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F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
September 15, 2025 15 septembre 2025		
Court File No. T-3278-25		
Chanelle Gallant		
HFX		11

**FEDERAL COURT**

BETWEEN:

**AMANDA JOY COOPER**

APPLICANT

and

**ATTORNEY GENERAL OF CANADA**

RESPONDENT

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**RESPONDENT'S MOTION RECORD**  
**(Applicant's Motion for Interlocutory Relief)**

---

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Court File No. T-3278-25

**FEDERAL COURT**

BETWEEN:

**AMANDA JOY COOPER**

APPLICANT

and

**ATTORNEY GENERAL OF CANADA**

RESPONDENT

---

**AFFIDAVIT OF ELIZABETH BURNS**

---

I, ELIZABETH BURNS of Miramichi, NEW BRUNSWICK, MAKE OATH AND SAY THAT:

1. I work as a Parole Officer ("PO") with the Correctional Service of Canada (hereinafter, "CSC") at Atlantic Institution ("AI"), and I am the applicant's PO. As such, I have personal knowledge of the facts and matters deposed to unless otherwise stated to be based on information and belief.
2. The applicant has been serving an indeterminate sentence since 2001. She is serving her third federal sentence for four counts of sexual assault, three counts of assault, as well as charges of unlawful confinement and uttering threats. Victims of her sexual assaults were primarily adult women, except one who was a 14-year-old girl. She was declared a dangerous offender in 1998. Her security classification is maximum. As recently as 2018, she sexually assaulted a woman staff member at Stony Mountain Institution. Attached hereto is a true copy of the Assessment for Decision ("A4D") dated July 23, 2025 as **Exhibit "A"**.

3. A review of historical information shows that she has a documented history of showing unhealthy, obsessive attachments to women staff members during incarceration that predate her identifying as a woman.
4. Since arriving at AI in November 2024, the applicant has refused to integrate with the population, and has been housed primarily in the Structured Intervention Unit (“SIU”). CSC provided opportunities for time out of cell and social interaction, but the applicant has often and consistently declined these offers.
5. The applicant’s security risk has recently been assessed as high, with institutional adjustment concerns noted. She has a long history of uncooperative behavior and verbal and/or emotional violence toward staff. She has been assessed as having a high need for improvement in Personal / Emotional Orientation an Attitude. Her mental health concerns include self-injury and hunger strikes. CSC monitors her in the SIU hourly.
6. Her Psychological Risk Assessments on file show high risk to reoffend overall and a well-above-average risk to reoffend sexually. Her outstanding areas of treatment were impulsivity, problem solving, hostility towards women, lack of concern for others and deviant sexual preferences.
7. The applicant began her gender transition in 2020 with hormone therapy, and gender-affirming surgeries were completed in September 2024.
8. As her gender-affirming surgeries were approaching completion, the applicant requested transfer to a women’s institution in Joliette, Quebec.
9. Since arriving at AI, there have been on going discussion with her regarding her goals of residing at a women’s institution, and what steps she can take to show progress in her correctional plan that could aid in her reaching this goal.

10. However, she is considered not engaged with her correctional plan.
11. On September 6, 2024, CSC denied her requested transfer to this women's institution, stating that she represents a very high risk for the inmate population there. Attached hereto is a true copy of the Referral Decision Sheet dated September 6, 2024 as **Exhibit "B"**.
12. The design and operational model of women's institutions, centered on autonomy, empowerment and open environments could result in a significant 'culture shock' for the applicant. Previous recommendations supported a gradual transition through a medium security men's site, to help her adjust to less structured settings and better prepare for life in a women's institution. However, she has not developed the necessary skills to function safely and successfully in such an environment. Without the ability to manage the emotional impact of this transition, she remains vulnerable to experiencing major depressive symptoms. Historically, she has responded to emotional distress by reoffending, which further underscores the risk.
13. After an initial penitentiary placement, inmates can also be involuntarily transferred to an institution of the same security level.
14. The process for an involuntary transfer typically involves the following steps:
  - a. A parole officer will complete an A4D that will outline why a transfer is recommended;
  - b. The offender will be provided with the A4D, notice of the transfer recommendation, and any information to be used in making the decision;
  - c. The offender will be allowed to make a rebuttal; and
  - d. A final decision will then be made by the warden about whether to transfer the inmate or not.

15. This process typically occurs before the inmate is transferred.
16. For gender diverse offenders, there are additional steps in this process as laid out by and governed by CD-100, CD 710-2, and CD 710-2-3. Attached hereto are true copies of Commissioner's Directives CD-100, CD 710-2, and CD 710-2-3 as **Exhibit "C"**.
17. CSC has a duty to accommodate the needs of gender diverse offenders unless there are overriding health or safety concerns that cannot be resolved.
18. Over the last several months, the applicant has become increasingly verbally abusive towards staff, particularly woman staff members, such that CSC has assessed that staff member's psychological safety is jeopardized. I have reviewed the security intelligence file on the applicant. There is existing information that she has stated violent and criminally actioned comments against members of her case management team who have been involved in decision she disagrees with, the most recent and prominent one being denying her access to a staff member she has shown fixation towards since February of 2025. In addition, the applicant has several staff members she cannot have contact with due to her inappropriate behaviour and comments, all of them are women. Her current risk appears to remain unchanged from previous assessments from members of her case management team.
19. Overall, CSC believes that the applicant's gender identity, hormone treatments, and gender affirming surgery have in no way mitigated her risk to reoffend.
20. She denies that the offence cycle that currently exists is accurate, believing that the offence cycle belongs to her dead self. This claim does not show accountability from the offender as she places the blame on her dead identity rather than her current self.

21. On or about July 23, 2025, the applicant received an Assessment for Decision (“A4D”) recommending an involuntary transfer to Millhaven Institution.
22. Millhaven Institution had indicated their ability to meet the applicant’s linguistic, intervention and security needs.
23. On or about July 23, 2025, the applicant had notice of this assessment, and was provided with an opportunity to make submissions in rebuttal. CSC took her submissions into consideration with respect to integration, safety and programming. Attached hereto is a true copy of the Notice of Involuntary Transfer dated July 23, 2025 as **Exhibit “D”**.
24. Although the applicant’s continued preference is to be transferred to a women’s institution, CSC has identified overriding safety concerns in this case that would jeopardize the health and/or safety of other offenders and/or staff in any women’s institution.
25. CSC has a Gender Considerations Secretariat (GCS), which serves as a centre of expertise on matters related to gender diverse offenders. The GCS supports CSC operations across the country, offering awareness and guidance to staff and offenders to ensure that the health, safety and dignity of everyone is respected.
26. At AI, CSC has made the following gender-related accommodations to support the applicant:
  - a. If strip searches or frisk searches of the applicant are required, these are to be carried out by woman staff members.
  - b. Similarly, if urinalysis is required from the applicant, the collection of samples is to be carried out by woman staff members.
  - c. Observation of the applicant is to be carried out by woman staff members.

- d. As requested by the applicant, at least one woman staff member is to accompany her on medical escorts.
- e. CSC has provided her access to some materials from institutional canteen that are typically reserved for women’s institutions. This includes make up, nail polish, and other feminine health accessories.
- f. She is provided with woman’s clothing.

27. CSC’s Gender Considerations Secretariat has been consulted to ensure that the applicant’s gender-related needs, safety and overall well-being will be addressed at and by Millhaven Institution.

28. On or about August 12, 2025, a final decision was issued approving her transfer to Millhaven Institution. Attached hereto is a true copy of the Referral Decision Sheet dated August 12, 2025 as **Exhibit “E”**.

**AFFIRMED** before me at Atlantic Institution in the Province of New Brunswick, this 9<sup>th</sup> day of September, 2025  
  
 A Barrister/Commissioner for New Brunswick

  
 ELIZABETH BURNS



T-3278-25

This is Exhibit "A" referred to in the  
Affidavit of Elizabeth Burns, sworn/ to affirmed  
before me on the 9<sup>th</sup> day of September,  
2025.



A Barrister/Commissioner of New Brunswick



Correctional Service  
Canada

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Completing Operational Unit

**ASSESSMENT FOR DECISION**

**ATLANTIC INSTITUTION**

**Decision Required:**

**INST. TRANSFER (INVOLUNTARY)  
ALLEVIATE SIU STATUS**

Authority **CORRECTIONAL SERVICE**  
Consultation

**CASE STATUS**

AFFILIATION / 1184-02:

**No Offender Affiliations**

Related Correctional Plan Progress Report(s):

Related Actuarial Tool:

**APPRAISAL**

**ASSESSMENT FOR DECISION FOR TRANSFER**

=====

**CASE STATUS**

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This report is being generated to recommend an involuntary inter-regional transfer for Amanda COOPER to MILLHAVEN Institution to alleviate her SIU status. COOPER transferred to the SIU at Atlantic Institution on 2024-11-12 from the Federal Training Centre in Quebec. She currently resides in the Structured Intervention Unit at Atlantic Institution. At this juncture, she remains accurately classified as a maximum-security offender.

**COOPER is a 58-year-old, third time federal offender who is serving an indeterminate**

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FPS 053849C	NAME COOPER, AMANDA JOY
DOB 1967/06/08	LOC. ATLANTIC INSTITUTION

sentence as a Dangerous Offender (DO) for Sexual Assault (x4), Assault-Use of Force (x3), Forcible Confinement and Uttering Threats. Her third sentence commenced on 2001-06-20. Note that there was an error in the previous documents/reports regarding the number of charges for the offence of Assault-Use of force. She was convicted in 2021 for a similar charge, now raising the number of charges to X3 rather than X2. The offences for which she was sentenced were between 1997 and 2018 (convicted for two offences while incarcerated).

COOPER is a Canadian Citizen, born in Montreal, Quebec, and speaks fluently in both English and French. There is no STG consideration in this file. She has no outstanding appeals or outstanding charges. She is not identified as a High-Profile Offender.

RISK ASSESSMENT

=====

RISK FACTORS

-----

COOPER has undergone full gender affirmation surgery in September 2024. She was residing at the regional hospital in the Regional Reception Centre (RRC) post-surgery. She was involuntarily transferred to Atlantic Institution on 2024-11-04. Upon arrival at Atlantic Institution site, she was met by a Correctional Manager, Security Intelligence Officer and Program Manager to discuss her needs and integration options. During the conversation, she was informed that she was identified as being able to integrate the unit 5 mainstream inmate population (integrated population). COOPER advised that she did not feel safe or comfortable integrating in a male institution having had the gender-affirmation surgery. Mitigating strategies to ensure her safety were discussed including a placement on a quieter pod at the back of a range along with safety measures in place during the unit's routine, but to no avail. As it was believed that forcing COOPER to integrate a population against her will would not achieve the desired outcome, a decision was made to transfer her to the SIU under section 34(1)(b) of the Corrections and Conditional Release Act (CCRA).

COOPER has spent substantial portions of time in the SIU since its inception. Historical information shows her SIU placements were alleviated via transfers to other maximum-security institutions.

She is not affiliated with Security Threat groups; she does have incompatibles on file but none that preclude a transfer to the proposed location. COOPER has a documented history of institutional adjustment concerns. Most recently, she has demonstrated a return to her offence cycle: reverting to behaviours such as using verbal violence, harassment and property destruction to show her disagreement with her case management team and overall management of her case.

Her security intelligence file was reviewed, there is no specific information that would preclude a transfer to the proposed location.

COOPER has participated in several intervention opportunities since her arrival in the SIU. This includes but is not limited to, CMT sessions, SIU-MM, Social programs, and the Sex offender High intensity Program, which she is receiving one-on-one in the SIU. She gained employment but never opted to join a recreation group. Her SIU-CPU has remained fairly static since her SIU arrival at AI. Her CMT have encouraged her to work with them to help her reach her overall goal (transferring to a women's site). Through her stay, multiple concerns would come up that would setback any progress made on her part. At the time of this report, COOPER's case management team

ASSESSMENT FOR DECISION

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DOB 1967/06/08	LOC. ATLANTIC INSTITUTION

is no longer able to work efficiently with her.

COOPER identified as male at the time of her offending, given such, the actuarial tools for men will be used to assess risk. COOPER identified as a woman, at the time of this report.

A review of CD 705-7 Annex D, COOPER's index offending is considered major offence severity, serious harm was met in this case. She is a designated Dangerous Offender. The SIR is -13 showing a HIGH level of general recidivism. The CRI is 18 showing a MODERATE/HIGH static risk and a program recommendation of HIGH Intensity Sex Offender programming. COOPER was participating in the High Intensity Program from the SIU, she is still in the early stages of the program. That said, during her program participation, she has continued to show unhealthy behaviours. The undersigned opines that she remains an untreated sex offender. COOPER has not had a physically violent incidents against other staff, however she has been emotionally and psychologically violent towards staff. She has an alert on file for staff safety concerns. While in the SIU, she requires a TRA for meeting with female staff in a secured room, this TRA was never modified as she did not show manageable behaviour. At this time, COOPER is believed to be in her offence cycle making her risk for violent behaviour (be it physical, emotional, psychological) at a high risk. The most recent PRA on file shows that her risk for sexual recidivism remains well above average risk level.

#### Inmate Security Level Review

COOPER's OSL was last reviewed on 2024-07-22. On 2024-09-26, she was approved as a maximum-security offender (see CSC Decision). The following ratings remain valid, as per the aforementioned CSC Decision sheet:

Institutional adjustment - HIGH; COOPER demonstrates an uncooperative attitude toward institutional programs and staff and presents a potentially serious management problem within an institution.

Escape risk - MODERATE; COOPER is unlikely to make active efforts to escape but may do so if the opportunity presents itself.

Public safety - HIGH; COOPER's criminal history involves violence, and the inmate has not demonstrated sufficient progress in addressing those dynamic factors which contributed to the violent behaviour or a willingness to attempt to address such factors.

#### OVERALL ASSESSMENT

As COOPER is unwilling to integrate Atlantic Institution, and she is no longer able to have productive interactions with her case management team, an involuntary transfer is being recommended. This transfer will provide COOPER with a safe environment that meet her program, language, cultural and security needs.

Millhaven Institution provided the following comments:

"MI has reviewed the proposed involuntary transfer of COOPER FPS 053849C from AI SIU to Millhaven Institution to alleviate her SIU status. Consultation with the Security Intelligence Department indicates that there are no known security concerns that would preclude this proposed transfer. Her programming needs of the High Intensity SO ICPM can be met at Millhaven. Of note, there are a few overdue BF's that should be addressed/completed/withdrawn as required prior to transfer. Beyond that, all outstanding casework must be completed by the sending site, in addition to anything

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that becomes due within 30 days of his transfer to MI. The most recent Correctional Plan Update was completed on 2024-11-18. We ask that an updated CPU be completed, should one be required as per CD 710-1 (i.e., changes in key ratings, etc.). Based on the above, MI is supportive of this proposed transfer."

Consultation with the Security Intelligence department occurred and the following comments were provided:

"COOPER is an integrated offender with no STG concerns noted on file and no listed incompatibles at Millhaven Institution.

Consultation occurred with Health Services and the following comments were provided: "After reviewing the medical file of COOPER, AMANDA JOY 053849C, there are no medical contraindications at this time that would hinder a transfer to another institution. If you have any other questions/concerns, please do not hesitate to contact healthcare."

Consultation occurred with Mental Health Services and the following comments were provided:

"As her parole officer, you have indicated that Ms. COOPER is being considered for transfer to another Institution. As per section 87 of the CCRA, Mental Health Services has been asked to provide a transfer opinion. According to file review, Ms. COOPER is receiving on-going mental health services and is seen as per treatment plan. Based on the last Mental Health Needs Scale completed, which is dated 2025-06-03, she presents with MEDIUM/SOME needs in mental health. There is a noted history of suicide and or self-injury. Ms. Cooper is currently maintained on mental health monitoring with hourly checks. There is no evidence to suggest that she is currently suffering from an acute mental health disorder that would contraindicate a transfer at this time. Please note, because no mental status assessment interview was completed, the information provided cannot be taken to represent a comprehensive assessment regarding Ms. COOPER's current state of mental health. Prior to the transfer should staff become aware of acute mental health symptoms that could affect a transfer, they should refer the offender to Mental Health Services."

#### GENDER CONSIDERATIONS

=====

COOPER has reported that she offended the way she did as a way to feel equal to cis-gender women. While there is recognition that her actions made her a threat to society as whole, there must also be recognition for the society expectations on gender. COOPER reports at the age of 7, she knew she was a woman. In the Sixties, there was little to no education on gender identities, expression or variations from the traditional cis-man and cis-woman. COOPER would have been surrounded with the traditional societal expectations that have deep rooted misogynist ideas. In COOPER's case, it would appear that this created an idea that a woman was one particular description with no variance on the definition. In absence of being able to meet this idea, COOPER reports she resorted to violence to feel in control of a body that she did not identify with. While this is not an excuse for COOPER's offences, there is a level of deep-rooted societal norms that caused harm to COOPER and her ability to function in a society that was unlikely to accept her gender identity. COOPER is highly encouraged to challenge the misogynist views that she would have learned throughout her life as to what gender identity means and how it varies.

Overall, it is recognized that Millhaven Institution can meet COOPER's security, language, cultural and program needs. It is therefore recommended that her transfer to Millhaven Institution be approved.

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VICTIM CONSIDERATIONS

=====

Victim related concerns were reviewed, and the current recommendation does not present proximity issues. Additionally, given the continued security level recommendation of maximum security, her next location will provide enclosure.

DISSENTING OPINION

=====

There are no known dissenting opinions in this case.

RECOMMENDATION

=====

Involuntary Inter-regional Transfer to MILLHAVEN INSTITUTION: Approved

RECOMMENDATION

Dec. # Decision

Recommendation

320 INST. TRANSFER (INVOLUNTARY)  
ALLEVIATE SIU STATUS

APPROVED  
MILLHAVEN INSTITUTION

DAY PAROLE OTHER LOCATION INFORMATION:

Other Location 1:

Community:

Comments:

Other Location 2:

Community:

Comments:

SPECIAL CONDITIONS

Dec. # Decision/Comment

Special Conditions

-

Completing Officer - Signature

Date

Y M D

BURNS, ELIZABETH  
A/PAROLE OFFICER

2025/07/23

CSC Supervisor - Signature

Date

Y M D

WALLACE, JEFFREY  
A/MGR ASSESSMENT INTERVENTION

2025/07/23

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DOB <b>1967/06/08</b>	LOC. <b>ATLANTIC INSTITUTION</b>

I acknowledge receipt of a copy of this document

Date

Y M D

\_\_\_\_\_  
Offender - Signature

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Copy provided to offender by:

Date

Y M D

\_\_\_\_\_  
Signature

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This is Exhibit "B" referred to in the  
Affidavit of Elizabeth Burns, sworn/ to affirmed  
before me on the 9<sup>th</sup> day of September,  
2025.



A Barrister/Commissioner of New Brunswick



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**REFERRAL DECISION SHEET FOR:  
INST. TRANSFER (VOLUNTARY)**

Decision Number  
**281**

Current Institution or Address  
**REGIONAL RECEPTION CTRE-QUEBEC**

Purpose:  
**PROVIDE ACCESS TO PROGRAMS**

FPS Number  
**053849C**  
Family Name  
**COOPER**  
Given Name(s)  
**AMANDA JOY**

Date of Birth  
**1967/06/08**

Consultation Required

Current Cell Situation **RECEPTION**

Destination/Institution Requested	Region	Country
<b>JOLIETTE INSTITUTION</b>	<b>QUEBEC</b>	

**ADDITIONAL RECOMMENDATIONS**

**MGR ASSESSMENT INTERVENTION**

Comment:  
**In agreement with the CMT's recommendation to refuse this transfer application.**

Recommendation: **NOT APPROVED**

Date  
Y M D  
**2024/08/26**

**CHOW, NANCY  
MGR ASSESSMENT INTERVENTION  
FEDERAL TRAINING CENTRE**

**WARDEN**

Comment:  
**Ms. Cooper is requesting a voluntary transfer to Joliette Institution in order to meet her gender-related needs. She has been approved to undergo gender affirmation surgery. She made a previous application for voluntary transfer to Grand Valley Institution for Women in 2021, which was ultimately denied by the Deputy Commissioner for Women.**

**Ms. Cooper is a third time Federal offender who is serving an indeterminate sentence as a Dangerous Offender (DO) for Sexual Assault (x4), Assault-Use of Force (x3), Forcible Confinement and Uttering Threats. File information does indicate that Ms. Cooper began engaging in sexually deviant behaviour at the age of 14. All offenses involved adult women except for one that involves a 14-years-old girl.**

**The subject's criminal dynamic is almost exclusively sexual in nature. Ms. Copper's sex offending involves predominant factors of predation and domination, as well as opportunism with women/girls almost all unknown to her. There is also a significant violence dynamic and/or intrusive, impulsive and/or reactionary behaviour. Verbal abuse and threats are also part of her dynamic, mainly but not exclusively toward women/female staff members. Hostility toward women has been recorded on numerous occasions in the documentation and is one of the objectives that must be worked on. Within the institution, she also committed more than one sexual assault on adult**

REFERRAL DECISION SHEET FOR: **INST. TRANSFER (VOLUNTARY)**

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CSC 1090 (R-99-05) OMS VERS (9)

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FPS 053849C	NAME COOPER, AMANDA JOY
DOB 1967/06/08	LOC. REGIONAL RECEPTION CTRE-QUEBEC

women; but has also used aggressive behaviours towards men Officers.

She was transferred to the Special Handling Unit (SHU) on 2002-01-25 due to threatening to kill and sexually assault women staff as well as inciting other offenders to do so. After this transfer, her disturbing behaviour continued for a lengthy period, and she stayed in the SHU for 16 years before being able to transfer to a maximum security institution in 2018. However, two months after getting out for the first time of the SHU, Ms. Cooper reoffended on a woman officer (CO-II) while she was in the Segregation Unit of Stony Mountain institution on 2018-04-22 and was charged for yet another offence.

