J.H. Hollies,
Departmental Counsel

Att.

JHH/mab

Howard Bell, Esq.,
Deputy Warden,
Millhaven Penitentiary,
Millhaven, Ontario.

Kingston Ontario
September 16th, 1971

In Account With

Wilcox & McNeill

Barristers and Solicitors

Telephone 546-3188

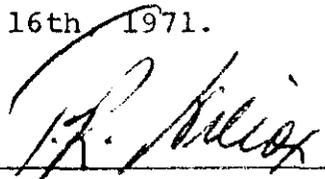
Re: Commission of Inquiry
into certain disturbances
at Kingston Penitentiary

To Professional Services Rendered including counsel fee for appearances before Commission representing you on August 24th, August 30th, September 9th and September 10th, 1971 with respect to possible adverse report that you were a person responsible for causing harm to inmates in that on April 19th, 20th and 21st, 1971 you did authorize, direct, supervise or permit assaults to be made by officers of the Penitentiary Service of Canada upon such inmates at Millhaven Correctional Institute, Bath, Ontario or that you did fail to take adequate or any steps to prevent such assaults; conferring with you 2½ hours prior to first appearance; conferring with you 1 hour after second appearance; conferring with you 2½ hours prior to third appearance and subsequently another 2 hours prior to the third appearance and again conferring 1 hour prior to fourth appearance; engaged a total of 65½ hours reading nine volumes of evidence taken by the Commission during which neither you nor counsel representing you were able to be present, making notes summarizing evidence given and notes for submissions to the Commission or, in all, summarizing the above, preparation by way of perusal of evidence, making notes of evidence, making notes for submissions and conferences with you:

74½ hours @ \$30.00 per hour	\$2,235.00
Counsel fee for four days appearances before the Commission @ \$250.00 per day	<u>1,000.00</u>
TOTAL	\$3,235.00

This is my account herein September 16th 1971.

E & O E



Wilcox & McNeill
Barristers and Solicitors

THOMAS R. WILCOX, Q.C.
VINCENT J. MCNEILL, B.A., LL.B.

Sixty-three Clarence Street
Kingston, Ontario
P.O. Box 604

TELEPHONE 546-3188
AREA CODE 613

September 17th, 1971

Howard Bell, Esq.,
Deputy Warden,
Millhaven Penitentiary,
Millhaven, Ontario.

Dear Sir:

Re: Commission of Inquiry into
certain disturbances at
Kingston Penitentiary

We enclose herewith our account for services rendered
which we understand you will forward to the Solicitor-General.

Yours faithfully,

WILCOX & MCNEILL

T. R. Wilcox
in lieu
T. R. Wilcox

TRW:l
Encl.

119-2

REGISTERED

Ottawa KIA OP8, December 13, 1972

Gentlemen:

I would refer to your statement of account dated September 21, 1971, concerning the legal services rendered by you to the late Patrick McKegney in connection with the "Swackhamer" Commission.

I enclose a cheque in the sum of \$3000 in partial satisfaction of the account as rendered by you. This is the maximum amount that can be paid by the Crown in respect of fees and disbursements in this matter, as this limit has been set by the Treasury Board. Any amount over and above that sum must be a matter between you and the estate of Mr. McKegney.

This cheque is remitted on the undertaking by you that you will not cash or otherwise deal with it in the event that you have received from or on behalf of the late Patrick McKegney or his estate any sum in excess of \$500. Should this be the case, you undertake to return the cheque to the undersigned.

I should also add that I very much regret the delay that has been occasioned in obtaining this amount. It was necessary to get special authority from Treasury Board, which is often a time-consuming process, and I must confess that certain unwarranted administrative delays took place thereafter.

Yours truly,


J.H. Hollies,
Departmental Counsel

Encls.

JHH/mab

Cunningham, Little,
Barristers and Solicitors,
34 Clarence Street,
Kingston, Ontario



Document disclosed under the Access to Information Act
 Document divulgué en vertu de la Loi sur l'accès à l'information

REQUISITION FOR CHEQUE
DEMANDE DE CHÈQUE

FOREIGN CURRENCY IDENTIFICATION
 FOREIGN CURRENCY IDENTIFICATION
 DATE
December 5, 1972

DEPARTMENT / MINISTÈRE Solicitor General	NO.	BRANCH, DIVISION OR UNIT - DIRECTION, DIVISION OU SERVICE Cdn. Penitentiary Service
----------------------------------------------------------------------	------------	----------------------------------------------------------------------------------------------------------

PAYEES NAME AND ADDRESS - NOM ET ADRESSE DU BÉNÉFICIAIRE Cunningham, Little	SERIAL OR CONTROL NO. - N° DE SÉRIE OU DE CONTRÔLE
	SOURCE
	DATE OF CHEQUE - DATE DU CHÈQUE
	FISCAL ACCTG. SERIAL NO. - COMPTABILITÉ FISCALE - N° DE SÉRIE
	RATE OF EXCHANGE - COURS DE CHANGE

CORRESPONDENCE RELATING TO THIS REMITTANCE SHOULD BE DIRECTED TO THE DEPT. INDICATED ABOVE QUOTING THE CHEQUE NO.
 LA CORRESPONDANCE AFFÉRENTE À CETTE REMISE PEUT ÊTRE ADRESSÉE AU MINISTÈRE PRÉCITE;
 PRIÈRE D'INDIQUER LE N° DU CHÈQUE