In the last years, she has been incarcerated in maximum security institutions. Ms. Cooper arrived at the Federal Training Centre -6099 on 2024-04-09 from Millhaven Institution in Ontario. At that time, she had been in the Structured Intervention Units (SIU) since 2024-01-02. Before her transfer to the SIU in January 2024, she was residing in the Therapeutic Range (TR) in Millhaven for approximately a year and a half. An interregional transfer to FTC-6099 was approved to meet met the subject's security classification (lowered on 2023-05-10) and also alleviate her SIU placement. However, her security classification is currently being revised to maximum after she made serious threatening comments and had harassing behavior towards a female staff member (two separate events).

The CMT is unsupportive of Ms. Cooper's transfer request. Ms. Cooper is assessed as posing a very high risk to the safety of the inmate population at Joliette Institution, since the inmates fit the victim profile listed in Ms. Cooper's criminal record. Female staff can also be potential victims, given the offences committed against them over the last three decades. After consultation with the targeted institution and based on their assessment, the reinforced structure of their institution's maximum unit is not sufficient to prevent access to potential victims. All the recent and previous psychological assessments lead to the same conclusion as the current CMT and Joliette Institution. Additionally, research suggests that reoffending among transgender individuals who have transitioned from male to female retain reoffending patterns of male offenders.

Although she seems to have an increasing motivation to change and has demonstrated some improvement of her institutional behaviour since a few years, Ms. Cooper continues to present challenging issues in her relationship dynamics with others, more specifically with women. She presents difficulties in coping with feeling of rejection. More importantly, she presents a risk of sexual recidivism assessed at "Well above average" and she has not yet undertaken the clinical work demonstrating measurable and stable results over a significant period of time, in order to address her many shortcomings and mitigate the risk she represents.

All the consultations and the file review lead to the conclusion that Ms. Cooper represents a very high risk for the inmate population of Joliette's Institution and I concur with the recommendation of CMT to deny her transfer application.

Recommendation: NOT APPROVED

Date

REFERRAL DECISION SHEET FOR: INST. TRANSFER (VOLUNTARY)

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DOB 1967/06/08	LOC. REGIONAL RECEPTION CTRE-QUEBEC

Y M D

2024/08/26

BARTUCCI, SANDRO  
 A/WARDEN  
 FEDERAL TRAINING CENTRE

## FINAL DECISION

### Rationale:

Ms. Cooper, this is in response to your application for a Voluntary Transfer from the Federal Training Centre to Joliette Institution in order to reside in an institution that aligns with your gender identity, as well as to be in your home community in the Quebec region.

As per the Commissioner's Directive 100 - Gender Diverse Offenders, you may request a transfer to an institution according to your gender identity or expression. As the decision-maker, I acknowledge that you identify as a woman and have requested a transfer to a women's institution. I must also consider whether there are health and safety concerns that cannot be resolved if you were to transfer at a women's institution.

In making my decision with regard to your Voluntary Transfer, I have reviewed all relevant information, including file information regarding your index offence, your criminal history, the recommendations from both sending and receiving institutions, and I have given consideration to the correctional environment. It has been noted that you are currently serving an indeterminate sentence for Sexual Assault x4, Assault - Intentional Use of Force x3, Forcible Confinement and Utter Threat to Cause Harm/Death. This represents your third federal sentence and I note that you have been designated a Dangerous Offender in 2001.

Ms. Cooper, I have reviewed the entirety of your file and have considered the information brought forth by the Federal Training Centre and Joliette Institution. You began your sentence at Port-Cartier Institution in 2001, as a Maximum-Security Offender. You maintained this security level, until your reclassification to Medium Security in 2023, which was later followed by a transfer from Millhaven Institution to the Federal Training Centre, located in your home region of Quebec. During the 22 years you were assessed as Maximum Security, I note that you spent over 16 years in the Special Handling Unit, as well as 7 years in segregation, which impacted your ability to participate in recommended programs and interventions.

More specifically, given the nature of your index offences, your Case Management Team (CMT) referred you for participation in the Sex Offender Non-Intake Primer, which you successfully completed in 2022, as well as the Sex Offender High Intensity Program, to which you were assigned recently. Through programs and interventions, you can gain insight towards your need areas, particularly those that contributed directly to your offence cycle, including your personal and emotional orientation, your marital and family relationships, as well as your attitude.

Regarding your institutional behaviour, I note that you have been involved in 44 institutional incidents, including many of a violent and highly disruptive nature. Some of your serious incidents, including sexual assaults against women staff, have resulted in concurrent convictions. Your latest incident happened on 2024-07-12, after a period of compliance which lasted 3 months, where you uttered threats of harm and death on a voicemail to the Office of the Correctional Investigator. This incident led to a placement on Restricted Movement, followed by an Involuntary Transfer to the

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FPS 053849C	NAME COOPER, AMANDA JOY
DOB 1967/06/08	LOC. REGIONAL RECEPTION CTRE-QUEBEC

Regional Reception Centre, as well as a recommendation for Security Reclassification to Maximum Security. I also note that staff at the Federal Training Centre noted concerning behaviours in the last few weeks, including targeting women employees, and crossing boundaries with your CMT. During the case conference held on 2024-07-31, you expressed remorse regarding your recent threats towards staff, indicated that you recognized that your behaviour was not appropriate and mentioned that you would benefit from anger management interventions. Nevertheless, those recent events demonstrate that there are current significant concerns with your institutional adjustment within a medium-security facility, as you are increasingly displaying problematic behaviours, such as predation, fixation and overall aggression when facing negative situations. You have yet to internalize the skills and tools acquired from interventions and programs, as you continue to struggle with decision making, emotional regulation and interpersonal skills. Ms. Cooper, your commitment towards yourself is of the utmost importance and by engaging meaningfully with your CMT and making responsible decisions, you can put yourself in a favorable position to achieve your institutional goals.

I have also taken into consideration your latest Psychological Risk Assessment, completed on 2022-05-10 by Dr. S. Cunningham. According to this assessment, your risk for sexual recidivism is considered as Well-Above Average, and that your treatment needs were in the areas of impulsivity, problem solving, hostility towards women, lack of concern for others and deviant sexual preferences. Dr. Cunningham also advised against a transfer to a women's institution, unless you can demonstrate a significant period of incident-free behaviour, notably within a medium-security environment. Given the recent disruptive incidents in which you have been involved as the instigator, you are being recommended for a security reclassification to Maximum.

I have also considered the recommendation from Joliette Institution for Women that, despite potential mitigation strategies, your risk in their institution is deemed to be unmanageable. Women institutions' security infrastructure differs significantly from those in men's institutions as they are designed to empower federally incarcerated women, while encouraging autonomy and self-sufficiency in a community-type setting. For example, Joliette Institution for Women's medium and minimum-security offenders are housed together, in a communal setting, with several offenders per house. The houses do not provide constant direct supervision. In addition, the federally sentenced women's institutions have a Mother-Child Program, in which offenders in the medium-minimum population are able to have their children reside with them in custody. According to Joliette Institution for Women's assessment, their existing supervision model is insufficient to manage your risk, and the mitigating strategies required to manage your risk would not only be detrimental to the existing population, which includes vulnerable women, but could also have an impact on your ability to progress through your Correctional Plan to address your outstanding risk and need areas and to adhere to institutional rules. A placement in the Secure Unit as a Maximum-Security offender, with constant supervision and controlled movement on the range has also been explored as a possible mitigating strategy, in order to control the risk you would present in a congregate living environment. Given the safety concerns towards staff and the women population, associated with your presence in their institution, Joliette Institution for Women has assessed additional staffing or supervision would be required to an extent which is not in line with the operational model or deployment standards for the Secure Unit, is inconsistent with the principles of Creating Choices, and would also compromise the supportive role and dynamic security functions of the Primary Workers. Given the unique social histories of women offenders, especially Indigenous women offenders, excessive security presence could create apprehension and fear. A classification to

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Maximum Security in a women's institution, as well as your presence in the Secure Unit would significantly impact your ability to make progress in your correctional journey, as this environment would not be conducive for addressing your areas of need and increased risk.

Having assessed the information from the Federal Training Centre that there are overriding safety issues that could not be resolved, and the agreement from Joliette Institution that the mitigation strategies to manage the risk you pose to others cannot be implemented, I deny your transfer. Ms. Cooper, I strongly encourage you to work with your CMT in order to address your areas of risk and need. I also encourage you to remain compliant with institutional rules and to focus on your progress in your correctional journey. I note that you had recently begun the Sex Offender High Intensity Program, prior to your transfer to the Regional Reception Centre, and I urge you to re-engage in this program as soon as possible, as it can give you skills and tools to address your offence cycle. I would also like to mention that your CMT will continue to ensure that your Individualized Protocol is respected, including accommodation measures that will allow you to express your gender identity and to live as your true self.

If you are not satisfied with the decision, you may submit a grievance pursuant to sections 90-91 of the CCRA, sections 74-82 of the CCRR and CD 081 - Offender Complaints and Grievances by providing the Grievance Coordinator at your institution with a written submission that outlines your concerns. A national toll-free phone number (1-800-263-1019) is also available to you to inquire about the offender complaint and grievance process.

Special Condition(s)		Received by	Effective Date	End Date
Action	Condition/Comment			

Decision:	<b>NOT APPROVED</b>	Decision Date	Effective Date
		2024/09/06	2024/09/06

Institutional Adjustment	MODERATE
Escape Risk	MODERATE
Risk to Public Safety	HIGH

Signature

---

JARRETTE, AMY  
DC WOMEN  
NATIONAL HEADQUARTERS - CSC

Date  
Y M D  
| | |

Copy provided to offender by:

Date

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T-3278-25

This is Exhibit "C" referred to in the  
Affidavit of Elizabeth Burns, sworn/ to affirmed  
before me on the 9<sup>th</sup> day of September,  
2025.



A Barrister/Commissioner of New Brunswick





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› [Acts, Regulations and Policy](#) › [Commissioner's Directives](#)

# Commissioner's Directive 100: Gender diverse offenders

## Authorities

- [Corrections and Conditional Release Act \(CCRA\)](#), sections [4](#), [23](#) and [70](#)
- [Canadian Human Rights Act](#), subsection [3\(1\)](#).

## Purpose

To provide direction on procedural changes that reflect the Correctional Service of Canada's (CSC's) commitment to meeting the needs of its gender diverse offender population in ways that respect their human rights and ensure their safety and dignity as well as the safety of others in the institutions and community

## Applications

Applies to all staff working with gender diverse offenders

# Contents

- [Responsibilities](#)
- [Procedures](#)
  - [Flag, Need and the Gender Considerations Screen in OMS](#)
  - [Intake](#)
  - [Intake Assessment Process](#)
  - [Voluntary and Involuntary Transfers](#)
  - [Other Gender-Informed Measures](#)
  - [Collection, Display and Sharing of Gender and Sex Information](#)
- [Enquiries](#)
- [Annex A](#)
- [Case Conferences](#)
- [Immediate Needs – Gender Considerations \(Individualized Protocol\) – Report Outline](#)

## Commissioner's Directive



**Number:** 100

**In Effect:** 2022-05-09

### Related links

- [Policy Bulletin 685](#)

# Responsibilities

1. The Assistant Commissioner, Policy, in collaboration with internal and external partners, as required, will:
  - a. provide a strategic leadership function with respect to the development of policies and practices that support CSC's commitment to addressing the needs of gender diverse offenders
  - b. lead and support research projects related to correctional programs and assessment tools for gender diverse offenders
  - c. assist sectors in addressing new and emerging policy issues and trends with respect to gender diverse offenders, and in responding accordingly
  - d. monitor trends and performance for the purpose of continuous improvement, decision-making, and implementation of best practices.
2. The Assistant Commissioner, Correctional Operations and Programs, will:
  - a. be the final decision-maker for penitentiary placements in a men's institution and transfers from a women's to a men's institution, including men's section 81 facilities and CSC's Indigenous Healing Lodges for men
  - b. ensure continued access to correctional interventions for gender diverse offenders.
3. The Deputy Commissioner for Women will be the final decision-maker for penitentiary placements in women's institutions and transfers to women's institutions, including women's section 81 facilities and CSC's Indigenous Healing Lodges for women.

4. The Assistant Commissioner, Human Resource Management, in collaboration with others as required, will:
  - a. ensure that training on gender identity and expression is current and mandatory for all staff
  - b. engage with relevant external stakeholders, including gender diversity advocacy groups, when developing and updating staff training material.
5. The Assistant Commissioner, Corporate Services, will ensure:
  - a. gender diverse offenders are provided with institutional clothing that better aligns with their gender identity or expression
  - b. procurement mechanisms are in place to provide access to gender-specific personal property.
6. The Assistant Commissioner, Health Services, in collaboration with others as required, will ensure:
  - a. the provision of essential physical and mental health care to gender diverse offenders (including in the case of a gender-affirming surgery) is according to the National Essential Health Services Framework, developed in accordance with the most recent edition of the World Professional Association for Transgender Health Standards of Care
  - b. health services staff are aware of and follow the World Professional Association for Transgender Health Standards of Care
  - c. continuity of care for gender diverse offenders, further to penitentiary placement and/or transfers, including in section 81 facilities and CSC's Indigenous Healing Lodges.
7. The Regional Deputy Commissioner will:

- a. determine the type of intake site (men's or women's) gender diverse offenders are assigned to if CSC has sufficient information to assess the offender's risks and needs and a case conference per Annex B occurred
  - b. participate in case conferences related to penitentiary placements and transfers of gender diverse offenders, as required
  - c. in collaboration with Institutional Heads and District Directors, and others as required, create opportunities to promote awareness among staff and offenders on the human rights and needs of gender diverse offenders.
8. The Institutional Head/District Director will:
- a. ensure a process is in place for the development, consistent use and adherence to the terms of individualized protocols
  - b. ensure that a case conference per Annex B occurs between the sending and receiving institutions, for penitentiary placements and transfer requests of gender diverse offenders
  - c. participate in case conferences related to penitentiary placements and transfers of gender diverse offenders, as required
  - d. ensure offenders have access to external resources and networks that are respectful and reflective of gender diversity
  - e. foster behaviours and practices among staff and offenders that promote a safe and inclusive environment in institutions, including Community Correctional Centres
  - f. foster an environment where 2SLGBTQI+ inclusive activities, services and interventions can take place and allow offenders to form 2SLGBTQI+ associations or committees that will meet their needs and interests.

9. The Parole Officer will:

- a. complete the Preliminary Assessment in accordance with CD 705 1 - Preliminary Assessments and Post-Sentence Community Assessments
- b. update the Correctional Plan per the requirements set out in CD 710 1 - Progress Against the Correctional Plan, when the Gender Considerations Need is activated in the Offender Management System (OMS)
- c. assist offenders in their request to complete legal name changes
- d. activate the Gender Considerations Need in OMS if the offender, while on conditional release, requests one or more gender-related accommodations, and complete the applicable sections in the individualized protocol, in collaboration with the offender
- e. provide confirmation to the Sentence Management Officer following an offender's gender-affirming surgery involving a change to their genitalia
- f. liaise with the community Parole Officer to ensure the offender is provided with continuity of service, including gender-related services
- g. ensure necessary referrals are completed to address needs, including gender-related needs, and to facilitate the offender's transition to the community
- h. ensure that an offender's gender-related needs are considered and addressed as part of the pre-release decision-making process and when reviewing the Community Strategy (e.g., referral to a Community Correctional Centre/Community-Based Residential Facility).

10. Staff completing the Immediate Needs Identification Interview will activate the Gender Considerations Need in OMS if the offender requests at least one gender-related accommodation, as well as complete the individual protocol sections in collaboration with the offender, and immediately advise the Correctional Manager for finalization.
11. The Correctional Manager will activate the Gender Considerations Need in OMS if the offender requests at least one gender-related accommodation, at any time during their sentence, and will complete and finalize an individualized protocol in collaboration with the offender.
12. The Parole Officer Supervisor is the final decision-maker for individualized protocols when the community Parole Officer does not support the accommodation requested by the offender in one or more sections of the individualized protocol.
13. The Assistant Warden, Operations, is the final decision-maker for individualized protocols when the Correctional Manager does not support at least one gender-related accommodation requested by the offender.
14. Following confirmation of gender-affirming surgery involving a change to genitalia, the Sentence Management Officer will update the offender's sex in OMS, in accordance with CD 703 – Sentence Management.
15. Any staff member, volunteer or contractor to whom an offender discloses their gender-related accommodation needs must advise the offender to notify the Correctional Manager or the community Parole Officer.

16. All staff will report any behaviour that is disrespectful or discriminatory as outlined in CD 001 – Mission, Values and Ethics Framework of the Correctional Service of Canada and CD 060 – Code of Discipline.
17. All staff members whose duties require them to be aware of the existence of an offender’s individualized protocol are required to abide by its provisions.

## Procedures

18. Policy provisions and procedures that apply to men’s institutions continue to apply to all offenders residing in those institutions, unless otherwise indicated in this policy.
19. Policy provisions and procedures that apply to women’s institutions continue to apply to all offenders residing in those institutions, unless otherwise indicated in this policy.

## Flag, Need and the Gender Considerations Screen in OMS

20. When the community Parole Officer completes the Preliminary Assessment in OMS, and the offender has indicated they are gender diverse, the community Parole Officer will check the “Any offender identified gender considerations?” field and the Gender Identity and Expression flag in OMS will automatically be activated.
21. During the Immediate Needs Admission Interview, if the offender requests one or more gender related accommodations, the staff completing the interview will activate the Gender Considerations Need in OMS and complete the individualized protocol sections, as identified

in Annex C, in collaboration with the offender. The Correctional Manager will then be advised of such for finalizing purposes.

22. After activating the Gender Considerations Need in OMS, during the Immediate Needs Interview or at any point during an offender's sentence, the individualized protocol will be completed by staff activating the need and finalized by the Correctional Manager within 24 hours or by the community Parole Officer within one working day.
23. If a Gender Considerations Need is already active in OMS upon a readmission, transfer or conditional release, the Correctional Manager or community Parole Officer will review the existing individualized protocol with the offender and update it, if required.
24. Upon conditional release, during the initial interview with the community Parole Officer, if the offender requests one or more gender-related accommodations, the community Parole Officer will activate the Gender Considerations Need in OMS and complete the individualized protocol sections in collaboration with the offender.
25. At any time during an offender's sentence, if the offender requests one or more gender related accommodations, the Correctional Manager or the community Parole Officer (when the offender is on conditional release) will complete the individualized protocol in the Immediate Needs – Gender Considerations screen in OMS. The individualized protocol will be updated throughout the offender's sentence, as needed.
26. The Correctional Manager or community Parole Officer will:
  - a. ensure the individualized protocol is developed in collaboration with the offender and reflects their gender-related needs
  - b. update the individualized protocol as required

- c. end the individualized protocol when the offender indicates that there is no longer a need for gender-related accommodation
  - d. ensure that the initial and updated versions of the individualized protocol are signed by the offender and placed on their Case Management file. A copy will be provided to the offender.
27. In cases where the Correctional Manager or the community Parole Officer does not approve a requested accommodation in the individualized protocol, the Assistant Warden, Operations, or the Parole Officer Supervisor will make the final decision and finalize the individualized protocol within three business days, following a discussion with the offender. The Assistant Warden, Operations, or the Parole Officer Supervisor will also ensure that the rationale to approve or deny the accommodation is documented under the applicable section of the individualized protocol.
28. When the conditions resulting in the denial of accommodation in the individualized protocol change, the request will be reviewed and the individualized protocol will be updated, as needed, within the timeframe specified above.
29. Staff of the chosen gender, as specified in the offender's individualized protocol, will conduct the security procedures, as identified in Annex C. Exceptions may only be tolerated in emergency situations, where an accommodation would create an overriding health or safety concern that cannot be resolved. This will be recorded in accordance with CD 568.2 – Recording and Sharing of Security Information and Intelligence.
30. When an offender requests new gender-related accommodations during a security procedure:
- a. staff will verify if the offender has an individualized protocol in OMS, abide by its provisions or make required updates to the

applicable sections prior to proceeding

- b. if the offender does not have an existing individualized protocol, staff will activate the Gender Considerations Need in OMS and complete the individualized protocol sections prior to proceeding. The individualized protocol will be finalized by the responsible staff in OMS without delay
- c. the individualized protocol will be signed by the offender without delay, and placed on their Case Management file. A copy will be provided to the offender
- d. when it is not possible to complete every section of the individualized protocol prior to the procedure, only the relevant section must be completed and others will indicate “no preferences”. A full individualized protocol will be completed and finalized by the responsible staff per applicable timeframe.

## Intake

- 31. Prior to admission, staff will ensure that newly sentenced gender diverse offenders are provided with an opportunity to indicate if they have a preferred institution type (men’s or women’s). Should CSC have sufficient information to assess the offender’s risks and needs, a case conference per Annex B will occur, without delay, to determine the type of intake site. In cases where CSC cannot assess the offender’s risks and needs, the intake site for initial assessment will be based on their current sex.
- 32. A summary of this case conference will later be recorded in the Assessment for Decision for the offender’s security level and penitentiary placement.

33. Gender diverse offenders returning to federal custody from the community will be sent to the institution type (men's or women's) that better aligns with their gender identity or expression, if that is their preference, unless there are overriding health or safety concerns that cannot be resolved. In such situations, a case conference per Annex B will be held without delay to determine the most appropriate institution type.
34. A summary of this case conference will be recorded in the Assessment for Decision for the offender's security level and penitentiary placement, where applicable.

## **Intake Assessment Process**

35. The intake assessment process is completed per policy, and the type of assessment tools and supplementary assessment tools that are administered should accord with the type of intake institution where the offender is residing (i.e., men's or women's).
36. After completing the intake assessment process, offenders will be placed according to their gender identity or expression in a men's or a women's institution, if that is their preference, regardless of their sex (i.e., anatomy) or the gender/sex marker on their identification documents. In the event there are overriding health or safety concerns that cannot be resolved, the offender will be placed in a site that better aligns with their current sex (i.e., anatomy).
37. When a gender diverse offender requests a penitentiary placement in an institution that does not align with their current sex:
  - a. the offender will be provided with an opportunity to speak with a staff member from the potential receiving site to ask questions

- b. the offender will be consulted and involved in the decision-making process. This will be documented in the Assessment for Decision
- c. a case conference per Annex B will occur without delay and the results of the case conference will be documented in the Assessment for Decision.

38. Upon completion of the Assessment for Decision for the offender's security level and penitentiary placement, the offender will be given a copy of the report, and an opportunity to provide written or oral representation on the recommendation within two working days. The decision-maker will consider the offender's input, if any, prior to rendering their decision.
39. The Institutional Head of the intake institution, in consultation with the Regional Deputy Commissioner, as applicable, will forward the penitentiary placement and offender's security level recommendations for final decision-making to the Assistant Commissioner, Correctional Operations and Programs, (for requests to a men's institution) or the Deputy Commissioner for Women (for requests to a women's institution).

## **Voluntary and Involuntary Transfers**

40. Throughout their sentence, offenders may apply for a voluntary transfer to a men's or a women's institution according to their gender identity or expression.
41. The voluntary and involuntary transfer processes will be completed per CD 710 2 – Transfer of Inmates and GL 710 2 3 – Inmate Transfer Processes.
42. All transfer requests to a different institution type (i.e., men's to women's or vice versa) are assessed on a case-by-case basis and

require an Assessment for Decision that includes a security classification review and a transfer recommendation. The Assessment for Decision will also document the results of the Security Reclassification Scale (SRS)/Security Reclassification Scale for Women (SRSW) and identify any health or safety concerns (including mitigation strategies and accommodation measures considered at both sites, and why these measures were accepted or rejected and deemed sufficient or insufficient).

43. The Assessment for Decision is written by the Parole Officer/Primary Worker at the sending institution.
44. For offenders applying to transfer to a women's institution, the Primary Worker at the receiving institution will complete the SRSW. For offenders applying to transfer to a men's institution, the Parole Officer at the receiving institution will complete the SRS.
45. The sending institution will hold a case conference per Annex B, without delay, and incorporate the receiving institution's comments (including any dissenting opinions) in the Assessment for Decision.
46. When an offender submits a gender-related request for a transfer, they will be provided with an opportunity to speak with a staff member from the potential receiving site to ask questions, without delay.
47. The offender will be consulted and involved in the decision-making process. This will be documented in the Assessment for Decision.
48. The offender will be given a copy of the Assessment for Decision. If a recommendation is made to change the security level or if the recommendation does not support the transfer, the offender will be provided with an opportunity to submit written representations before a final decision is made.

49. In the event the request is denied or the offender withdraws their application, their security classification will remain unchanged and will not be impacted by the results of the SRS/SRSW, which might have changed their security classification.
50. Should the offender disagree with the transfer or the security-level decision associated with the transfer request, they may submit a high priority grievance to the national level.
51. The Institutional Head of the sending institution, in consultation with the Regional Deputy Commissioner, as applicable, will forward the transfer recommendation for final decision-making to the Assistant Commissioner, Correctional Operations and Programs, (for requests to a men's institution) or the Deputy Commissioner for Women (for requests to a women's institution).

## **Other Gender-Informed Measures**

52. When gender diverse offenders request access to private showers or toilets, measures to ensure safety and privacy will be provided and documented in the appropriate section of the individualized protocol.
53. The needs of gender diverse offenders will be considered as a vulnerability risk component in the completion of the Double-Bunking Cell Placement Assessment per CD 550 – Inmate Accommodation.
54. All gender diverse offenders will be provided with institutional clothing per CD 352 – Inmate Clothing Entitlements, in accordance with the type of institution (men's or women's) and the applicable institutional dress code where they reside, while respecting their gender expression (cut and size), if that is their preference.
55. All offenders, including gender diverse offenders, may purchase effects (men's or women's) from the National Supply Catalogue, regardless of

the type of institution (men's or women's) where they reside. The Institutional Head may approve with restrictions, or deny an item, per CD 566 12 – Personal Property of Offenders. In both instances, the Institutional Head must document a rationale for their decision and share it with the offender.

56. Following a first transfer to a different type of institution (men's or women's), an offender is entitled once, within 30 days of admission, to replace personal property items received from outside sources, in accordance with the processes for admissions and readmissions in CD 566 12 – Personal Property of Offenders.
57. Offenders may purchase canteen items in accordance with their gender identity or expression.

## **Collection, Display and Sharing of Gender and Sex Information**

58. Steps must be taken to maximize the privacy and confidentiality of any information related to an offender's gender identity or expression. This information will only be shared within CSC with those directly involved with the offender's care and only when relevant, unless otherwise agreed to by the offender.
59. With respect to the sharing of information with external parties that are not directly involved in the care or supervision of the offender, refer to CD 701 – Information Sharing.
60. Any discussions with the offender or among staff that touch on an offender's gender identity or expression must occur privately, out of hearing range of anyone else that does not have a need to know.
61. An offender's sex code in OMS will not change unless the offender undergoes gender-affirming surgery involving a change to their

genitalia.

62. In all written documentation (including name tags and other CSC-issued identification) and oral communications, whenever an offender's name is mentioned, staff will use the offender's chosen first or middle name(s) and chosen pronoun(s), in accordance with the individualized protocol. The full legal name, as recognized by Sentence Management, will only be used exclusively when legally required (e.g., suspension warrant) or as produced in CSC's header information.

## Enquiries

58. Strategic Policy Division

National Headquarters

Email: [Gen-NHQPolicy-Politiques@CSC-SCC.gc.ca](mailto:Gen-NHQPolicy-Politiques@CSC-SCC.gc.ca)

Commissioner,

Original signed by:

Anne Kelly

# Annex A: Cross-References and Definitions

## Cross-References

- [CD 001 – Mission, Values and Ethics Framework of the Correctional Service of Canada](#)
- [CD 060 – Code of Discipline](#)
- [CD 081 – Offender Complaints and Grievances](#)
- [CD 228 – Information Management](#)

- GL 254-3 – Workplace Accommodation
- CD 352 – Inmate Clothing Entitlements
- CD 550 – Inmate Accommodation
- CD 566-7 – Searching of Offenders
- CD 566-12 – Personal Property of Offenders
- CD 577 – Staff Protocol in Women Offender Institutions
- CD 701 – Information Sharing
- CD 703 – Sentence Management
- CD 705-1 – Preliminary Assessments and Post-Sentence Community Assessments
- CD 705-2 – Information Collection
- CD 705-3 – Immediate Needs Identification and Admission Interviews
- CD 705-6 – Correctional Planning and Criminal Profile
- CD 705-7 – Security Classification and Penitentiary Placement
- CD 710-1 – Progress Against the Correctional Plan
- CD 710-2 – Transfer of Inmates
- GL 710-2-1 – CCRA Section 81: Transfers
- GL 710-2-3 – Inmate Transfer Processes
- CD 710-6 – Review of Inmate Security Classification
- CD 712-1 – Pre-Release Decision-Making
- CD 726 – Correctional Programs
- CD 800 – Health Services
- CD 890 – Inmate Owned Canteens
- Creating Choices, Changing Lives: The Transformation of Women's Corrections in Canada
- Decision-Making Guide – Gender Diverse Offenders (CSC publication)
- National Essential Health Services Framework
- Policy Direction to Modernize the Government of Canada's Sex and Gender Information Practices

- World Professional Association for Transgender Health Standards of Care

## Definitions

**Case conference:** a formal meeting, consultation, or discussion about an inmate between two or more individuals. For additional information, please refer to Annex B.

**Gender:** a system that operates in a social context to classify people, often based on their assigned sex. In many contexts, this takes the form of a binary classification of either “man” or “woman”; in other contexts, this includes a broader spectrum.

\*According to Statistics Canada, gender refers to the gender that a person internally feels (“gender identity” along the gender spectrum) and/or the gender a person publicly expresses (“gender expression”) in their daily life, including at work, while shopping or accessing other services, in their housing environment or in the broader community. A person's current gender may differ from the sex the person was assigned at birth (male or female) and may differ from what is indicated on their current legal documents. A person's gender may change over time.

**Gender diverse:** an umbrella term for gender identities or gender expressions that differ from dominant cultural or societal expectations based on sex assigned at birth, which encompasses all gender identities (e.g., non-binary, transgender, two-spirited, etc.).

\*Other common terms associated with the term gender diverse are gender variant and gender non-conforming. Someone who is gender diverse may or may not also identify as transgender.

**Gender expression:** the way gender is presented and communicated to the world through clothing, speech, body language, hairstyle, voice and/or the emphasis or de-emphasis of body characteristics and behaviours.

**Gender identity:** a person's internal and individual experience of gender.

\*Gender identity is not necessarily visible to others and it may or may not align with what society expects based on assigned sex. A person's relationship to their own gender is not always fixed and can change over time.

**Individualized protocol:** refers to the Immediate Needs Indicators – Gender Considerations screen in OMS. The individualized protocol records an offender's gender-related accommodation information, such as an offender's chosen first and middle name(s), chosen pronoun(s), institution type preference (men's or women's), and the gender of staff (man or woman) who will complete security operational procedures.

**Overriding health or safety concern:** matters, substantiated through evidence or information, which would jeopardize the health or safety of the gender diverse offender, other offenders, staff, or members of the public.

**Sex:** the biological classification of a person as female, male or intersex. It is usually assigned at birth based on a visual assessment of external anatomy. Sex is primarily associated with physical and physiological features, including chromosomes, gene expression, hormone levels and function, and reproductive/sexual anatomy. For the purpose of this CD, the "sex" of an offender is determined solely by their current genitalia.

# Annex B: Case Conferences

Case conferences are an integral part of case management. When working with gender diverse offenders, case conferences allow staff to discuss and obtain an understanding of the offender's criminal pathway, risk and needs. These conferences assist staff in making informed decisions concerning offenders' gender-related needs, and will ensure progress towards rehabilitation and reintegration into the community.

Case conferences will occur without delay to comply with policy timeframes and will involve regional and national management.

The Institutional Head/District Director or their delegates will provide participants with:

- a detailed summary of the case being discussed
- the offender's individualized protocol
- the Assessment for Decision, including the receiving site's comments (unlocked)
- any other documents pertinent to the decision-making process.

## Case Conference Composition

- decision-maker
- institution/district representation
- Regional Headquarters representation
- National Headquarters representation, including the Women Offender Sector and the Gender Considerations Secretariat

# Elements to Discuss During the Case Conference

In situations where a case conference is required to determine the intake site for an offender, including offenders returning to federal custody requesting to go to an institution type that better aligns with their gender, the following elements will be discussed, as applicable, during the case conference and be included in the appropriate section of the Assessment for Decision:

- potential impacts on the offender population and others at the receiving site
- potential impacts on the gender diverse offender if they remain at their current site
- potential impacts on the gender diverse offender if they transfer to the receiving site
- challenges related to the physical infrastructure/security.

For an exhaustive list of elements to be considered during the case conference when determining potential health and safety risks, the reader is referred to the Decision-Making Guide – Gender Diverse Offenders. Any other health or safety concerns will be addressed during the case conference and documented as required in the Assessment for Decision.

## Case Conference for Offenders Returning to Federal Custody

A case conference will be held for offenders returning to federal custody who request to go to an institution type that better aligns with their gender, where:

- a. they were not last released from that institution type, or
- b. they were released from that institution type, but CSC has subsequently obtained information to suggest that there may be overriding health or safety concerns that cannot be resolved.

## Annex C: Immediate Needs – Gender Considerations (Individualized Protocol) – Report Outline

The individualized protocol will be carried out with respect for human dignity and in accordance with CSC values and the Standards of Professional Conduct.

Menu	Drop down menus or data entry
1. Version	The number of versions is indicated
2. Date of Gender Considerations Need	Activation date of the Gender Considerations Need is indicated
3. Gender Consideration History	Consult previous versions and amendments to the offender’s individualized protocol
4. Reason for Assessment	<ul style="list-style-type: none"> <li>• Admission to reception institution</li> <li>• Arrival to institution – transfer</li> <li>• End gender considerations</li> <li>• Offender initiated</li> <li>• Other</li> <li>• Post admission</li> <li>• Return from court</li> <li>• Staff amendments</li> </ul>
Comment: Provide additional information	

5. Gender	<ul style="list-style-type: none"> <li>• Man</li> <li>• Women</li> <li>• Non-binary</li> </ul>
Comment: Specify the offender's gender identity	
6. Use Chosen Name(s)	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
Comment: Specify the offender's current chosen name	
7. Chosen Pronouns	<ul style="list-style-type: none"> <li>• He/Him/His/Himself</li> <li>• She/Her/Hers/Herself</li> <li>• They/Them/Their(s)/Themself</li> <li>• Other</li> </ul>
Comment: Specify the offender's chosen pronouns	
8. Strip Search Protocol	<ul style="list-style-type: none"> <li>• No-preference</li> <li>• One-tier</li> <li>• Two-tier</li> </ul>
Top/Bottom Strip Search <i>(When the one-tier strip search is selected, indicate the gender of staff who will search the top and the bottom)</i>	<ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul>
Response	<ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul>
Comment: Provide relevant information and/or the rational for "Not approved"	
9. Top Strip Search <i>(When the two-tier strip search is selected, indicate the gender of staff who will search the top)</i>	<ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul>

Response	<ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul>
Comment: Provide relevant information and/or the rational for “Not approved”	
10. Bottom Strip Search <i>(When the two-tier strip search is selected, indicate the gender of staff who will search the bottom)</i>	<ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul>
Response	<ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul>
Comment: Provide relevant information and/or the rational for “Not approved”	
11. Frisk Search Protocol	<ul style="list-style-type: none"> <li>• No-preference</li> <li>• One-tier</li> <li>• Two-tier</li> </ul>
Top/Bottom Frisk Search <i>(When the one-tier frisk search is selected, indicate the gender of staff who will search the top and the bottom)</i>	<ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul>
Response	<ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul>
Comment: Provide relevant information and/or the rational for “Not approved”	
12. Top Frisk Search <i>(When the two-tier frisk search is selected, indicate the gender of staff who will search the top)</i>	<ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul>
Response	<ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul>

Comment: Provide relevant information and/or the rational for “Not approved”

- |   |   |
|---|---|
| <p>13. Bottom Frisk Search<br/><i>(When the two-tier frisk search is selected, indicate the gender of staff who will search the bottom)</i></p> | <ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul> |
|---|---|

- |                 |  |
|-----------------|--|
| <p>Response</p> | <ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul> |
|-----------------|--|

Comment: Provide relevant information and/or the rational for “Not approved”

- |                                |   |
|--------------------------------|---|
| <p>14. Urinalysis Protocol</p> | <ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul> |
|--------------------------------|---|

- |                 |  |
|-----------------|--|
| <p>Response</p> | <ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul> |
|-----------------|--|

Comment: Provide relevant information and/or the rational for “Not approved”

<p>15. Access to private and safe showers and/or toilets as applicable</p>	<p>Enter comments pertaining to access to private and safe showers and/or toilets</p>
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- |   |   |
|---|---|
| <p>16. Observation Protocol (including camera surveillance)</p> | <ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul> |
|---|---|

- |                 |  |
|-----------------|--|
| <p>Response</p> | <ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul> |
|-----------------|--|

Comment: Provide relevant information and/or the rational for “Not approved”

- |   |   |
|---|---|
| <p>17. Decontamination Showers Protocol</p> | <ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul> |
|---|---|

Response	<ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul>
Comment: Provide relevant information and/or the rational for “Not approved”	
18. Voluntary Nudity Protocol	<ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul>
Response	<ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul>
Comment: Provide relevant information and/or the rational for “Not approved”	
19. Medical Escort Protocol	<ul style="list-style-type: none"> <li>• Man</li> <li>• Woman</li> <li>• No preference</li> </ul>
Response	<ul style="list-style-type: none"> <li>• Approved</li> <li>• Not approved</li> </ul>
Comment: Provide relevant information and/or the rational for “Not approved”	
20. Type of Facility Requested Indicate requested type of institution	<ul style="list-style-type: none"> <li>• Men’s</li> <li>• Women’s</li> </ul>
Comment: Provide relevant information and/or the rational for “Not approved”	
21. Finalized	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
Finalized by	Select personnel code from the lookup table
Finalized date	Select the date the individualized protocol is finalized

**Date modified:**



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› [Acts, Regulations and Policy](#) › [Commissioner's Directives](#)

# Commissioner's Directive 710- 2: Transfer of Inmates

## Authorities

- [Corrections and Conditional Release Act \(CCRA\)](#), sections [3](#), [3.1](#), [4](#), [12](#), [15.1](#), [16](#), [26](#), [27](#), [28](#), [29](#), [81](#), [87](#) and [96\(d\)](#).
- [Corrections and Conditional Release Regulations \(CCRR\)](#), sections [11](#), [12](#), [13](#), [14](#), [15](#), [16](#), [18](#) and [97](#)

## Purpose

To effectively manage institutional populations by transferring inmates to an environment consistent with their security requirements. This would include the movement of inmates within clustered and multi-level institutions

To facilitate inmate's participation in correctional programs and/or other interventions as identified in their Correctional Plan

# Application

Applies to staff involved in the transfer as well as the movement of inmates within clustered and multi-level institutions

## Contents

- Responsibilities
- Procedures
- Annex A: Cross-References and Definitions

## Responsibilities

1. The Assistant Commissioner, Correctional Operations and Programs, may develop guidelines pertaining to specific aspects of inmate transfers as well as movements, which must be followed.
2. The Institutional Head, or after working hours the Correctional Manager in charge, will sign all transfer warrants.
3. The Senior Deputy Commissioner is the decision maker for a transfer to and from the Special Handling Unit.
4. The Regional Deputy Commissioner of the receiving region is the decision maker for the transfer of an inmate to a section 81 facility for men.

### Commissioner's Directive



**Number:** 710-2

**In Effect:** 2018-11-07

## Related links

- [CD 705-3 - Immediate Needs Identification and Admission Interviews \(2018-01-22\)](#)
- [CD 705-6 - Correctional Planning and Criminal Profile \(2019-04-15\)](#)
- [CD 705-7 - Security Classification and Penitentiary Placement \(2018-01-15\)](#)
- [CD 710-6 - Review of Inmate Security Classification \(2018-01-15\)](#)
- [Guidelines 710-2-1 - CCRA Section 81: Admission and Transfer of Offenders](#)
- [Guidelines 710-2-2 Inter-Regional Transfers by Air](#)
- [Guidelines 710-2-3 Inmate Transfer Processes](#)
- [Policy Bulletin 565](#)
- [Policy Bulletin 577](#)
- [Policy Bulletin 619](#)

5. The Regional Deputy Commissioner or the Assistant Deputy Commissioner, Correctional Operations, of the receiving region is the decision maker for the inter-regional transfer of an inmate to a men's institution, including the Treatment Centre or a CSC Indigenous Healing Lodge for men.

- a. In a case of a transfer to a Healing Lodge for men, the Regional Deputy Commissioner or the Assistant Deputy Commissioner, Correctional Operations, is responsible for ensuring that:
  - i. the Executive Director/Institutional Head of the Healing Lodge for men is consulted, and
  - ii. a representative from the relevant Indigenous community is engaged in the recommendation.
6. The Deputy Commissioner for Women is the decision maker for all transfers to women's institutions, including women's section 81 facilities and CSC's Indigenous Healing Lodges for women.
  - a. In a case of a transfer to a Healing Lodge for women, the Deputy Commissioner for Women is responsible for ensuring that :
    - i. the Executive Director/Institutional Head of the Healing Lodge for women is consulted, and
    - ii. a representative from the relevant Indigenous community is engaged in the recommendation.
  - b. In the case of a medium-security woman offender, the Deputy Commissioner for Women will ensure that a transfer decision to a multi-level healing lodge, which has a defined but not directly controlled perimeter, is made considering the following factors:
    - i. the length of an inmate's sentence
    - ii. the time remaining before an inmate is eligible for an unescorted temporary absence (UTA)
    - iii. the requirement for a long-term offender to be in the 'preparation for release' or 'reintegration into the community' phase of their Correctional Plan as per Annex G of CD 705-6.