PARTICULARS - DÉTAILS	FOREIGN AMOUNT MONTANT ÉTRANGER	EXCHANGE CHANGE	CANADIAN AMOUNT MONTANT CANADIEN	CHEQUE NUMBER N° DE CHÈQUE
Payment of legal fees re: Mr. Patrick McKegney, in connection with Commission of Inquiry Into Certain Disturbances at Kingston Penitentiary T.B. 713456			3,000.00	

FISCAL ACCTG. TITLE - TITRE DE COMPTE FIN.	ACCOUNT NO. N° DE COMPTE	DEBIT DÉBIT	CREDIT CRÉDIT

CODING - CODAGE	AMOUNT MONTANT	\$	¢	CR CT	DSS CONTRACT SERIAL NUMBER NUMÉRO DU CONTRAT MAS
2-414-31000-000-122-04580	3,000	00			

REQUISITIONED FOR PAYMENT PURSUANT TO SECTION 31 OF THE FINANCIAL ADMINISTRATION ACT. DEMANDE DE PAIEMENT EN VERTU DE L'ARTICLE 31 DE LA LOI SUR L'ADMINISTRATION FINANCIÈRE.	OR OU	REQUISITIONED FOR PAYMENT PURSUANT TO SECTION 31 AND CERTIFIED PURSUANT TO SECTION 32 OF THE FINANCIAL ADMINISTRATION ACT. DEMANDE DE PAIEMENT EN VERTU DE L'ARTICLE 31 ET CERTIFIÉ EN VERTU DE L'ARTICLE 32 DE LA LOI SUR L'ADMINISTRATION FINANCIÈRE.	<table style="border: none;"> <tr> <td style="border: none;">3,000 00</td> <td style="border: none;">◀</td> <td style="border: none;">TOTAL</td> </tr> </table>	3,000 00	◀	TOTAL
3,000 00	◀	TOTAL				

CERTIFIED CORRECT - CERTIFIÉ CONFORME

 AUTHORIZED OFFICER - FONCTIONNAIRE AUTORISÉ	AUTHORIZED OFFICER - FONCTIONNAIRE AUTORISÉ	SERVICES OFFICER - AGENT DES SERVICES
-------------------------------------------------	---------------------------------------------	---------------------------------------

D. G. CUNNINGHAM, Q.C.
W. G. CUNNINGHAM, Q.C.
R. LITTLE
J. D. CUNNINGHAM

34 CLARENCE STREET
544-0211

KINGSTON. September 21, 1971

Mr. Patrick McKegney

R.R. #6

Kingston, Ontario

DR TO CUNNINGHAM, LITTLE
BARRISTERS, SOLICITORS, ETC.

RE: COMMISSION OF INQUIRY INTO CERTAIN DISTURBANCES
AT KINGSTON PENITENTIARY

TO PROFESSIONAL SERVICES rendered in receiving your instructions concerning various appearances before the Commission of Inquiry Into Certain Disturbances at Kingston Penitentiary.

TO conferring with you on various occasions as follows: August 18, 1971 - 1 hour; August 26, 1971 - 1 hour; August 30, 1971 - 1 hour; September 6, 1971 - 2 hours; September 7, 1971 - 1 hour; September 8, 1971 - 1 hour; September 20, 1971 - $\frac{1}{2}$ hour.

TO counsel fee for appearances before the Commission of Inquiry on the following days: August 19, 1971, August 30, 1971, September 9, 1971, September 10, 1971; at which time the Commission was investigating the possibility of making an adverse report against you for being a person responsible for causing harm to inmates in that on April 19, 20, 21, 1971, and that you did authorize, direct, supervise or permit assaults to be made by Officers of the Penitentiary Service of Canada upon such inmates at Milhaven Correctional Institute, Bath, Ontario or that you did fail to take adequate or any steps to prevent such assaults.

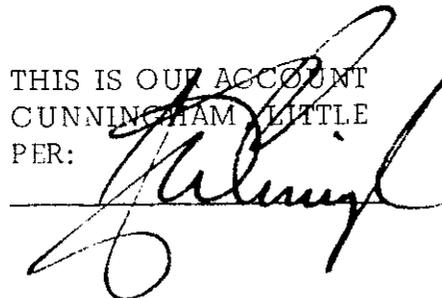
Mr. Patrick McKegney
Page 2

TO reviewing nine volumes of evidence previously taken by the Commission of Inquiry dealing specifically with the transfer of prisoners from Kingston Penitentiary to Milhaven Correctional Institute, Bath, Ontario; to carefully reviewing this material and to summarizing same in preparation for appearances before the Commission of Inquiry to being engaged 62 hours.

TO preparing submissions to be made before the Commission of Inquiry on your behalf and to preparation of brief after reviewing all available evidence including your own.

TO MY FEE in all \$3,500.00

THIS IS OUR ACCOUNT
CUNNINGHAM LITTLE
PER:

A handwritten signature in black ink, appearing to be 'E. & O. E.', written over a horizontal line.

E. & O. E.