7. The Institutional Head of the sending institution is the decision maker for the intra-regional transfer of an inmate to a men's facility.
8. The Institutional Head will forward their recommendation to:
  - a. the Regional Deputy Commissioner or Assistant Deputy Commissioner, Correctional Operations, for an inter-regional transfer to a men's institution, including the Treatment Centre
  - b. the Regional Deputy Commissioner or Assistant Deputy Commissioner, Correctional Operations, in consultation with the Executive Director of the Healing Lodge, for an inter-regional transfer to/from a CSC Indigenous Healing Lodge for men
  - c. the Regional Deputy Commissioner for a transfer to a section 81 facility for men
  - d. the Deputy Commissioner for Women, in consultation with the Executive Director of the Healing Lodge, for all transfers to a women's institution/healing lodge.
9. In addition, the Institutional Head will:
  - a. ensure the admission of an inmate to a CSC Treatment Centre for Psychiatric Hospital Care or Intermediate Mental Health Care, or to Intermediate Mental Health Care within another institution, has been approved by the appropriate decision maker prior to the inmate's transfer/movement in accordance with the Admission and Discharge Guidelines listed in the Integrated Mental Health Guidelines
  - b. ensure that an inmate is provided with procedural fairness by complying with the processes in sections 12 and 13 of the CCRR
  - c. pursuant to sections 12 to 14 of the CCRR, establish a process to monitor compliance with legislative timeframes for the

appropriate inmate notification, sharing of information and decision making (refer to Annex B of GL 710-2-3 - Inmate Transfer Processes)

- d. ensure that the inmate's state of health and/or health care needs, as identified by a health care professional, are considered in all decisions relating to transfers, and that this information is documented in every inmate's final transfer decision pursuant to section 87 of the CCRA
- e. indicate in the inmate's final transfer decision whether there are incompatibles at the receiving site (or if there are no concerns), and make reference to whether the inmate provided a rebuttal and the consideration given to the rebuttal
- f. ensure there is a process to receive incoming transfer notifications and to notify the receiving site of all approved transfer decisions
- g. when there is new information regarding risk and needs that would impact the viability of the transfer, ensure there is a process to communicate with the receiving institution within 24 hours prior to effecting a transfer
- h. ensure that all reports due within 30 days after transfer from the sending institution are completed as required
- i. ensure processes outlined in CD 784 - Victim Engagement are respected
- j. ensure processes outlined in GL 710-2-4 - Movement Within Clustered/Multi-Level Institutions are respected.
- k. in the case of a medium-security offender, ensure that a transfer decision to a multi-level healing lodge, which has a defined but not directly controlled perimeter, is made considering the following factors:

- i. the length of an inmate's sentence
    - ii. the time remaining before an inmate is eligible for an UTA
    - iii. the requirement for a long-term offender to be in the 'preparation for release' or 'reintegration into the community' phase of their Correctional Plan as per Annex G of CD 705-6.
  - l. ensure that a representative from the relevant Indigenous community is engaged in the recommendation of a transfer to an Indigenous Healing Lodge.
10. The Assistant Wardens, Interventions, of the sending and receiving institutions will ensure a process is in place for case conferences prior to an inmate transfer.
11. The Assistant Warden, Management Services, of the sending institution will ensure that all files are transferred with the inmate, with the exception emergency transfers.
12. The Manager, Assessment and Interventions/Correctional Manager as appropriate, will:
- a. ensure institutional Parole Officers and Primary Workers are familiar with the transfer process to section 81 facility as outlined in GL 710-2-1 - CCRA Section 81: Transfers
  - b. be responsible for the quality control of submissions for transfer or movements within clustered/multi-level institutions
  - c. provide a recommendation to the Institutional Head on the appropriateness of the transfer/ movement within clustered/multi-level institutions on cases they have identified as a concern and/or if deemed required, provide a recommendation on cases supported for a transfer/ movement within clustered/multi-level institutions.

13. The Parole Officer/Primary Worker will:

- a. process inmate transfer applications within the timeframes prescribed in Annex B of GL 710-2-3 - Inmate Transfer Processes
- b. process movement submissions within clustered/multi-level institutions within the timeframes prescribed in Annex C of GL 710-2-4 - Movement Within Clustered/Multi-Level Institutions
- c. inform inmates of their right under section 81 of the CCRA and in accordance with GL 710-2-1 - CCRA Section 81: Transfers
- d. where applicable, update the Correctional Plan, including its healing components, in consultation with the inmate and complete the Assessment for Decision as outlined in Annex C of GL 710-2-3 - Inmate Transfer Processes, within 30 days of receiving the application
- e. where applicable, update the Correctional Plan, including its healing components, in consultation with the inmate and complete the Assessment for Decision as outlined in Annex B of GL 710-2-4 - Movement Within Clustered/Multi-Level Institutions
- f. ensure information is provided to the Victim Services Unit and consider relevant victim information pursuant to CD 784 - Victim Engagement.

14. The Indigenous Liaison Officer will:

- a. support and promote inmate access to section 81 facilities
- b. provide input to the Parole Officer/Primary Worker regarding transfers between institutions or movements within clustered/multi-level institutions recommendations, as applicable, including the Elder's comments.

15. The Director, Population Management and Transfers, will ensure a process is in place for the planning, coordination and management (including financial resources) of inter-regional transfers by air.
16. The Population Management and Transfers Division will:
  - a. provide advice and coordinate all inter-regional transfers by air
  - b. establish a tentative schedule of the inter-regional flights one year in advance
  - c. establish the national inter-regional transfer list.
17. The Regional Transfer Coordinator will:
  - a. coordinate the inter-regional transfer processes
  - b. establish the inter-regional transfer list for their respective region
  - c. gather inmate information to support the inter-regional transfer operations (e.g. medical, psychological, security), when required.
18. During all transits, the Correctional Manager/Officer in Charge of the transfer is responsible at all times for the security of the inmates, as well as the inmate's personal effects and files.
19. The decision maker will ensure that the rationale provided in all decision reports is clearly detailed, addresses any rebuttal submissions and is justified pursuant to section 27 of the CCRA, and CD 701 - Information Sharing.

## Procedures

20. Processes for the various types of transfers can be found in:
  - a. GL 710-2-1 - CCRA Section 81: Transfers
  - b. GL 710-2-2 - Inter-Regional Transfers by Air

- c. GL 710-2-3 - Inmate Transfer Processes
- d. GL 710-2-4 - Movement Within Clustered/Multi-Level Institutions
- e. CD 704 - International Transfers
- f. CD 708 - Special Handling Unit.
- g. CD 711 – Structured Intervention Units, GL 711-1 – Structured Intervention Unit (SIU) Transfer Procedures – SIU Sites, and GL 711-2 – Structured Intervention Unit (SIU) Transfer Procedures – Non-SIU Sites.

21. If a transfer involves an inmate with a high profile offender flag, the procedures regarding high profile offenders will be followed pursuant to CD 701 - Information Sharing.

Commissioner,

Original signed by:

Anne Kelly

## Annex A: Cross-References and Definitions

### Cross-References

- CD 001 - Mission, Values and Ethics Framework of the Correctional Service of Canada
- CD 081 - Offender Complaints and Grievances
- CD 084 - Inmates' Access to Legal Assistance and the Police
- CD 352 - Inmate Clothing Entitlements

- CD 541 - Interjurisdictional and CCRA Section 81 Agreements
- CD 550 - Inmate Accommodation
- CD 567-1 - Use of force
- CD 568-1 - Recording and Reporting of Security incidents
- CD 578 - Intensive Intervention Strategy in Women Offender Institutions/Units
- CD 700 - Correctional Interventions
- CD 701 - Information Sharing
- CD 703 - Sentence Management
- CD 704 - International Transfers
- CD 705-6 - Correctional Planning and Criminal Profile
- CD 705-7 - Security Classification and Penitentiary Placement
- CD 706 - Classification of Institutions
- CD 708 - Special Handling Unit
- GL 710-2-1 - CCRA Section 81: Transfers
- GL 710-2-2 - Inter-Regional Transfers by Air
- GL 710-2-3 - Inmate Transfer Processes
- GL 710-2-4 - Movement Within Clustered/Multi-Level Institutions
- CD 710-5 - Judicial Review of Parole Ineligibility
- CD 710-6 - Review of Inmate Security Classification
- CD 711 - - Structured Intervention Units Intervention Unit
- GL 711-1 - Structured Intervention Unit (SIU) Transfer Procedures - SIU Sites
- GL 711-2 - Structured Intervention Unit (SIU) Transfer Procedures - Non-SIU Sites
- CD 715-2 - Post-Release Decision Process
- CD 784 - Victim Engagement
- CD 800 - Health Services
- CD 843 - Interventions to Preserve Life and Prevent Serious Bodily Harm

- Canadian Aviation Security Regulations, 2012
- Treasury Board Policy on Government Security
- Discharge Planning Guidelines: A Client-Centred Approach
- Offender Records System User's Guide
- Integrated Mental Health Guidelines

## Definitions

**Case conference:** a formal meeting, consultation, or discussion about an inmate between two or more individuals.

**Emergency transfer:** the involuntary transfer of an inmate who cannot be managed effectively in the sending institution and who therefore poses an immediate safety risk to the public, staff and/or inmate(s) of the sending institution.

**Movement:** movement of an inmate to a same or different security level location within a clustered/multi-level institution.

**Transfer (voluntary/involuntary):** the transfer of an inmate when it is an acceptable risk to the public, staff or other inmates and this risk can be managed at another Institution or security level.

**Date modified:**

2023-01-25



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# Guidelines 710-2-3: Inmate transfer processes

## Authorities

- [Corrections and Conditional Release Act \(CCRA\)](#), sections [3](#), [3.1](#), [4](#), [12](#), [15.1](#), [16](#), [26](#), [27](#), [28](#), [29](#), [81](#), [84](#), [87](#) and [96\(d\)](#).
- [Corrections and Conditional Release Regulations \(CCRR\)](#), sections [11](#), [12](#), [13](#), [14](#), [15](#), [16](#), [18](#) and [97](#)
- [Commissioner's Directive 710-2 - Transfer of Inmates](#)

## Purpose

To provide clarification and guidance to staff on the different inmate transfer processes and related transfer procedures

## Application

Applies to all staff involved in the inmate transfer process

### Guidelines

**Number:** 710-2-3

**In Effect:** 2018-11-07

### Related links

[Policy Bulletin 565](#)

[Policy Bulletin 586](#)

[Policy Bulletin 619](#)

# Contents

## Procedures

- General Transfer Process
- Intra-Regional Transfer
- Transfer to and from the Special Handling Unit
- Transfer to and Return from a Section 81 Facility
- Transfer to and from a CSC Indigenous Healing Lodge
- Transfer to and from a CSC Treatment Centre for Program Participation or Admission Purposes, Including Intermediate Mental Health Care Within a Treatment Centre or Mainstream Institution
- Transfer for Judicial Review of Parole Ineligibility
- Transfer for Attendance at Court Proceedings
- Voluntary Inter-Regional Transfer
- Interjurisdictional Transfer

## Annex A - Cross-References and Definitions

## Annex B - Delegation of Authority, Timeframes for Decision and Timeframes for Inmate's Notification

## Annex C - Assessment for Decision for Transfers - Report Outline

# Procedures

## General transfer process

1. All transfers between institutions require a transfer warrant, with the exception of:
  - a. the return of an offender from a section 81 Healing Lodge to a federal facility that may be processed with a letter of withdrawal of support from the Director of the Healing Lodge. A transfer warrant must follow as soon as possible

- b. following the capture of an offender who had escaped or who was unlawfully at large
  - c. the transfer of an inmate being escorted to court by the Sheriff/Bailiff/Police and who will not be incarcerated in another federal facility prior to their return
  - d. the transfer of an inmate via a warrant of committal, pursuant to CD 705-7 - Security Classification and Penitentiary Placement.
2. Transfers under Exchange of Service Agreements with provinces and territories, and transfers to and from facilities under section 81 agreements will be managed according to the provisions of the respective agreements, and the decision-making authority outlined in Annex B.
3. When the transfer involves a transfer to/from a women's institution, the recommendation will be sent to the Deputy Commissioner for Women for final decision.
4. The inmate has the right to contact by telephone, without delay pursuant to section 97 of the CCRR, their lawyer or an individual identified on their authorized call list, to advise the lawyer/individual of their transfer to another institution. If the inmate is incapable of making the call, staff will facilitate the request.
5. Inmates will normally not be transferred within two months prior to a scheduled hearing by the Parole Board of Canada (PBC) or a court date. If a transfer is unavoidable, the sending institution will immediately notify the PBC of the transfer and maintain responsibility for the casework in relation to the PBC hearing.
6. Inmates on High or Modified Watch will not normally be transferred to an institution other than a treatment facility unless the attending mental health professional deems the transfer would reduce the risk of

suicide (refer to CD 843 - Interventions to Preserve Life and Prevent Serious Bodily Harm). The transfer will be effected after a case conference/teleconference is held between the mental health teams of the sending and receiving facilities and is documented and the transfer is clinically supported.

7. An exception applies for an inmate requiring High or Modified Watch or mental health monitoring when the observation status cannot be facilitated at their current institution. Under these circumstances, the inmate will be immediately transferred to another institution where the observation status can be facilitated. This will be considered a temporary transfer with a return to the primary institution as soon as possible. A case conference/teleconference between the mental health teams of the sending and receiving facilities will be effected as soon as practicable. Sight and sound observation of the inmate will be maintained during the transport as per CD 566-6 - Security Escorts.
8. Except in the case of an emergency transfer, inmates on High or Modified Watch shall not normally be transferred on Fridays or holidays, including weekends.
9. Where there is a Victim Notification flag, the Victim Services Unit will be advised of a transfer pursuant to CD 784 - Victim Engagement.
10. When the transfer is to provide the inmate access to their home community, family and/or family support, the institutional Parole Officer/Primary Worker will confirm support pursuant to CD 715-3 - Community Assessments. The result of the report will be recorded in an Assessment for Decision for Transfer.
11. A transfer will be considered in cases where such a transfer will actualize/operationalize a conditional release. In such cases, an Assessment for Decision must provide a detailed account of the

alternative options that were considered (community support, release plan, security concerns).

12. If a voluntary transfer application is denied, a review of any subsequent transfer application(s) is not required more than once every six months, unless supported by the Case Management Team.
13. Where an inmate is transferred on an involuntary basis, a review of any voluntary transfer application is not required within the first six months following the involuntary transfer, unless supported by the Case Management Team.
14. If a transfer involves an inmate with a high profile offender flag, the procedures regarding high profile offenders will be followed pursuant to CD 701 - Information Sharing.
15. The sending institution will ensure that, prior to a transfer, the following documentation is translated, if necessary, into the predominant language of the receiving institution:
  - a. the Case Documentation Checklist
  - b. the Assessment for Decision and the Offender Intake Assessment reports
  - c. the police report(s) for all current offences
  - d. the Post-Sentence Community Assessment Report
  - e. the Criminal Profile Report
  - f. the Correctional Plan
  - g. the sentence calculation
  - h. relevant security intelligence information
  - i. the most recent psychological report and/or mental health assessment

- j. the Health Services Transfer Summary (CSC (Correctional Service Canada)/SCC (Service correctionnel du Canada) 0377-01)
  - k. the Finger Print System (FPS) Summary
  - l. all trial related reports and documentation
  - m. the most recent Correctional Plan Update.
16. Where time does not permit to translate the documents before the transfer, as in the case of an emergency transfer, translation will be completed immediately following the transfer by the sending institution.
  17. The transfer of inmate's files will be completed in accordance with the Offender Records System User's Guide.
  18. Upon transfer, the receiving institution will complete all relevant screenings and assessments relating to suicide and self-injury, pursuant to CD 843 - Interventions to Preserve Life and Prevent Serious Bodily Harm and CD 705-3 - Immediate Needs Identification and Admission Interviews.
  19. Refusal or failure to integrate at the receiving institution may result in the inmate's transfer to another institution and/or region.
  20. Refer to Annex B for delegation of authority, timeframes for decision and timeframes for inmate's notification that apply to transfers.
  21. The Regional Victim Services Manager will ensure that for all inter-regional transfers, related victim information is transferred to the appropriate Victim Services Unit in the receiving region.

## **Intra-regional transfer**

## **Voluntary Transfer**

22. The Parole Officer/Primary Worker will:

- a. review and discuss the transfer application with the inmate and, if necessary, with other members of the Case Management Team focusing on how the proposed transfer meets the objectives of the Correctional Plan
- b. within five working days of being notified of the request, consult with the receiving institution to discuss the appropriateness of the transfer in situations when the transfer is supported by the Case Management Team or in situations where it is deemed appropriate and/or necessary
- c. where applicable, update the Correctional Plan in consultation with the inmate and complete the Assessment for Decision found in Annex C within 30 days of receipt of the application
- d. notify the inmate of the final transfer decision and associated reasons within 60 days after the submission of the request.

23. An Assessment for Decision for Transfer, pursuant to Annex C, is not required for:

- a. a transfer to a CSC (Correctional Service Canada) Treatment Centre for an admission to psychiatric hospital care
- b. a return to a primary institution
- c. a transfer to another institution when there is no change in an inmate's security classification level except for a transfer of an inmate with a medium security classification to an environment without a secure and directly controlled perimeter pursuant to CD 706 - Classification of Institution

24. When an Assessment for Decision for Transfer is not required, a CSC (Correctional Service Canada) Board Review/Referral Decision Sheet

will be completed by the Parole Officer/Primary Worker/Manager, Assessment and Interventions/ Correctional Manager and include the following in the additional recommendation section of the form:

- a. information from the Security Intelligence Officer
- b. comments from the receiving institution
- c. information regarding physical and mental health needs
- d. information regarding Indigenous social history where appropriate
- e. recommendation from the Case Management Team consistent with the objectives identified in the Correctional Plan
- f. a detailed rationale of the reasons for the decision (including consideration of the relevant elements identified under section 28 of the CCRA).

25. A copy of the final decision and associated reasons will be provided to the inmate within five working days after the final decision.

## **Involuntary Transfer**

26. The Parole Officer will complete the Assessment for Decision pursuant to Annex C.

27. Pursuant to section 12 of the CCRR, Annex B of these Guidelines and CD 701 - Information Sharing, the Institutional Head or designate will:

- a. meet with the inmate to explain the reasons for the proposed transfer
- b. provide the inmate with a copy of:
  - i. the Assessment for Decision
  - ii. all other information that will be used in the decision-making process

- c. give the inmate written notice of the involuntary transfer recommendation
  - d. provide the inmate two working days to respond in person or in writing to the transfer.
28. The Institutional Head can grant, within one working day of receiving the request, an extension of up to 10 working days. When the inmate responds in person, the response must be documented in a "Casework Record - Rebuttal".
29. The inmate's rebuttal, a copy of the most recent Correctional Plan Update (if required) and the Assessment for Decision will be forwarded to the appropriate decision maker as indicated in Annex B.
30. The inmate will be provided with the written notice of the final decision and the associated reasons via the CSC (Correctional Service Canada) Board Review/Referral Decision Sheet:
- a. at least two days before the transfer, unless the inmate waives the two-day period on the CSC (Correctional Service Canada) Board Review/Referral Decision Sheet, or
  - b. within five working days of the final decision being rendered, if the decision is not to transfer the inmate.
31. In exceptional circumstances of a missed timeframe for a decision, an addendum to the existing Assessment for Decision will be completed to explain the reason for the delay and expected date for a decision.

## **Emergency Transfer**

32. For a transfer, pursuant to section 13 of the CCRR, when it is determined that it is necessary to immediately transfer an inmate, a case conference between institutional staff will take place prior to the inmate's transfer or as soon as possible thereafter.

33. Prior to the transfer, the Institutional Head or designate of the sending institution will meet with the inmate to explain the reasons for the transfer.
34. Not more than two working days after the transfer, the Institutional Head of the receiving institution or designate will ensure the procedural fairness process is completed with the inmate by:
  - a. meeting with the inmate to explain the reasons for the transfer, and pursuant to CD 701 - Information Sharing, providing them all documentation that will be used in the decision-making process
  - b. advising the inmate of their right to legal counsel
  - c. providing the inmate two working days to respond to the transfer, in person or in writing. The Institutional Head can grant, within one working day of receiving the request, an extension of up to 10 working days. When the inmate responds in person, the response must be documented in a "Casework Record - Rebuttal".
35. The inmate's rebuttal, a copy of the most recent Correctional Plan Update (if required) and the Assessment for Decision will be forwarded to the appropriate decision maker as indicated in Annex B.
36. The inmate will be provided with the written final decision and the associated reasons via the CSC (Correctional Service Canada) Board Review/Referral Decision Sheet within five working days after the final decision.
37. In cases where an inmate is transferred for a short period to another facility, pursuant to section 13 of the CCRR, for observation purposes that cannot be met at the primary institution, no Assessment for Decision is required. However, the CSC (Correctional Service Canada) Board Review/Referral Decision Sheet must include the reasons for the

transfer and confirm procedural safeguards including the right to rebut were provided.

## **Transfer to and from the Special Handling Unit**

38. For transfers to and from the Special Handling Unit, please refer to CD 708 - Special Handling Unit.

## **Transfer to and return from a Section 81 facility**

39. For transfers to and returns from a section 81 facility, please refer to GL 710-2-1 - CCRA Section 81: Transfers.

## **Transfer to and from a CSC (Correctional Service Canada) Indigenous Healing Lodge**

40. For a transfer to and from a CSC (Correctional Service Canada) Indigenous Healing Lodge, the relevant transfer process applies.

41. Refer to Annex B for delegation of authority, timeframes for decision and timeframes for inmate's notification that apply to transfers to and from a CSC (Correctional Service Canada) Indigenous Healing Lodge.

## **Transfer to and from a CSC (Correctional Service Canada) treatment centre for program participation or admission purposes, including intermediate mental health care within a treatment centre or mainstream institution**

42. A transfer to a CSC (Correctional Service Canada) Treatment Centre for an admission to psychiatric hospital care requires the consent of the

inmate, unless the inmate has been certified under the relevant provincial mental health legislation.

43. Prior to a transfer for admission to psychiatric hospital care in a CSC (Correctional Service Canada) Treatment Centre, or admission to Intermediate Mental Health Care within a Treatment Centre or other institution, the inmate must meet the clinical admission criteria in accordance with the Admission and Discharge Guidelines listed in the Integrated Mental Health Guidelines.
44. When an inmate is admitted to a Treatment Centre for psychiatric hospital care, the sending institution will remain the primary institution.
45. When an inmate is admitted to Intermediate Mental Health Care within a Treatment Centre, the sending institution will remain the primary institution, should the stay not exceed one year. For stays exceeding one year, the co-located institution will become the inmate's primary institution. In situations where the inmate's security classification differs from that of the co-located institution, the sending institution will remain the inmate's primary institution.
46. For transfers to an Intermediate Mental Health Care Unit located at another institution, the corresponding transfer process will apply.
47. Prior to the transfer to a CSC (Correctional Service Canada) Treatment Centre, the inmate will be informed that:
  - a. upon completion of the program or treatment plan, or the provision of the required health services, they will be returned to the primary institution should the stay not exceed one year
  - b. failure to fully participate in programming may result in a discharge from the Treatment Centre and, under normal

circumstances, the inmate will be returned to the primary institution.

## **Transfer for judicial review of parole ineligibility**

48. For a transfer to another institution of the same security level for judicial review, the applicable transfer process will be followed. An Assessment for Decision is not required but the information will be recorded in a CSC (Correctional Service Canada) Board Review/Referral Decision Sheet.
49. An inmate eligible for judicial review of parole ineligibility will be transferred for the purposes of the review hearing to an institution which is in close proximity to the jurisdiction where their hearing will be held.
50. The transfer will be initiated in accordance with the timeframes outlined in Annex B and just far enough in advance of the judicial review of parole ineligibility hearing to ensure proper preparation for their case with legal counsel. This will take into account the possibility that the inmate may already have engaged legal counsel prior to the anticipated transfer.

## **Transfer for attendance at court proceedings**

51. For a transfer to another institution of the same security level to attend court proceedings, the applicable transfer process will be followed. An Assessment for Decision is not required but the information will be recorded in a CSC (Correctional Service Canada) Board Review/Referral Decision Sheet.
52. For a transfer to another institution, where the court order stipulates a specific institution which differs from the assigned security level of the

offender required to appear, a request may be submitted to the applicable court to amend the order.

53. In the absence of a court order, and with the exception of cases from the Special Handling Unit, the Institutional Head may authorize the transfer of an inmate to another penitentiary or to a provincial correctional facility to facilitate the inmate's attendance at a court proceeding.
54. Pursuant to a court order, the Institutional Head can authorize the transfer of an inmate to another institution to allow them to participate in a judicial proceeding if the court order does not specify the provincial institution or if the provincial institution specified in the court order cannot accommodate the inmate. An Assessment for Decision is not required but the information will be recorded in a CSC (Correctional Service Canada) Board Review/Referral Decision Sheet.
55. The sending institution must confirm that video conferencing has been eliminated as an option prior to an inter-regional transfer when court attendance is the sole purpose for the inmate's transfer.
56. Depending on the length of time an inmate has been in an institution other than their primary institution due to court matters, the respective Institutional Heads will determine who is responsible for case preparation and the necessity for transfer.

## **Voluntary Inter-regional transfer**

57. The Parole Officer/Primary Worker will:
  - a. review and discuss the transfer application with the inmate and, if necessary, with other members of the Case Management Team focusing on how the proposed transfer meets the objectives of the Correctional Plan

- b. advise the inmate applying for an inter-regional transfer that they should indicate a preferred institution on the application and whether or not they are willing to transfer to any institution in the receiving region
  - c. where applicable, update the Correctional Plan, including the healing components of the Correctional Plan in the case of an offender transferring to a section 81 facility, in consultation with the inmate
  - d. complete the Assessment for Decision identified in Annex C within 30 days of receipt of the application.
58. The sending institution will lock the Assessment for Decision, enter the CSC (Correctional Service Canada) Board Review/Referral Decision Sheet on OMS and send the application to the Regional Transfer Coordinator of the receiving region for their review, in cases where the Institutional Head supports the application.
59. The Regional Transfer Coordinator of the receiving region will:
- a. request comments from the proposed receiving site or from a site that would better meet the inmate's needs, which are to be provided within 10 working days
  - b. provide the recommendation to the decision maker pursuant to Annex B.
60. When a decision is made, the Regional Transfer Coordinator of the receiving region will notify the sending institutional staff as well as the Regional Transfer Coordinator of the sending region of the decision.
61. Institutional staff will then notify the inmate of the decision pursuant to Annex B.

## Voluntary Inter-regional transfer

62. The Parole Officer at the sending institution will:

- a. complete the Assessment for Decision pursuant to Annex C and leave it unlocked
- b. notify the Regional Transfer Coordinator of the sending region by email of the Assessment for Decision draft submitted for their review, who in turn will, within one working day, forward it to the Regional Transfer Coordinator of the receiving region.

63. The Regional Transfer Coordinator of the receiving region will:

- a. review the request and consult with the proposed institution(s)
- b. submit the comments provided by the institution(s) to the Regional Transfer Coordinator of the sending region.

64. The Regional Transfer Coordinator of the sending region will notify institutional staff, who will enter the comments in the Assessment for Decision and lock the document.

65. Pursuant to section 12 of the CCRR, Annex B of these Guidelines and CD 701 - Information Sharing, the Institutional Head or designate will ensure the procedural fairness process is completed with the inmate at least two working days before the transfer by:

- a. providing the inmate with a copy of:
  - i. the Assessment for Decision
  - ii. the written notice of the involuntary transfer recommendation
  - iii. any other information that will be used in the decision-making process
- b. providing the inmate two working days to respond in person or in writing to the proposed transfer.

66. The Institutional Head can grant, within one working day of receiving the request, an extension of up to 10 working days. When the inmate responds in person, the response must be documented in a "Casework Record - Rebuttal".
67. The Institutional Head of the sending institution will provide comments and address the inmate's rebuttal (if one is submitted) via the recommendation section of the CSC (Correctional Service Canada) Board Review/Referral Decision Sheet.
68. The Notice of Involuntary Transfer Recommendation and the inmate's rebuttal (if one is submitted) are forwarded to the Regional Transfer Coordinator of the sending region who will provide comments via the recommendation section of the CSC (Correctional Service Canada) Board Review/Referral Decision Sheet.
69. The Regional Transfer Coordinator of the sending region will forward the information to the Regional Transfer Coordinator of the receiving region to obtain the final decision. (Refer to Annex B for the timeframes for decision.)
70. The inmate will be provided with a copy of the final decision and the reasons via the CSC (Correctional Service Canada) Board Review/Referral Decision Sheet.
71. Refer to GL 710-2-2 - Inter-Regional Transfers by Air for the processes applicable to those transfers.

## **Interjurisdictional transfer**

72. Procedures for transferring an inmate to a provincial/territorial facility are included in the Exchange of Service Agreement for the province/territory involved in the transfer. Please refer to CD 541 - Interjurisdictional and CCRA Section 81 Agreements for the framework

for the negotiation, management and delivery of Exchange of Service Agreements with the provinces/territories.

73. Procedures for an international transfer to and from Canada are outlined in CD 704 - International Transfers.

Assistant Commissioner,

Correctional Operations and Programs

Original signed by:

Alain Tousignant

# Annex A: Cross-references and definitions

## Cross-References

CD 001 - Mission, Values and Ethics Framework of the Correctional Service of Canada

CD 541 - Interjurisdictional and CCRA Section 81 Agreements

CD 550 - Inmate Accommodation

CD 566-6 - Security Escorts

CD 568-7 - Management of Incompatible Offenders

CD 701 - Information Sharing

CD 702 - Indigenous Offenders

CD 704 - International Transfers

CD 705-3 - Immediate Needs Identification and Admission Interviews

CD 705-6 - Correctional Planning and Criminal Profile

CD 705-7 - Security Classification and Penitentiary Placement

CD 708 - Special Handling Unit

CD 710-1 - Progress Against the Correctional Plan

GL 710-2-1 - CCRA Section 81: Transfers

GL 710-2-2 - Inter-Regional Transfers by Air

CD 710-3 - Temporary Absences

CD 710-4 - Perimeter Security Clearance

CD 710-6 - Review of Inmate Security Classification

CD 710-7 - Work Releases

CD 710-8 - Private Family Visits

CD 711 - Structured Intervention Units

CD 715-3 - Community Assessments

CD 784 - Victim Engagement

CD 843 - Interventions to Preserve Life and Prevent Serious Bodily Harm

Offender Records System User's Guide

Indigenous Social History Tool

## Definitions

**Case conference:** a formal meeting, consultation, or discussion about an inmate between two or more individuals.

**Emergency transfer:** the involuntary transfer of an inmate who cannot be managed effectively in the sending institution and who therefore poses an immediate safety risk to the public, staff and/or inmate(s) of the sending institution.

**High Watch:** an enhanced observation status for inmates who are at imminent risk for suicidal or self-injurious behaviour or who have been identified by a health care professional as having a serious mental illness with significant impairment where there is a risk of serious bodily harm that cannot be safely managed within the normal institutional routine, during which the inmate is under continuous direct observation.

**Modified Watch:** an enhanced observation status for inmates who are at elevated risk for suicidal or self-injurious behaviour, or who have been identified by a health care professional as having a serious mental illness with significant impairment where there is a risk of serious bodily harm that cannot be safely managed within the normal institutional routine, during which the inmate is under continuous observation.

**Without delay:** immediately unless there are compelling circumstances preventing immediate action and in those circumstances, the delay cannot be more than 24 hours.

## Annex B: Delegation of Authority, timeframes for decision and timeframes for inmate's notification

### Intra-Regional

Transfer Type	Transfer Type	Transfer Type	Transfer Type
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Transfer Type	Transfer Type	Transfer Type	Transfer Type
<p><b>All Penitentiary placement, including:</b></p> <ul style="list-style-type: none"> <li>• <b>Suspended or revoked inmates</b></li> <li>• <b>Persons with a suspended long-term supervision order</b></li> <li>• <b>Inmates readmitted after escape or being unlawfully at large</b></li> </ul>	<p>The Institutional Head of the sending institution which operates the Intake Unit or the Post-Suspension Unit</p> <p>Where required, the District Director has the authority for penitentiary placements</p>	<p>Inmate must be given reasons for the proposed placement in writing at least two working days prior to the final decision and transfer to the assigned penitentiary. This is to allow the inmate to respond to the proposed placement</p>	<p>Where inmates are being admitted to a federal facility from a provincial facility, they will be notified as soon as practicable</p>

Transfer Type	Transfer Type	Transfer Type	Transfer Type
<p><b>Men's Institution</b></p> <p><b>Voluntary transfers, including at same security level to attend a PBC hearing, judicial review, court proceedings, program participation</b></p> <p><b>Involuntary transfers, including emergency transfers</b></p>	<p>The Institutional Head of the sending institution</p> <p><b>Note:</b> In the case of emergency transfers, where possible, Regional Headquarters must be notified of the transfer before it is effected. In cases where it is not possible to reach the regional authorities, Regional Headquarters must be notified at the first opportunity. In addition, the sending institution will notify the receiving institution of the transfer before it is effected</p>	<p><b>Voluntary</b></p> <p>As soon as possible within 60 days of inmate's request being submitted</p> <p><b>Involuntary</b></p> <ul style="list-style-type: none"> <li>• In cases where the inmate does not rebut, as soon as possible within 30 days of provision of the Notice of Involuntary Transfer Recommendation</li> <li>• In cases where the inmate rebuts, within 30 days of the provision of the Notice of Involuntary Transfer Recommendation or within 10 working days of the date of the rebuttal, whichever period is longer</li> </ul>	<p><b>Voluntary</b></p> <p>Within five working days after the final decision, including the reasons if the decision is to deny the request</p> <p><b>Involuntary</b></p> <ul style="list-style-type: none"> <li>• At least two days before the transfer if the final decision is to transfer the inmate, unless they consent to a shorter period</li> <li>• Within five working days after the decision if the final decision is not to transfer the inmate</li> </ul> <p><b>Emergency</b></p> <p>Within five working days after the final decision, including the reasons for the decision</p>

Transfer Type	Transfer Type	Transfer Type	Transfer Type
<p><b>Women's Institution</b></p> <p><b>Voluntary transfers, including at same security level to attend a PBC hearing, judicial review, court proceedings, program participation</b></p> <p><b>Involuntary transfers, including emergency transfers</b></p>	<p>The Deputy Commissioner for Women is the final decision-maker. The Institutional Head provides a recommendation.</p>	<p><b>Voluntary</b></p> <p>As soon as possible within 60 days of inmate's request being submitted</p> <p><b>Involuntary</b></p> <ul style="list-style-type: none"> <li>• In cases where the inmate does not rebut, as soon as possible within 30 days of provision of the Notice of Involuntary Transfer Recommendation</li> </ul> <p>In cases where the inmate rebuts, within 30 days of the provision of the Notice of Involuntary Transfer Recommendation or within 10 working days of the date of the rebuttal, whichever period is longer</p>	<p><b>Voluntary</b></p> <p>Within five working days after the final decision, including the reasons if the decision is to deny the request</p> <p><b>Involuntary</b></p> <ul style="list-style-type: none"> <li>• At least two days before the transfer if the final decision is to transfer the inmate, unless they consent to a shorter period</li> <li>• Within five working days after the decision if the final decision is not to transfer the inmate</li> </ul> <p><b>Emergency</b> Within five working days after the final decision, including the reasons for the decision</p>

## Inter-Regional

Transfer Type	Transfer Type	Transfer Type	Transfer Type
<p><b>All penitentiary placement</b></p>	<p>In cases where the sending institution or the sending region is not in favour of the out of region penitentiary placement, a decision is rendered at that time and the case is not forwarded to the proposed receiving region</p> <p>The Regional Deputy Commissioner, or Assistant Deputy Commissioner, Correctional Operations, of the receiving region</p> <p>The Institutional Head/District Director of the sending region <b>recommends</b> the penitentiary placement</p>	<p>Inmate must be given reasons for the proposed placement in writing at least two days prior to the final decision and transfer to the assigned penitentiary. This is to allow the inmate to respond to the proposed placement</p>	<p>Where inmates are being admitted to a federal facility from a provincial facility, they will be notified as soon as practicable</p>

Transfer Type	Transfer Type	Transfer Type	Transfer Type
<b>Out of region movement via a warrant of committal from provincial custody to federal custody</b>	The Regional Deputy Commissioner, or Assistant Deputy Commissioner, Correctional Operations, of the receiving region	The inmate will be transferred from provincial custody upon the expiration of the 15day delay, unless they agree to be transferred before the expiration	Inmates will be notified as soon as practicable

Transfer Type	Transfer Type	Transfer Type	Transfer Type
<p><b>Men's Institution</b></p> <p><b>Voluntary transfers</b></p> <p><b>Involuntary transfers, and emergency transfers</b></p>	<p>In cases where the Institutional Head of the sending institution or, at the regional level, the Regional Deputy Commissioner or the Assistant Deputy Commissioner, Correctional Operations, are not in favour of the inter-regional transfer, a decision is rendered accordingly</p> <p>The Regional Deputy Commissioner, or Assistant Deputy Commissioner, Correctional Operations, of the receiving region is the final decision maker, when the case is supported</p>	<p><b>Voluntary</b></p> <p>As soon as possible within 60 days of inmate's request being submitted</p> <p><b>Involuntary</b></p> <ul style="list-style-type: none"> <li>• In cases where the inmate does not rebut, as soon as possible within 45 days of the provision of the Notice of Involuntary Transfer Recommendation</li> <li>• In cases where the inmate rebuts, within 45 days of the provision of the Notice of Involuntary Transfer Recommendation or within 15 working days of the date of the rebuttal, whichever period is longer</li> </ul>	<p><b>Voluntary</b></p> <p>Within five working days after the final decision of the transfer application, including the reasons if the decision is to deny the request</p> <p><b>Involuntary</b></p> <ul style="list-style-type: none"> <li>• At least two days before the transfer if the final decision is to transfer the inmate, unless they consent to a shorter period</li> <li>• Within five working days after the decision if the final decision is not to transfer the inmate</li> </ul> <p><b>Emergency</b></p> <p>Within five working days after the final decision, including the reasons for the decision</p>

Transfer Type	Transfer Type	Transfer Type	Transfer Type
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Transfer Type	Transfer Type	Transfer Type	Transfer Type
<p><b>Women’s Institution</b></p> <p><b>Voluntary transfers</b></p> <p><b>Involuntary transfers, and emergency transfers</b></p>	<p>The Deputy Commissioner for Women is the final decision maker. The Institutional Head provides a recommendation.</p>	<p><b>Voluntary</b></p> <p>As soon as possible within 60 days of inmate’s request being submitted</p> <p><b>Involuntary</b></p> <ul style="list-style-type: none"> <li>• In cases where the inmate does not rebut, as soon as possible within 45 days of the provision of the Notice of Involuntary Transfer Recommendation</li> </ul> <p>In cases where the inmate rebuts, within 45 days of the provision of the Notice of Involuntary Transfer Recommendation or within 15 working days of the date of the rebuttal, whichever period is longer</p>	<p><b>Voluntary</b></p> <p>Within five working days after the final decision of the transfer application, including the reasons if the decision is to deny the request</p> <p><b>Involuntary</b></p> <ul style="list-style-type: none"> <li>• At least two days before the transfer if the final decision is to transfer the inmate, unless they consent to a shorter period</li> <li>• Within five working days after the decision if the final decision is not to transfer the inmate</li> </ul> <p><b>Emergency</b></p> <p>Within five working days after the final decision, including the reasons for the decision</p>

Transfer Type	Transfer Type	Transfer Type	Transfer Type
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### Intra/Inter-Regional

Transfer Type	Transfer Type	Transfer Type	Transfer Type
<b>Transfer to and the return from a Section 81 facility for men</b>	<p>As outlined in the specific <u>section 81</u> agreements</p> <p>In cases of transfers to a <u>section 81</u> facility for men, the Regional Deputy Commissioner of the receiving region is the final decision maker of a transfer to a <u>section 81</u> facility</p>	<p>The timeframes for voluntary transfers to a <u>section 81</u> facility apply, excluding time attributable to the Indigenous community's consideration of the request</p>	<p>The timeframes for voluntary transfers apply, excluding time attributable to the Indigenous community's consideration of the request</p>
<b>Transfer to and the return from a Section 81 facility for women</b>	<p>As outlined in the specific <u>section 81</u> agreements</p> <p>In cases of transfers to a section 81 facility for women, the Deputy Commissioner for Women is the final decision-maker.</p>	<p>The timeframes for voluntary transfers to a <u>section 81</u> facility apply, excluding time attributable to the Indigenous community's consideration of the request</p>	<p>The timeframes for voluntary transfers apply, excluding time attributable to the Indigenous community's consideration of the request</p>

Transfer Type	Transfer Type	Transfer Type	Transfer Type
<b>Transfer to and from a CSC (Correctional Service Canada) Indigenous Healing Lodge for men</b>	<p>In the case of an intra-regional transfer, the Institutional Head of the sending institution</p> <p>In the case of an inter-regional transfer, the Regional Deputy Commissioner or the Assistant Deputy Commissioner, Correctional Operations (where applicable) of the receiving region</p>	<p><b>Voluntary</b></p> <p>As soon as possible within 60 days of inmate's request being submitted</p>	<p><b>Voluntary</b></p> <p>Within five working days after the final decision, including the reasons if the decision is to deny the request</p>
<b>Transfer to and from a CSC (Correctional Service Canada) Indigenous Healing Lodge for women</b>	<p>The Deputy Commissioner for Women is the final decision-maker.</p>	<p><b>Voluntary</b></p> <p>As soon as possible within 60 days of inmate's request being submitted</p>	<p><b>Voluntary</b></p> <p>Within five working days after the final decision, including the reasons if the decision is to deny the request</p>

Transfer Type	Transfer Type	Transfer Type	Transfer Type
<p><b>Transfer to and from a CSC (Correctional Service Canada) Treatment Centre for psychiatric hospital care or Intermediate Mental Health Care or to an Intermediate Mental Health Care Unit in a mainstream institution</b></p>	<p>For all cases, prior to approving the transfer to psychiatric hospital care or Intermediate Mental Health Care, the Institutional Head of the sending institution must ensure that the referral decision has been made by the Executive Director/Senior Clinical Manager or Chief, Mental Health Services.</p> <p>The final decision rests with:</p> <ul style="list-style-type: none"> <li>• In the case of a transfer from a women’s institution, the Deputy Commissioner for Women</li> <li>• In the case of an intra-regional transfer, the Institutional Head of the sending institution</li> </ul>	<p>The timeframes for voluntary, involuntary transfers apply</p>	<p>The timeframes for voluntary, involuntary transfers apply</p>

Transfer Type	Transfer Type	Transfer Type	Transfer Type
	<ul style="list-style-type: none"> <li>In the case of an inter-regional transfer, the Regional Deputy Commissioner, or the Assistant Deputy Commissioner, Correctional Operations, of the receiving region</li> </ul>		
<p><b>Transfer to and from a provincial correctional facility or a hospital, in accordance with an agreement entered into under <u>subsection 16(1)</u> of the CCRA and any applicable regulations</b></p>	<p>The Institutional Head of the receiving institution</p> <p>The Institutional Head of the sending institution/ relevant provincial authority recommends the transfer</p>	<p>The timeframes for voluntary or involuntary transfers apply</p> <p>Transfers to hospitals will comply with the relevant provincial mental health legislation</p>	<p>The timeframes for voluntary or involuntary transfers apply</p>

<b>Transfer Type</b>	<b>Transfer Type</b>	<b>Transfer Type</b>	<b>Transfer Type</b>
<b>International transfer (to and from Canada)</b>	Minister of Public Safety and Emergency Preparedness	All applications for transfer are processed individually, with every effort being made to process requests as expeditiously as possible, upon receipt of the supporting documentation	As soon as practicable after the sentencing country, the country of citizenship and the offender consent to the transfer

## **Annex C: Assessment for decision for transfers - report outline**

### **Introductory Statement/Case Status**

- i. Provide a brief statement of the purpose of the report (e.g. type of transfer: voluntary/involuntary/emergency; inter-regional/intra-regional):
  - to respond to reassessed security requirements
  - to provide access to the home community, a compatible cultural or linguistic environment or required programming
  - to provide access to relevant programs and services, including health care, taking into account the inmate's willingness to participate in those programs and services
  - to provide access to Intermediate Mental Health Care
  - to provide better access to programs and services in the inmate's preferred official language

- to provide a safe environment to the inmate
  - for assessment purposes
  - for court proceedings
  - to transfer the inmate to an Indigenous correctional facility established under section 81 of the CCRA
  - to separate inmates identified as co-convicted and under current sentence for an offence resulting in death or serious harm and whose association or influence on each other may be detrimental to the rehabilitation and safe reintegration of one or more inmates, or to the safety and security of the institution.
- ii. Indicate the length of sentence, current offence(s), outstanding charges or appeals, immigration/deportation/extradition status.
  - iii. Confirm the presence and level of support when the purpose of a transfer is to gain access to family and community support.
  - iv. Present new information related to the decision received since completion of the Correctional Plan Update.

## Risk Assessment

### a. Risk Factors

Briefly analyze the inmate's risk factors, specific to the offence cycle as outlined in the Correctional Plan. Incorporate actuarial assessments (e.g. SIR-R1) and reintegration potential.

### b. Inmate Security Level Review (Refer to CD 710-6 - Review of Inmate Security Classification)

Confirm or complete (as required) an analysis of the security level assessment pursuant to section 18 of the CCRR. A statement will be made under each of the following:

- i. institutional adjustment
- ii. escape risk

iii. risk to the safety of the public.

## Overall Assessment

Provide an overall assessment incorporating the following elements and, for Indigenous offenders, the overall assessment should be made within the context of their Indigenous social history:

- i. results of the case conference with the receiving institution
- ii. nature and gravity of the offence and the degree of responsibility of the inmate
- iii. victim concerns (if applicable)
- iv. consultation with Security Intelligence Officer, where applicable (e.g., incompatibles and affiliations) (if there are no concerns, a statement should be made to that effect)
- v. existence of co-convicted inmates
- vi. recent professional opinions regarding transfer such as from the Case Management Team, Indigenous community representative, health care, mental health, psychological information, police comments and/or previous CSC (Correctional Service Canada) decisions (if applicable)
- vii. previous PBC decision (nature and purpose, all relevant comments, specific reference to relevant issues noted in the decision, including demonstrating how concerns/issues previously raised have/have not been addressed)
- viii. physical or mental health concerns (pursuant to section 87 of the CCRA) as identified by Health/Mental Health Services that would preclude the inmate's transfer
- ix. current risk
- x. inmate engagement
- xi. outstanding factors requiring intervention

- xii. an analysis of any high risk behaviours or patterns observed during the sentence. For Indigenous offenders, describe these behaviours within the context of their Indigenous social history
- xiii. inmate's understanding of risk factors and offence cycle, and how risk will be managed
- xiv. consider elements of Indigenous social history for Indigenous offenders
- xv. for an inmate involved in a healing path, incorporate their understanding of the healing components of the Correctional Plan
- xvi. how the recommendation meets the needs of the inmate while ensuring the safety of the public. For Indigenous offenders, make links between need areas, the offender's Indigenous social history and how the recommendations will address these needs as per CD 705-6 - Correctional Planning and Criminal Profile, Annex H.

The following will be incorporated into the Overall Assessment for Decision on **involuntary transfers**.

Analyze all factors that have prompted the proposed transfer, including the details of the precipitating incident(s) (e.g. time, place, damage to property or physical injury, and weapons used) as well as behavioural patterns that may have contributed to the decision to recommend involuntary transfer. This analysis will ensure that the current incident(s) is (are) viewed by the decision maker in the broader context of the inmate's overall performance throughout incarceration (i.e. context of the present incident(s) as it (they) relate(s) to previous institutional incidents, offence convictions or involuntary transfers). For Indigenous offenders, describe and analyze behaviour patterns within the context of the offender's Indigenous social history.

Make reference to the existence of security information that relates to the present or previous incident(s) or to the existence of incompatibles at the present and proposed institutions. Provide a rationale where such information cannot be shared with the inmate, or if only the "gist" of the information can be shared.

Consider any pertinent results/recommendations from the psychological and/or psychiatric assessments and/or health care in the final transfer decision.

Consider the offender's Indigenous social history and indicate what culturally appropriate/restorative options have been considered. They must be linked to the decision with a rationale that explains why they did or did not impact the decision.

Indicate clearly what alternatives have been explored. For Indigenous offenders, consider cultural interventions and/or restorative options, including consideration of access to cultural programming, Elders, CCRA section 81 and section 84, identifying why the involuntary transfer is the only reasonable alternative available.

The following will also be incorporated into the Overall Assessment for Decision for the transfer of a medium security inmate to an environment without a secure and directly controlled perimeter:

- i. the length of the sentence
- ii. time remaining before eligibility for Unescorted Temporary Absence (UTA)
- iii. a requirement that the inmate must be in the "preparation to release" or "reintegration into the community" phase of their long term offender correctional plan as per Annex G of CD 705-6

## **Dissenting Opinion**

# Recommendation

**Date modified:**

2025-05-09

T-3278-25

This is Exhibit "D" referred to in the  
Affidavit of Elizabeth Burns, sworn/ to affirmed  
before me on the 9<sup>th</sup> day of September,  
2025.



A Barrister/Commissioner of New Brunswick



Correctional Service  
Canada

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**NOTICE OF INVOLUNTARY TRANSFER/MOVEMENT  
RECOMMENDATION**

**PURPOSE: ALLEVIATE SIU STATUS**

Completing Operational Unit <b>ATLANTIC INSTITUTION</b>
Current institution or Address <b>ATLANTIC INSTITUTION</b>

FPS Number <b>053849C</b>
Family Name <b>COOPER</b>
Given Name(s) <b>AMANDA JOY</b>
Date of Birth <b>1967/06/08</b>

Pursuant to Section 29 of the Corrections and Conditional Release Act, you have been recommended for transfer/movement to:

**MILLHAVEN INSTITUTION MILLHAVEN INSTITUTION**

The following reasons have resulted in my recommendation:

You are being transferred to alleviate your SIU status at Atlantic Institution. You are encouraged to work collaboratively with your CMT at your next location to make gains in your Correctional Plan

Designated Staff Member Signature

BURNS, ELIZABETH  
A/PAROLE OFFICER

Y M D  
25 | 07 | 23

11:10  
Time

**TRANSMITTED TO THE OFFENDER BY HAND BY**

Parole Officer

Signature of CSC Staff Member

Title

Y M D  
25 | 07 | 23

11:10  
Time

**OFFENDER'S ACKNOWLEDGMENT OF RECEIPT**

TO: Institutional Head

- I acknowledge that I have received a copy of this notice.
- I have been advised of my right to retain and instruct counsel.
- I have been provided with a reasonable opportunity to retain and instruct counsel.
- I DO NOT wish to make representations with respect to the proposed transfer/movement, in the next two (2) working days.

**NOTICE OF INVOLUNTARY TRANSFER/MOVEMENT RECOMMENDATION**

Ce formulaire existe aussi en français.  
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FPS 053849C DOB 1967/06/08	NAME COOPER, AMANDA JOY LOC. ATLANTIC INSTITUTION
-------------------------------	--

I DO wish to make representations with respect to the proposed transfer/movement, IN PERSON in the next two (2) working days.

I DO wish to make representation with respect to the proposed transfer/movement, IN WRITING, in the next two (2) working days.

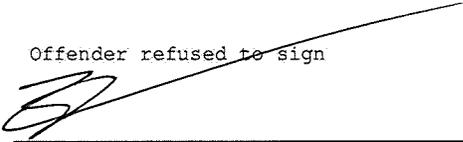
I request an extension of time to submit a rebuttal to the proposed transfer/movement.

Offender's Signature

Y	M	D
25	07	23

11:10  
Time

Offender refused to sign



Witnessing CSC Staff Member signature

NOTICE OF INVOLUNTARY TRANSFER/MOUMENT RECOMMENDATION

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T-3278-25

This is Exhibit "E" referred to in the  
Affidavit of Elizabeth Burns, sworn/ to affirmed  
before me on the 9<sup>th</sup> day of September,  
2025.



A Barrister/Commissioner of New Brunswick



Correctional Service  
Canada

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**REFERRAL DECISION SHEET FOR:  
INST. TRANSFER (INVOLUNTARY)**

Decision Number  
**320**

Current Institution or Address  
**ATLANTIC INSTITUTION**

Purpose:  
**ALLEVIATE SIU STATUS**

FPS Number

**053849C**

Family Name

**COOPER**

Given Name(s)

**AMANDA JOY**

Date of Birth

**1967/06/08**

Consultation Required

Current Cell Situation **STRUCTURED INTERVENTION**

Destination/Institution Requested	Region	Country
<b>MILLHAVEN INSTITUTION</b>	<b>ONTARIO</b>	

**ADDITIONAL RECOMMENDATIONS**

**REGIONAL TRANSFER BOARD**

Comment:

Ms. Amanda Joy COOPER is being recommended for an involuntary inter-regional transfer to the Ontario region in order to provide her a safe environment and alleviate her Structured Intervention Unit (SIU) status.

There are gender considerations in this case as Ms. COOPER is a female offender residing at Atlantic Institution. She arrived at Atlantic Institution in November 2024 from the regional hospital in the Quebec Regional Reception Centre (RRC) following her gender affirming surgery which occurred in September 2024. An individualized protocol was completed upon her arrival at Atlantic Institution.

Millhaven Institution indicates being able to meet Ms. COOPER's linguistic, intervention, and security needs, and has therefore, accepted her transfer.

The Notice of Involuntary Transfer (NOIT) was shared with Ms. COOPER on 2025-07-23 and she chose to provide a verbal rebuttal which has been considered in this recommendation.

There are no known victim concerns, or known mental/physical health concerns that would impede on the proposed transfer.

Ms. COOPER is not of Indigenous descent; therefore, Indigenous Social History (ISH) does not apply in the recommendation of this transfer.

Based on the above, the Regional Transfer Board is recommending that the involuntary inter-regional transfer to Millhaven Institution be approved.

Recommendation: **APPROVED**

Date

Y M D

**2025/07/25**

SAVOIE, JESSICA  
PROJECT OFFICER

REFERRAL DECISION SHEET FOR: INST. TRANSFER (INVOLUNTARY)

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FPS 053849C	NAME COOPER, AMANDA JOY
DOB 1967/06/08	LOC. ATLANTIC INSTITUTION

REGIONAL HEADQUARTERS-ATLANTIC

**WARDEN**

Comment :

Ms. COOPER, you are a 58-year-old, third time federal offender who is serving an indeterminate sentence as a Dangerous Offender (DO) for Sexual Assault (x4), Assault-Use of Force (x3), Forcible Confinement and Uttering Threats. Your third sentence commenced on 2001-06-20. These offences for which are you sentenced were between 1997 and 2018 (convicted for two offences while incarcerated).

A review of the Sentence Management revealed no outstanding charges or active appeals.

Ms. COOPER, you are currently residing in the Structured Intervention Unit (SIU) here at Atlantic Institution. You do have integration options at our site and have been processed for an involuntary interregional transfer to allow you to return to a mainstream inmate population. Millhaven Institution provided positive comments. The Notice of Involuntary Transfer (NOIT) was shared with you on 2025-07-23 and you opted to rebut the transfer in person on 2025-07-25.

In your rebuttal you mentioned that you do not want to go to MI or any other male institution for that matter regardless of security level. As you will not integrate due to the fact that you are now a woman and feel your safety would be in jeopardy. You also want to be able to complete module 2 of your current sex offender program and deal with your voluntary transfer to Fraser Valley which you just submitted.

I have reviewed the information available in relations to the transfer and your rebuttal. It is believed you can be managed at Millhaven Institution. As remaining in our SIU is not a long-term solution and there are other extenuating circumstances, which have affected AI's SIU. In terms of programming and your voluntary transfer application, all of these can still be accomplished while housed at MI. A case conference has also been asked to take place prior to your transfer so that you can bring up any concerns or issues you may have.

In taking section 28 of the Corrections and Conditional Release Act (CCRA), this transfer will allow you to transfer to a penitentiary that meets your linguistic, cultural, programming and security needs. This transfer will also serve to put an end to your SIU transfer as per section 33 of the CCRA. I would strongly encourage you to integrate upon arrival. There are no mental or physical health concerns related to this transfer. There are no victim considerations to take into consideration. Subsequently, I support this recommendation.

**Recommendation: involuntary interregional transfer - Millhaven Institution - Approved**

Recommendation: **APPROVED**

Date

Y M D

2025/07/25

MITCHELL, JEFF  
 A/WARDEN  
 ATLANTIC INSTITUTION

**MGR ASSESSMENT INTERVENTION**

Comment :

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DOB 1967/06/08	LOC. ATLANTIC INSTITUTION

Ms. COOPER has been residing in the SIU since 2024-11-24. She is a maximum-security offender and has integration options at our site. She was processed for an involuntary interregional transfer to allow her to return to a mainstream inmate population. Positive comments were received from Millhaven Institution and the SIO department confirmed there is no information available precluding this transfer. There are no mental/physical health issues or victim concerns precluding such. Millhaven Institution is able to meet her security requirements, linguistic, cultural and programming needs. As a result, I support the team's recommendation for the involuntary transfer to Millhaven institution to allow Ms. COOPER to return to a mainstream inmate population and alleviate her SIU placement.

Recommendation: **APPROVED**

Date

Y M D

2025/07/25

WALLACE, JEFFREY  
 A/MGR ASSESSMENT INTERVENTION  
 ATLANTIC INSTITUTION

#### FINAL DECISION

#### Rationale:

Ms. Amanda Cooper, you have been proposed for an involuntary, inter-regional transfer to Millhaven Institution (MI) in the Ontario Region for the purpose of alleviating your Structured Intervention Unit status and providing you access to a mainstream population. You have resided on the Structured Intervention Unit (SIU) at Atlantic Institution (AI) in the Atlantic Region since 2024-11-04, having been placed there after it was determined that remaining in a mainstream population would jeopardize your safety.

There are gender considerations in this case. Identifying as male up to September 2017, Ms. Cooper then had her first conversation with Health Care surrounding her gender identity and the process of transitioning to female. She was recommended for feminizing hormones in May 2020, underwent full gender affirmation surgery in September 2024, and her sex has since been updated to female in the Offender Management System.

The Gender Considerations Secretariat has been included on consultations in this case and recommend that a Support Plan is created. This document will outline how Ms. Cooper's gender-related needs, safety and overall well-being will be addressed at and by Millhaven Institution. MI's Assistant Warden, Interventions confirmed on 2025-08-12 that this is in progress and planning has and will continue to include the mental health, health care, operations, and interventions departments at both the sending and receiving sites. Ms. Cooper is also scheduled to participate in a call with interventions and mental health staff at MI during the week of 2025-08-18.

Responsivity issues are evident and subsequently considered in this decision. Ms. Cooper was born in Montreal QC and raised by her strict, deeply religious and authoritarian parents alongside two older siblings. She denied being subject to abuse or neglect during her upbringing, although has shared that her father was often absent due to his employment, and there was a lot of conflict in the home. Ms. Cooper struggled with attention and focus in school, later demonstrating oppositional and defiant behaviour there, at home, and in the community. She described feelings of rejection in her youth due to her appearance and enuresis.

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Around age 12, Ms. Cooper was suspended for attempting to sexually touch a female student or teacher. The following year, Ms. Cooper began sexually touching adult women in her neighbourhood who were walking in the street. She was sent to Douglas Hospital under a youth court residency condition at 16 and remained there until age 18, despite running away many times. Very soon afterwards, Ms. Cooper committed the Sexual Assault and Break Enter and Commit offences that resulted in her first federal sentence, of four years, in 1986 at age 19. Twice during that sentence, she was reported to sexually touch female staff members. Ms. Cooper's second federal sentence commenced in 1991 for Sexual Assault. Two days after cascading to medium security, she committed a Sexual Assault against a female Parole Officer, receiving a conviction for same in 1993. Upon release from that sentence, while in provincial custody just over a month later, Ms. Cooper committed the Sexual Assault and Forcible Confinement of a female Correctional Officer. She then perpetrated the remainder of her current third federal index offences over three days in 1998 by sexually victimizing six females, one of which was underage. In public areas in the community, Ms. Cooper grabbed the first victim by the neck and threatened to rape her but then fled when a vehicle appeared, attempted to force two separate female victims into their vehicles, pushed another women into her car as she was getting out and then sexually assaulted her, sexually assaulted a woman while she was walking around a store, and another while she was in a bus shelter.

Ms. Cooper, age 58, commenced this third federal, indeterminate, sentence with a Dangerous Offender designation in June 2001 for Sexual Assault x4, Forcible Confinement, and Assault - Intentional Use of Force x2. She has since incurred convictions for Utter Threats to Cause Death/Harm (2007) and Assault - Intentional Use of Force (2021).

Institutionally on this sentence, in 2002 Ms. Cooper was emergency transferred to the Special Handling Unit (SHU) after threatening to sexually assault and kill female staff as well as inciting other offenders to do so. She remained at the SHU for a little over 16 years until transferring to Stony Mountain Institution in 2018; just two months later she sexually assaulted another female staff member. This is Ms. Cooper's sixth SIU placement since February 2020, where she has been admitted for, at times her own safety, but also for the safety of others and/or the institution.

Ms. Cooper, a transfer to the Ontario Region will give you access to a mainstream population. Given this information, you have been recommended for an inter-regional involuntary transfer to Millhaven Institution for the purpose of alleviating your placement in a Structured Intervention Unit. Your security classification has been approved as Maximum with individual ratings of High Institutional Adjustment, Moderate Escape Risk and High Public Safety assigned.

Millhaven Institution was consulted and are accepting of your transfer. As per Commissioner's Directive 100 - Gender Diverse Offenders - a case conference has occurred between the delegates of the Institutional Heads of the sending and receiving institutions. You meet the security requirements and there are no listed incompatibles at the proposed site. Millhaven Institution is able to meet your individual programming needs; you are currently participating in the High Intensity Sex Offender Program and Adult Basic Education Level Three.

In consideration of the Corrections and Conditional Release Act (CCRA) Sec. 4(g), the proposed transfer supports the supervision and rehabilitation of Ms. Cooper by ensuring all correctional policies, programs and practices respect gender, ethnic,

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DOB 1967/06/08	LOC. ATLANTIC INSTITUTION

cultural, religious and linguistic differences, sexual orientation and gender identity and are responsive to her specific needs and preferences.

Sec. 28 of the CCRA was considered in this decision for inter-regional transfer by taking into account the degree and kind of custody and control necessary for the safety of the public, the offender, other persons in the penitentiary and the security of same. The proposed transfer to the Ontario Region will ensure accessibility to the offender's supports, as well as a compatible cultural and linguistic environment, and has determined the availability of appropriate programs and services at the receiving site, which has been assessed to be the least restrictive and most appropriate at present. Ms. Cooper's motivation to participate in programs and her overall Correctional Plan has been assessed as Medium.

Ms. Cooper, you were provided with the Notice of Involuntary Transfer Recommendation (NOITR) and other supporting documentation on 2025-07-23 and indicated you wished to rebut your transfer in-person. On 2025-07-25 you advised that you do not want to transfer to Millhaven Institution or any other male institution, regardless of security level, as you feel that your safety is in jeopardy due to the fact that your sex is now female. You would also like to complete Module Two of the Sex Offender Program at AI and address your recently submitted voluntary application to Fraser Valley Institution for Women (FVIW). AI's Institutional Head reviewed and considered your concerns and noted that you are able to complete program requirements and work through the voluntary application to FVIW while housed at MI. You have been housed in the AI-SIU since 2024-11-04 and as per CCRA Sec. 33 "an inmate's confinement in a structured intervention unit is to end as soon as possible". As you have refused to integrate into Atlantic Institution, in order to alleviate your SIU placement, Millhaven Institution was canvassed and are supportive of your transfer. A case conference will take place prior to your transfer so that you can bring up any concerns or issues you may have. The NOITR was received by this office on 2025-07-25.

Your mental health needs were considered by ensuring access to programs and services available at the receiving site should you request these. There are no relevant, imminent mental or physical health concerns that would impede this transfer. Your preferred official language is English.

There are victim concerns to take into consideration in this decision. Index offending was committed in the province of Quebec. At this time, there is no information to indicate that your transfer to a maximum security facility in the Ontario Region is likely to generate a negative reaction; however, the potential for the transfer to be viewed unfavourably is evident. I have weighed this against the benefit of providing you with a safe environment where you can access programs and services within a mainstream population. I would further note that this involuntary transfer to Millhaven Institution does not provide you with any increased access to the community. You will be housed behind a secure, controlled perimeter where your movement and association will be regulated and monitored. Prior to any access to the community being granted, your case will be subject to robust risk assessment procedures which will take into account victim considerations.

Prior to her transfer to Atlantic Institution, Ms. Cooper applied for transfer to Joliette Institution for Women in September 2024; the Deputy Commissioner for Women (DCW) rendered this decision not approved. Although Ms. Cooper's continued preference is to be transferred to a women's institution, the DCW has identified overriding safety concerns in this case that would jeopardize the health and/or safety of other offenders and/or staff.

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DOB 1967/06/08	LOC. ATLANTIC INSTITUTION

Your involuntary, inter-regional transfer to Millhaven Institution is APPROVED.

Although approved, this transfer should not be actioned without further consultation with Millhaven Institution if Ms. Cooper is unwilling to integrate on arrival. You are advised that refusal or failure to integrate at the receiving institution may result in your transfer to another institution and/or region.

This transfer is not to occur until all outstanding in-person court matters, should there be any, have been concluded in the sending region. Sentence Management, via the Offender Management System, confirms that Ms. Cooper has no current outstanding charges or active appeals at the time of this decision.

Ms. Cooper, this will acknowledge that your NOITR was received at Regional Headquarters (Ontario Region) for processing on 2025-07-25. A final decision on this matter was not rendered within the prescribed timeframes identified in the Commissioner's Directive 710-2-3 Annex B as a result of the unique case factors requiring additional intra-regional, inter-regional and national consultation in respect of your rights and needs as well as operational planning.

PLEASE NOTE THAT COMMISSIONER'S DIRECTIVE 081 PROVIDES INMATES WITH THE RIGHT TO APPEAL A PLACEMENT DECISION, USING THE GRIEVANCE PROCESS. SUCH A GRIEVANCE SHOULD BE REFERRED TO THE COMMISSIONER (THIRD LEVEL).

Special Condition(s)		Received by	Effective Date	End Date
Action	Condition/Comment			
Decision:	<b>APPROVED</b>		2025/08/12	2025/08/12
Institutional Adjustment	<b>HIGH</b>			
Escape Risk	<b>MODERATE</b>			
Risk to Public Safety	<b>HIGH</b>			

Signature

JACKSON, CURTIS  
 ASSIST.DEP.COMM,CORRECT.OPER.  
 RHQ-ONTARIO

Date		
Y	M	D

**PERSONALLY TRANSMITTED TO THE OFFENDER BY**

Signature of CSC official	Title	Date			Time
		Y	M	D	

REFERRAL DECISION SHEET FOR: INST. TRANSFER (INVOLUNTARY)

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-------------------------------	--

OFFENDER'S ACKNOWLEDGEMENT OF RECEIPT

Waiver of Two Days Notice Before Transfer:

<input type="checkbox"/>	Offender refused to sign
--------------------------	--------------------------

Upon being notified that the decision maker approved the non-emergency involuntary transfer,  
I waive my right to receive at least two days notice before my transfer.

<input type="checkbox"/>	Waive
--------------------------	-------

(non-emergency involuntary transfer)

<input type="checkbox"/>	Do not waive
--------------------------	--------------

Y	M	D

Offender's Signature	Date	Time	Witnessing CSC Official Signature
----------------------	------	------	-----------------------------------

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Court File No. T-3278-25

**FEDERAL COURT**

BETWEEN:

**AMANDA JOY COOPER**

APPLICANT

and

**ATTORNEY GENERAL OF CANADA**

RESPONDENT

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**AFFIDAVIT OF SARAH BYRON**

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I, SARAH BYRON of GATINEAU, QUEBEC, MAKE OATH AND SAY THAT:

1. I work as the Acting Director of the Women Offender Sector with the Correctional Service of Canada (hereinafter, "CSC"). As such, I have personal knowledge of the facts and matters deposed to unless otherwise stated to be based on information and belief.
2. CSC is mandated with the administration of sentences for adult offenders sentenced to two years or more and supervises offenders on various forms of conditional release in the community.
3. As *Bill C-16* codified gender identity and gender expression as prohibited grounds of discrimination, CSC has a legal obligation to accommodate offenders' gender identity and expression needs.

### **Gender Affirming Care**

4. CSC's Commissioner's Directive 100 ("CD-100"): Gender Diverse Offenders outlines that essential physical and mental health care, including gender-affirming care, is provided in accordance with CSC's National Essential Health Care Framework (the "Framework").
5. Health Services staff are guided by the Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People in accordance with the World Professional Association Transgender Health guidelines. These Standards of Care are internationally accepted guidelines that promote high-quality care for transsexual, transgender and gender-nonconforming individuals.
6. CSC's Health Services oversees the delivery of health care to individuals in custody, ensuring accountability, consistency, and best practices tailored to the needs of CSC's population, including gender diverse offenders. The Framework defines consistent access to health care and outlines specialized services available to individuals in CSC, based on individual patient needs as determined by health professionals. Guided by this Framework, essential health services within CSC are aligned with professionally accepted standards and the care coverage provided by provincial and territorial publicly funded health care systems.
7. The Framework is reviewed and approved annually, ensuring CSC's continued alignment with the level of health care available through provincially public-funded health and social service programs.
8. The vision of CSC Health Services is to provide professional, clinically independent, culturally responsive, integrated and coordinated person-centred care.

### **Duty to Accommodate Gender Diverse Offenders**

9. CSC is committed to upholding the rights and dignity of all people under its care, custody and supervision, regardless of gender identity or expression, consistent with the *Canadian Human Rights Act*.
10. CD-100 outlines CSC's approach to managing gender diverse individuals. When an offender requests gender-related accommodations, an Individualized Protocol ("IP") is developed in collaboration with the individual, to outline the specific measures to be implemented.
11. The IP may include chosen first and/or middle names, chosen pronouns, access to private showers and toilets, the gender of staff conducting security-related procedures.
12. CSC also makes other gender-related accommodations to meet the individual's needs related to their gender identity or expression (e.g., institutional clothing, personal property, participation in correctional programs and ceremonies etc.).
13. The IP is offender-driven, ensuring individuals are actively involved in the development and ongoing review of their accommodation needs throughout their sentence.
14. CSC ensures that all offenders, including gender diverse individuals, are placed in an environment that meets their security requirements, provides access to correctional programming, and supports their spiritual and cultural needs. This contributes to their safe rehabilitation and reintegration into the community.
15. CD-100 supports placement in facilities that align with an offender's gender identity or expression, if that is their preference, regardless of their anatomical sex or the sex/gender marked on their identity documents. Exceptions apply only in cases where overriding health or safety concerns cannot be otherwise mitigated.

16. The language “overriding health or safety concerns that cannot be resolved” assists decision-makers in rendering fair and well-reasoned decisions in response to requests for accommodation from gender diverse offenders. It is defined in Annex A of CD-100 and intended to operationalize and simplify the notion of “duty to accommodate to the point of undue hardship”.
17. CSC considers and reviews accommodation requests of gender diverse offenders on a case-by-case basis, with accommodation being the default position, unless, through an assessment of the existing risk and needs, it is determined that there are health or safety concerns that merit further consideration.
18. Accommodations under CD-100, including institutional placement, may only be denied when overriding health or safety concerns cannot be effectively mitigated, ensuring that denial is reserved for cases meeting the threshold of undue hardship.
19. CD-100 requires that decisions in response to accommodation requests be made in a fair and reasonable manner, free from bias, discrimination, or stereotypes associated with gender diversity.
20. To ensure impartial and thorough decision-making, CSC applies the following principles:
  - a) A clear understanding of the accommodation(s) requested;
  - b) Assessment of the offender’s risk and needs, including any factors that may result in overriding health or safety concerns;
  - c) Consideration of the health and safety of all offenders, including the gender diverse individual;
  - d) Identification and evaluation of risk mitigation strategies, and determination of whether they are sufficient to support the requested accommodation;

- e) A clear rationale for the decision, including references to mitigation strategies that were explored and their outcomes;
- f) Documentation of a rationale for the decision to deny an accommodation request, demonstrating that approval would result in overriding health or safety concerns that cannot be resolved; and
- g) Reassessment of accommodation decisions if circumstances change and the individual submits a new request, recognizing that accommodations are offender-driven and reflect current risk and needs that can evolve over time.

### **Accommodating Transgender Women in Men's Institutions**

21. CD-100 facilitates impartial, case-by-case decision-making, and directs that offenders receive appropriate care and supervision, consistent with their gender-related needs, regardless of the type of institution (men's or women's) they are incarcerated in.
22. As of July 26, 2025, CSC identified a total of 125 gender diverse individuals in custody, representing approximately 0.84% of the total incarcerated population (n = 14,837).<sup>1</sup> Of these, 88 are transgender women, with 82% (n = 72) housed in men's institutions and 18% (n = 16) housed in women's institutions.
23. Placement requests to a women's institution may be denied when overriding health or safety concerns are identified and cannot be effectively mitigated. For example, placing an offender in an institution predominantly composed of individuals who match their victim profile may pose significant risks to the broader population; particularly if the offender remains active in their offence cycle, has not addressed underlying risk factors, or

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<sup>1</sup> CSC records the number of offenders who have requested accommodation based on their gender identity or expression. These individuals are identified in the Offender Management System ("OMS") through the activation of a Gender Consideration need and a finalized Individualized Protocol. The estimates above rely on the accuracy and timeliness of the data entered into the OMS.

demonstrates limited insight into their current level of risk or the strategies required to manage it. In this case, such a placement could jeopardize institutional safety, increase the likelihood of reoffending, and undermine rehabilitative efforts for the individual and others.

24. If a voluntary transfer application is denied, the offender may reapply in six months, or earlier if supported by their Case Management Team.
25. Men's and women's correctional institutions differ significantly and have different supervision models, static and dynamic security measures, available interventions and resources, deployment standards, and infrastructure. Women's facilities are multi-level environments where medium- and minimum-security areas resemble communal living settings. They feature shared housing arrangements with multiple women per unit and minimal direct supervision. Maximum-security units also maintain distinct approaches and differ from the same level in a men's institution.
26. A substantial proportion of women offenders have exposure to adverse or traumatic life events, and they are more likely to be victims of gender-based violence than women in the general population.
27. Women are more likely to develop a higher intensity of symptoms of post-traumatic stress disorder ("PTSD") than men. Women offenders are more likely to experience substance use, self-injurious behaviour, and mental health concerns due to this PTSD. Given the unique social histories of women offenders, enhanced supervision to mitigate the risk of the transfer of offenders who have been convicted of gender-based violence or violence toward children may be inappropriate, as excessive security presence can create apprehension and fear.

28. Given that women's institutions operate under a communal living model with limited direct oversight, mitigation strategies such as constant and direct supervision of certain incarcerated individuals would not be appropriate at these sites. Implementing stricter controls or surveillance of offenders to mitigate the risk associated with an accommodation measure would conflict with the principles outlined in "Creating Choices", such as promoting the empowerment, autonomy and rehabilitation of federally sentenced women.
29. In circumstances where it is determined that there are overriding health or safety concerns that cannot be effectively mitigated related to one's placement in an institution that aligns with their gender identity or expression, CSC implements alternative measures to support the offender's gender-related needs within their current institution.
30. In these cases, CSC implements a comprehensive management plan to ensure the individual's dignity, safety, and rights are upheld.
31. These plans include the implementation of an IP, appropriate and safe housing arrangements within the institution, access to mental and physical health services, and support through access to 2SLGBTQI+ resources and peer support networks. The overarching goal is to meet the offender's gender-related needs within a secure environment that supports their rehabilitation and reintegration into the community.
32. Transgender women have different patterns of criminality than cisgender women and require different interventions and supports. There is limited research available on this population and how best to meet their needs while incarcerated. Correctional programs designed for women and men have not been validated for gender diverse offenders at this time. CSC is actively working to analyze the impacts of correctional program assignments for this subpopulation.

33. I make this affidavit in response to the applicant’s application for judicial review, and motion for injunction, and for no other or improper purpose.

SWORN VIRTUALLY in accordance )  
with O. Reg 431/20 with the witness in )  
the city of Gatineau, in the Province of )  
Quebec, before me in the city of Ottawa, )  
in the Province of Ontario, this 12<sup>th</sup> day )  
of September, 2025 )  
Eeuwes, Digitally signed by Eeuwes, Brooklynn  
by Sarah, Brooklynn  
Date: 2025.09.12 15:54:09 -04'00' )  
Brooklynn )  
A Commissioner of Oaths for Ontario )

Byron, Digitally signed  
Sarah, by Byron, Sarah  
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SARAH BYRON

Court File No. T-3278-25

**FEDERAL COURT**

BETWEEN:

**AMANDA JOY COOPER**

APPLICANT

and

**ATTORNEY GENERAL OF CANADA**

RESPONDENT

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**RESPONDENT'S MEMORANDUM OF FACT AND LAW**  
**(Applicant's Motion for Interlocutory Relief)**

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Counsel for the Respondent

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## OVERVIEW

1. The applicant seeks an interlocutory injunction to restrain the Correctional Service of Canada's ("CSC") decision to transfer her from Atlantic Institution ("AI") in Renous, New Brunswick, to Millhaven Institution ("Millhaven") in Ontario, both of which are designated maximum-security institutions for men.
2. The applicant further seeks an order in *mandamus* requiring CSC to transfer her to a women's institution pending the outcome of her judicial review.
3. The Respondent, the Attorney General of Canada, on behalf of CSC, submits that this motion must be dismissed for several reasons.
  - a. Firstly, the relief sought is wholly disconnected with the decision under review. The impugned decision is CSC's July 25, 2025 decision to transfer the applicant from AI to Millhaven. An interlocutory injunction can only preserve the subject matter of a judicial review; it cannot compel unrelated and unprecedented substantive relief.
  - b. Secondly, following the applicant's most recent application for a transfer to a women's institution, CSC is actively preparing a file for decision-making under its governing policy framework, expected by September 23, 2025. The applicant therefore has a separate, ongoing process that addresses precisely the issue that she seeks to inject into this motion. It is procedurally improper to use interlocutory proceedings in one judicial review to obtain relief that is properly the subject of another, distinct decision-making process.
  - c. Thirdly, the applicant did not grieve the July 25, 2025 decision via internal processes within the institution.
  - d. Lastly, the established test for interlocutory injunctions under *RJR-MacDonald* is not met. The Applicant cannot demonstrate irreparable harm arising from a transfer from one maximum-security men's

institution to another. In essence, the transfer would not result in a significant change in her carceral conditions. Nor does the balance of convenience favour judicial intervention: CSC must manage the safety of staff and inmates and has determined that her continued presence at AI poses unacceptable risks. Granting the injunction would interfere with CSC's statutory responsibility to manage institutional security and offender placement.

4. In sum, the applicant asks this Court to go beyond maintaining the status quo, and order positive relief that is unrelated to the decision challenged, premature in light of her failure to grieve the decision (and pending review of her request to be transferred to a women's institution), and unsupported by the legal test for interlocutory relief. The motion should be dismissed.

#### **PART I – FACTS**

5. The applicant is a transgender woman under the jurisdiction of CSC at AI, a maximum-security men's institution in New Brunswick. She challenges her involuntary transfer to another maximum-security men's institution in Ontario.
6. Her security classification is maximum. She has been serving an indeterminate sentence since 2001.<sup>1</sup>
7. At present, the applicant is serving her third federal sentence for four counts of sexual assault, three counts of assault, as well as charges of unlawful confinement and uttering threats. Victims of her sexual assaults were primarily adult women, except one who was a 14-year-old girl.<sup>2</sup>

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<sup>1</sup> Affidavit of Elizabeth Burns (“Burns Affidavit”) dated September 9, 2025 at para 2.

<sup>2</sup> *Ibid.*

*Dangerous Offender*

8. She was declared a dangerous offender in 1998.<sup>3</sup>
9. During incarceration, she has been involved in more than seventy-three (73) institutional incidents, including sixty-six (66) as an instigator. Her institutional incidents as an instigator have included sexual assaults against CSC employees.<sup>4</sup>
10. As recently as 2018, she sexually assaulted a woman staff member at Stony Mountain Institution.<sup>5</sup>
11. Her security risks have recently been assessed as high, with institutional adjustment concerns noted. She has a long history of uncooperative behaviour and verbal and/or emotional violence toward staff. She has been assessed as having a high need for improvement in Personal / Emotional Orientation an Attitude. Her mental health concerns include self-injury and hunger strikes.<sup>6</sup>

*“Self-Imposed” Placement in SIU*

12. Though she has mainstream integration options, she has refused to integrate with the population at AI, and has been housed primarily in the Structured Intervention Unit (“SIU”) since November 2024.<sup>7</sup>
13. Because of the risks of self-harm described above, CSC monitors her in the SIU hourly.
14. CSC has provided opportunities for time out of cell and meaningful human contact, but the applicant has consistently declined unstructured activities, while accepting

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<sup>3</sup> *Ibid.*

<sup>4</sup> Burns Affidavit at Exhibit A.

<sup>5</sup> Burns Affidavit at para 2.

<sup>6</sup> Burns Affidavit at para 5.

<sup>7</sup> Burns Affidavit at para 4.

offers for more structured activities such as programs, volunteering, and phone calls.<sup>8</sup>

15. The applicant's housing in the SIU is self-described as "self-imposed".<sup>9</sup>

*Gender Affirmation and Care (2020-2024)*

16. The applicant began her gender affirmation in 2020 with hormone therapy, and gender-affirming surgeries were completed in September 2024.<sup>10</sup>

17. CSC Health Services provides gender-affirming care in accordance with its National Essential Health Care Framework (the "Framework"), as aligned with care coverage provided by provincial and territorial publicly funded health care systems, and incorporating internationally accepted guidelines for care of transgender individuals in particular. The Framework is reviewed and approved annually.<sup>11</sup>

*Request for Transfer to Women's Institution (September 2024)*

18. As her gender-affirming surgeries were approaching completion, the applicant requested a transfer to a women's institution in Joliette, Quebec.<sup>12</sup>

19. Commissioner's Directive (CD) 100: Gender Diverse Offenders ("CD-100") specifies that offenders with diverse gender identities may, throughout their sentence, request a transfer to a men's or women's institution according to their gender identity or expression.

20. CSC considers and reviews accommodation requests of gender diverse offenders on a case-by-case basis, with accommodation being the default position, unless,

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<sup>8</sup> Applicant's Brief at Exhibit A ("IEDM Report").

<sup>9</sup> Applicant's Brief at para 18.

<sup>10</sup> Burns Affidavit at para 7.

<sup>11</sup> Affidavit of Sarah Boyle dated September 12, 2025 ("Boyle Affidavit") at paras 4-7.

<sup>12</sup> Burns Affidavit at para 8.

through an assessment of the existing risk and needs, it is determined that there are health or safety concerns that merit further consideration.<sup>13</sup>

21. To ensure impartial and thorough decision-making, CSC applies the following principles:

- a) A clear understanding of the accommodation(s) requested;
- b) Assessment of the offender's risk and needs, including any factors that may result in overriding health or safety concerns;
- c) Consideration of the health and safety of all offenders, including the gender diverse individual;
- d) Identification and evaluation of risk mitigation strategies, and determination of whether they are sufficient to support the requested accommodation;
- e) A clear rationale for the decision, including references to mitigation strategies that were explored and their outcomes;
- f) Documentation of a rationale for the decision to deny an accommodation request, demonstrating that approval would result in overriding health or safety concerns that cannot be resolved; and
- g) Reassessment of accommodation decisions if circumstances change and the individual submits a new request, recognizing that accommodations are offender-driven and reflect current risk and needs that can evolve over time.<sup>14</sup>

22. On September 6, 2024, the Deputy Commissioner for Women ("DCW") for CSC denied her requested transfer to a women's institution in Joliette, Quebec, stating that she represented a very high risk for the inmate population there.<sup>15</sup>

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<sup>13</sup> Boyle Affidavit at paras 15-18.

<sup>14</sup> Boyle Affidavit at para 20.

<sup>15</sup> Burns Affidavit at para 11.

23. Placement requests to a women's institution may be denied when overriding health or safety concerns are identified and cannot be effectively mitigated. For example, placing an offender in an institution predominantly composed of individuals who match their victim profile may pose significant risks to the broader population; particularly if the offender remains active in their offence cycle, has not addressed underlying risk factors, or demonstrates limited insight into their current level of risk or the strategies required to manage it. In this case, such a placement could jeopardize institutional safety, increase the likelihood of reoffending, and undermine rehabilitative efforts for the individual and others.<sup>16</sup>
24. The applicant has a documented history of showing unhealthy, obsessive attachments to women staff members during incarceration. Her Psychological Risk Assessments on file reveal a high risk to reoffend overall, and a well-above-average risk to reoffend sexually. Her outstanding areas of treatment are impulsivity, problem solving, hostility towards women, lack of concern for others, and deviant sexual preferences.<sup>17</sup>
25. The infrastructure of women's institutions differs from that of men's institutions. Even in the most restrictive environment, there are notable differences such as access to open living environments that include the least restrictive static security measures. Deployment standards, operational routines, and conditions of detention also differ between the two types of institutions.<sup>18</sup>
26. Women's facilities are multi-level environments where medium- and minimum-security areas resemble communal living settings. They feature shared housing arrangements with multiple women per unit and minimal direct supervision.

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<sup>16</sup> Boyle Affidavit at para 23.

<sup>17</sup> Burns Affidavit at paras 3 and 6.

<sup>18</sup> Burns Affidavit at Exhibit B.

Maximum-security units also maintain distinct approaches and differ from the same level in a men's institution.<sup>19</sup>

27. The design and operational model of women's institutions, centered on autonomy, empowerment and open environments could result in a significant 'culture shock' for the applicant. Previous recommendations supported a gradual transition through a medium security men's site, to help her adjust to less structured settings and better prepare for life in a women's institution. However, she has not developed the necessary skills to function safely and successfully in such an environment. Without the ability to manage the emotional impact of this transition, she remains vulnerable to experiencing major depressive symptoms. Historically, she has responded to emotional distress by reoffending, which further underscores the risk.<sup>20</sup>
28. A substantial proportion of women offenders have exposure to adverse or traumatic life events, and they are more likely to be victims of gender-based violence than women in the general population.<sup>21</sup> Women are more likely to develop a higher intensity of symptoms of post-traumatic stress disorder ("PTSD") than men. Women offenders are more likely to experience substance use, self-injurious behaviour, and mental health concerns due to this PTSD. Given the unique social histories of women offenders, enhanced supervision to mitigate the risk of the transfer of offenders who have been convicted of gender-based violence or violence toward children may be inappropriate, as excessive security presence can create apprehension and fear. Given that women's institutions operate under a communal living model with limited direct oversight, mitigation strategies such as constant and direct supervision of certain incarcerated individuals would not be appropriate at these sites. Implementing stricter controls or surveillance of offenders to mitigate the

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<sup>19</sup> Boyle Affidavit at para 25.

<sup>20</sup> Burns Affidavit at para 12.

<sup>21</sup> Boyle Affidavit at para 26.

risk associated with an accommodation measure would conflict with the principles outlined in “Creating Choices”, such as promoting the empowerment, autonomy and rehabilitation of federally sentenced women.<sup>22</sup>

29. The DCW found that “[i]t is not possible to modify detention conditions to increase restrictive measures within a women’s institution to manage the applicant’s risk level, as a more restrictive approach would not comply with the *Corrections and Conditional Release Act*, staff deployment standards, and would compromise the supportive role and dynamic security functions of frontline staff”.<sup>23</sup>
30. If a voluntary transfer application is denied, the offender may reapply in six months, or earlier if supported by their Case Management Team.
31. The applicant has another application for voluntary transfer to a women’s institution (Fraser Valley Institution) currently pending decision.

#### *Non-Engagement with Correctional Plan*

32. Since arriving at AI in November 2024, there have been ongoing discussions with the applicant regarding her goal of residing at a women’s institution, and what steps she can take to show progress in her correctional plan that would aid in her reaching this goal.
33. However, CSC does not consider her to be engaged with her correctional plan.<sup>24</sup>

#### *Gender-Related Accommodations at AI*

34. In circumstances where it is determined that there are health or safety concerns that cannot be effectively mitigated related to an offender’s placement in an institution that aligns with their gender identity or expression, CSC implements

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<sup>22</sup> Boyle Affidavit at paras 26-28.

<sup>23</sup> Burns Affidavit at Exhibit B.

<sup>24</sup> Burns Affidavit at para 9 and 10.

alternative measures to support the offender's gender-related needs within their current institution.

35. CSC has a Gender Considerations Secretariat (GCS), which serves as a centre of expertise on matters related to gender diverse offenders. The GCS supports CSC operations across the country, offering awareness and guidance to staff and offenders to ensure that the health, safety and dignity of everyone is respected.<sup>25</sup>
36. As of July 26, 2025, CSC identified a total of 125 gender diverse individuals in custody, representing approximately 0.84% of the total incarcerated population (n = 14,837).<sup>1</sup> Of these, 88 are transgender women, with 82% (n = 72) housed in men's institutions and 18% (n = 16) housed in women's institutions.<sup>26</sup>
37. CSC implements a comprehensive management plan to ensure each individual's dignity, safety, and rights are upheld.<sup>27</sup> These plans include the implementation of an Individualized Protocol ("IP"), appropriate and safe housing arrangements within the institution, access to mental and physical health services, and support through access to 2SLGBTQI+ resources and peer support networks. The overarching goal is to meet the offender's gender-related needs within a secure environment that supports their rehabilitation and reintegration into the community.<sup>28</sup>
38. When an offender requests gender-related accommodations, an IP is developed in collaboration with the individual, to outline the specific measures to be implemented. The IP may include chosen first and/or middle names, chosen pronouns, access to private showers and toilets, the gender of staff conducting

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<sup>25</sup> Burns Affidavit at para 25.

<sup>26</sup> Boyle Affidavit at para 22.

<sup>27</sup> In accordance with *CCRA* at [section 70](#) that states: "The Service shall take all reasonable steps to ensure that penitentiaries, the penitentiary environment, the living and working conditions of inmates and the working conditions of staff members are safe, healthful and free of practices that undermine a person's sense of personal dignity".

<sup>28</sup> Boyle Affidavit at para 29-31.

security-related procedures. The IP is offender-driven, ensuring individuals are actively involved in the development and ongoing review of their accommodation needs throughout their sentence.<sup>29</sup>

39. At AI, CSC has made the following gender-related accommodations to support the applicant as aligned with her IP:

- a. If strip searches or frisk searches of the applicant are required, these are to be carried out by women staff members.
- b. Similarly, if urinalysis is required from the applicant, the collection of samples is to be carried out by women staff members.
- c. Observation of the applicant is to be carried out by women staff members.
- d. As requested by the applicant, at least one woman staff member is to accompany her on medical escorts.
- e. CSC has provided her access to some materials from institutional canteen that are typically reserved for women's institutions. This includes make up, nail polish, and other feminine health accessories.
- f. She is provided with women's clothing.<sup>30</sup>

*Active in Offence Cycle*

40. Over the last several months, the applicant has become increasingly verbally abusive towards staff at AI, particularly women staff members, such that their psychological safety is jeopardized. She has stated violent and criminally threatening comments against members of her case management team who have been involved in decisions she disagrees with. Her problematic behaviours

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<sup>29</sup> Boyle Affidavit at paras 10-13.

<sup>30</sup> Burns Affidavit at para 26.

escalated when she was recently denied access to a staff member that she has shown fixation towards since February of 2025. There are several other women staff members with whom she similarly cannot have contact with, due to her inappropriate behaviour and comments. Her current risk appears to remain unchanged from previous assessments by members of her case management team. CSC believes that the applicant has returned to her offence cycle, due to these recent patterns of behaviour.<sup>31</sup>

41. It is CSC's view that the applicant's gender identity, hormone treatments, and gender-affirming surgeries have in no way mitigated her risk to reoffend.
42. Further, the applicant is not demonstrating accountability, as she places the blame for her offence cycle on her "dead name" rather than current self.<sup>32</sup>

#### *The Process of Involuntary Transfer*

43. After an initial penitentiary placement, inmates can be involuntarily transferred to an institution of the same security level. The process for an involuntary transfer typically involves the following steps:
  - a. A parole officer will complete an A4D that will outline why a transfer is recommended;
  - b. The offender will be provided with the A4D, notice of the transfer recommendation, and any information to be used in making the decision;
  - c. The offender will be allowed to make a rebuttal; and
  - d. A final decision will then be made by the decision-making authority about whether to transfer the inmate or not.<sup>33</sup>

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<sup>31</sup> Burns Affidavit at para 18; IEDM Report.

<sup>32</sup> Burns Affidavit at paras 19 and 20.

<sup>33</sup> Burns Affidavit at paras 13 and 14. See also, [sections 12](#) and [15](#) of the *Corrections and Conditional Release Regulations*, [SOR/92-620](#).

44. This process typically occurs before the inmate is transferred.<sup>34</sup>
45. For gender diverse offenders, there are additional steps in this process as laid out by and governed by CD-100.<sup>35</sup>
46. On or about July 23, 2025, the applicant received an Assessment for Decision (“A4D”) recommending her involuntary transfer to Millhaven.<sup>36</sup>
47. She had an opportunity to make submissions in rebuttal on or about July 25, 2025, and CSC took her submissions into consideration with respect to integration, safety and programming.<sup>37</sup>
48. Although the applicant’s continued preference is to be transferred to a women’s institution, CSC has identified significant safety concerns in this case that would jeopardize the health and/or safety of other offenders and/or staff in a women’s institution.<sup>38</sup>

*Gender Care at Millhaven*

49. CD-100 facilitates impartial, case-by-case decision-making, and directs that offenders receive appropriate care and supervision, consistent with their gender related needs, regardless of the type of institution (men’s or women’s) they are incarcerated in.<sup>39</sup>
50. Overall, CSC has a duty to provide reasonable accommodation of the needs of gender diverse offenders, including security requirements, access to correctional

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<sup>34</sup> Burns Affidavit at para 15.

<sup>35</sup> Burns Affidavit at para 16 and Exhibit C.

<sup>36</sup> Burns Affidavit at para 21.

<sup>37</sup> Burns Affidavit at para 23 and Exhibit D.

<sup>38</sup> Burns Affidavit at paras 17-20 and 24.

<sup>39</sup> Boyle Affidavit at para 21.

programming, and spiritual and cultural needs. This contributes to their safe rehabilitation and reintegration into the community.<sup>40</sup>

51. CSC's GCS has been consulted to ensure that the applicant's gender-related needs, safety and overall well-being are also addressed at and by Millhaven.
52. Millhaven indicates being able to meet the applicant's linguistic and programming needs.<sup>41</sup>
53. On or about August 12, 2025, a final decision was issued approving her involuntary transfer to Millhaven.<sup>42</sup>

## PART II – ISSUES

54. Has the applicant established a strong *prima facie* case, by demonstrating a strong likelihood that she will ultimately be successful on her application for judicial review ?
55. Has the Applicant established that she will suffer irreparable harm if the injunction is not granted ?
56. Has the Applicant established that the balance of convenience favours granting the injunction ?

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<sup>40</sup> Burns Affidavit at Exhibit C (CD-100 at section 42 stating as follows: “All transfer requests to a different institution type (i.e., men’s to women’s or vice versa) are assessed on a case-by-case basis and require an Assessment for Decision that includes a security classification review and a transfer recommendation. The Assessment for Decision will also document the results of the Security Reclassification Scale (SRS)/Security Reclassification Scale for Women (SRSW) and identify any health or safety concerns (including mitigation strategies and accommodation measures considered at both sites, and why these measures were accepted or rejected and deemed sufficient or insufficient).”). See also, Boyle Affidavit at paras 3, 9 and 14-15.

<sup>41</sup> Burns Affidavit at paras 22 and 27.

<sup>42</sup> Burns Affidavit at para 28.

### PART III – LAW AND ARGUMENT

#### Preliminary Issue – Application is Premature

57. This application for judicial review is premature. The applicant must first extinguish CSC's inmate grievance process. CD-100 provides that gender diverse offenders who disagree with a transfer decision may file a priority grievance directly at the national level. Thus, the applicant has access to an expedited process to present her arguments.<sup>43</sup>
58. The applicant has not filed a grievance regarding the underlying decision.
59. This Court has repeatedly recognized that the grievance process established under the *Corrections and Conditional Release Act* ("CCRA") is a comprehensive mechanism that constitutes an adequate alternative to judicial review. As the Court recalled in *Nome*:

[23] The principled reasons for refusing to hear a judicial review when another adequate remedy exists were examined by Justice Pelletier in *Marachelian v. Attorney General of Canada*, [2001] 1 FC 17, at paragraph 10:

The principled considerations justifying the requirement that applicants exhaust internal remedies are decisive. To conclude otherwise would undermine the legitimacy of these other remedies by assigning them a secondary role when there are many reasons why they should play a primary role in dispute resolution. In the context of correctional institutions, one can mention speed, knowledge of a unique environment, adequate procedural protections, and economy as reasons why internal

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<sup>43</sup> Burns Affidavit at Exhibit C (CD-100 at article 50).

remedies should be exhausted before an application is made to the Court.

[24] Moreover, exhausting an internal remedy may eliminate the need for judicial review by resolving the substantive issue in favour of the complainant. Otherwise, when the matter finally proceeds to judicial review, a decision rendered by a final decision-maker will provide the Court with the advantage of the decision-maker's expertise on the matter, as well as a complete record.<sup>44</sup>

60. Thus, absent exceptional circumstances, offenders may only seek judicial review of CSC decisions after exhausting this administrative process.
61. By filing a *mandamus* application before this Court instead of filing a grievance of the decision, the applicant deprives this Court of the benefit of reviewing the reasoning of a specialized decision-maker, the Commissioner, on the matter, and forces the Court to hold this debate in a factual vacuum.
62. This Court cannot allow such circumvention of the grievance mechanism established by the legislature.

#### **Preliminary Issue – Requested *Mandamus* is Unavailable**

63. Alongside an order quashing the decision dated July 25, 2025, the applicant seeks a *mandamus* writ ordering the CSC to transfer her to a women's institution until the underlying application for judicial review is decided. This relief is not available in the underlying application, which challenges the decision to transfer the applicant from one men's institution to another. The remedy sought amounts to a collateral attack of a separate decision, which is not before this court at present.
64. In *Apotex*, the Federal Court of Appeal established fundamental conditions to be met before *mandamus* can be granted. Notably, *mandamus* cannot be granted to

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<sup>44</sup> *Nome v Canada (AG)*, [2016 FC 187](#) at [paras 23](#) and [24](#).

direct the exercise of discretion in a particular way. Moreover, the applicant must have no other remedy, as discussed more fully below.<sup>45</sup>

65. The applicant's request, as currently framed, is a disguised attempt to obtain a result that the Court cannot grant in the context of this judicial review. The applicant cannot ask the Court to order CSC to exercise their discretionary power in a particular way. If the applicant wishes to challenge the denial of a transfer to a women's institution, she must bring an application for judicial review of that specific decision.
66. Accordingly, any injunctive relief should be limited to the decision to transfer her to Millhaven, which is the only decision before this Court.
67. For these reasons, the arguments which follow are presented solely in the alternative.

### **Mandatory Injunctions Require Showing a Strong *Prima Facie* Case**

#### *Elevated Test for Mandatory Injunctions*

68. The standard test for injunctive relief was established by the Supreme Court of Canada ("SCC") in *RJR-MacDonald*, under which an applicant must establish that:
  - a. There is a serious question to be tried. This requires the Court to conduct a preliminary review of the merits and determine whether the case is frivolous or vexatious. If not, this relatively low standard is met.
  - b. The applicant will suffer irreparable harm if the injunction is not granted. Put another way, the issue at this stage of the analysis is "whether a refusal to grant relief could so adversely affect the applicants' own interests that the harm could not be remedied if the eventual decision on the merits does not accord with the result of the interlocutory application." In this context, "irreparable" refers to the

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<sup>45</sup> *Apotex Inc. v Canada (AG)*, [1994] 1 FC 742.

nature of the harm, rather than to its magnitude. More specifically, “irreparable harm” is “harm which either cannot be quantified in monetary terms or which cannot be cured, usually because one party cannot collect damages from the other.”

- c. The balance of convenience favours granting the injunction. This involves “a determination of which of the two parties will suffer the greater harm from the granting or refusal of an interlocutory injunction, pending a decision on the merits”. It is also appropriate to consider the position of non-parties in assessing the balance of convenience. Indeed, even “mere inconvenience to the public or to non-parties is always a relevant factor for balance of convenience for an injunction”.<sup>46</sup>

69. However, the standard test does not apply on this motion, as the applicant is seeking a mandatory injunction (i.e., one which requires CSC to perform a specific act – namely, transfer her to a women’s institution while this application for judicial review unfolds), rather than a prohibitive injunction (i.e., one which requires a party to refrain from a specific act).<sup>47</sup> In such a case, the applicant must meet a heightened threshold.

70. The SCC recently described this heightened threshold in the following terms (emphasis in original):

This brings me to just what is entailed by showing a “strong *prima facie* case”. Courts have employed various formulations, requiring the applicant to establish a “strong and clear chance of success”; a “strong and clear” or “unusually strong and clear” case; that he or she is “clearly right” or “clearly in the right”; that he or she enjoys a “high probability” or “great likelihood of success”; a “high degree of assurance” of success; a “significant

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<sup>46</sup> *RJR-MacDonald Inc. v Canada (AG)*, [1994] 1 SCR 311 (“*RJR-MacDonald*”).

<sup>47</sup> *Utano v Canada (MPSEP)*, 2024 FC 805, at para 70.

prospect” of success; or “almost certain” success. Common to all these formulations is a burden on the applicant to show a case of such merit that it is very likely to succeed at trial. Meaning, that upon a preliminary review of the case, the application judge must be satisfied that there is a *strong likelihood* on the law and the evidence presented that, at trial, the applicant will be ultimately successful in proving the allegations set out in the originating notice.<sup>48</sup>

### No Strong Prima Facie Case

71. As discussed below, and in the alternative, the applicant has not proven that there is a high probability of success, or that her arguments are “clearly right”.
72. Pursuant to paragraph 4(g) of the *CCRA*, CSC’s general policy directives, programs, and practices aim to respect differences in sex, sexual orientation, and gender identity and expression.<sup>49</sup>
73. Transfers of inmates are governed by sections 28-29 of the *CCRA*, taking account of the safety of the public, the safety of that person and other persons in the penitentiary, the security of the penitentiary; as well as accessibility to the inmate’s home community and family, a compatible cultural environment, a compatible linguistic environment; and the availability of appropriate programs and services and the person’s willingness to participate in those programs.<sup>50</sup>

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<sup>48</sup> *R v CBC*, [2018 SCC 5](#) at [para 17](#).

<sup>49</sup> “Sex” is defined as “the biological classification of a person as female, male or intersex. It is usually assigned at birth based on a visual assessment of external anatomy. Sex is primarily associated with physical and physiological features, including chromosomes, gene expression, hormone levels and function, and reproductive/sexual anatomy. For the purpose of this CD, the ‘sex’ of an offender is determined solely by their current genitalia.”

<sup>50</sup> *Corrections and Conditional Release Act*, [SC 1992, c 20](#) (“*CCRA*”) at s. [28](#).

74. The applicant has failed to advance a strong *prima facie* case with a significant prospect of success, as contemplated by the SCC.<sup>51</sup> Notably, the applicant seeks relief that is not available to her in this application for judicial review.
75. The cases the applicant relies on concern judicial reviews of transfers to women’s institutions, so differ in that respect. Further, in *Bagnald*, this Court was concerned with the treatment of a transgender woman at intake stage before her risks were thoroughly assessed and before any institutional history was available. In *Boulachanis*, this Court was assessing placement of a transgender woman whose risks did not specifically include a pattern of targeting women as victims.<sup>52</sup>
76. This case is different, and furthermore, the applicant misapprehends the evidence in an attempt to bolster the strength of her application. Specifically, contrary to the applicant’s assertion that she “does not pose a risk to the safety of the offenders or staff at institutions designated for women”, the evidence is that she does indeed pose a very significant risk, as follows:
- a. She is a dangerous offender classified as maximum security;
  - b. She is active in her offence cycle at this time;
  - c. She is assessed as having a high risk to reoffend, and a well-above-average risk to reoffend sexually;
  - d. Her gender identity, hormone treatments, and gender affirming surgery have not mitigated her risk to reoffend;
  - e. Victims of her offences have historically primarily been women, including a sexual assault of a woman staff member in 2018;
  - f. She shows unhealthy, obsessive attachments to women staff members;
  - g. Targets of her current obsessive attachments are women;

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<sup>51</sup> *R v CBC*, [2018 SCC 5](#) at [para 17](#).

<sup>52</sup> Applicant’s Memorandum of Fact and Law at para 21, citing *Boulachanis v Canada (AG)*, [2019 FC 456](#), and *Bagnald v Canada (AG)*, [2025 FC 445](#).

- h. Her outstanding areas of treatment include impulsivity, hostility towards women, a lack of concern for others, and deviant sexual preferences; and
- i. CSC does not consider her to be engaged with her correctional plan.

77. In light of the above, CSC would be likely be able to meet its burden of justification for the transfer to Millhaven, as it is clear that the safety risks to women staff members and inmates at a women's institution would cause significant institutional safety and security concerns.

78. As above, women's institutions differ significantly from those designed for men, and concluded recently with respect to the applicant that "is not possible to modify detention conditions to increase restrictive measures within a women's institution to manage the applicant's risk level".<sup>53</sup>

79. To be clear, the issue before this court is not whether a transgender woman, who poses a high risk of reoffending towards other women, has a right to be incarcerated at women's institution when CSC has indicated they do not have the appropriate security and staffing model to manage her risk, but rather, whether the decision to transfer the applicant to Millhaven was reasonable.

80. The applicant has failed to meet their burden of a strong *prima facie* case.

*No Irreparable Harm*

81. The transfer decision at issue contemplates moving the applicant from one maximum security men's institution to another maximum security men's institution. In this respect, the Respondent says that the transfer maintains the *status quo*.

82. The gender-related accommodations and supports being provided by CSC adequately mitigate any alleged harm to the applicant resulting from her placement

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<sup>53</sup> Burns Affidavit at Exhibit B.

at a men's institution and are thereby preventing any harm from becoming "irreparable" for purposes of the *RJR-MacDonald* test.

83. CSC must balance the safety and security of the institution and all inmates. The applicant presents no actual evidence that there have been "palpable threats" to herself from CSC staff.<sup>54</sup> Conversely, a sexual assault on an inmate at a women's institution would not be "easily reversible", as the applicant claims.<sup>55</sup>

84. Further, the applicant's recent conduct at AI has resulted in a loss of staff function on the SIU unit where she is housed, and has heightened CSC safety concerns, which should be factored into the irreparable harm analysis.

*Balance of Convenience Favours Respondent*

85. The applicant has inappropriately framed the relief available on this application. To the extent that it is helpful for the court, the Respondent's response to her submissions are outlined below.

86. As above, the interests of non-parties are relevant in assessing the balance of convenience.<sup>56</sup> In this case, those non-parties include the interests and safety of other offenders incarcerated at women's institutions. See section 28(a)(ii) of the *CCRA*, which requires CSC to consider the safety of an inmate and other persons in the penitentiary in making a decision regarding their penitentiary placement.

87. CSC's concerns regarding the safety of other federally sentenced women if the applicant is placed at a women's institution while this judicial review application unfolds are significant. These concerns help tip the balance of convenience in the Respondent's favour. The potential for harm to others if the requested *mandamus* is granted needs to be balanced against the applicant's claims.

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<sup>54</sup> Applicant's Brief at para 38.

<sup>55</sup> *Ibid.*

<sup>56</sup> [\*RJR-MacDonald\*](#).

88. The gender-related accommodations and supports offered at Millhaven help to mitigate the potential for harm if the applicant were to be transferred there while awaiting the result of the judicial review.

#### **PART IV – ORDER SOUGHT**

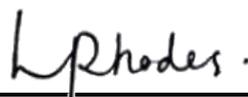
89. The motion should be denied, as the injunctive relief of *mandamus* as framed is unavailable in the context of this judicial review.

90. In the alternative, the applicant has also not met the high threshold for mandatory injunction. There is no strong *prima facie* case. She is receiving gender-related accommodations at AI that prevent irreparable harm at present, and would receive comparable support at Millhaven. As she poses a high risk to federally sentenced inmates in a women's institution, the balance of convenience tips in the Respondent's favour.

91. The Respondent takes no position on the applicant's request for an expedited hearing of the underlying judicial review.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED,**

**DATED** at Halifax, Nova Scotia, this 15th day of September, 2025.



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**PART V – LIST OF AUTHORITIES****Legislation & Policy**

1. *Corrections and Conditional Release Act*, [SC 1992, c 20](#) at [ss. 4\(g\)](#), [28](#), [70](#), [90-91.2](#)
2. *Corrections and Conditional Release Regulations*, [SOR/92-620](#) at [ss. 12](#), [15](#)

**Jurisprudence**

3. *Apotex Inc. v Canada (AG)*, [\[1994\] 1 FC 742](#)
4. *Bagnald v. Canada (AG)*, [2025 FC 445](#)
5. *Boulachanis v Canada (AG)*, [2019 FC 456](#)
6. *Nome v Canada (AG)*, [2016 FC 187](#)
7. *R v CBC*, [2018 SCC 5](#)
8. *RJR-MacDonald Inc. v Canada (AG)*, [\[1994\] 1 SCR 311](#)
9. *Utano v Canada (MPSEP)*, [2024 FC 805](#)